

## ***LICENSING COMMITTEE Regulatory Committee Agenda***

Date Tuesday 8 June 2021

Time 9.30 am

Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Kaidy McCann in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Kaidy McCann Tel. 0161 770 5151 or email [Constitutional.Services@oldham.gov.uk](mailto:Constitutional.Services@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 3 June 2021.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

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MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:

Councillors G. Alexander, Arnott, M Bashforth, Byrne, Cosgrove (Vice-Chair), Davis, Garry, C. Gloster, Hamblett, F Hussain, Malik, McLaren, Shuttleworth, Taylor (Chair) and Wilkinson

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 8)  
The Minutes of the Licensing Committee held on 2<sup>nd</sup> March 2021 are attached for approval.
- 6 Licensing Annual Report (Pages 9 - 18)  
To update Members on the activities and key issues relating to the Council's licensing service.
- 7 GM Minimum Licensing Standards (Pages 19 - 24)  
This report covers the findings of the Greater Manchester consultation relating to Minimum Licensing Standards for Private Hire and Hackney drivers, vehicles and operators.
- 8 Composition of Panels 2021 2022 (Pages 25 - 26)



**Present:** Councillor Briggs (Chair)  
Councillors Davis, Garry, C. Gloster, Harrison, Malik, McLaren,  
Price, Sheldon and Shuttleworth

Also in Attendance:

John Garforth	Trading Standards and Licensing Manager
Gabriel Agboado	Consultant in Public Health Medicine
Alan Evans	Group Solicitor - Environment
Mark Hardman	Constitutional Services
Kaidy McCann	Constitutional Services

## 1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Marie Bashforth and Cosgrove.

## 2 **URGENT BUSINESS**

The Committee was advised of an item of urgent business relating to Disclosure and Barring Service Checks which required agreement of a procedure in response to recently introduced Government statutory guidance that had been accepted onto the agenda by the Chair and would be considered following item 8 on the agenda.

## 3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

## 4 **PUBLIC QUESTION TIME**

The Committee considered two public questions that had been received in accordance with the Council's Constitution.

The first question, from Mr. Abdul Khayal, Chair of the NPHTA related to MOT tests in Moorhey Street Garage and read -

"I did raised this question in 2019 March or November meeting that MOT tests which causing major problems to taxi drivers.

They take the vehicle with fully serviced and some time with private MOT tests certificates still vehicles failed for no apparent reasons.

When a driver asked why my vehicle failed inspectors Shrug of the shoulders which clearly shows What may the reasons he is determined to failed the vehicle ?

I made a little survey regarding this matters and reported to Mr John Garforth.

I just read previously licensing meeting reports which shows failure rate 52% which never gone so low in past .

Taxi drivers presumption are that inspectors just failing vehicles to make the money nothing else”.

The Chair provided the following response –

“The Council’s vehicle compliance tests are conducted in accordance with the Governments MOT standards and the Council’s own vehicle testing policy. Every vehicle that is tested gets a report issued to the owner which details whether the vehicle has passed or failed and the reasons for failure together with any advisory messages. No clear evidence has been presented to Officers by the trade of any discrepancies.

The rolling 12 months hackney carriage test results show that only 44% of the 119 tests conducted resulted in a pass with the top three reasons for failure being defective lights, brake and suspension. Looking at the figures there has been a clear deterioration in the pass rate since the onset of the COVID pandemic which leads to questions as to how the trade have been maintaining their vehicles. Vehicle inspectors fail vehicles due to defects and for no other reason”.

Further to questions raised by Members in respect of this question, the Licensing Manager advised that it was the responsibility of drivers to present their cars in a fit condition for the test and it was not possible for the garage to maintain a supply of items such as bulbs to fit to vehicles where this might be the only reason for failure. The Garage was registered with VOSA and was a fully accredited testing station that conducted private MOTs as well as for the taxi trade. The Licensing Service was expected to be self-funding and no profit was made from MOT testing, the current charge for which was £45 per test against the allowed charge of £54.85.

The second question was from a Mr Farooq relating to taxi driver license renewal requirements and read -

“As per current taxi driver license renewal requirements drivers have to pay a 3rd party company a fee of £24 for checking their UK driver license record. Could you please clarify why I need to pay this 3rd party company to view my driving information when this can be done free of charge on the gov.uk site via DVLA share code. All the information regarding my license can be checked on the gov.uk site. DVLA & UK Government have authorised this method to view driving license data”.

The Chair provided the following response –

“The Council understands your concern. Had it been simply that we undertake a DVLA check only upon renewal it would have been easier to facilitate, but we don’t. Due to a high rate of non-compliance with conditions that drivers should report traffic offences, the Council changed its policy to require annual DVLA checks. For the Council to conduct this themselves by contacting each of our 1300 drivers to send in a code, chase up those that don’t and further suspend those that fail to comply would be a huge administrative task which Officers cannot take on.

It was decided therefore that the system we currently use was easier to administer. We do however monitor changing innovations in technology and best practice and will continue to do so in order to ensure compliance with our policy”.

Further to a query from a Member as to whether the Council could provide the service itself, the Licensing Manager advised that the DVLA had required an £24,000 set-up cost for a new system, with an individual test cost of between £5 - £6 thereafter. The set-up costs would have needed to have been recouped from drivers and a view was taken to adopt the current process.

## 5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 3<sup>rd</sup> November 2021 be approved as a correct record.

## 6 **ADOPTION OF REVISED LICENSING ACT 2003 POLICY**

The Committee gave a consideration to the proposed Statement of Licensing Policy that would be submitted to the Council for adoption in due course.

Members were reminded that the Licensing Act 2003, the primary piece of legislation which regulates the alcohol, entertainment and late-night refreshment industry, requires licensing authorities to prepare and publish a statement of their licensing policy every five years. The Policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. The Policy is underpinned by four licensing objectives, comprising the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm, which must be considered by both operators and regulators.

The submitted proposed revised Policy was presented to the Committee, with principal areas of change or update being highlighted in the text. These areas particularly addressed –

- protection of children from harm where advice had been received from the Safeguarding Children Board, for example in updating definitions;

- Child Sexual Exploitation and Child Criminal Exploitation where a number of recommendations or encouragements were being made to licence holders and operators of licensed premises;
- alcohol delivery services which had developed in recent years;
- boxing, particularly in the consideration of 'White Collar Boxing', often undertaken for charity and involving non-boxers;
- considerations following the inclusion of a Local Authority's 'Public Health' department as a responsible Authority; and
- pavement licences, the application for and issue of which had been encouraged during the Covid pandemic.

A Member queried content in the proposed Policy indicating the use of plastic containers which conflicted with the Council policy to stop the use of plastic. The Trading Standards and Licensing Manager noted that the Council could not control businesses and that alcoholic drinks required a measured dispense. Polycarbonate glasses were more robust, but there always needed to be a balance struck between public safety at high volume events and environmental issues.

With regard to proposals relating to boxing, a Member suggested that content indicating an expectation or an encouragement should be strengthened to, for example, a requirement to have a medical card on safety grounds. The Trading Standards and Licensing Manager undertook to look further into the potential for strengthening or making a mandatory condition in this regard. In response to a request that it be clarified the fee payable for pavement licenses was non-refundable, the Trading Standards and Licensing Manager undertook to consider this further.

**RESOLVED** that

1. the report be noted;
2. subject to a consideration by the Trading Standards and Licensing Manager as to content relating to boxing and pavement licenses as discussed by the Committee, the adoption of the proposed Statement of Licensing Policy by the Council be endorsed.

7

**PUBLIC HEALTH DATA TOOL IN LICENSING DECISIONS**

The Committee gave consideration to a proposal that public health data should be used to assist in decision making in relation to alcohol premises applications under the Licensing Act 2003 (the Act).

The Act is the primary legislation that regulates the alcohol, entertainment and late-night refreshment industry and which is underpinned by the four licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, public



safety, and the protection of children from harm. When premises applications are submitted there is a statutory consultation period where representations, which must be linked to the licensing objectives, can be made to the licensing authority. Since 2013, local authority Directors of Public Health (DsPH) in England have been included in the Act as responsible authorities and the public health data tool was intended to support the Council's DPH in making appropriate input to the licensing process to improve the health of the population.

The public health impact attributable to alcohol misuse in Oldham was considered within the submitted report using data sourced from Public Health England - Local Alcohol Profiles 2021. The data sets that had been used to develop the tool were considered, along with the uses that might be made of the tool by the DPH and the Licensing Service in their respective considerations of licensing matters.

The development of the tool was welcomed by Members but, in noting the sometimes interlinked nature of alcohol with drugs, it was queried whether the tool should be extended. The concern around drugs was acknowledged, but the Committee was advised that the current unreliable data relating to drug misuse meant it was difficult to combine the two issues. Should reliable data become available it could be possible to revise this position.

In response to queries noting that public health was not a licensing objective, it was confirmed that public health inputs must relate to the four objectives, for example issues that might be highlighted such as domestic abuse could relate to a licensing objective. If there was a need to review a premises license, the tool could be used to consider the prevalence and nature of alcohol misuse in the area around the premises. In such a case it would be for the Licensing Panel to determine the weight to be given to such representations.

Responding to a query regarding local convenience stores with licenses to sell alcohol from 7am, the Trading Standards and Licensing Manager noted that this was a consequence of the Act, that many large supermarkets had 24 hour licences, and that to not have a license to sell alcohol when a store was otherwise open could cause operational issues. However, it was possible for the Licensing panel to consider local issues in the event of a review being required for such premises.

In response to a comment that some data presented in the report appeared quite old, the Committee was advised that this was the latest available as some data publication had been delayed as a result of Covid. The data tool would be updated as updated source data was published.

**RESOLVED** that

1. the report be noted;

2. the use of the public health data to assist in decision making be endorsed.



## **LICENSING UPDATE**

The Trading Standards and Licensing Manager reported verbally to the Committee, advising that

- the Licensing Office remained closed other than for appointments, with the majority of staff working from home except where office attendance was required for essential purposes;
- the Council would soon be in a position to invite applications for grants in support of business costs, it being known that many drivers had been affected by Covid;
- a lot of advice had been provided to licensed premises, for example in relation to lockdowns which had generally happened very quickly;
- with regard to taxis, delegated powers continued to be used to determine a number of reviews. Vehicle test results continued to be a concern, with 56% of public hire and 51% of private hire failing compliance tests. Fail rates had increased during the Covid period so it could be drivers were reducing maintenance due to reduced incomes;
- consultations on the Greater Manchester minimum licensing standards project had ended before Christmas 2020. There was linkage to the Clean Air Zone proposals so it might be summer before recommendations were presented to the Committee; and
- outstanding annual fees from licensed premises would be collected once these had re-opened. While the number of licensed premises had fallen, applications for a number of new premises had been received.

In response to concerns expressed with regard to the reported vehicle failure rates, the Trading Standards and Licensing Manager advised the Council had suspended the previous 'Star' scheme and that ultimately vehicle failures lay with individual owners, not the operators. While drivers should advise the Council which company they were driving for, in practice this did not happen regularly. Once Covid restrictions were lifted it would be important to get back on track with Police checks, random checks and enforcement.

Members sought an update on considerations relating to the colour of public and private hire saloons, indicating that further to discussion at the previous meeting of the Committee there had been an expectation for this meeting to be taking a decision following the consultation held before Christmas 2020. The Trading Standards and Licensing Manager advised that timescales on this issue had slipped and data from the consultation, which was part of the Greater Manchester (GM) consultation, had not been made available to date. It was put to



the Committee that it would be best to proceed on a GM-wide basis to prevent the possibility of Oldham choosing a different scheme to the rest of GM. Members queried whether the GM issue had been raised at the previous meeting, and comment was made that GM should be expected to ask views of the Committee before a decision was made and so the Committee should determine an Oldham position. In terms of timescales, it was hoped to bring a report on common conditions and policies for drivers to the next meeting. The similar item with regard to vehicles, which had some linkage with the Clean Air Plan, may have to follow and require a special meeting of this Committee.

Reference was made to complaints received about taxi drivers not wearing face coverings. The Committee was advised that while the drivers were exempt under their classification as 'transport workers', they had been encouraged to wear masks. Passengers were however required by law to wear masks.

**RESOLVED** – that the report be noted.

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## **DISCLOSURE AND BARRING SERVICE CHECKS**

The Committee was advised that recently issued Government statutory guidance requires Licensing Authorities to conduct a Disclosure and Barring Service (DBS) criminal records check every six months on licensed drivers and the Committee was asked to endorse a new procedure that had been developed to facilitate this process.

The statutory guidance had indicated evidence to support the view that taxis and private hire vehicles are a high-risk environment for abuse and exploitation of children and vulnerable adults and sought to improve the consistency of licensing policy and focus attention on protecting these vulnerable groups. In order to comply with the guidance and ensure that six monthly checks take place a procedure has been written.

The procedure includes those requiring a DBS check to register for the online service which will be a cheaper and quicker option for conducting checks every six months rather than submitting a full application every time, and also covers the situation where an online check has failed or the driver has failed to apply for the online service in time and enforcement action needs to be taken.

In response to a query, the Committee was advised that a new DBS check cost £40 and that the Council had no choice but to be compliant with the new national Guidance. There would not be a burden to the Licensing Team arising from this new arrangement as checks were conducted on-line and handled by a third-party provider. Under current arrangements, unless a driver advised the Council of a new offence on their record, the Council would not be aware. The new arrangement would provide comprehensive and timely notification.

Members queried these arrangements compared to Personal Licences for licensed premises, being asked to note that personal licences were by law granted for life and no check could be made unless initiated by the Police or the Courts. While not providing notification of a conviction to the Council was itself a criminal offence, the Committee was asked to note that often it was outside the prosecution window before the Council became aware.

**RESOLVED** that

1. The report be noted;
2. The Disclosure and Barring Service Checks procedure, as outlined in the submitted report, be approved.

The meeting started at 9.30 am and ended at 11.30 am



## **Licensing Committee**

# **Licensing Annual Report**

## **Report of Executive Member for Neighbourhoods**

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

8<sup>th</sup> June 2020

### **Executive Summary**

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2020 to 31<sup>st</sup> March 2021.

### **Recommendations**

That Members:

- 1) Note the report; and
  - 2) Consider the implications of the report in future licensing decisions
-

## Licensing Annual Report

### 1 Purpose of the report

- 1.1 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2020 to 31<sup>st</sup> March 2021.

### 2 Team Objectives

- 2.1 There are two strategic objectives that relate to Licensing

- 2.2 To work with businesses to ensure they are licensed and compliant. This covers:

- Proactively licensing premises and individuals engaged in alcohol supply, entertainment and late night refreshment.
- Participation in Pubwatch schemes, partnership projects and joint, intelligence led inspections to ensure licence conditions are not being breached.
- Promotion of the four licensing objectives and three gambling objectives.

- 2.3 The second relates to ensuring safe passenger journeys, in safe licensed vehicles with safe licensed drivers. This covers:

- Undertaking inspections of licensed vehicles.
- Vetting new applicants for licences to ensure they are fit and proper
- Ensuring that passengers are safe in vehicles by responding to complaints and investigating offences and breaches of conditions

### 3 Licensing Act 2003

- 3.1 The Licensing Act 2003 is governed by four licensing objectives:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

3.2 Numbers of licensed premises under the Act are in the table below with a comparison to previous years.

<b>TYPE</b>	<b>Year ending 31.3.21</b>	<b>Year ending 31.3.20</b>	<b>Year ending 31.3.19</b>	<b>Year ending 31.3.18</b>
Premises Licences for alcohol	528	587	580	579
Premises Licences non-alcohol	123	142	139	134
Club Premises Certificates	53	61	62	62
<b>Premises Total</b>	<b>704</b>	<b>790</b>	<b>781</b>	<b>775</b>
Personal Licences	3060	2987	2887	2756
<b>Licensing Act Total</b>	<b>3764</b>	<b>3777</b>	<b>3668</b>	<b>3531</b>

3.3 There have been no applications considered by the Licensing Premises Panel in the last twelve months.

#### 4.0 **Gambling Act 2005**

4.1 Applications under this legislation continue to be few and far between although Officers continue to work closely with the Gambling Commission to ensure compliance with licence conditions.

4.2 Current permissions in force under this Act are:

Bingo	1
Adult Gaming Centre	5
Betting Shops	23
Club Gaming Permit	1
Club Machine Permit	17
Alcohol licensed premises machine permits	21
Gaming machine notifications in pubs	190
Small Society Lotteries	91

## 5.0 **Age restricted sales**

5.1 Under Age Sales continue to be handled by Trading Standards Officers which result in operations to target premises where intelligence suggests attempts to purchase alcohol or other restricted goods by children may be taking place.

5.2 Officers continued to run the half-day course for all businesses that sell any age restricted products such as alcohol, tobacco or knives. It has been developed by the Trading Standards Team and is suitable for managers and staff and includes:

- what the law requires of business and staff
- proxy sales
- An explanation of due diligence
- Challenge 25, proof of age, refusals, training



## 6 LICENSED DRIVERS AND VEHICLES

### Licences and Hearings

- 6.1 Officers continue to work with the private hire and hackney trade to ensure effective communication and consultation takes place. Elected members also attend these forums.
- 6.2 Below are details of the applicants and drivers brought before the Drivers Licensing Panel over the last twelve months.
- 6.3 The Licensing Drivers Panel usually sits monthly to hear applications for new taxi licences, renewal applications of reviews of existing licences where there are offences or conduct issues recorded.
- 6.4 As the Licensing Office closed in March 2020 due to the COVID-19 outbreak and subsequently Panel meetings were cancelled any remaining decisions to be made on applicants and reviews have been dealt with by the Trading Standards and Licensing Manager under delegated powers.
- 6.4 Since April 2020 a total of 16 determinations by Officers which are broken down as follows:

	<b>Granted with Suspension</b>	<b>Suspended</b>	<b>Refused</b>	<b>Revoked</b>
May 2020	2	2	1	1
July 2020			1	
October 2020	2			
November 2020				1
January 2021		2		
February 2021		2		
March 2021		1		
May 2021		1		
<b>Total</b>	<b>4</b>	<b>8</b>	<b>2</b>	<b>2</b>

- 6.5 In addition there have been six emergency delegated decisions taken where driver licences have been revoked with immediate effect by the Trading Standards & Licensing Manager.

Appeals lodged from those decisions are as follows:

Appeals withdrawn	0
Appeals dismissed by the court	0
Appeals allowed	0
Appeals still pending	6

6.5 Details of the number of licences in force are detailed below: -

LICENCE TYPE	May 2021	May 2020	May 2019	May 2018	May 2017
Private Hire Vehicle Licence	953	1046	1055	1045	950
Private Hire Operators Licence	31	29	35	37	38
Dual drivers' licence	1311	1366	1362	1326	1298
Hackney Carriage Vehicles	85	85	85	85	85
<b>Total</b>	<b>2380</b>	<b>2526</b>	<b>2537</b>	<b>2493</b>	<b>2371</b>

## 7 Vehicle testing data

7.1 Data showing details of pass/fail rates of licensed vehicle mechanical compliance tests is extracted below. The details of the main reasons for failures is also reported below.

Month	Pass	Fail
April 2019	118	87
May 2019	146	111
June 2019	133	87
July 2019	141	78
August 2019	136	53
September 2019	127	76
October 2019	108	122
November 2019	147	101
December 2019	103	79
January 2020	182	102
February 2020	95	78
March 2020	84	70
<b>Total</b>	<b>1520 (59%)</b>	<b>1044 (41%)</b>

Month	Pass	Fail
April 2020	0	0
May 2020	0	0
June 2020	22	10
July 2020	62	39
August 2020	87	99
September 2020	83	105
October 2020	73	98
November 2020	98	122
December 2020	63	97
January 2021	114	105
February 2021	81	94
March 2021	95	104
<b>Total</b>	<b>778 (47%)</b>	<b>873 (53%)</b>

Month	Reason 1	Reason 2	Reason 3
April 2020	0	0	0
May 2020	0	0	0
June 2020	Fire Extinguisher	Suspension	Transmission shaft
July 2020	Tyres	Fire Extinguisher	Suspension
August 2020	Service brake	Suspension	Rear lamps
September 2020	Service brake	Suspension	Rear lamps
October 2020	Suspension	Service brake	Tyres
November 2020	Suspension	Tyres	Service brake
December 2020	Service brake	Front lamps	Suspension
January 2021	Service brake	Suspension	Licence plates
February 2021	Suspension	Service brakes	Licence plates
March 2021	Licence Plates	Service brakes	Tyres

## 8 Other licences

- 8.1 As well as the main functions outlined previously in this report the Licensing Team also administers and enforces a wide range of other licences, registrations and permits current numbers of which are outlined below.

Licence type	Number in Force
Marriage Premises	10
Sex shops	1
Second hand dealers	36
Scrap metal sites	35
Scrap metal collectors	9
Street trading consents/licences	55
Pavement café licences	5
Pavement licences	11
Animal Activity Licences	43

## 9 Implications of COVID-19

9.1 Since mid-March 2020 the Council's Licensing Office has been closed, save for a couple of hours a week for collecting taxi badges and licence plates. Officers are, in the main, back in the office.

9.2 It is clear that the pandemic has hit all sectors of trade and business, not just in Oldham but across the Country and wider. As a Council we have continued to support businesses in different ways including:

- Delaying the paying of annual fees for licences;
- Introducing instalments for certain licence types where systems permit;
- Deferring application fees for licenced drivers and vehicles during lockdown one;
- Re-scheduling of vehicle tests in line with the Governments delays to MOT tests;
- Issuing temporary licences due the Licensing Office being closed to allow businesses to continue to trade within the Government rules; and
- Making better use of technology to support applicants;
- Issuing plastic screens for installation in licensed vehicles together with sanitiser and disinfectant; and
- Issuing grants to licensed drivers of £1000 each; and
- Issuing business grants to licensed premises which have been forced to close or restrict their activities.

9.3 It is hoped that with the re-opening of licensed premises the economy will start to grow again, and businesses will start to grow back. It is evident though that, with regret, some businesses have not survived being closed for so long and will not be returning.

## 10 Current Projects

10.1 Whilst some pieces of work have been delayed due to the current situation, we find ourselves in some of the current projects underway or due to start in the coming months include:

- Refreshing the Gambling Act policy;
- Updating the Street Trading Policy
- Implementing the forthcoming recommendations on Greater Manchester Minimum Licensing Standards alongside the Clean Air Plan.

11 **Legal Services Comments**

11.1 None- Information report

12 **Co-operative Agenda**

12.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

13 **Environmental and Health & Safety Implications**

13.1 None

14 **Equality, community cohesion and crime implications**

14.1 None

15 **Equality Impact Assessment Completed?**

15.1 No

16 **Key Decision**

16.1 No

17 **Key Decision Reference**

17.1 N/A

18 **Background Papers - None**

19 **Appendices - None**





## Licensing Committee

# GM Minimum Licensing Standards

## Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

**8<sup>th</sup> June 2021**

### Executive Summary

This report covers the findings of the Greater Manchester consultation relating to Minimum Licensing Standards for Private Hire and Hackney drivers, vehicles and operators.

### Recommendations

That Members:

- 1) Note the findings of the GM consultation; and
- 2) Discuss the Council's position on vehicle upgrades prior to the implementation of the GM minimum licensing standards later this year.

**GM Minimum Licensing Standards and Clean Air Plan Consultations****1. Purpose of the report**

- 1.1 The purpose of this report is to inform Members of the findings of the consultation on Greater Manchester's Minimum Licensing Standards which closed in December 2020. It also discusses some of the local impacts of any future policy.

**2. Introduction**

- 2.1 Hackney and Private Hire services are a hugely important part of the transport sector. Collectively, they provide more journeys for residents and visitors than Metrolink or local rail, and they represent a significant part of the economy, employing over 20,000 people across the city region.

- 2.2 Minimum Licensing Standards (MLS) for all GM local authorities represent a means of achieving a range of shared goals, including:

- improving public safety;
- helping deliver clean air and reducing carbon emissions;
- supporting the locally licensed hackney and private hire trades; and
- complying with the Governments statutory guidance on safeguarding.

- 2.3 Overall, the GM approach looks to provide:

- the public with safe, visible and high-quality hackney and private hire services
- the hackney and private hire trades with clarity over what the required standards will be over the long term, and through the GM Clean Air Plan, with unprecedented investment to help renew the fleet
- local authorities with the continued regulatory role in relation to driver, vehicle and operator licensing whilst retaining scope to exceed the MLS as agreed locally by elected members.

- 2.4 The proposed minimum licensing standards cover four main areas:

**Drivers:** Common standards of DBS checks, medicals, local knowledge, English language proficiency, driver training and dress code.

**Vehicles:** Vehicle emission standards of Euro IV for petrol engines and Euro VI for diesel from 2021 with an ambition to zero emission capable vehicles by 2029. Age policy of under-five at first licensing and licensed until ten years old. All hackney carriages to be black and private hire vehicles white. Hackney

carriages to be all wheelchair accessible. Common livery, CCTV in vehicles and other design and licensing requirements.

**Operators:** Private hire operators and base staff to have basic DBS checks. Updated conditions and record keeping requirements.

**Local authorities:** Common timescales for submitting applications and receiving granted ones. A common enforcement approach and a framework to which fees will be set.

**Roadmap to zero emission capable vehicles (ZEC):** GM is also proposing a road map to reducing harmful vehicles emissions with the aim of a entirely Zero emission capable fleet by 2029. This will support the city regions Clean Air Plan to reduce harmful nitrogen dioxide emissions. The Government has announced plans to ban the sale of petrol and diesel vehicles from as early as 2032. The proposed timetable to move to a ZEC fleet is as follows:

2025 – All new to licence vehicles need to be ZEC

2028 – All licensed vehicles need to be ZEC

2029 – an entirely ZEC Taxi/PHV fleet across GM

- 2.5 Securing these ambitions will require a rolling, progressive programme of reform, with several elements to be designed, developed, agreed and implemented over time.

### 3 Consultation Findings

- 3.1 A consultation on the GM Minimum Licensing Standards took place between October and December 2020. In total nearly 1700 responses were received with 59% of responses being from the public, 21% from private hire drivers and 14% from hackney drivers. A presentation will be given to Members on the headline findings.
- 3.2 In terms of the proposed driver standards 94% of the public agreed with the proposals which, given that they are about public protection, is a substantial endorsement. In contrast, 58% of hackney drivers and 57% of private hire drivers agreed.
- 3.3 In relation to vehicle standards 88% of the public responses were supportive whilst CCTV and accessible vehicles were all supported by the public. Overall, only 23% of hackney and 24% of private hire drivers agreed. This figure changed when the drivers leased vehicles (37% and 22% respectively).
- 3.4 For operator standards 94% of the public responses were in favour and 67% and 65% for respective hackney and private hire drivers agreed.

- 3.5 Overall findings on the timetable for implementation of whatever policy is finally agreed was positive with 84% of the public agreeing and looking forward to improved standards. Most drivers (76%) disagreed with the timetable but this reduced to 56% when they rented or leased a vehicle.
- 3.6 Officers are currently working through the proposals and consultation responses in order to make future recommendations and recommend a new table later in the year. Further reports will be brought before Members for discussion and decision.

#### **4 Local Issues**

- 4.1 At a previous meeting of the Committee Officers were instructed to consult with the local trade as to whether Members should relax our vehicle colour policy ahead of any decisions being made on any future GM policy.
- 4.2 All licence holders were emailed as well as three trade associations. In response a total of twelve responses were received. The consensus from the responses was that licence holders wished to wait for funding opportunities later this year when they could apply for grants to upgrade non-compliant vehicles. It should be noted at this stage that the colour policy has not yet been finalised and that final proposals are still under discussion.
- 4.3 In addition to the comments made as part of the above responses respondents did ask whether vehicles which have come to the end of their licensing life could be further licensed for a period of time to allow for financial support to be claimed to upgrade them so they could purchase a emission compliant vehicle. Officers seek direction from Members as to a way forward with such requests.

#### **5 Legal Services Comments**

- 5.1 Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach such conditions to the grant of a hackney carriage vehicle licence as the Council considers to be reasonably necessary. Under section 48(2) of the Act, the Council may attach such conditions to the grant of a private hire vehicle licence as they may consider reasonably necessary. Case law has confirmed that it is not unlawful to have a vehicle age policy, provided that the Council continues to consider each application on its individual merits and does not fetter its discretion. Any person aggrieved by any conditions attached to a hackney carriage or private hire vehicle licence may appeal to the magistrates' court.
- 5.2 Under section 51 of the Act, the Council may attach such conditions to the grant of a private hire vehicle driver's licence as the Council considers to be reasonably necessary. Under section 55 of the Act, the Council may attach such conditions to the grant of a private hire operator's licence as the Council considers to be reasonably necessary. Any person aggrieved by any conditions attached to a private hire vehicle driver's licence may appeal to the magistrates' court.

5.3 Under section 57 of the Act, the Council can require an applicant for a licence under the Town Police Clauses Act 1847 (in respect of hackney carriages) or the Local Government (Miscellaneous Provisions) Act 1976 (in respect of private hire vehicles and private hire operators) to submit such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted or whether conditions should be attached to any such licence. Any person aggrieved by the refusal to grant him a licence may appeal to the magistrates' court. (A. Evans)

## **6 Co-operative Agenda**

6.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

## **7 Environmental and Health & Safety Implications**

7.1 None

## **8 Equality, community cohesion and crime implications**

8.1 None

## **9 Equality Impact Assessment Completed?**

9.1 No

## **10 Key Decision**

10.1 No

## **11 Key Decision Reference**

11.1 N/A

## **12 Background Papers - None**

12.1 **Appendices - None**

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## COMPOSITION OF PANELS – 2021/22

### (a) Licensing Driver Panel (Labour 5 / Lib Dem 1 / Cons 1)

7 Members to serve on this Panel, with all other Members of the Licensing Committee to serve as substitutes, as required: -

No.	Party	Councillor (8)	Dates of Future Meetings
1.	Lab	Taylor (C)	<b>Tuesday 15<sup>th</sup> June 2021</b>
2.	Lab	Cosgrove	<b>Tuesday 6<sup>th</sup> July 2021</b>
3.	Lab	McLaren	<b>Tuesday 7<sup>th</sup> September 2021</b>
4.	Lab	Shuttleworth	<b>Tuesday 5<sup>th</sup> October 2021</b>
5.	Lab	Garry	<b>Tuesday 9<sup>th</sup> November 2021</b>
6.	Lib Dem	C Gloster	<b>Tuesday 7<sup>th</sup> December 2021</b>
7.	Con	Byrne	<b>2022</b>
			<b>Tuesday 11<sup>th</sup> January 2022</b>
			<b>Tuesday 8<sup>th</sup> February 2022</b>
			<b>Tuesday 8<sup>th</sup> March 2022</b>
			<b>Tuesday 5<sup>th</sup> April 2022</b>

### (b) Licensing Panels

5 Panels consisting of 3 Members, with all other Members of the Licensing Committee to serve as substitutes, as required: -

#### PANEL 1

No.	Councillor (3)	Dates of Future meetings
1.	Taylor	<b>Tuesday 22<sup>nd</sup> June 2021</b>
2.	Alexander	<b>Tuesday 14<sup>th</sup> December 2021</b>
3.	Gloster	

#### PANEL 2

No.	Councillor (3)	Dates of Future Meetings
1.	M Bashforth	<b>Tuesday 13<sup>th</sup> July 2021</b>
2.	McLaren	<b>Tuesday 18<sup>th</sup> January 2022</b>
3.	Byrne	

#### PANEL 3

No.	Councillor (3)	Dates of Future Meetings
1.	Garry	<b>Tuesday 14<sup>th</sup> September 2021</b>
2.	Shuttleworth	<b>Tuesday 15<sup>th</sup> February 2022</b>
3.	Hamblett	

**PANEL 4**

No.	Councillor (3)	Dates of Future Meetings
1.	Cosgrove	<b>Tuesday 12<sup>th</sup> October 2021</b>
2.	F Hussain	<b>Tuesday 15<sup>th</sup> March 2022</b>
3.	Arnott	

**PANEL 5**

No.	Councillor (3)	Dates of Future Meetings
1.	Taylor	<b>Tuesday 16<sup>th</sup> November 2021</b>
2.	Malik	<b>Tuesday 12<sup>th</sup> April 2022</b>
3.	Wilkinson	