

LICENSING COMMITTEE
30/11/2021 at 9.30 am



Oldham
Council

Present: Councillor Taylor (Chair)
Councillors Arnott, Byrne, Cosgrove (Vice-Chair), Garry, C. Gloster, Hamblett, Malik, McLaren, Shuttleworth and Wilkinson (Items 1-7)

Also in Attendance:

Elise Brophy	Licensing Projects and Hearing Officer
Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Nicola Lord	Principal Licensing Officer
Sian Walter-Browne	Assistant Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor M Bashforth and Councillor Hussain.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 21st September 2021 be approved as a correct record.

6 **GM MINIMUM LICENSING STANDARDS - VEHICLES**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which asked Members to approve the recommendations, following consultation, on the Greater Manchester Minimum Licensing Standards for Private Hire and Hackney vehicles.

Member were informed that the recommendations of the Greater Manchester Licensing Network followed their consultation on Greater Manchester's Minimum Licensing Standards which closed in December 2020.

It was noted that Hackney and Private Hire services were a hugely important part of the transport sector. Collectively, they provided more journeys for residents and visitors than Metrolink or local rail, and they represented a significant part of the economy, employing over 20,000 people across the city region.

Minimum Licensing Standards (MLS) for all GM local authorities represented 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.

Overall, the GM approach looked 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, and
- 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.

The proposed minimum licensing standards for vehicles covered the following nine areas:

- Emissions
- Age
- Colour
- Hackney carriages
- Testing of vehicles
- CCTV
- Executive hire
- Vehicle design and licensing requirements; and
- Licence conditions

The Committee was informed that, whilst the principles of the GM proposals and recommendations were proposed for adoption in Oldham, it was felt that a longer lead-in period for converting the existing hackney carriage fleet to purpose built, emission compliant wheelchair accessible vehicles was required, taking into account the economic impact of having to convert to purpose built vehicles. A longer transition period was therefore recommended in the report, with all hackney carriages converting over to purpose-built wheelchair accessible vehicles by the 31st December 2029. In doing so it was noted that, due to the age policy, vehicles would begin to reach their maximum age in a staggered phase over the next eight years.

Members noted that the Greater Manchester Combined Authority had endorsed the proposals at its meeting on the 29th October 2021. When the proposals were discussed with Members at the Policy Overview and Scrutiny Committee on the 9th November 2021, they had made two recommendations:

1. That the Licensing Committee raise its concerns about out of area licensed vehicles working in Oldham at GM level; and

2. That Officers be asked to discuss how more wheelchair accessible private hire vehicles could be brought on to the Oldham fleet.

The Committee considered the recommendations set out in the report.

In relation to recommendation 2, Members asked for and received clarification on the following:-

- £20 million towards renewing the fleet – for the hackney and private hire trade across Greater Manchester (GM).
- An equal share for each District – one central pot, with potential for further funding.
- Need established in each area – this information had been provided. The fund would be allocated on a “first come first served” basis, limited to one vehicle per applicant initially. Later applicants would be able to bid for up to five vehicles. Oldham had 308 non-compliant private hire vehicles along with approximately half of the hackney fleet.
- Cost per vehicle – a penalty of £7.50 per day if they were not compliant by 2023. Three were different levels of grant available depending on the vehicle and modifications and the levels had been set by GM.
- Support available to help the trade apply for the grants – funding had been secured by GM to provide support from early 2022.
- Further funding – the government had said further funding could be requested and there was no commitment to making it available. it would be made clear to the trade that they needed to get their applications in early.

In relation to recommendation 3, Members asked for and received clarification on the following:-

- Amendment proposed – in relation to existing vehicles. Current vehicles could still be licensed up to 12 years old until 1st April 2024.
- Common across GM – different across authorities, this was the proposal for Oldham.

In relation to recommendation 10, Members asked for and received clarification on the following:-

- Advertising allowed – wraps were allowed on London-style hackneys and were not usually made for other vehicle styles.

In relation to recommendation 11, Members asked for and received clarification on the following:-

- Private hire wheelchair accessible vehicles (WAV's) to be purpose-built – private hire WAV's were usually modified vehicles.
- Change to current policy – the maximum age for a private hire vehicle would be reduced to 10 years and this would be common across GM.

In relation to recommendation 12, Members asked for and received clarification on the following:-

- Number plates and company names – licence plates remained as they were and door signs would be printed to the Oldham standard
- Star rating – suspended some time ago and any proposals would be brought to the Committee for consideration
- Corporate logo in teal colour – yes
- Durable stickers – there for public safety. As they deteriorated with age, they could be replaced
- Colour checked with sensory team for the visually impaired – the main concern expressed during the consultation with them was in regard to white vehicles, not the stickers
- Operator signage – GM would be placing the contract so it would be standard across GM. Drivers for more than one operator may need to swap stickers for each operator.
- Bonnet stickers to include licence number – could look into this, however it would add to the cost as they would all need to be personalised rather than standard. They would also need to be changed if the licence number changed.

In relation to recommendation 14, Members asked for and received clarification on the following:-

- Timescale for the new policy – expected to be drafted by the end of March 2022 to go out to consultation

In relation to recommendation 17, Members asked for and received clarification on the following:-

- Replace the word accident with incident - agreed

RESOLVED that :-

1. The endorsement of the Stage 2 proposed outlined in Appendix 1 of the report by the Greater Manchester Combined Authority be noted.
2. All new to licence vehicles be compliant with the new emissions standards as outlined in Appendix 1 of the report.
3. Existing private hire licensed vehicles which are not compliant with the new emissions standards should begin to transition to replacement vehicles with the deadline for doing so being the 1st April 2024.
4. The strong ambition within Greater Manchester to move existing fleets to zero emission capable (ZEC) as soon as possible be noted.
5. The implementation of the standard that all hackney carriage vehicles (HCV) are to be purpose-built wheelchair accessible vehicles (WAV) and to begin to transition to that position be agreed.

6. All existing non wheelchair accessible hackney carriages will cease to be licensed at age twelve, with no such vehicle being licensed beyond 31st December 2029.
7. All existing non emission compliant wheelchair accessible hackney carriages will cease to be licensed at age fourteen, with no such vehicle being licensed beyond 31st December 2029.
8. Any new or replacement hackney carriages being licensed from 1st December 2021 must be purpose built, wheelchair accessible and emissions compliant.
9. The GM definition of a purpose built hackney carriage to be “A purpose built Hackney Carriage is a vehicle that has been manufactured and sold by the relevant Manufacturer as a Hackney Carriage. A vehicle that has been manufactured and registered, but subsequently converted is not considered to be purpose built. Whilst vehicles converted by an approved company post manufacturing process may be permitted onto the fleet, this does not meet the definition of purpose built” be endorsed.
10. A policy that all hackney carriage vehicles will be black in colour when next changed and that private hire vehicles may be any colour be implemented.
11. The revised policy on vehicle age limits be approved as follows:
 - Private Hire Vehicles (PHV) – under 5 years on to fleet and 10 years off
 - PHV WAV – under 7 years on to fleet and 15 years off
 - Purpose built HCV WAV – under 7 years on to fleet and 15 years off.
12. A common vehicle livery as detailed in Appendix 1 of the report be agreed.
13. The current vehicle testing policy of testing vehicles once a year until the age of three, two tests a year thereafter until age eight and for vehicles above eight to have three tests a year be retained.
14. The drafting of a mandatory CCTV policy for further consideration and consultation be approved.
15. The Council’s current policy on the licensing of executive hire vehicles be retained.
16. The change to the policy concerning vehicle design and licensing requirements as detailed in Appendix 1 of the report be implemented.
17. The revised private hire and hackney vehicle licence conditions as detailed in Appendix 1 of the report be implemented.
18. The above mentioned decisions will come into effect on the 1st December 2021 unless stated otherwise.

TAXI LICENSING POLICY UPDATE

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which asked Members to approve an amendment to the Council’s taxi licensing policy in light of policy changes and best practice.

Members were requested to approve the following amendments/additions to the policy, to cover the latest decisions (particularly the GM minimum licensing standards) and best practice/guidance.

- Para. 2.5.8 relating to licensing a vehicle
- Para. 3.2.4 in relation to the DBS update service
- Para 3.2.8 in relation to new HMRC checks from April 2022.
- Para 3.3.6 relating to how many times an applicant could undertake a written test before considering refusal
- Para 3.7.6 to consider adjusting the frequency of medicals for younger drivers following first medical examination

Members asked for and received clarification of the following:-

- 3.2.8 only on renewal not initial application – there was a six month period to register when the driver became self-employed. The Council had to notify a new driver of the requirement to register.
- 3.7.6 could medical colleagues from within the Council's partnerships be used to carry out medicals – the CCG had advocated using GP's and there was currently no in-house provision. Options could be explored.
- 3.7.6 when did medicals start – they were done on application, every 5 years from the age of 45 and every year from the age of 65. The request was to test every 6 years as this tied in with the licence being for 3 years. There would be a medical every other licence period.
- 3.3.6 minimum gap between tests – tests were available every week and applicants may be advised to take more time and do more work before resitting.
- Test every year after 65 – industry standard age.
- Action re unsatisfactory medicals – the new company had identified a number of medical conditions that had not previously been disclosed. Some licences had been revoked.
- Obligation on driver to inform Authority – the conditions require them to notify at the time of a change in their medical condition. The renewal application also asks the question.
- Invalidate insurance – if they had not notified their insurer that they had been deemed unfit to drive.

RESOLVED that:

1. The report be noted
2. The policy amendment as outlined in the report be approved.

STREET TRADING - AMENDMENTS TO POLICY

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which asked Members to consider adopting changes to the current street trading policy.

The Committee was informed that there were currently the following number of licences in force;

- 44 Street Trading Consents
- 8 Street Trading Licences, 5 of which relate to Uppermill market
- 32 Street Trading Assistants

The following additions were proposed to the street trading policy:

- £5m public liability insurance required to be submitted with application.
- Applicant to submit a photograph of the vehicle/trailer
- Applicant to submit trading name of the vehicle
- Ice creams vans recommended to install CCTV which they have control of and the footage to be passed to an authorised Council Officer or Police Officer upon request.
- Addition of Crawley Street, Off Denton Lane, Chadderton to the prohibited streets list.

Members asked for and received clarification on the following:-

- Accelerate the development of the CCTV policy to keep children safe – this would be worked on.
- Crawley Way, not Crawley Street – this would be amended.
- Prohibited streets and flower sellers – no changes were proposed to the policy.
- Data controller of CCTV – the ice cream van operator would be the controller. Data would usually be kept on a 28-30 day loop.
- Events on licensed streets – a one-day permission could be bought to cover an event.
- Street traders selling cigarettes – acceptable provided they complied with the law.
- CCTV and GDPR, could CCTV detect a crime that did not fall within the reason for which the CCTV was installed. Would images be kept for longer than necessary – this was a complex area and these issues would be considered when drafting the policy.
- Stalls that do not trade – would not be considered as street trading. Other provisions covered the collection of money and distribution of flyers.

RESOLVED that the proposed changes to the Council's street trading policy be approved and Crawley Way, off Denton Lane, Chadderton be added to the list of prohibited streets.

AMENDMENTS TO ANIMAL WELFARE LICENSING POLICY

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which asked Members to approve an amendment to the Council's Animal Welfare Licensing Policy.

The Committee was informed that the introduction of the Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) had brought about new legislation, guidance and a tougher and wider licensing regime for commercial businesses involved with animals in the course of their business.

Since October 2018 around fifty licences had been in force within the Borough of Oldham covering regimes including:

- Sale of pets
- Hiring out Horses
- Commercial boarding of Dogs and Cats
- Animal Exhibitions
- Breeding of Dogs
- Home boarding of dogs

The above Regulations set out a system of regulation and enforcement which had been incorporated into local policy together with an inspection regime. Alongside that came a need to provide a range of business documents and practices.

The policy also dealt with applications made under different legislation which covered:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

Members asked for and received clarification of the following:-

- Protection for a consumer if they bought a pet that was ill – there was already some consumer protection and the government was looking to regulate the import of animals, especially in relation to rabies and existing illness. People were already advised to exercise caution in buying their pet.
- Zoo licence for petting farms – they were classed as requiring an animal exhibition licence as there were no dangerous animals. They were inspected every 18 months and licensed for 3 years.
- Dangerous wild animal licence – none in Oldham.

RESOLVED that:

1. The report be noted.
2. The policy amendment as outlined in the report be approved.

GAMBLING POLICY REVIEW

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which update Members on the recent review of the Council's Gambling Policy and sought their views on the suggested amendments required prior to seeking Council approval.

The Committee was reminded that the current policy was adopted in January 2019 and had to be reviewed every 3 years by law. In the attached proposed policy at appendix 1 of the report, the ten Greater Manchester Authorities had worked collaboratively to develop a common policy framework and content. Local issues and profiling had been added in addition to the common policy text.

Members noted the content of the policy centred around the regulatory responsibilities of both operators and the Council in how it administered the gambling system. This included:

- General principles of the Gambling Act 2005
- Determining licences
- Relevant factors to consider
- Specific considerations for business types
- Permits and permissions

The Gambling Act defined which statutory bodies were to be consulted on a new premises application and these were:

- Gambling Commission
- Greater Manchester Police
- GM Fire & Rescue
- Planning Authority
- Environmental Health
- Safeguarding Partnership
- HMRC
- The Licensing Authority

Significant attention had been paid to the public health concerns surrounding gambling additions in the revised policy. Data suggested that in Oldham there were around three thousand problem gamblers and nine thousand at risk gamblers. A Greater Manchester Gambling Harm Reduction Strategy had been compiled with funding allocated to support pathways and research.

The proposed policy also asked operators to submit a return to the Licensing Authority in order to measure the number of interventions they were taking to assist customers and self exclude those who required that option.

The proposed policy was to be considered by the Licensing Committee prior to moving forward for approval to Council on 15 December 2021.

Members asked for and received clarification of the following:-

- Gambling licence required in sports clubs – exemptions existed for private members clubs
- Artificial pitches hired out for private event still members club – would depend on whether licenseable activity was taking place.
- Review of other strategies in relation to gambling harm – wording put forward by the project manager who was leading on the work to reduce harm. The government was reviewing gambling legislation as it was very much out of



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date, particularly in relation to online gambling. Large operators paid into a scheme to assist gamblers with problems.

- Further develop the strategy after it went to Council – it could be amended at any point.
- Bingo prize limit of £2000 – monetary value.
- Gaming industry targeting child spend – Gambling Commission did not regulate children' activities and regulations were being circumvented.
- Food banks could help identify those with problems – a wide range of practitioners signposted people to where they could access help. This suggestion would be raised with the public health practitioners.

RESOLVED that:

1. The report be noted.
2. The revised policy be recommended to the Council for approval.

The meeting started at 9.30 am and ended at 12.45 pm