

LICENSING COMMITTEE

Agenda

Date Tuesday 30 November 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 Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email 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, 25 November 2021.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:
Councillors G. Alexander, Arnott, M Bashforth, Byrne, Cosgrove (Vice-Chair), 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 - 6)

The Minutes of the meeting of the Licensing Committee held on 21st September 2021 are attached for approval.
- 6 GM Minimum Licensing Standards - Vehicles (Pages 7 - 88)

This report asks Members to approve the recommendations, following consultation, on the Greater Manchester Minimum Licensing Standards for Private Hire and Hackney vehicles. These are appended to this report.
- 7 Taxi Licensing Policy Update (Pages 89 - 136)

This report requests that Members approve an amendment to the Council's taxi licensing policy in light of policy changes and best practice.
- 8 Street Trading - Amendments to Policy (Pages 137 - 160)

The reason for this report is to ask members to consider adopting changes to the current street trading policy.
- 9 Amendments to Animal Welfare Licensing Policy (Pages 161 - 224)

This report requests that Members approve an amendment to the Council's animal welfare licensing policy in terms of application procedures.
- 10 Gambling Policy Review (Pages 225 - 272)

The reason for this report is to update members of the recent review of the Council's Gambling Policy and seek views on the suggested amendments required prior to Council approval.



Present: Councillor Taylor (Chair)
Councillors G. Alexander, M Bashforth, Byrne, Cosgrove (Vice-Chair),
C. Gloster, Hamblett, F Hussain, McLaren, Shuttleworth and Wilkinson

Also in Attendance:

Alan Evans	Group Solicitor
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 Arnott and Councillor Garry.

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**

The following question was received from Mr AR Khayal:

“I would like to asked questions on behalf of my memberships that Oldham council should recommend mixed fleets not black cabs because our affordability is very poor thanks”.

The Chair responded that she thanked Mr Khayal for his question. A thorough consultation on the Greater Manchester minimum licensing standards took place in 2020. Members of Council had, to date, received the findings of the consultation and would in the coming weeks be determining future policy. The views of all respondents would be considered at this time and a balanced decision made by this Committee.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 8th June 2021 be approved as a correct record.

6 **GM MINIMUM LICENSING STANDARDS - STAGE 1 PROPOSALS FOR DRIVERS, OPERATORS AND LOCAL AUTHORITY STANDARDS**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which sought their approval to the recommendations set out in the report with regards to the Greater Manchester Minimum Licensing Standards for Private Hire and Hackney drivers, operators and local authority standards.

Members were informed that the recommendations had been proposed by the Greater Manchester Licensing Network, following their consultation on Greater Manchester's Minimum Licensing Standards which had closed in December 2020.

The Committee noted that 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 covered 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. Age and colour policies, 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.

Members were informed that securing these ambitions would require a rolling, progressive programme of reform, with several elements to be designed, developed, agreed and implemented over time.

The Committee considered the recommendations set out in the report.

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

- The impact of GPs ceasing private medical examinations during the pandemic – a third party provider had been used. A number of drivers had been found to be unfit and their licences had been suspended. Some of them had previously been declared fit by their GP.
- Who should be doing the examinations – the Council may wish to consider who was best placed when GPs were able to offer the service again. The third party provider did not have access to full medical records and used a summary. The situation would be monitored and brought back to the Committee at a later date.

In relation to recommendation 5, Members asked for and received clarification on the following:-

- Qualified assessors – the Council would look to buy a package from a qualification body. The assessment would be online with an automated process and Licensing staff would not be assessors.
- Payment – it would cost £30 per test and this could be reduced if authorities joined together.
- Common policy across GM – these would be common minimum standards. Some authorities already had a system in place and authorities may use different providers. This was the start of the process and focussed on getting the basics right.
- Test for everyone – everyone would have to take the test. When a provider had been selected, any tweaks could be discussed with them and proposals brought back to the Committee.
- UK born – the starting point was everyone would need to take the test. There could be a discussion with the provider around criteria that would mean the test was unnecessary eg education qualifications.
- Current drivers – if there was a complaint about communication, it could be a condition imposed by a Driver Panel.

In relation to recommendation 6, Members asked for and received clarification on the following:-

- Current drivers – as previously, this could be a condition imposed by a Driver Panel.
- Drivers migrating to UK licences – not many currently. Due to the pandemic, applicants were mainly from the UK.

In relation to recommendation 7, Members asked for and received clarification on the following:-

- Complying with speed limits eg 20mph – this was part of road safety and drivers would be reminded.
- Time-limited training, to be renewed – the content would be agreed at GM level and the matter may be brought back to the Committee to ask for roll-out to all drivers.

Training could now be done online rather than have everyone in a room.

- Regular updating – it would evolve and may come back to the Committee in future.
- Checking driver understanding of the training – it would be a group session with group discussions. If it was felt that an individual had not engaged, there would be a discussion with them. If the language test had identified issues, assistance could be offered.
- Making training meaningful – training was now visual and interactive. This would be undertaken before the knowledge test and the material covered would be part of that test.
- Renewal for all – initially it would be only for new applicants and the Committee may be asked to consider further roll-out in future.

In relation to recommendation 9, Members asked for and received clarification on the following:-

- How quickly would the test be performed – same day, with the driver's consent. If there was no consent, consideration would be given to any action needed at the time.
- Approved by Legal Services – the policy would be agreed with them.
- Who would administer the test – Licensing staff. They would positively identify the driver and administer the test, which would be sent off for results.
- Refusal to take test – if there were clear signs, the licence could be revoked or suspended immediately. Otherwise, the matter would be investigated as a complaint.
- What does the test consist of – would depend on the provider, it could be breathalyser or hair strand. Looking for an option that was quick and easy and the Committee would be updated on detail.

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

- Did these enhance previous Oldham conditions – a few additional conditions had been added.
- GDPR – the data and responsibility for it lay with the operators and the Council would ask for their policy.

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

- Was this an annual check – annual for operators and staff, 6-monthly and an enhanced check for drivers.

In relation to recommendation 13, Members asked for and received clarification on the following:-

- Minimum time for submission for renewal – applicants were encouraged to apply up to 8 weeks in advance to allow for DBS checks. The Licensing Service had 5 days to issue after determination and were currently issuing in 2 days.

- Would separating DBS checks from other information be more efficient – if the driver was registered for the update service, there would be no delay. Provided there was no change of circumstances, the update would be instant. If there was a change in circumstances, the Council would need to undertake a full check and there may then be a delay.

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

- Cross-boundary authorisation – reciprocal arrangements would enable authorities to work together as necessary.

In relation to recommendation 18, Members asked for and received clarification on the following:-

- Effect of feedback requested by big companies – aimed more at public nomination rather than online data.
- Ability of big companies to push for nominations – recommendation is for agreement in principle and proposals would be brought to the Committee for consideration.

RESOLVED that:-

1. The endorsement of the below recommendations by the Greater Manchester Combined Authority be noted.
2. The retention of the current policy on DBS criminal records checks be agreed.
3. The retention of the current policy on medical examinations for drivers be agreed.
4. The retention of the current policy on driver knowledge tests be agreed.
5. The adoption of a new policy on the assessment of an applicant's knowledge of spoken and written English be agreed.
6. The retention of the current policy on driving proficiency tests for applicants whilst noting a new provider be agreed.
7. The retention of the current policy on driver training whilst noting the content will be expanded and enhanced be agreed.
8. The adoption of a dress code policy for private hire and hackney drivers be agreed.
9. The adoption of a policy for drug and alcohol testing of drivers be agreed in principle, subject to the content being agreed at a later date. Officers would draft the policy and consult on the wording.
10. A revised set of private hire driver licence conditions as detailed in Appendix 2 of the report which would be mirrored across Greater Manchester be agreed.
11. A revised set of Private Hire operator licence conditions as detailed in Appendix 3 of the report which would be mirrored across Greater Manchester be agreed.
12. The retention of the current policy on criminal records checks on private hire operators and their staff who have access to booking records be agreed.

13. A common standard across Greater Manchester for the submission of applications be agreed.
14. Proposals for Officers to develop a common enforcement approach across Greater Manchester be endorsed.
15. A common methodology for the setting of licensing fees across Greater Manchester be endorsed.
16. The retention of the current position on Members receiving relevant and timely licensing training to allow them to make effective decisions be agreed.
17. The retention of the current delegations to allow Officers to take urgent decisions on licences on the grounds of public safety be agreed.
18. The continued work across Greater Manchester relating to considerations for an Excellence in Licensing Award be noted.
19. All revised and new policies as detailed above to come into force from the 1st December 2021.

The meeting started at 9.30 am and ended at 11.50 am



Licensing Committee

GM Minimum Licensing Standards – Stage 2 Proposals for Vehicles - **UPDATED REPORT**

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

30th November 2021

Executive Summary

This report asks Members to approve the recommendations, following consultation, on the Greater Manchester Minimum Licensing Standards for Private Hire and Hackney vehicles. These are appended to this report.

Recommendations

That Members agree:

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

- 6) That all existing non wheelchair accessible hackney carriages will cease to be licensed at age twelve with no vehicle being licensed beyond 31 December 2029.
- 7) That all existing non emission compliant wheelchair accessible hackney carriages will cease to be licensed at age fourteen with no vehicle being licensed beyond 31 December 2029.
- 8) That any new or replacement hackney carriages being licensed from 1st December 2021 must be purpose built, wheelchair accessible and emissions compliant.
- 9) Endorse 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, it does not meet the definition of purpose built”.
- 10) To implement a policy that all hackney carriage vehicles will be black in colour when next changed and that private hire vehicles maybe any colour.
- 11) To approve a revised policy on vehicle age limits 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 on to fleet and 15 years off
- 12) That in relation to vehicle livery, that a common vehicle livery be agreed as detailed in Appendix 1.
- 13) That the Council retains its 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.
- 14) To approve the drafting of a mandatory CCTV policy for further consideration and consultation.
- 15) To retain the Council’s current policy on the licensing of executive hire vehicles.
- 16) To implement a change to policy concerning vehicle design and licensing requirements as detailed in Appendix 1.
- 17) To implement revised private hire and hackney vehicle licence conditions as detailed in Appendix 1.

- 18) Approve that the decisions made at the meeting come into effect on the 1st December 2021 unless stated otherwise.
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1. Purpose of the report

- 1.1 The purpose of this report is to inform Members of the recommendations of the Greater Manchester Licensing Network following their consultation on Greater Manchester's Minimum Licensing Standards which closed in December 2020.

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, 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.

- 2.4 The proposed minimum licensing standards for vehicles cover the following nine areas:

- Emissions
- Age
- Colour
- Hackney carriages
- Testing of vehicles

- CCTV
- Executive hire
- Vehicle design and licensing requirements; and
- Licence conditions

3 Consultation Findings & Responses

- 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 was given to Members on the findings at a previous meeting.
- 3.2 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 During the consultation 34 members of the public made specific comments that more accessible vehicles were needed as did 6 hackney carriage drivers. Some members of the public shared how they often encounter difficulty in booking wheelchair accessible vehicles due to their lack of availability.
- 3.5 In contrast, the Oldham Taxi Owners Association were against proposals for moving towards a wheelchair accessible hackney fleet citing the varying needs of customers together with the costs of purchasing such vehicles. The Association, however, was less concerned with the vehicles all becoming black.
- 3.6 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.
- 3.7 Whilst the principles of the GM proposals and recommendations are proposed for adoption in Oldham it is felt that a longer lead in period for converting the existing hackney carriage fleet to purpose built, emission compliant wheelchair accessible vehicles is required taking into account the economic impact of having to convert to purpose built vehicles. A longer transition period is therefore recommended in this report with all hackney carriages converting over to purpose built wheelchair accessible vehicles by the 31st December 2029. In doing so it should be noted that, due to the age policy, vehicles will begin to reach their maximum age in a staggered phase over the next eight years.

4 Recommendations

- 4.1 Attached to this report at Appendix 1 are the recommendations encompassing the reasons for the proposals, feedback from the consultation and considerations.
- 4.2 The Greater Manchester Combined Authority endorsed these proposals at its meeting on the 29th October 2021.
- 4.3 When the proposals were discussed with Members at the Policy Overview and Scrutiny Committee on the 9th November 2021, they made two recommendations:
- That the Licensing Committee raised its concerns about out of area licensed vehicles working in Oldham at GM level; and
 - That Officers be asked to discuss how more wheelchair accessible private hire vehicles can be brought on to the Oldham fleet.

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. (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 Some groups will be affected by policy proposals

9 Equality Impact Assessment Completed?

- 9.1 Yes

10 Key Decision

10.1 No

11 Key Decision Reference

11.1 N/A

12 Background Papers

12.1 The consultation document and findings can be found at www.gmtaxistandards.com

13 Appendices

13.1 Appendix 1 – Proposals and Recommendations

Appendix 1

Greater Manchester Minimum Licensing Standards for Taxi and Private Hire

Stage 2 Recommendations Report

Incorporating district data for Oldham



**Greater Manchester
Licensing Network**

BOLTON
BURY

MANCHESTER
OLDHAM

ROCHDALE
SALFORD

STOCKPORT
TAMESIDE

TRAFFORD
WIGAN

Introduction

1.1 Background

Around 2,000 hackney vehicles, approximately 11,500 private hire vehicles and upwards of 18,600 drivers are currently licensed across the ten Greater Manchester Authorities. Whilst there are many similarities in terms of policy standards and licence conditions, there are also significant differences, particularly when it comes to policies relating to the licensing of vehicles, the calculation of licensing fees and the approach to proactive compliance.

In 2018, Greater Manchester's ten local authorities agreed to collectively develop, approve and implement a common set of minimum licensing standards (MLS) for taxi and private hire services.

At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations. In addition, by establishing standards around common vehicle specifications, MLS is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester and their visibility.

This approach stands to benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire sector grows and will contribute directly to better air quality and lower carbon emissions. By establishing and implementing Greater Manchester-wide minimum licensing standards, the 10 licensing authorities can help to ensure that all residents and visitors see these services as safe and reliable, and preferable to those not licensed by Greater Manchester local authorities.

This collaborative approach seeks to establish a basic and common minimum in key areas, whilst allowing Districts to exceed these minimums where they consider this to be appropriate. As licensing is a local authority regulatory function, the Standards have been devised by the GM Licensing Managers Network who work in partnership across Greater Manchester to drive innovation, partnership and change agendas. MLS is also related to other key Greater Manchester priorities, most notably the GM Clean Air Plan and decarbonisation strategies, hence TfGM has been supporting the development of MLS ensuring it complements wider objectives.

Ultimately the collaborative approach that the MLS represents will help achieve the vision of Taxis and Private Hire as a crucial part of the overall transport offer; a strong, professional and healthy taxi sector that can deliver safe and high-quality services to residents and visitors across the whole of Greater Manchester. The proposed MLS, together with funding from the GM Clean Air

Plan, will help deliver improved safety, customer focus, higher environmental standards and accessibility.

Local reform through MLS can deliver real improvements across Greater Manchester, but the growth of out-of-area operation undermines local licensing. This gives cause for real concern that vehicles and drivers licensed outside our conurbation (but carrying Greater Manchester residents and visitors) may not be regulated to the high standards GM authorities and the travelling public expect.

In devising these MLS, officers are all too aware that out-of-area operation sets very real limits on what can be achieved within the current regulatory environment. Not all of our policy goals can be achieved in this stage of reform.

And it is in this regard, that Government reform of taxi and private hire legislation remains as critical as ever. Further work to press the case to Ministers and officials for reform is a key part of the overall approach.

1.2 Minimum Licensing Standards

The GM MLS were ready to be consulted on when the Department for Transport published Statutory guidance for taxi and private hire licensing authorities in July 2020. The MLS project has had regard for that guidance, which largely mirrors what is already proposed across GM, and reference is made in the report where appropriate.

It should be noted however that the Statutory guidance firmly highlights the past failings of licensing regimes in putting public safety at the forefront of their policies and procedures. The guidance asks authorities to have due regard to reviewing its policies thoroughly and considering good practice in the implementation of robust standards that address the safeguarding of the public and the potential impact of failings in this area.

To that end, it is important to recognise that Taxis and Private Hire services are unique in the potential opportunity and risks they present to the travelling public. In no other mode of public transport are passengers as vulnerable or at risk to those who have malintent; risks that are increased for children and vulnerable adults. The sector itself is also vulnerable to being used for criminal activity such as child sexual exploitation, county lines and other drug dealing/money laundering activity.

The Casey Report (2015) also made it clear that weak and ineffective arrangements for taxi and private hire licensing had left children and the public at risk:

The safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and

deciding how they will be enforced. This is nowhere more important than in taxi licensing where sometimes vulnerable people are unaccompanied in a car with a stranger¹

It is with public safety as our primary duty in mind as Licensing Authorities that the MLS are proposed.

Overall, the GM approach looks to provide:

- the public with safe, visible, accessible 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

The MLS are divided into four distinct sections as follows:

Licensed Drivers; including criminal records checks, medical examinations, local knowledge test, English language requirements, driver training including driving proficiency and common licence conditions.

Licensed vehicles; including vehicle emissions, vehicle ages, common vehicle colour and livery, vehicle testing, CCTV, Executive Hire and vehicle design common licence conditions

Licensed private hire operators; including common licence conditions, DBS checks for operators and staff every year, fit and proper criteria for operator applications and common licence conditions.

Local Authority Standards: including application deadlines and targets, GM Enforcement Policy, Licensing Fee Framework, Councillor training requirements and Officer delegations.

- 1.3 As Members will know, due to the breadth of proposals to be considered, the final Standards recommendations have been split into two Stages. This Stage 2 report seeks to provide Members with detailed consultation feedback and officer recommendations on the Vehicle Standard proposals.

¹ Report of Inspection of Rotherham Metropolitan Borough Council, February 2015

1.4 Link to the Clean Air Plan

An important element of the overall approach is to provide clarity and long term certainty for vehicle owners, so that they are able to plan the upgrade of their vehicles in a way that meets and contributes positively to GM's Air Quality, Carbon and other environmental obligations.

This will also help ensure that applicants to the Clean Taxi Fund, secured as part of the GM Clean Air Plan, will have a clear understanding of what locally licensed vehicle requirements will be over the longer term, for example in terms of emissions, age and other criteria, so they can determine the best use of the available funds given their specific circumstances. Note that only those vehicle owners who licensed their vehicle with one of the GM local licensing authorities in the 12 months prior to the commencement of the Clean Taxi Fund Scheme, will be eligible to access the scheme to support upgrade.

2. The Consultation

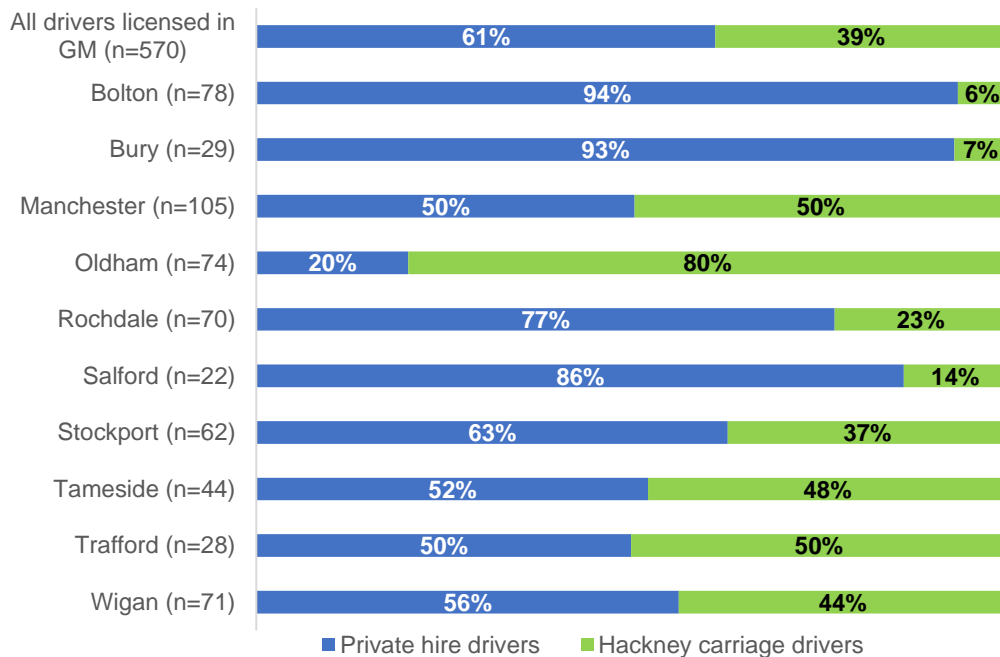
2.1 Members have already been provided with a summary of the GM wide public consultation that took place between 8 October and 3 December 2020 in the Stage 1 Report.

2.2 For a full breakdown of demographics and to view the complete GM consultation report please visit www.gmtaxistandards.com

2.3 The response breakdown for Oldham was as follows:

	Questionnaire	Letter/ email	Total	%
General public	101	0	101	54%
Hackney drivers	59	0	59	32%
Private hire vehicle drivers	15	0	15	8%
Private hire operators	3	0	3	2%
Vehicle leasing companies	2	0	2	1%
Businesses	3	0	3	2%
Organisations	0	0	0	0
Elected representatives	3	0	3	2%
Base	186	0	186	100%

2.4 The following table provides a comparison of driver trade response levels across each of the 10 districts (with numbers on the left column and split shown between Hackney and Private Hire):



2.5 As Members will see, the response rates were generally low across the board, particularly from members of the trades. This isn't uncommon compared to Officers reflections on previous engagement with the trade. At a GM level, there are enough responses to draw conclusions, however, the number of responses in some sub-groups at district level is small and as such, the data should be treated with caution.

2.6 Across GM there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefings were held for representatives at GM level in MLS and clean air. There were also 25 briefing sessions for all trade sectors affected by clean air and at local level a number of local briefings were held and various communication methods used to notify all affected that consultation was underway including emails, newsletters and contact via operator bases.

2.7 It should be noted that the findings of the in-depth interviews and focus groups have been included alongside the findings from the questionnaire, expanding on the findings to provide deeper insight and examples in commentary form. The in-depth interviews enabled those who may be specifically impacted to provide additional detail and specific examples, for example from a specific business sector.

2.8 The Consultation document provided detail on 10 separate vehicle standard proposals and asked the following questions:

1. To what extent do you agree or disagree with the proposed minimum licensing standards for Vehicles in Greater Manchester?
2. Please use this space to provide any comments relating to the proposals for the minimum licensed standards for Vehicles

For question 1 on each section, response options were:

- strongly agree
- agree
- neither agree or disagree
- disagree
- strongly disagree
- don't know

Respondents were then asked a series of other questions to gain further insight into their views on implementation and impact of the proposals, including free text responses to gain more qualitative feedback.

2.9 Copies of the Consultation Questionnaire and accompanying information booklet are available at www.gmtaxistandards.com

3. **SUMMARY FINDINGS**

3.1 This section provides higher level summaries of the consultation responses at a GM level. Detailed comments and District specific feedback on individual standards are included later in the report in section 4.

3.2 Vehicle Standards

- High level of agreement from members of the public (88%)
- Greater overall level of disagreement from Trade (Hackney 69% and PH 63%)
- Trade mostly commented on age policy proposals; disagreeing
- Concerns raised about the charging infrastructure for electric vehicles
- Public liked the proposal of CCTV but concerns raised by the Trade with regards to cost and data privacy
- High number of comments and disagreement across both public and trade with regards to colour policy proposals

- 3.3 Drivers from an Asian background were more likely to disagree with the vehicle standards than hackney / PHV drivers from a White British background (70% compared to 58%). Drivers in Bolton (88%), Oldham (91%) and Rochdale (71%) did not agree with the proposals.
- 3.4 Drivers who rent or lease their vehicle were more likely to agree with the proposed vehicle standards compared to those who own their vehicle (37% and 22% respectively), likely due to the lower likelihood of significant direct financial impact, however in both cases more drivers disagree than agree with the proposed vehicle standards.
- 3.5 The following table shows the number of total comments made (GM level) for each standard category by respondent type:

Category	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Comments	95	11	32	6	3	1	3
Vehicle Emissions	39	20	10	5	1	2	4
Age of Vehicle	82	78	84	8	1	1	10
Vehicle Colour	214	23	95	12	2	1	13
Accessible vehicles	54	38	1	1	1	0	4
Vehicle Livery	62	7	47	6	1	3	11
Vehicle Maintenance and Testing	44	20	31	4	0	0	2
CCTV	83	16	51	6	1	3	8
Executive Hire and specialist vehicles	8	0	5	2	0	0	1
Vehicle Design	9	4	0	0	0	0	1
Vehicle Conditions	24	1	3	2	0	0	0
Base	449	114	187	24	7	6	20
Proportion of respondent type	45%	49%	53%	75%	37%	60%	56%

- 3.6 Some of the general comments about the vehicle standards as a whole are as follows:

“Really impressed with the standards I hope it is brought in sooner rather than later.” (Public, age 35-44, Trafford)

“All of these are important” (Public, age 55-64, Bury)

“These measures will make all passengers safer.” (Public, age 35-44, Tameside)

“I feel this is a policy that is being rushed through without full thought of the cost and consequences to the self-employed sole trader who has been badly affected by Covid 19.” (Hackney Driver, Tameside)

“Standardising of vehicles leads to a higher demand for a smaller range of vehicles which, in turn, increases initial purchase cost and ongoing maintenance costs (due to high parts demand). The vast majority of private hire drivers are living close to minimum wage and any increasing in their running cost will be pushed directly onto the customers. Resulting in the continuing demise of the industry and customers turning to subsidised transport systems.” (Public, age 25-34, Wigan)

“I believe that wanting completely emission-free taxis by 2028 is a goal that should be circumstantial. Most drivers use these vehicles for their private life too and electric vehicles must have the range and practicality to serve both needs before making it mandatory to have an emission-free vehicle.” (PHV Driver, Stockport)

4. RECOMMENDATIONS

- 4.1 This section of the report provides further detailed and qualitative feedback and officer recommendations for each proposed standard. A separate Equality Impact Assessment will be conducted before decisions are made.
- 4.2 Each Standard is set out in individual tables below detailing:
- the proposed Standard and the rationale for the proposal
 - the current standard in district
 - feedback and comments made in the consultation in relation to the specific standard (both at a GM and local level),
 - outline of relevant points, considerations and risks in response to the consultation
 - officer recommendation for that proposed standard.

VEHICLE STANDARDS PROPOSALS

Vehicle Proposed Standard 1	Oldham current standard																
<p>Hackney Carriages</p> <p>It was proposed that all licensed hackney carriages should be wheelchair accessible vehicles (WAV), and that there is a consistent approach to makes and models of vehicles that will be accepted onto fleets as Hackney Carriages.</p> <p>It was also posed for consultation whether a purpose-built HC vehicle should be side or rear loading.</p>	<p>Oldham currently has a mixed fleet of hackney carriages which are predominately saloon vehicles. We currently limit our hackney licences issued to 85. This is being reviewed in 2022</p>																
<p>Reason for Proposal</p>																	
<p>Currently not all GM authorities have a wheelchair accessible or purpose-built hackney carriage policy. Passengers with additional mobility needs should not have to wait for long periods at a taxi rank for a suitable accessible vehicle. Licensing Authorities need to ensure their policies are non-discriminatory and inclusive. This standard proposal seeks to ensure that there is sufficient availability of accessible vehicles for residents and visitors to the region, and that there is a more consistent standard across the conurbation for the makes/model and specifications of Hackney Carriage vehicle allowed onto the fleets.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p>																	
<p>This proposal elicited a fair number of comments compared to some other standards, as per the table below:</p>																	
<table border="1"> <thead> <tr> <th>Standard</th> <th>General public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>Accessible vehicles</td> <td>54</td> <td>38</td> <td>1</td> <td>1</td> <td>1</td> <td>0</td> <td>4</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Accessible vehicles	54	38	1	1	1	0	4
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Accessible vehicles	54	38	1	1	1	0	4										
<p>This table breaks down those comments thematically across the respondent categories:</p>																	
<table border="1"> <thead> <tr> <th>Comment Theme</th> <th>General Public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>A mixed fleet (types of vehicles) is important</td> <td>13</td> <td>23</td> <td>0</td> <td>1</td> <td>0</td> <td>0</td> <td>2</td> </tr> </tbody> </table>		Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	A mixed fleet (types of vehicles) is important	13	23	0	1	0	0	2
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A mixed fleet (types of vehicles) is important	13	23	0	1	0	0	2										

Accessible vehicles are expensive / need to be subsidised	3	6	1	0	0	0	0
PHV should have to have same rules about accessibility	1	0	0	0	0	0	0
More accessible vehicles are needed	34	6	0	0	1	0	3
More consultation with disabled people required	5	0	0	0	0	0	0
Problem with design of accessible vehicles	3	5	0	0	0	0	2
Base	54	38	1	1	1	0	4

34 members of the public commented that more accessible vehicles were needed as did 6 hackney drivers. Some members of the public shared how they often encounter difficulty booking wheelchair accessible vehicles due to their lack of availability, and those hackney drivers who have accessible vehicles noted how they are relied upon by many who do not have many other options for transport.

“Accessible Hackney carriages - we have extreme trouble booking a taxi in advance that has wheelchair access as the taxi company do not always know when their wheelchair accessible vehicle will be available. In the past we have been asked to ring at the time an accessible taxi is needed - and in every occasion one was not and our family has had to pick her up instead - not an ideal situation for a young lady who would like some independence.” (Public, age 45-54, Bury)

“Make it all wheelchair accessible vehicles, known as a level playing field.” (Hackney Driver, Wigan)

In contrast, 23 hackney drivers felt having a mixed fleet was more important, with some sharing how they feel some passengers are deterred by larger vehicles.

“As a Hackney driver, I don’t agree for all Hackney carriage vehicles to be wheelchair accessible. Reason is for that we do, need mixed fleet for elderly people who do not like getting into bigger vehicles. I believe it will make them go to private hire offices and that will affect our business. Also, it’s more affordable to buy a normal electric car.” (Hackney Driver)

One operator who took part in the focus groups specialises in the transportation of customers who need wheelchair accessible vehicles. He stated hackneys were not suitable for all.

“On the black cabs and I’ve got two of them, okay. The ramps that come down, they come down on an angle and, you know, that ramp the wheelchairs cannot actually get up on them and also the people, when they’re sat in them, they’ll bang their head against the roof. So for some

reason licensing seemed to think that anybody who's in a wheelchair would fit in a black cab. It's not the case, so you might have two thousand black cabs out there and they could say, oh, they're all wheelchair accessible. They are for full manual wheelchairs. Electric ones they can't fit. (Operator, Trafford).

Representatives also argued for a mixed fleet:

"This is totally not acceptable because [it] is not meeting the needs of vulnerable or disabled [people]. Many old [and] disabled don't use wheelchair vehicles either [because] it's too high or [they] dislike it them". (Organisation, NPHTA)

"There is very little evidence to support the need for an entire trade to cater for wheelchair bound passengers, potentially at the cost of the majority of disabled passengers who are not confined to a wheelchair and therefore find it far more difficult to access the higher vehicles that are WAV, so a mixed fleet is a better approach". (Organisation, NPHTA)

Some hackney drivers and operators expressed concerns with the design of wheelchair accessible vehicles, with 5 explaining their preference is for side loading accessible vehicles rather than rear loading and expressing their safety concerns.

"All Hackney carriages should be side loading wheelchair accessible, rear loading takes up too much space on ranks, they are also dangerous when unloading passengers in the middle of the road." (Hackney Driver, Wigan)

"Accessible Hackney carriages: It is proposed that all hackney carriages should be wheelchair accessible. Agreed. Particularly important condition which will help to prevent the influx of out-of-town licensed saloon cars plated as Hackney carriages from working within the GMC area. Side and / or rear loading without the need for swivel seats: A policy as to whether purpose-built accessible vehicles should be side and/or rear loading without the need for swivel seats is being considered. The choice of entry location generally determines the floor plan available. Rear entry vehicles offer two floor plans for up to four or six passengers. A side entry van has more options when it comes to the floor plan. Side entry vehicles will lower the available space inside, as the maximum number of ambulatory passengers in this option is four including three in the rear bench seat. Swivel seats in taxis where fitted should remain as they are an additional feature making it easier to enter or exit the car without undue discomfort. For those who have conditions such as arthritis, multiple sclerosis, or osteoarthritis, which can limit their mobility will benefit as they reduce strain otherwise placed on the hips and back." (Operator, Manchester)

"I mean I have a sliding door on the side, two sliding ones and the rear loaded is the big door that comes up. Okay, there's a row of seats there, but the row of seats can be moved. I mean I do put, where the large wheelchairs fit and if I do one, because it can be that you can't get them through the side door, because there's a big person, so they have to go through the rear door. So, what you do is, you just push the seats right

forward, because they're all tracking, you just push them right forward. So, I would be fine.” (Licensed hackney driver – own my vehicle, Stockport)

A further 6 hackney drivers felt wheelchair accessible vehicles were expensive or need to be subsidised if they are all required to be wheelchair accessible.

“Vehicle emissions. what I can gather from the information available is that driver is responsible for all the costs involved. Accessible Hackney is very expensive it will put almost every Hackney driver out of business in Rochdale for sure even Euro six diesel is unaffordable.” (Hackney Driver, Rochdale)

Concerns were raised by members of the public about the impact on the cost of using a hackney / PHV.

“Wheelchair accessible vehicles are more expensive than normal cars. And that's tough for people who need them. One solution would be to provide a subsidy to anyone buying an accessible vehicle to use as a taxi. But what makes absolutely zero sense is to make the non-wheelchair-using public (the VAST majority of people) pay for accessibility features they do not need.” (Public, age 35-44, Manchester)

Some users and drivers felt a few drivers use the fact they are transporting someone who needs an accessible vehicle to their advantage:

“But a lot of the time they do treat you, you know, what they do is they charge, they put the timer on and if it takes you ages to get into the cab and put your belt on and everything, they charge you for all that, you know and getting out the cab, they don't always put seatbelts on properly and things like that, but then the private hire companies don't usually have accessible vehicles.” (User, Group 1)

Others highlighted not all disabilities are visible:

“More accessible vehicle design for disabled people. Not everyone with a disability you see looks disabled very important not to forget for drivers.” (Public, age 45-54, Oldham)

Comments and considerations

All purpose-built Hackney Carriages are wheelchair accessible, but also have additional mobility and accessibility design features such as passenger compartment controls, additional lighting, additional space, visibility strips, audio loops, steps, swivel seats (may be built in as standard), wide doors etc.

As well as providing better access for those with additional needs, purpose-built Hackneys also make it much easier for the travelling public to distinguish between a licensed Taxi and a private hire vehicle. As such, 7 of the 10 districts currently only licence purpose built/Wheelchair Accessible vehicles as Hackney Carriages in their policy.

Where mixed fleets exist, and ordinary saloon cars are licensed as Hackneys, these are commonly permitted to have a hire light installed on the roof to enable them to legally ply for hire. However, in the current landscape where these vehicles can undertake pre-booked private hire work in other areas, and/or are more likely to be crossing local boundaries, it can serve to undermine local purpose built only Hackney policies, and potentially undermine the legitimate business undertaken by Hackneys in certain areas. The public observe saloon vehicles in one area legally plying for hire and not understand that this is not permissible in another area, and this serves to encourage illegal activity as confusion provides an opportunity for those looking to illegally ply.

Therefore, it should also be noted that a decision on this policy standard has knock on considerations/decisions for the following:

- Age Policy for Hackneys (WAV/non-WAV – standard Proposal 2)
- Colour and livery policies for Hackney vehicles (see Standards Proposals 4 and 5)
- Intended use policy for Hackneys (see Standard Proposal 10 – Hackney Carriage Vehicle Conditions)

As outlined within the proposal section above, this policy standard is not just about wheelchair accessibility. For a City Region like Greater Manchester, with ambition to licence a high-quality service offer that supports economic and business growth, including accessibility standards within the public transport network; it must therefore follow that all licensed Hackney Carriages are purpose built accessible vehicles, providing all the benefits to users that such vehicles do. The objective to ensure that no one with additional needs should ever have to wait on a rank for a suitable vehicle has considerable merit, and the policy has the added safety benefit of properly distinguishing licensed Hackneys and Private Hire vehicles in all fleets. An additional consideration is that there will be no better time to implement this transition, as the funding opportunity provided through the Clean Air Plan is unique and time limited providing much needed support to those that seek to make this transition.

Lead Officers recommendation

To implement the standard for all licensed Hackney Vehicles to be WAV.

To allow those with currently licensed non-WAV Hackneys transition periods (as agreed by districts) as long as the vehicle is compliant with the emissions standard by 1 April 2024 and will be subject to the age policy (10 year age limit for saloon vehicle).

To defer the decision on side/rear loading at this time as the consultation response on this specific point was particularly low.

Vehicle Proposed Standard 2	Oldham Current standard																
<p>Vehicle Age</p> <p>It was proposed that all licensed vehicles are under 5 years old at first licensing and no more than 10 years old.</p> <p>Views were sought on consideration of a different age policy for electric and wheelchair accessible vehicles (WAV).</p>	<p>Oldham's current policy is that vehicles can be first licensed up until 7 years of age and can stay on until 12 (14 for purpose built hackneys).</p>																
<p>Reason for Proposal</p>																	
<p>The majority of GM districts have upper limits for both the age at which a vehicle must be under to be first licensed, and the age at which it will cease to be licensed, although these currently vary across the conurbation, with some districts having never implemented any age restriction on its licensed fleets. The proposal seeks to rationalise the variance across the conurbation and ensure that GM districts do not undermine each other's policies; deterring applicants from seeking the authority with a significantly lower standard in this regard.</p> <p>Licensed vehicles undertake significantly more miles than an average domestic vehicle, meaning they are likely to deteriorate more quickly and experience structural weaknesses over time which impacts on vehicle safety. Where vehicle testing data is held by the local authority (as it is delivered inhouse), this generally evidences that the older a vehicle is, the more likely it is to fail tests, and usually with a higher number of major faults. So where vehicle age policies already exist within GM, this encouraged lower polluting vehicles, ensured higher levels of safety in vehicles and also supported the strategic objectives to have a better quality of fleet for residents and visitors within this key section of the transport network. The specific purpose of having an age limit for vehicles 'coming on to fleet' is to safeguard against having the majority of the licensed fleet at the older end of the age limit scale and is a common policy among licensing authorities nationally.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p> <p>This proposal elicited a much higher number of comments:</p> <table border="1" data-bbox="209 1787 1463 1921"> <thead> <tr> <th data-bbox="209 1787 496 1872">Standard</th> <th data-bbox="499 1787 624 1872">General public</th> <th data-bbox="627 1787 751 1872">Hackney Drivers</th> <th data-bbox="754 1787 879 1872">PHV Drivers</th> <th data-bbox="882 1787 1007 1872">PHV Operators</th> <th data-bbox="1010 1787 1134 1872">Business</th> <th data-bbox="1137 1787 1326 1872">Vehicle Leasing Company</th> <th data-bbox="1329 1787 1463 1872">Representatives</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1877 496 1921">Age of Vehicle</td> <td data-bbox="499 1877 624 1921">82</td> <td data-bbox="627 1877 751 1921">78</td> <td data-bbox="754 1877 879 1921">84</td> <td data-bbox="882 1877 1007 1921">8</td> <td data-bbox="1010 1877 1134 1921">1</td> <td data-bbox="1137 1877 1326 1921">1</td> <td data-bbox="1329 1877 1463 1921">10</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Age of Vehicle	82	78	84	8	1	1	10
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Age of Vehicle	82	78	84	8	1	1	10										
<p>The following table sorts the comments by theme according to respondent:</p>																	

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with Age Limit proposals	18	1	7	1	1	0	0
Age limit should be higher than 10 years	4	37	16	1	0	0	2
Age limit should be less than 10 years	11	1	4	0	0	0	0
Electric cars should have same age limit as non-electric	7	4	0	1	0	0	3
No age limit or higher for electric vehicles	1	5	5	0	0	0	1
Minibus maximum age should be 15years	0	0	2	0	0	0	0
Age is not important	45	33	47	6	0	1	6
10 years isn't enough time to return investment	0	8	2	2	0	0	2
Suggestion of different Minimum age	2	4	13	2	0	0	0
Base	82	78	84	8	1	1	10

A relatively small number of comments were made (28) in support of the age limit proposals. Comments included the reference to the poor condition of vehicles not subject to an age limit:

"I live in Bolton, and the current standard of taxis is appalling - it's like a rolling scrap yard. Other parts of Greater Manchester seem to have much nicer, newer taxis, but Bolton is full of decrepit, shonky old rust boxes, limping around the town, pumping out clouds of smoke and regularly breaking down. I saw an "S" reg taxi not long ago - registered in 1997! The car was older than it's driver! We pay good money to be driven around in these awful heaps, and it's about time something was done about it" (Public, age 45-54, Bolton)

However, the vast majority of comments expressed a view that the age limit was either not important/not necessary or should be higher than 10 years, with significantly fewer responses supporting the proposal. A high number of comments were received expressing the age of a vehicle should not matter if the vehicle is well-serviced and maintained, with this being expressed by 33 hackney drivers, 47 PHV drivers, 6 PHV operators, and 45 of members of the public.

“Vehicle age shouldn't matter as long as it is in good condition. We have two MOTs in a year, so the vehicles are good for customers”. (PHV Driver, Bolton)

Some respondents commented about hackneys being more expensive to replace and upgrade, with some comparing the costs to PHVs. Therefore, 37 hackney drivers and 16 of PHV drivers felt the age limit should be higher. Drivers licensed in Manchester raised this more than any other area.

“Age shouldn't be a problem as long as kept up with maintenance and repairs to a good standard. Personally, I think if a vehicle needs welding, it's past its best for the job, and licenses should be granted for 12 months after repairs to give drivers the time to invest in a replacement. Also, Hackney carriages cost a hell of a lot more money than a private hire car, £30,000 upwards whereas a new Dacia car can be purchased for £8000, so should be given 15-year age limit” (Hackney Driver, Stockport)

Both the LPHCA and Unite Union did not feel the age standard was appropriate:

“As a former qualified engineer and operator that had over 2,000 vehicles used, leased or owned by my business for Private Hire usage and as many experienced operators, taxi & PHV hirers will tell you – it is the condition of, not the age of a vehicle that is critical. A combination of condition and vehicle emissions requirements (as you have set out above) is a far better way to determine the fitness for a taxi or PHV to be licensed. It is reasonable to subject older PHVs to more frequent MOTs and other inspections whilst meeting established Euro Standards and Air Quality requirements, rather than the outdated and inappropriate use of age policies.” (Organisation, LPHCA)

Setting the hackney vehicle age limit at 10 years is a nonsense. It provides insufficient time for recovery on investment. And these vehicles will become scrap at end of arbitrary lifespans as numbers of charging CAZs increase and residual values disappear, accordingly. The upper age limit for hackneys should be 15 years”. (Organisation, Unite the Union- Manchester Hackney Carriage)

The same argument was strongly raised in the in-depth interviews with both users, drivers and operators arguing a vehicle should be able to be used regardless of age if it was fit for purpose and passed all the relevant tests.

“And most people get cars maybe like every five or six years, so ten is quite old for a car. The more modern the car is, the less likely it is to have bad emissions and a lot of them have things put in place when they're being built to not release as many”. (User, Group 15)

The in-depth interviews with hackney and private hire drivers highlighted concerns about removing vehicles considered roadworthy and of a good standard from working. This was felt to be not only wasteful but forced drivers to replace their vehicles earlier than envisaged. This was particularly mentioned by drivers in Rochdale and Oldham as they currently have a longer age limit on their vehicles.

“This will hit drivers hard in this area. You only need to look at the cars on the road currently to see that a lot of them will not meet this age criteria. No one has the money to update these cars, we are all still paying money off on them

and getting no money in at the moment. Here is one of the most deprived parts of Manchester.” (PHV Driver, Rochdale)

Drivers and operators currently trading in the regions that are currently under standards of between 7 and 12 years for the age limit of their vehicle understood why ten had been suggested and felt it fell in line with their own district. A couple of drivers / operators highlighted specialist vehicles, i.e. adapted for wheelchair transportation should be given an exemption to the age standard due to the need for their type of vehicles.

“Number one, the most important thing for me in my business, I need vehicles to be able to drive, okay, to be able to bring people. The maximum age of ten years for a vehicle in my opinion is going to wipe out, number one my company completely and 80% of the hackney carriage trade.” (Operator, Trafford)

Two operators mentioned the impact the standard would have on their operations as currently they are able to manage their fleet by moving older vehicles to other areas where the current age standards are lower for example, Manchester to Trafford, enabling them to stagger the replacement of their vehicles and therefore the finance needed to do this.

“I usually move the vehicles from Manchester to Trafford once they hit their age limit in Manchester. I now will be able to keep them longer in Manchester but will get less out of them overall and won’t be able to move them on to Trafford so I will now need to update more vehicles in a smaller timescale.” (Operator, Trafford / Manchester).

Oldham Response:

Age of vehicle: Members of the public had a divided opinion on the age of the vehicle with as many (n=4) supporting the proposals as those stating that the age isn’t important (n=4).

“This policy isn’t going far enough. Taxis need to be taken off the road at 6 years old. Majority of these cars will be doing short start stop journeys that wear the mechanics down quicker causing the cars to pollute the environment more” (Public, age 45-54)

“Think vehicle age should not necessarily be a fixed age but more around overall condition and appearance based upon annual checks. There are some 5 year old cars that shouldn’t be on the road” (Public, age 55-64)

Only one hackney driver provided comment expressing disagreement with the proposed vehicle age.

“We keep our cars to fit for driving and age should not be a problem because as long as vehicle passes mot, it shouldn’t be a problem how old the car is, and black cabs are not likely to be fit for elderly people and customers thinks that they are expensive and they will not be using it. It should be our choice to choose vehicle and its age not licencing people because they do not pay our bills.” (Hackney driver)

Comments and considerations

Upper age limits across GM currently vary from 7 years (for private hire) to 15 years (for Hackneys), with 3 authorities currently not having any upper age limit at all. As can be seen from some of the comments, this has resulted in older, more polluting and lower standard vehicles being passed to those authorities with higher or no age limits. This practice undermines the attempt by those authorities seeking to raise the quality and safety standard of its vehicle fleet and goes against the collaborative approach that GM districts wish to take. It also means that residents and visitors will have a significantly different experience depending on which district they live/visit and that is a scenario this project aims to address.

Many individuals within the trade expressed views that standards in relation to vehicle condition and emissions could negate the need for an age policy altogether. Whilst there initially appears to be some merit in this assertion, it is important to note that compliance with an emissions policy that required (for example) the vehicle to be of the current Euro emissions standard, would currently allow a vehicle registered in 2005 to be licensed on the fleet. Similarly, a significantly older vehicle can be fitted with retrofit technology to bring it into emissions standard compliance, but all the other risk associated with the vehicle age will continue to exist. There is also significant testing data to evidence that the older the licensed vehicle is (and the more mileage it undertakes), the more likely it is to fail mechanical tests.

It should also be noted that there is currently a wide variance across GM districts on how authorities monitor/test the condition of vehicles. Whilst some authorities carry out this function in house and can therefore conduct a full compliance check (ensuring compliance with all licence conditions/policy as well as testing the mechanical structure) and be fully assured as to the mechanical and cosmetic condition of the vehicle; others permit proprietors to test vehicles at approved testing stations and usually only require the tester to perform a DVSA standard MOT, which will not consider whether the other aspects of the vehicle are compliant with relevant policies. Therefore in order to fully rely upon the testing regime to safeguard against the risk that vehicles that fall below the desired standard on the licensed fleets, a deeper review of the how this is harmonised and delivered across the conurbation would be required.

It is critically important for all districts, but primarily the trade themselves, that the Hackney and Private Hire sectors remain integrated into the sustainable transport network within GM, moving passengers with minimal environmental impact and remain a key transport mode of choice. To this end, it would be desirable to implement a limit to ensure a 'line in the sand' for all concerned and continue to promote the safety and quality that a younger fleet provides. However, officers are cognisant of the strong views expressed by the trade in relation to the capital cost and return on investment particularly with regards to purpose built and ZEC/EV taxis, as well as the ongoing impact of Covid.

Further research of other non-GM authorities policies in this regard provides that the majority of licensing authorities do impose an age limit (both for coming on to the fleet and for continuing to be licensed), including those authorities who are also subject to Clean Air Zone emissions requirements; further supporting the view that an age limit is a useful policy standard in ensuring a better quality fleet.

In considering all the consultation feedback and the relevant risks, it is proposed that the age limits are changed from that proposed to:

PHV – under 5 on to fleet and 10 years off

PHV WAV – under 7 on to fleet and 15 years off

Purpose built WAV HCV – under 7 on to fleet and 15 years off

Testing data (where held) will be reviewed periodically by the Licensing Network group, alongside air quality metrics to assess any negative impacts of these age policies on both the safety of vehicles and air quality. Any issues or future risks will be brought back to Members as necessary.

Subject to policy decisions (where relevant) with regards to the Hackney Carriage Vehicle Policy and Wheelchair Accessibility, a separate age policy for non-WAV Hackneys may also need to be introduced.

Members should be aware that some authorities in GM and beyond currently operate an 'Exceptional Use' or 'Beyond the Age Limit' or similar policy that enables vehicles of a determined condition and testing record to continue to be licensed as exceptions to the normal age limit policy. However, in recognition of the significant concession made on the age policy, it is proposed that such explicit exception policies are removed. As with any Council policy, it will always be within the gift of an individual to ask the authority to depart from policy.

Lead Officers recommendation

To implement the following as the minimum standard:

- 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 HVC – under 7 on to fleet and 15 years off
- Air quality metrics and impacts and testing data to be reviewed over the next 2-3 years by the Licensing Network and risks or proposed amendments brought back to Members as necessary
- To remove exceptional use or beyond the age limit (or similar) policies where they currently exist.

That the above policy be implemented for new to licence vehicles as soon as the policy takes effect. That existing fleets begin transitioning and are compliant with the policy standard by 1 April 2024

Vehicle Proposed Standard 3	Oldham Current standard
<p>Vehicle Emissions</p> <p>It was proposed for consultation that all licensed vehicles must comply with the current Euro standard when they are first licensed with an ambition for a zero-emission capable fleet by 2028.</p> <p>The following was also proposed within the Timetable section of the consultation:</p> <ol style="list-style-type: none"> i. New vehicles being licensed from 1 April 2021 will be required to meet the standards approved following this consultation ii. From April 2021, existing licensed vehicles will begin transitioning to comply with the standards approved following consultation iii. Transition periods will be determined by each district having considered existing local policies and impacts on the trade with an expectation that all vehicles will be compliant by 1 April 2024 (non-compliant vehicles will still be liable to pay the Clean Air Zone charge subject to any exemptions permitted under the Clean Air Plan) – this will be that all licences due for renewal from April 2023 onwards will need to have a compliant vehicle attached to be compliant by 1 April 2024. iv. From 2025 all <u>new to licence</u> would need to be Zero Emissions Capable (ZEC*) v. From April 2028 onwards all vehicle licences would need a ZEC vehicle attached to the licence. 	<p>Oldham does not currently have an emission standard that we enforce</p>
<p>Reason for Proposal</p>	
<p>It is important that taxi and private hire vehicle policies interrelate with other relevant policies, and in this case that the emissions standard requirement for licensed vehicles reflects the ambition set out in the Greater Manchester Combined Authority (GMCA) Environmental Plan which states:</p> <p><i>“We want Greater Manchester to be a clean, carbon neutral, climate resilient city region with a thriving natural environment and circular, zero-waste economy”.</i></p> <p>It was therefore proposed that all licensed vehicles comply with the vehicle emissions standards set out in the government’s Clean Air Zone framework and thereby will comply with the GM Clean Air Zone as proposed in the GM Clean Air Plan in the short to medium term.</p>	

In recognition of the fact that the GM Environmental Plan has also set the date of 2038 to be carbon neutral, it was proposed for consultation that all licensed vehicles should therefore be zero-emissions capable (ZEC) by 2028 (to take vehicle age requirements into account). The GM Environment Plan clearly indicates that this shift from vehicles powered by fossil fuels to ones that are ZEC is required as soon as possible in order to achieve carbon neutral targets within the set timeframe and it is important that licence holders understand these key dates to inform their business choices.

Consultation Response

GM level summary:

This proposal elicited one of the smallest number of responses across vehicle standards, with only 39 members of the public commenting and 42 members/representatives of the trades:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Emissions	39	20	10	5	1	2	4

There was a mix of views in the comments, with some support for the timeline, particularly from the public, but many concerns expressed about the timings, funding support and charging infrastructure:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with timeline for a transition to a fully electric fleet	23	3	4	0	1	0	0
Should have a fully electric fleet earlier than proposed	8	1	0	0	0	0	0
Should give more time to switch to a fully electric fleet	3	3	5	2	0	2	1
Comment / concerns about suitability of some electric vehicles	2	7	3	1	0	0	3
Electric vehicles too new to understand suitability	1	1	0	1	0	0	0
Charging infrastructure needs	5	7	2	3	0	0	1

improving / not yet ready							
General Disagreement with Age	1	2	0	0	0	0	0
Base	39	20	10	5	1	2	4

Comments in support included:

“Good to aim for fully electric fleet by 2028, but I feel taxi drivers should be offered grants and financial incentives to encourage early take up, therefore creating demand and bringing down the price.” (Public, age 35-44, Manchester)

“Agree with emission requirements given ample support is provided to upgrade vehicles.” (PHV Driver, Stockport)

“Vehicle emissions: what will it take to move to electric vehicles at a faster pace than proposed? I think the [proposal] is too loose around what's going to be expected of taxi operators so surely we should be looking for their commitment to move to electric as early as possible.” (Public, age 65-74, Stockport)

Concerns expressed from the trade included detailed comments made during in depth interviews where drivers and operators describe purchasing a vehicle as an investment, budgeted for the expected lifespan of a vehicle. Therefore, drivers who have already invested in vehicles that haven't reached their expected lifespan cannot afford to replace them within the proposed timescale.

“Vehicle Emissions. This is a very big step, and I think the GM Councils should allow more time to help operators safely and economically phase out old cars.” (Operator, Trafford)

“Emissions should be allowed to come in as and when the vehicles are replaced so that over the coming years the fleet would naturally be replaced with zero emission vehicles. Retrofitting of emission kits on older vehicles should be allowed, as the money is not being earned by the drivers to be able to afford an electric taxi.” (Hackney Driver, Trafford / Manchester and Salford)

“I think it's going to be unfair to say to someone your vehicle's not fit for purpose, you need to go and buy this vehicle now and it's just going to be really really difficult to do that to people who've been doing it thirty, forty years, they're struggling to make ends meet and it's hard work.” (Operator, Bury)

“We agree with the first part but must point out the ambition for a zero-emission capable fleet by 2028, whilst sensible cannot at this stage form a

policy as the supply, charging infrastructure, cost, ability for drivers to charge at home is uncertain, especially post-pandemic. There is also uncertainty on grant funding for drivers, so this aspiration needs to be kept under review as events become clearer.” (Organisation, LPHCA)

“The effect on me in terms of additional crippling costs to comply with some of the proposals in terms of going electric will be detrimental, and restrictions on vehicle colour and age limit is questionable. If TfGM are willing to supply all the taxi industry with all new electric vehicles and guarantee a lifetime service and warranty, then we, the taxi industry, can consider the proposals. The support funding for drivers to switch to electric is nowhere near enough to cover the cost of these vehicles, and limited charging points which you can never match the fuelling stations accessibility and coverage for petroleum fuelling.” (PHV Driver, Manchester)

The in-depth interviews provided more detail of the industry’s concerns with electric vehicles; the lack of electric charging points infrastructure and the lack of technological advancements in battery life, parts maintenance and overall servicing and trust in the lifespan of the vehicle.

“A brand new electric cab, the bottom end is £55,000. So even if they gave you £17,500 towards one of those vehicles you’re saddling somebody with a debt of almost £30,000.” (Hackney Driver, Salford)

“70,000 miles he said he’d done, and his batteries are goosed and he didn’t realise how much the batteries were. It’s all right for 180 miles, then you get 160 miles and as the batteries start to die and get weaker and weaker you start getting electrical problems, you’re getting forty miles, fifty miles, you’ve got to replace them for new ones then. So that’s the problem with having electric vehicles on, good for the environment, but rubbish for the job, unless Tesla with their million-mile battery come along with a decent priced vehicle.” (Operator, Tameside)

“Right, because they’ve now set the standards of Euro 6, Euro 5 vehicles are not wanted, they’re not worth the trade-in. I’ve enquired about this. The best they would offer me is three grand.” (Hackney Driver, Stockport)

“I bought a very very clean 11 plate cab in February (right before COVID) and I paid £5,000 for it. I won’t get £1,000 for that now, purely because of this.” (Operator, Stockport)

“That’s one of their standards, they’ve raised it to thirteen years now, but at the time, my vehicle was too old, so I asked specifically what vehicle I needed to get, they told me a Euro 5, I’ve gone out and got it and now they’ve moved the goalpost, Euro 6 or you pay this emissions charge.” (Hackney Driver, Manchester)

Comments and considerations

Regardless of licensing policy, a required emissions standard for licensed vehicles will be implemented by way of the GM Clean Air Zone (where taxis and private hire vehicles feature in every zone category), and so it is important that the licensing regulatory framework complements those same requirements. It is also important in any event that local authorities do all they can to support the move towards a carbon neutral city region by 2038, and this means ensuring all council services and policies seek to reduce emissions at every possible opportunity, including our licensed vehicle sector.

In terms of the existing fleet becoming compliant with both this policy standard and the CAZ; in recognition of the challenge this poses to many of our vehicle licence holders who own their vehicles, the disparity across the districts, as well as the impact of the pandemic, the GM local authorities have worked closely with TfGM to secure essential financial support from government totalling £19.7m (£9.5m for Taxis and £10.2m for Private Hire). This funding support will be managed through a Clean Taxi Scheme, where licensees will be able to apply for various grants ranging from £3k to £10k that will be paid directly to accredited suppliers of retrofit and replacement upgrade options. The higher-level grants are limited to replacing existing vehicles with ZEC or electric vehicles in order to support and encourage vehicle owners to transition as soon as possible.

To set a date in licensing policy for a requirement to be ZEC at this time poses a significant risk to authorities in the current regulatory landscape. If GM authorities require ZEC only vehicles on the fleet when this is not a national requirement, the risk is that existing fleets will use the GM funding scheme to upgrade to an emissions compliant vehicle, but then move to non-GM licensing authorities who do not require ZEC vehicles in their policies. Under current regulations, these private hire vehicles and drivers will be able to work and operate in GM, with a CAZ compliant vehicle (assuming the CAZ requirement remains as is) but not be governed by GM regulations and therefore the only disbenefit will be to GM licensing authorities who stand to lose income recovery and regulatory authority. Further discussions with government about these impacts of the current regulatory system need to be had.

Therefore, in consideration of this significant risk alongside the impacts of Covid on the trade, the proposal is that in the short to medium term authorities in GM will only require licensed vehicles to be compliant with the current emissions standard, and not to set a date at this time by which vehicles need to be ZEC. However, it is extremely important that the licensed vehicle trade understand that there is a pressing need to shift to ZEC only vehicles over the next decade, in order to achieve our carbon neutral targets and that it remains our joint ambition across the combined authorities to move existing fleets to ZEC in line with the GMCA Environment Plan. Proprietors would be wise to transition earlier wherever possible, using the funding available.

The policy to require licensed vehicles to be compliant with the current emissions standard is now proposed as follows:

- From the date local policy is determined; all new to licence vehicles (not temporary replacement vehicles on an existing licence), must be compliant with the current emissions standard.
- Local transition arrangements can commence for existing fleets to be current emissions compliant from the date the policy decision is confirmed – with all

existing licenses required to have compliant vehicles attached to them by 1 April 2024.

In further recognition of the significant challenge posed by this policy change, the current proposal under the CAZ will be that all non-compliant GM licensed vehicles will be exempt from the daily CAZ charge until 31 May 2023.

Whilst the challenges of this proposal are acknowledged and efforts to mitigate the impact are proposed, the transport sector has to make significant changes at pace to support the reduction in harmful emissions and the achievement of carbon neutrality. As such, it is considered that the proposed timeline and support package will provide the existing fleet adequate time and opportunity to make suitable business choices going forward.

Lead Officer recommendation

To implement the policy:

To require licensed vehicles to be compliant with the current emissions standard as follows:

- For all new to licence vehicles – from the date the policy is determined locally
- For existing fleets – to begin transitioning as soon as the policy is in place and to complete transitioning by 1 April 2024*
- To note the strong ambition to move existing fleets to ZEC as soon as possible

*vehicle must also be compliant with the age policy

Vehicle Proposed Standard 4	Oldham Current standard																
<p>Vehicle Colour</p> <p>It was proposed that all private hire vehicles should be white in colour and hackney carriages should be black with the following exceptions:</p> <ul style="list-style-type: none"> • London style taxis which may be of the manufacturer's colour; • To allow advertising on some hackney carriages; • Executive hire (for example chauffeur services) 	<p>Oldham currently has a white colour policy for hackneys</p> <p>There is currently no colour policy for private hire save for no white saloons.</p>																
<p>Reason for Proposal</p>																	
<p>The Standard was proposed primarily in the interests of public safety, to enable passengers to better distinguish (alongside other vehicle standard requirements) between a licensed Hackney Carriage and a licensed Private Hire Vehicle; to distinguish between a legitimately licensed vehicle and a bogus vehicle, and to better distinguish between a vehicle licensed by a GM authority and that from out of the area. The proposal also intended to bring a more uniform appearance to vehicles licensed in GM to support strategic objectives around the quality of offer within the transport network.</p> <p>The exception to allow London Style cabs to be of the manufacturer's colour was in acknowledgement of the very recognisable and unique design of the traditional London Style cab, which doesn't have to be black in colour to be clearly recognised as a Hackney Carriage.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p> <p>This proposal provoked a significantly larger number of comments than other standards, particularly amongst the public and private hire trade as can be seen below:</p> <table border="1" data-bbox="209 1585 1465 1720"> <thead> <tr> <th>Standard</th> <th>General public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>Vehicle Colour</td> <td>214</td> <td>23</td> <td>95</td> <td>12</td> <td>2</td> <td>1</td> <td>13</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Vehicle Colour	214	23	95	12	2	1	13
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Vehicle Colour	214	23	95	12	2	1	13										
<p>This table breaks down those comments thematically across the respondent categories:</p>																	

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with white colour proposals	46	2	3	0	1	0	2
Support one colour but not white	27	0	11	1	0	0	3
Don't think standard colours are necessary	138	20	68	10	1	1	8
Vinyl wraps should be allowed as well as full resprays	1	0	1	0	0	0	0
Driver should have a choice of colour	8	1	14	2	0	0	0
Base	214	23	95	12	2	1	13

Whilst there was some support for this proposal, the overwhelming majority of respondents that commented opposed the proposal of a colour policy. Not many comments referenced the proposal with regards to Hackney vehicles, although the following comments were made in relation to this which assumed that non purpose-built taxis will still be allowed to be licensed as Hackneys:

“As Oldham, Rochdale and Wigan councils are allowed white saloon cars as Hackney, these white cars can be changed to black colour with minimum cost. Then black saloon cars can be easily blended with rest of Hackney fleets”. (Association Rep, Oldham)

Most respondents only referencing the proposal with regards to private hire:

“There will be a massive shortage in available white vehicles suitable for private hire use, and the few that are available (New or used) will be at premium cost. Will the licensing district be assisting in paying this extra cost or assisting to resolve the lack of supply.” (Organisation, Anonymous)

“There’s ten boroughs in the whole of Greater Manchester, right. Only one borough has got white colour private hire taxis, which is Manchester, so shouldn’t they come to our standard and be a normal colour, why should we go to their standard? I don’t understand, above the rules, so why are we being pushed to Manchester standards, when Manchester city, they can afford, they have the businesses, there, what do we have in Rochdale? You know, how can we sustain, how can they justify making us pay extra money to paint our car a white colour, what’s the benefit for the driver, tell me what is the benefit for our drivers? I’m sorry, but there’s no benefit, is there?” (Licensed private hire driver – own my vehicle, Rochdale)

“We are supportive of any measure that can assist in promoting the safety of private hire passengers and the public more generally. However, it is unclear to us how a single colour policy would contribute to the safety

message and we are concerned that it could be detrimental to passenger safety and hinder the transition to a zero emission private hire fleet. By anchoring passengers to the belief that their private hire vehicle will be white, it potentially reduces the additional safety checks passengers will make prior to entering a vehicle. The limited supply of electric vehicles and wheelchair accessible vehicles in white will also exacerbate the shortage of suitable vehicles of these types forcing drivers into vehicles that do not support Manchester's zero carbon ambitions" (PH Operator, Manchester)

"I think it's an unreasonable request, because it doesn't affect the running of the car, but I think certain companies like to have all their vehicles a certain colour and I think they're the people who could dictate. It's like corporate identity, really, it's corporate identity and I think it would be wrong of the Government or any local authority to say this has to be this colour". (Licensed private hire driver – own my vehicle, Trafford)

This was also raised in the in-depth interviews as the following quotes illustrate:

"Yeah, I just don't understand that possibly spraying up to fifty thousand cars white is good for the environment." (PHV driver, Wigan)

"What about the likes of like me who bought this two years ago, a couple of drivers have just bought new vehicles that are blue, there's one company that's bought twenty odd, dark blue and red minibus wheelchair vehicles, so have they got to spray all their vehicles white?" (Hackney Driver, Tameside)

Many of the comments related to how quickly white cars become dirty. Not all PHV drivers were opposed to the idea of a common colour, but they were opposed to the colour white as the following quote illustrates:

"With white cars, we struggle to keep them looking clean. There have been times where I've taken my white car for a wash in the morning, and by the evening, the car is dirty from outside. I'm not saying that my silver car remains clean. However, I'd like to point out the fact that dirt stands out significant on white cars than it does on silver cars." (PHV driver, Manchester)

The following comment was received about the risk to people with sight impairments:

Guide Dogs welcomes the proposal for standardised colours and marking on private hire vehicles and taxis across Greater Manchester ... however some passengers with low vision told us that they had concerns regarding the use of the colour white for PHVs, as it may make it more difficult to identify a PHV easily. This is because sunlight reflecting off a white car creates glare, which can, in the words of one GM guide dog owner, "cause white vehicles to blend into the background". Another regular taxi user with sight loss also expressed concerns that white isn't a colour that is easily identifiable." (Guide Dogs organisation)

Most members of the public were also less concerned about colour of the vehicle:

“I’m not concerned on the colour of the vehicles as long as they display the correct approval information (decals) on the bodywork” (Public, age 45-54, Bolton)

“Vehicle colour - I don’t agree with. I don’t understand why having a white car for private hire will improve the service and standards. What will be put on place to support drivers in replacing brand new vehicles?” (Public, age not provided, Bolton)

However, a few members of the public did feel a consistent colour would make it easier to identify a PHV.

“Vehicle colour - Would not improve driving standards but easier for public to identify” (Public, age 45-54, Bolton)

Representatives also argued against the proposed standard colours:

“With respect this is an extremely poor proposal, the few people within the PHV industry that I have spoken to that would accept this as being rational, either run or own white vehicles and even they accept that prescribing white only will almost certainly increase prices, reduce model availability and potentially create a shortage of available vehicles. Here are just some of the other reasons not to do this:

- *Private Hire Vehicles are Privately booked not taxis*
- *A uniform colour will make PHVs look more like taxis*
- *Modern technology and the number plate identifies vehicles to customers*
- *Passengers will start approaching white vehicles (this is dangerous)*
- *Bogus drivers will use a white vehicle (this is dangerous)*
- *Passengers from neighbouring authorities will be confused*
- *Tourists travelling to multiple destinations will be confused*
- *Drivers who move into TfGM with a vehicle they used elsewhere won’t be able to get licensed*
- *Electric and Hybrid vehicles are not predominantly white*
- *Colour schemes are unwelcomed by vehicle hirers, replacement vehicle suppliers and major trade suppliers*
- *Colour schemes for PHVs have been successfully challenged in the courts*
- *Some excellent PH industry vehicles are not available in white” (Organisation LPHCA)*

“This approach actually promotes, encourages and support the issue of cross border hiring, since all 10 districts (and indeed further afield such as Rossendale and others.) will look identical, and therefore there will be very little to demonstrate to passengers whether the vehicle is correctly licensed or not” (Organisation, NPHTA)

“Making all the vehicles uniform in colour could result in some negative unintended consequences. Suddenly, a fleet of white GM private hire vehicles become taxis and many will exploit this by plying for hire without a relevant licence”. (Unite the Union - Manchester Hackney Carriage)

Oldham Response:

Vehicle colour: Members of the public who commented had a split opinion on the colour of the vehicle some supporting the proposed colour (n=4) and as many (n=4) stating that the colour of the vehicle isn't important. PHV drivers (n=7) stated that drivers should have a choice of their vehicle colour and were concerned a standard colour just increase the cost of the vehicle.

“It is so good abroad when you see all the white taxis” (Public, 65-74)

“Is there a practical reason for requiring private hire cars to be a certain colour? As there seems to be no justification for this, and again it could result in increased costs for owners and drivers.” (Public, 35-44)

“I feel that the licensing standards on vehicle colour requiring all private hire to be white in colour are an increased financial burden on taxi drivers who have been barely surviving on a low income, particularly this year.” (PHV driver)

“Vehicle colour is should be driver choice. no panic button and no more than two MOT in a year.” (PHV driver)

The comments provided by PHV operators (n=3) did not support the proposed vehicle standards. One operator said:

“In the interest of cleaner emissions we can understand your standards for both vehicle emissions and vehicle age with a longer age for electric cars but we think this should also apply to hybrid vehicles which are much less polluting than regular petrol cars are very expensive to purchase so if a driver spends upwards of £10000 for a 4 year old car they should be allowed to drive the hybrid vehicle until at least 12 years old.

The colour for all should be standardised but you should allow more than just 1 colour because if the drivers have to go out looking for 1 colour this will make their purchasing of a vehicle a lot more expensive because that colour will be high in demand. you should opt for atleast 2 colours like existing Manchester council with white and silver so it makes it easier to purchase a new vehicle when their old one comes to the end of its age.” (PHV Operator)

Comments and considerations

Background in GM and the National landscape

It is generally accepted in licensing practice that in order to support and promote public safety, the public need to be able to clearly identify legitimately licensed Hackney Carriage and Private Hire vehicles; that licensed vehicles must be distinguishable from each other (clear demarcation between Hackney and Private Hire) and from other vehicles. As such, many licensing authorities have requirements on the types of vehicles that can be licensed as either a Hackney or Private Hire, have stipulations around signage/livery and plates, and have some element of colour policy (usually requiring Hackney's to be of a certain colour, and stipulating that private hire vehicles can be anything but that colour). Having clear identifiers for a legitimately licensed vehicle (and enforcing those policies) better mitigates the risks of travelling in a mode of transport that carries the highest risk for individuals and vulnerable passengers.

Across GM, policies relating to colour, make/model, roof signs, livery, stickers and plates vary widely. Within these proposals are other standards around vehicle specifications to bring about consistency of these identifying requirements. This standard proposal deals with colour only and as set out above, proposed that Hackney's be black and Private Hire be white in colour to support clear identification and public safety.

Most members may be aware that several GM authorities have had Hackney vehicle colour policies for some time; currently requiring within their Hackney Carriage Vehicle Policy that all licensed Hackneys (that are not purpose built taxis) must be black in colour. Purpose Built or London Style Hackney vehicles may be the manufacturer's colour.

Manchester City Council (MCC) also currently has a Private Hire Vehicle (PHV) Colour Policy, which appears unique in the industry (officers are not aware of any similar PHV policy in the UK). This policy was introduced in 2001 alongside other vehicle requirements in response to the death of student Rachel Thacker, who was brutally sexually assaulted and murdered in Manchester after getting into a vehicle posing as a licensed PHV after a night out in 1996. The policy intention was to improve public safety by making legitimately licensed PHVs more distinguishable and make it more difficult for an unlicensed driver to masquerade in the City. This approach was supported by the Suzy Lamplugh Trust, whose longest running campaign related to the regulation of the taxi and private hire industry. The Suzy Lamplugh Trust were also a member of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing that presented its report to government in September 2018, and they state in their continued lobbying of government: "*National minimum standards should also strengthen requirements to ensure that the public are able to distinguish easily between taxis and PHVs, and licensed and unlicensed vehicles*".

Initially in 2001, MCC's policy stated that all licensed PHVs had to be white in colour (and gave over 5 years for the existing fleet at the time to transition). In 2003, the policy was amended following submissions by the trade about the increased cost of white vehicles as a direct consequence of the policy, as well as the availability of vehicles. The trade at the time suggested the inclusion of silver within the PHV colour policy and this amendment was accepted by the Committee at the time. The only subsequent change to the policy since 2003 was to clarify what would be acceptable as 'silver' due to wide variances from manufacturers. The trade have not expressed any major issues obtaining

white or silver vehicles since 2003. The size of the licensed PHV fleet in MCC has increased in that time from under 2000 to currently around 2860, having previously peaked at over 3400.

It is fair to say that there is no hard evidence by which to accurately assess the impact of MCC's colour policy and no data is held about enforcement activity 20 years ago by which to compare current data. From a proactive compliance point of view, it has certainly made it easier for officers to distinguish between an MCC and non-MCC licensed vehicle and anecdotally officers say there is some public awareness of this, but also there remains significant levels of ignorance of and/or apathy towards the policy amongst the public and particularly the younger generations within the night time economy. It is also fair to say that the policy has been undermined since its inception by the fact that vehicles from neighbouring districts (and more recently from further afield) with no colour and varying vehicle identifying policies, have always been able to enter the city to pick up, drop off or sub-contract; and this undermining has increased tenfold since the changes made in the Deregulation Act.

Response to specific concerns raised in the consultation

It should be noted that apart from generalised comments in relation to 'not thinking standardised colours are necessary', there were no specific comments disagreeing with the proposal for all licensed Hackney Vehicles to be black in colour (or manufacturer's colour for London Style cabs). Some comments have however been received with regards to extending the exception on manufacturer's colour to any Hackney Carriage that is purpose built as such by the manufacturer, which includes all the additional needs adaptations built as standard (and not converted to a Wheelchair Accessible Taxi after manufacture). Given the significant challenge to proprietors in acquiring second hand compliant purpose built/WAV Hackneys at present, it is considered reasonable at this stage to permit manufacturer's colour for any purpose-built Hackney.

All the following concerns outlined are in relation to the proposal for PHVs to be white in colour:

Expense/Availability: there were a number of comments raise in relation to the cost of vehicles of a specified colour increasing (as they did in response to Manchester's 2001 policy) or the cost of re-sprays to make vehicles compliant. This risk could be mitigated with the introduction of another specified colour, and/or the phasing of a transition period for existing licence holders (for example 5 years) should the policy proposal go ahead. However the availability of specific vehicles, particularly EV, Hybrid models remains limited on the market at present and it may be considered too onerous to have the additional requirement that it be a specific colour also at this stage.

Uniformity would make PHVs look more like Taxis / reduce safety: This is a relevant consideration and one which should be carefully considered. Whilst on the one hand without the policy standard it could be more difficult for members of the public to easily identify operators that use vehicles licensed within a GM district, on the other hand, the higher the number of PHVs operating within GM, the higher the possibility that members of the public don't perceive them as working for separate businesses or indeed as licensed by separate authorities. In turn it stands to reason that there also follows a higher possibility of illegal plying for hire, as the uniformity of appearance across a larger

fleet comprising of all 10 districts could be perceived as 'taxis' by the public. Practically this could also be a challenge for compliance officers, who may struggle to identify which district a vehicle is licensed by sight, and it could increase the possibility of cross border hiring.

The comments from the Guide Dogs organisation about the colour white being challenging for those with sight impairments have not been expressed previously in relation to MCC's current policy but will need to be given due consideration in the context of this proposal.

Risk of licensees moving out of GM: As this was one of the standards within the policy proposals that members of the trade most disagreed with, it can reasonably be inferred that there is a significant risk that existing PHV licence holders would move out of GM before they were subjected to the policy condition, possibly after already making use of the Clean Taxi Fund. Members will know that this won't preclude those licensees (both drivers and vehicles) from operating and working back within GM, but subject to the policies, conditions and checks conducted by other authorities. As well as losing recovery of costs within licensing regimes, the public safety assurances afforded by GM districts' policies will not necessarily apply. The further risk to licensing services business models is that given the strength of negative feeling in relation this policy, it could preclude GM districts attracting licensees back to their local area.

Modern Technology and number plates identify vehicles to customers: It is a relevant point that the technology that currently exists and is used by many PH Operators, was not available in 2001 when Manchester introduced its policy and there are now other means available to assist the public in ensuring they are entering the correct vehicle they have pre-booked. It should be noted that not all PH Operators make use of such technology and so this cannot be fully relied upon. It is also the case that despite these provisions and other identifying specifications, many passengers, particularly those travelling in the night-time economy, will still enter vehicles they have not pre-booked.

Bogus drivers can still use the colour white: It is a fact that a bogus driver with ill intent could just as easily access a white coloured vehicle and attempt to pose as a legitimately licensed driver. The colour policy alone was never intended to mitigate this risk in isolation, and it is alongside other policies relating to livery requirements that a colour policy would have more effect. However, as outlined above, the impact of such a policy can also be severely undermined if not implemented at a national level in the current landscape.

Other considerations:

In Manchester where the policy has existing for almost 20 years, intelligence from MCC's compliance officers suggests that bogus/unlicensed drivers has reduced significantly over that time, but this cannot necessarily be solely attributed to the policy in isolation and it is likely there are a number of factors contributing to this. MCC also conducts regular undercover operations with GMP (on average once a month) where plain clothed Special Constables, posing as potential customers, undertake journeys when approached by private hire drivers illegally plying for hire. Operations are run during peak

periods into the early hours during of the night-time economy and often detect upwards of seven offences each night, and since it has been running over the last four years, has detected no unlicensed/bogus drivers. Whilst it is not known that any licensed drivers illegally approaching customers without a booking have any malintent, clearly the existence of the colour policy in conjunction with other policies and a robust proactive compliance approach, does not sufficiently deter many drivers from approaching customers without bookings within a busy social economy.

There is a strong argument that the existence of other official livery requirements, i.e. properly attached and easily readable plates and non-magnetic Council issued stickers placed in specific locations on the vehicle, alongside other vehicle specifications should be sufficient to assist passengers in identifying a properly licensed private hire vehicle, particularly if they have any additional identifying information provided by the Operator when they book. Recommendation 5 helps fulfil this important consideration.

All of these concerns emphasise the importance of public awareness and personal responsibility around the risks posed by not properly pre-booking PHVs, and not checking the vehicle you are entering is the one dispatched by the Operator. There is another risk that passengers could overly rely on the colour policy and may be less likely therefore to make additional checks prior to entering a vehicle. Whilst licensing authorities can seek to mitigate the very real risks as much as possible, it is known that people are less inclined to take necessary precautions in particular circumstances, there is only so much that authorities can do to remove these risks entirely and continuing to raise public awareness to encourage individuals to make sufficient checks and supporting better travel choices is key to improving public safety.

Finally, if Members are not inclined to support this proposal either in part or whole, it is important to note that this will not preclude any authority from retaining or introducing a specific colour policy if they wish to do so.

Lead Officers recommendation

To implement the policy standard that all Hackney Carriage Vehicles should be black in colour with the following exceptions:

- Purpose-built Taxis may be of the manufacturer's colour
- Advertising is allowed on London Style Taxis

Not to recommend a specific colour requirement for Private Hire vehicles at this stage. A piece of research is to be commissioned to further consider the risks/benefits of this policy. However, single colour for private hire vehicles remains an aspiration of the MLS programme.

Vehicle Proposed Standard 5	Oldham Current standard
<p>Vehicle Livery</p> <p>It was proposed that all vehicles will:</p> <ul style="list-style-type: none"> display permanently affixed licence plates on the front and back of the vehicle display a 'GM approved' sticker on the bonnet <p>It was proposed that all PHVs will:</p> <ul style="list-style-type: none"> only display stickers provided by the licensing authority (at cost) which will bear the operator name, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo display those stickers on both rear side doors and the back window not use any magnetic stickers 	<p>Oldham currently has a livery policy which includes door signs.</p> <p>The change would be the addition of a bonnet sticker on licensed vehicles.</p>

Reason for Proposal

As outlined in Standard 4 above, having clear and consistent specification for livery that helps identify and distinguish properly licensed vehicles as either Hackney Carriages or Private Hire vehicles is a significant aspect of reducing the risk to public safety. Stipulating that officially issued plates and stickers have to be properly affixed is an important feature of this mitigation, so that stickers and plates cannot be easily transferred or used on non-licensed vehicles and help give assurance and confidence to the travelling public.

Specifying and standardising what stickers can be placed where also helps raise the aesthetic look of the fleet, ensuring consistency, neatness and guards against the use of inappropriate material or messaging that would fall below the standard the authority expects in representing the district.

Consultation Response

GM level response:

This proposal generated a fairly high number of comments compared to many other standards:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Livery	62	7	47	6	1	3	11

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle liveries should still be regulated	9	3	9	2	0	0	3
Problems with liveries e.g. distracting	3	1	27	1	0	2	0
Liveries cause devaluation	0	0	6	0	0	0	1
Use stickers / livery to make cabs identifiable	27	1	1	1	0	0	4
Large fines for improper use of liveries	2	0	0	0	0	0	0
Include GM branding e.g. bee / variation by district	9	0	0	0	0	0	2
Liveries can hinder driver ability to use vehicle for personal use	2	0	3	0	1	1	0
Disagree with livery - unspecified	12	2	7	3	0	0	2
Advertisement is a source of income	6	1	0	0	0	0	2
Base	62	7	47	6	1	3	11

27 Members of the public and 1 PHV operator agreed with use of stickers/livery to make vehicles more identifiable for customers and authorities equally, on the road and on CCTV. Some feel it will increase safety, such as making it easier for customers to hail hackney in the evening / when visibility is poor.

“Vehicle livery - operator logo should also be displayed on bonnet to assist authorities in identifying taxi via CCTV when required.” (Public, age 35-44, Bury)

“I think it's very important that taxis still have their company logo on the side. When I personally order a taxi that's the first thing I look for before checking with the driver.” (Public, age 25-34, Stockport)

There were some suggestions to include Manchester branding like “The Bee” symbol or have colour on bonnet based on the licensing authority.

“Livery: I think it's important to recognise each vehicle especially at night-time and have Manchester Theme e.g. “the Bee” symbol. Name of operator or driver again may not be too visible at night” (Public, age 75+, Bolton)

“All private hire vehicle should be white with an identifiable stripe on the side/bonnet depicting a colour coordinating with the issuing authority. ie Stockport Mauve. Tameside Yellow, Bolton blue etc. This would identify the vehicle to that particular issuing authority, ensuring an easily identifiable vehicle correct to the area.” (Public, age 55-64, Tameside)

Eight respondents commented about how they felt livery could be a means of additional income to drivers, with some feeling advertisements add interest and support their use.

“The advertisements that sometimes cover Hackney cabs can be interesting and eye catching to passengers. They make the city more colourful and interesting.” (Public, age 25-34, Manchester)

“As regard to advertising on cabs this is a second source of income and a big part of diversity of generating revenue.” (Hackney Driver, Tameside)

However, PHV drivers raised issues with the use of livery including:

- **Use of vehicle for personal use:** PHV owners were concerned they will not be able to use their vehicle for personal use.

“I think there is no need to slap stickers on private hire cars. We can't use that car for personal use or social, if I would out with family people would approach my car asking if it is their taxi. That's mean I have to buy another car for personal use causing more pollution and traffic on the road. I hope this makes sense. Greater London has no stickers on PHVs, which is much bigger in size and population. Thanks.” (PHV Driver, Bolton)

- **Lead to distraction:** liveries on vehicles may lead to distraction and take the essence of the hackney.

“Another thing I don't agree with is that purpose-built black cabs e.g. London style only taxis would lose their prestige if stickers were put all over them and could cause a distraction if they are on the bonnet, as well as they don't slope away like in other vehicles.” (Hackney Driver, Wigan)

- **Vehicles become targeted:** liveries lead to vehicles being targeted by vandals, with some respondents expressing concerns about their vehicles being damaged deliberately.

“Vehicle Livery - this is already an issue for Manchester licensed vehicles that become a target for vandals as they are easily recognisable. Stone throwing, egg throwing is commonplace on the streets of Manchester. I would like to see an alternative to the visible livery.” (Vehicle leasing company, Manchester)

- **Devaluation of Vehicles:** stickers affect the paintwork leading to devaluation of the taxis.

“Vehicle livery I agree with this but NOT the placement of the bonnet sticker as a Manchester licence vehicle this has always been and caused issues with paintwork damage as any stickers on the bonnet and wings of a vehicle are the worst place you could choose to put them as the heat from the engine causes paint damage and discolouration when they are on for many years and cause vehicle depreciation value due to the paintwork

damage and in my honest opinion make the vehicles look horrible just stickers on the rear doors is good placement even the sticker in the rear window is sometimes now not suitable as with the shape and style of some vehicles rear window the sticker placement can cause issues with rear view through the rear view mirror when reversing a vehicle.” (PHV Driver, Manchester)

“Why is there a need to have a sticker on the bonnet? With licence plates front and back plus side stickers. The stickers cause damage to paint work plus discolouration.” (PHV Driver, outside Greater Manchester)

Two representatives suggested including livery **advertisement as a source of income** within the current restrictions.

“The restriction on livery has been long established, but there is merit in considering an exemption for public health or public interest livery pre-approved by the licensing authority. This could provide additional income to drivers who are faced with escalating costs and increased competition, and assist with public health campaigns; for instance, on Covid-19, smoking cessation or other important campaigns.” (Councillor / Elected official, Oldham West)

Comments and considerations

As outlined above, the livery policies are integral to supporting the identification of properly licensed vehicles and help distinguish between the two sectors. The governing legislation simply requires that the council issue a plate and stipulate how it should be ‘exhibited on the vehicle’, but caselaw has determined that the design of the plate is a matter for the issuing authority and cannot be challenged by the licence holder. Most licensing authorities stipulate additional identification requirements in order to support proper identification, and therefore in turn support public safety.

This proposal requires both a rear and front plate to better enable the public and officers to identify properly licensed vehicles more readily. Requiring the plate to be properly affixed also safeguards against the plate being used on non-licensed vehicles and in turn supports public confidence in the regulatory regime. Too often licensed vehicles are seen with plates that are affixed with clips, Velcro or other temporary fixings from other authorities and this undermines our local efforts to safeguard the travelling public. Whilst the DfT did not refer to any specific vehicle standards in its Statutory Guidance published in 2020, it did make reference in its ‘Best Practice Guide’ March 2010 to it being helpful ‘if licence plates are displayed on the front as well as the rear of vehicles’, and it suggests that licence conditions requiring a sign on the vehicle in specified forms that help identify the operator, the licensing authority and some words such as ‘pre-booked only’ seem to be best practice. It stands to reason therefore that policies prohibiting the use of other signs/stickers would be preferable so as not to confuse the public and make identification a clearer process. The best practice guide also warns against the use of roof mounted signs on PHVs which are liable to cause confusion with a taxi.

Similarly, not permitting the use of stickers that are not permanently affixed has the same safeguarding intention. When officers are conducting proactive compliance on the streets, particularly within the night-time economy when passengers may be more vulnerable, it is much more effective if officers can easily identify a licensed vehicle, the authority it is licensed by and for PHVs, the Operator it is working for. Without this easier identification on the street, lengthy enquiries may need to be conducted and drivers/vehicles cannot be dealt with as quickly if there are concerns warranting the use of immediate action. If licensees can only use officially approved stickers for example (and in addition their distribution is effectively managed) it makes it much more difficult to obtain those stickers and pose as a legitimately licensed vehicle. Additionally, those drivers in vehicles that may not be as easily identifiable, may be subject to less scrutiny when in other districts and therefore less accountable to their licence conditions and responsibilities.

Some respondents in the consultation made a number of points in relation to stickers which are addressed in turn below:

Personal Use: Caselaw has determined that a private hire vehicle is always a private hire vehicle (*Benson v Boyce* 1997), even if it is being used for domestic/personal use and cannot be driven by a non-licensed driver; therefore there can be no scope for enabling licence holders to remove identification if they wish to use it for personal use.

Licensed Vehicles being targeted: Authorities are aware of allegations being made intermittently that licensed private hire vehicles are targeted with anti-social behaviour and therefore request the removal of identifying stickers. For all the reasons outlined above, most authorities in GM that have relevant sticker policies have resisted this. Anti-social behaviour in all its forms should be challenged and tackled directly by partners working effectively together to identify the offenders and take relevant action. The removal of identifying stickers that perform a safeguarding function in one respect in a bid to prevent/deter anti-social behaviour, only serves to weaken public safety. Additionally, whilst there is no doubt that some drivers have suffered targeted anti-social behaviour, it is unclear what the true frequency of such occurrences is and some suggestion by other members of the trade that this allegation of targeting is made in a bid to allow PHVs to work for more than one operator at a time. Enquiries with relevant authorities with regards to reporting, and requests for specific information/evidence, have often resulted in very little information coming forward and concurrently a number of approaches have been made by drivers to relax sticker policies to enable working for more than one operator at a time. As such, on balance, it is considered the best approach that licensing authorities do not remove or relax safeguarding measures with regards to stickers, but instead work with drivers, operators and partners wherever anti-social behaviour is reported to hold those individuals to account and deter such behaviour.

Devaluation of vehicles: Whilst there may be some risk of discolouration or damage to paintwork from the use of adhesive stickers if they are left affixed for a long period, it is not considered a strong enough reason to allow the public safety risks associated with the use of magnetic stickers. A licensed vehicle is a business and just like any other business that may use vehicles (that will always depreciate in value in any event) as well as use identifiers on vehicles, should consider and build these costs into the business model.

Depictions of the proposals can be found at **Appendix 1**. It should be noted that colour of the vehicles is for illustrative purposes only, and exact branding has not been finalised; but the intention is that:

- required stickers be yellow in colour with an ambition to link to the wider Bee Network transport brand for Greater Manchester
- have the local authority crest/logo clearly identifiable
- plate colours and sizes will be specified by individual districts

Lead Officers recommendation

To implement the standard as proposed*.

*Specified dimensions and placement on vehicles to be provided

Vehicle Proposed Standard 6	Oldham Current standard
<p>Vehicle Testing It was proposed that all vehicles more than 3 years old will be tested at least twice a year and that all vehicles will be tested against the DVSA MOT standard as a minimum. (This will be at cost to the vehicle licence proprietor/driver).</p>	<p>This policy is currently in force in Oldham so no policy change is required.</p>

Reason for Proposal

The legal requirement for licensed vehicles is that they are subject to at least an annual test (MOT or equivalent) – for taxis this is always at least annually and for PHVs this is after the vehicle is 3 years old.

Those authorities within GM that have introduced a more frequent testing regime to the basic annual test required by law, have done so on the back of testing data that has evidenced high levels of testing failures in older vehicles.

Licensing figures would also suggest that with the increase of ‘licence shopping’ since the impact of the Deregulation Act, vehicle licence holders have sought out those authorities that have lower testing frequencies (alongside other lower policy standards) and so this proposal seeks to harmonise the testing regimes across GM to minimise the variance and better ensure the safety standard of vehicles carrying the public.

Consultation Response

GM level response:

This standard received a fair number of responses compared to some others:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Maintenance and Testing	44	20	31	4	0	0	2

This table breaks down those comments thematically across the respondent categories:

Comment Category	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with proposed plan for vehicle testing	20	7	8	1	0	0	1

More vehicle testing required than proposed	3	1	0	1	0	0	0
Less vehicle testing required than proposed	10	4	16	2	0	0	1
Reporting unroadworthy vehicles should be simple	4	0	0	0	0	0	0
Maintenance spot checks should be performed	3	0	0	0	0	0	0
Stricter checks on testing centres	2	3	0	0	0	0	0
Need more places to be able to conduct tests	0	6	5	0	0	0	0
Cars that have been written off and repaired should be allowed to be licensed again	0	1	4	0	0	0	1
Testing frequency should be based on the vehicle mileage	5	1	0	0	0	0	0
Base	44	20	31	4	0	0	2

Most respondents that commented provided a general comment of support for the proposed standard:

“Vehicle testing should be twice a year, main renewal and a 6-month inspection throughout the 10 years of licence as Manchester have 4 tests for vehicles over 5 years old which is ridiculous as the standard DVSA MOT test is valid for all road vehicles for 12 months by general public, so for taxis, twice a year is acceptable.” (PHV Driver, Manchester)

“Also, important that if we're mandating twice-yearly safety checks these are not prohibitively expensive or driver's may be priced out of operation.” (Public, age 25-34, Rochdale)

Five respondents suggested more testing is needed than what is proposed, feeling the additional checks are needed due to the high mileage such vehicles generally do.

“Vehicle testing should be more frequent; these vehicles are higher than average mileage vehicles so need more testing.” (Public, age 45-54, Oldham)

Four hackney drivers, 16 PHV drivers and 10 members of the public felt less testing was needed. Drivers from an Asian background were more likely to give this comment.

*“Testing - Tests should not be conducted twice per year. This is overkill.”
(Public, age 18-24, location not provided)*

“Annual mot test seems adequate to me. As I have a 14-year-old car, I would be ok with a taxi over 10 years old.” (Public, age 65-74, Stockport)

Some respondents suggested the amount of vehicle testing should depend on the age of the vehicle, with newer vehicles requiring less testing.

“Vehicle age: having bought many vehicles for private hire. Usually around 3-4 years old, and financing over three years. Doesn't leave me with a finance free private hire vehicle for very long. So I would welcome the 10 years. The vehicle is being tested twice a year. Maybe the final one or two years could be three times a year.” (PHV Driver, Manchester)

“On vehicle testing, I think vehicles under three years old should have one test a year, and vehicles three years and over should have two.” (Hackney Driver, Stockport)

“Vehicle testing instead of making a car redundant at 10 years old. Why not change and at eight years old and put the cars on three tests per year at least then the vehicle stays in maintained condition and keeps the driver in work as there are enough taking taxpayers money without the councils making more unemployed.” (Public, age 55-64, Wigan)

A small number of respondents, both members of the public and drivers, suggested testing frequency should be based on vehicle mileage.

*“Vehicle testing should be linked to the amount of mileage a taxi covers.”
(Public, age 55-64, Rochdale)*

*“Vehicle testing - I believe a more onerous testing regime should be avoided. Speaking personally, I have seen the number of miles that I cover in a year reduce to a level that is less than most private cars, yet I have to produce my vehicle for two enhanced tests every year. Obviously, vehicles must be safe as a priority but so should every vehicle that is on the road.”
(Hackney Driver, Stockport)*

Six hackney drivers and five PHV drivers felt more testing places were needed, and three Hackney drivers also felt stricter checks should be required at testing centres to ensure vehicles are roadworthy and safe.

“Vehicle Testing Vehicles should be tested twice a year to a more rigorous test at a local authority test centre and not at a for profit MOT station. There should be less chance of favouritism and corruption.” (Hackney Driver, Wigan)

“Private hire should not look like a Hackney Hackneys should be the most versatile vehicle Testing Vehicles should be tested at least twice a year at the local authority testing facilities. At a higher standard than the MOT standard. And not at any MOT station or not for profit.” (Hackney Driver, Wigan)

“Vehicle testing should be allowed at any government approved testing station and not just be tested by local authorities so they can take advantage.” (Hackney Driver, Manchester)

Three respondents suggested maintenance spot checks should be performed.

“Vehicle conditions should be subject to an annual check to ensure fit for purpose and that spot checks should be made around the Borough to ensure these standards are maintained.” (Public, age 45-54, Rochdale)

Four respondents felt the process for reporting unroadworthy vehicles should be simple.

“Members of the public should have the ease of reporting the poor condition of a vehicle to the issuing authority easily through a call centre or web address instead of going through the hoops and jumps that occurs today.” (Public, age 55-64, Tameside)

Comments and considerations

In busier licensing authorities, where licensed vehicles may be more likely to conduct higher mileage compared to other less populated areas, it is considered reasonable to test vehicles more frequently than the minimum required by law – a view also supported by the DfT’s Best Practice Guidance March 2010. A quick review of several city and large town licensing authorities reveals a varied picture with 6 monthly tests as common as the basic minimum requirement.

In general, licensed vehicles undertake much higher mileage than domestic vehicles (a recent report from one GM authority shows that in 2018-19 both Hackneys and PHVs were conducted on average around 30,000 miles per annum) and therefore will wear more quickly (both mechanically and cosmetically). Therefore, in the interests of passenger and other road user’s safety, a more stringent maintenance and testing regime is required. A best practice guide for the Inspection of Hackney Carriage and Private Hire Vehicles produced by the Freight Transport Association (published August 2012) on behalf of the Hackney Carriage and Private Hire Inspection Technical Officer Group, Public Authority Transport Network (PATN) (and supported by VOSA), states:

The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test will be terminated and a further full test shall be required. It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway. HC proprietors and PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or their licensing application refused by the local licensing authority. In addition, licence holders risk the suspension or revocation of their driver or operator licences by the local licensing authority.

This best practice guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive. However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test.

As with many of these standard proposals, there is a risk that introducing more stringent requirements than other local authorities, may result in private hire licensees taking their business to other authorities of lower standards. As many other authorities already require more than the minimum annual test, this standard may be considered to present a lower risk than others. As with all proposals that seek to raise the quality and safety of the fleet licensed within GM, the key to effective implementation will be public awareness and continued lobbying of government to highlight the constraints and risks to authorities that strive to improve standards.

Authorities have a duty and must be able to assure the public with regards to the safety levels of its licensed fleet and it is considered that once a vehicle is over 3 years of age, it is reasonable to seek to ensure that both the mechanical and internal/cosmetic features of the vehicle remain to a standard expected by the authority.

Lead Officers recommendation

To retain the standard as proposed.

To take immediate effect for all fleets as soon as the policy is determined locally.

Vehicle Proposed Standard 7	Oldham Current standard																																																								
<p>CCTV It was proposed that all licensed vehicles are fitted with mandatory CCTV to a standard yet to be determined.</p>	<p>Whilst our current policy in Oldham allows CCTV in licensed vehicles it does not mandated.</p>																																																								
<p>Reason for Proposal</p> <p>The presence of cameras can act as a deterrent to criminal behaviour and can protect both drivers and passengers. If the principle of a CCTV policy is agreed, it is proposed that audio as well as video recording is required, triggered by a panic button system.</p>																																																									
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Both drivers and passenger should have panic button	5	0	0	1	1	1	1
Base	83	16	51	6	1	3	8

The majority of respondents were in favour of the proposal in principle:

“CCTV if used in a way that doesn’t cause an invasion of privacy to the driver, is very important for the safety of the public. Any livery should be suitably visible for people with limited vision” (Organisation, Brandlesholme Community Centre)

“CCTV will be essential to ensure safety and crime prevention on both sides” (Public, age 25-34, Rochdale)

“I like the CCTV has this will help the trade in lots of ways including Panel Hearings” (Organisation, The Hackney Drivers Association Ltd)

However, 5 hackney drivers and 21 PHV drivers expressed concerns about the cost of CCTV and felt funding should be provided via the council for this purpose. This was also raised in the in-depth interviews where drivers questioned the cost implications of the installation and maintenance of CCTV and what expense would be incurred to download and submit data when there was a problem.

“It’s a very good idea having CCTV in the vehicle, because at the end of the day it’s safety for yourself and safety for your passengers, but you know, who’s going to pay for it, it’s about £1,500 for a CCTV in a vehicle, especially for licensed.” (PHV Driver, Rochdale)

There were several concerns raised about privacy, GDPR, and the use and storage of recordings, with 4 hackney drivers and 11 PHV drivers raising concerns related to this, compared with 3 PHV operators and 20 members of the public.

“CCTV is an invasion of the public privacy and I’m sure will be challenged in Court. whose paying for this, who under the GDPR is retaining the recordings? How long are those recording retained? Who gets to see them? (Operator, Trafford)”

“We support the introduction of mandatory CCTV in taxi and private hire vehicles and the role that it can play in protecting drivers and passengers and reducing the incidents of serious safety incidents. In order for CCTV to act as an effective deterrent it must be only accessible by the Local Authority, acting as Data Controller, to prevent unauthorised access, distribution or deletion of data by drivers or proprietors.” (Operator, several GM authorities)

Two vehicle leasing companies suggested a panic button would be more effective.

“More than CCTV a panic button is a more effective tool. Panic buttons which are connected directly to the police are important CCTV is not very

clear when these incidents happen the perpetrators are always wearing caps and hoodies which makes them hard to identify. Therefore, panic buttons alone are more effective.” (Vehicle leasing company, Salford)

In the in-depth interviews further concerns were raised by drivers about the responsibility for data storage and management. Queries were raised about whether drivers would be required to upload data to the authority and how will the data recorded be secure and managed by the drivers.

“Who is going to be responsible for the data? Are we going to have to download the data all the time and provide it? At what cost? I understand why this is being considered but practically I’m not sure how this will work.” (Hackney Driver Manchester)

Some drivers already had dashcams, which offered the additional benefit of lowering their insurance however, there are strict rules on ensuring the camera only points outwards of the vehicle and not into the car therefore protecting the privacy of the occupants. Questions were raised about the impact of CCTV on their insurance.

“You see I have a dashcam as it is cheaper for my insurance, but it has to point outwards, my insurance is very clear on that. Will my insurance now accept this CCTV inside the car? (PHV Driver, Tameside)

Comments and considerations

A mandatory CCTV policy is a complex stand alone piece of work and so the purpose of proposing this standard as part of the MLS project, was to consider whether the introduction of a mandatory policy would be supported in principle.

It is clear that there is considerable support for such a policy, notwithstanding the concerns raised which would need to be addressed within a separate policy proposal, and this will now enable officers to draft a full policy for further public consultation.

Lead Officers recommendation

To approve the drafting of a CCTV policy for further consideration and consultation.

Vehicle Proposed Standard 8	Oldham Current standard
<p>Executive Hire It was proposed that the following conditions apply to executive hire vehicle (e.g. chauffeur driven) policies</p> <ul style="list-style-type: none"> • Bookings to be confirmed by written contract • Payments made in advance of the journey or by invoice afterwards • Stipulation on the types of vehicles to be licensed • Dress code • Business plan shared with licensing authority • Vehicles not to be fitted with data heads, radios or meters • Exemptions from plates and door signs only to be given when used exclusively for executive hire 	<p>Oldham currently has an Executive Hire policy, so no fundamental change of policy is required.</p>

Reason for Proposal

This proposal seeks to ensure that policies relating to Executive Hire services across GM are consistent.

Consultation Response

GM level response:

Extremely few comments were received about this standard proposed:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Executive Hire and specialist vehicles	8	0	5	2	0	0	1

This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Executive hire should be exempt from colour regulations	0	0	1	2	0	0	0

Executive hire operators should have more duties of care	1	0	0	0	0	0	0
Executive hire should be exempt from CCTV	0	0	0	2	0	0	0
Should be exclusions for specialist vehicles	3	0	1	1	0	0	1
The exclusive use clause for executive hire vehicles may be unfair on owner drivers	1	0	1	0	0	0	0
Executive hire shouldn't have different rules	3	0	4	0	0	0	0
Base	8	0	5	2	0	0	1

Two operators provided comments citing executive hire vehicles should be exempt from CCTV:

“Executive Fleet. This will raise a lot of issue with the high-end customers we pick up on daily basis. Celebrities, Corporate Staff and others who will surely object to being recorded in the vehicle. Privacy is very important to these individuals.” (Operator, Trafford)

“CCTV will break NDA's and client confidentiality and would be strongly opposed by clients who use executive hire services. Colour creates issues within Chauffeur/Executive hire and would destroy industry if it resulted in having to have white cars.” (Operator, Bury)

The two operators and respondents who took part in the focus groups gave the following arguments for why the colour standard should not be applied.

“We believe there should be at least 2 vehicle choices. Executive Fleet. We work with lots of Global Travel agents and Executive Chauffeur companies and the most preferred colour for executive work is BLACK / SILVER. White colour for corporate Executive Fleet is a NO NO. Majority of such firms specifically ask that the vehicle be strictly Black or Silver in colour. White Executive cars are mostly in demand for Weddings etc but DEFINITELY NOT FOR CORPORATE SECTOR.” (Private hire operator)

Two respondents felt executive hire operators should have more duties of care and they must maintain their high standards.

“Executive hire operator should have greater operating duties as to drivers' hours records vehicle usage.” (Public, age 55-64, Tameside)

“Executive taxi operators must use latest technologies and way of communication with the customers and drivers to maintain the highest

standards in the business, bringing in line with the European, American or Australian counterparts' standards.” (PHV Driver, Bury)

However, five respondents (4 PHV drivers and 3 members of the public) felt executive hire should not have different rules, explaining the same rules should apply to all.

“Why does “executive” hire get lower restrictions and some exemptions? It’s elitist. Manchester is a city of Marx and Engels. All should adhere to the same standards. People with money should not be exempt from ANY rules or regulations. Why should their cars not have plates? But the working classes have? Zero justification.” (Public, age 35-44, Manchester)

“As for executive hire as far as I am concerned they should be treated in the same way as private hire as they are just a glorified taxi for people with a bit more money to waste such as councillors etc.” (Public, age 55-64, Wigan)

“It is also discriminatory as you have allowed executive vehicles to drive with door stickers, yet you have discriminated us normal PHVs. Why are executive taxis allowed to drive without signage and not us? They are pre booked so are we. We take care of our customers as much as them, by creating a separate rule for executive taxis, you have inadvertently discriminated against normal taxis and it promotes classism and shows that you have 2 different standards in your dealings with us. One for the rich and one for the poor. We should be allowed to drive without any livery at all.” (PHV Driver, Rochdale)

Comments and considerations

Policies for Executive Hire (or Non-Standard Private Hire) are common amongst licensing authorities and a number of such policies already exist within GM and have done for some time. The purpose of such policies are to recognise the difference in business/service offer of specialised contract executive or chauffeur hire services. These services are markedly different to standard private hire, in the their business plans (for example prestige or vintage vehicles are often used with a much higher monetary value), clientele who may be in the public eye and require a higher level of security; and therefore in working with such companies, a separate set of licence conditions are determined in recognition of the very different type of service they operate.

Non-standard or Executive Private Hire vehicles are not permitted to also operate as standard private hire vehicles, which is how risk to public safety is mitigated.

This proposal seeks to bring about a level of consistency for these elements of Executive Hire policies across GM.

Lead Officers recommendation

To retain the standard as proposed.

Vehicle Proposed Standard 9	Oldham Current standard
<p>Vehicle design</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> • all vehicles conform to the M1 standard (any modified vehicle at M2 standard must have an appropriate test to ensure conformity with single vehicle type approval) • No retrofitting of engines into older vehicles will be allowed. LPG conversions will be accepted • Where retrofit emissions technology is installed it shall be approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS) • Specification for window tints will be: <ul style="list-style-type: none"> a) Front windscreen – min. 75% light transmission b) Front side door glass – min. 70% light transmission c) Remaining glass (exc. Rear window) min. 70% light transmission • No vehicle first being licensed will have been written off in any category and will not be renewed (if previously written off) after 1 April 2021. • No roof signs permitted on PHVs • No advertising other than Council issued signage on PHVs • The question was also posed whether a swivel seat should be required in a Hackney Carriage vehicle 	<p>Generally these would be new policy standards for Oldham.</p> <p>The only policy we currently have in place from those proposed is to not allow roof signs on private hire vehicles.</p>
<p>Reason for Proposal</p>	
<p>GM districts currently have fairly similar licensing requirements with regards to the type and design of vehicles permitted on fleets, however where some minor variations do exist, these proposals bring those into line and provide consistency for what will and won't be acceptable criteria for vehicles being licensed. Requirements relating to the categorisation of vehicles having had modifications or accidental damage are clearly aimed at ensuring the structural safety of such vehicles to carry passengers.</p> <p>Window tint requirements are for the safety of passengers and drivers; to ensure that compliance and other authorised officers (but also generally members of the public) can conduct a quick visual check inside the vehicle, view how many passengers are being transported, and safeguard against criminal activity taking place inside the vehicle. Some passengers, particularly vulnerable passengers may feel safer if they can be seen from outside the vehicle.</p>	

At the time of consultation, the proposed effective date for written off vehicles not being renewed was 1 April 2021, and as this date has passed, it is proposed that this date now be amended to be effective immediately upon the determination of policy locally

Roof signs on PHVs give a false impression to the public that the vehicle is a licensed Hackney Carriage and works against our aim to ensure greater awareness among the public about the key differences between the two sectors and prevent/deter illegal ply for hire, so it is proposed that this cease to be allowed where it currently is.

In support of our objective to have a clearer and cleaner visual identity for vehicles licensed by GM districts, it is proposed that advertisements on PHVs are not permitted unless they are issued/approved by the relevant authority. Currently where there are no restrictions on this, vehicles can have advertising stickers placed in various places around the vehicle, often haphazardly, which really detracts from the image of a high-quality licensed fleet that authorities wish to promote. It will also safeguard against the use of material that could cause offence or be in poor taste.

It was also posed within the consultation document, whether Hackney Carriages should have a requirement to have a swivel seat or not.

Consultation Response

GM level response:

This proposal received the second fewest number of comments within the vehicle standards:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Design	9	4	0	0	0	0	1

Comments that were made, touched upon the following themes:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Disagreement	6	1	0	0	0	0	1
Issue with the accessible vehicle	1	3	0	0	0	0	0
Roof top signs that light up to identify a PHV	2	0	0	0	0	0	0
Base	9	4	0	0	0	0	1

Those 12 respondents who expressed disagreement with the vehicle design standards and elaborated explained they felt the required standards were “too

severe”, need “further consideration”, and the swivel seat requirement “restricts vehicle availability” and is not necessary or asked for by passengers.

“I feel that the vehicle design propositions are too severe.” (Public, age 55-64, Manchester)

“I think the seats and loading rules appear to exclude virtually all private hire vehicles. This needs further consideration.” (Public, age 75+, Trafford)

“The swivel seat requirement needs to go. It restricts vehicle availability and is almost never requested out on the streets.” (Hackney Driver, Manchester)

Comments and considerations

The general vehicle design specifications are mainly enshrining in a consistent policy many requirements that already exist throughout GM, and general requirements in law for passenger carrying vehicles. Whilst consultation responses were very low, it makes sense for all GM authorities to take a consistent approach to some of the more common design variations, particularly where they affect public safety.

One issue that trade bodies did raise strong objection to was the tint level allowed (or minimum light transmission) for rear side windows. Whilst purpose built taxis are manufactured without significant window tints as standard, standard saloon vehicles used for private hire work are not similarly purpose built, and manufacturers who are making vehicles for the wider market are increasingly manufacturing with a rear side window tint or ‘privacy glass’ as standard. As such, the private hire trade are finding it increasingly difficult to source a vehicle that complies with the tint requirements, and costs can be up to £1000 for window replacements, which in turn may then carry a safety risk dependent on the standard of replacement. Authorities have also acknowledged the intent to move to mandatory CCTV requirements for vehicles that would mitigate the safety concerns relating to tint. Therefore, in recognition of this fact, the significant additional cost to the trade within the context of the other costs associated with these proposals, and the risks of licence shopping if introducing significantly more stringent policies than other authorities for private hire, it is proposed to amend this part of the policy standard to:

- Remaining glass or rear side windows (excl. rear window) allow manufacturer’s tint to a minimum of 20% light transmission

On reflection and in light of experience during the pandemic (where districts were happy to approve a use of a product i.e. NHS signage, but don’t necessarily wish to issue), it is intended to amend the advertisement proposal from:

- No advertising other than Council *issued* signage on PHVs to:
- No advertising other than Council *approved* signage on PHVs

Lead Officers recommendation

To implement the standard as proposed with the following minor amendments:

To change the minimum light transmission specific for point c) remaining glass and specify:

- Remaining glass or rear side windows (exc. Rear window) - allow manufacturer's tint to a minimum 20% light transmission

To change:

- No advertising other than Council *issued* signage on PHVs

to:

- No advertising other than Council *approved* signage on PHVs

To amend the start date for non-renewal of licences with vehicles that have been previously written off to 1 April 2022

To defer the decision on swivel seats at this time as the consultation response on this specific point was particularly low.

Vehicle Proposed Standard 10	Oldham Current standard
<p>Vehicle Licence Conditions A set of proposed conditions for Hackney Carriage and Private Hire Vehicles are set out at Appendix 2 and Appendix 3 respectively. The conditions cover a comprehensive set of expectations with regards to the livery, condition, fares and the responsibilities of the proprietor.</p>	<p>Whilst Oldham has a set of vehicle licence conditions there is not a consistent set across GM.</p>

Reason for Proposal

Each local authority already has licence conditions for each vehicle fleet, but they vary across the conurbation. The Licensing Managers Group reviewed their own conditions and collectively proposed a set of updated and revised conditions, that reflect proposed policy standards and complement conditions also required of drivers and operators, to set clear parameters by which licence holders can be held to account.

Consultation Response

GM level response:

There were relatively few comments made with regards to the proposed vehicle licence conditions, with most coming from members of the public and only 6 comments coming from the trade:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle Conditions	24	1	3	2	0	0	0

Comments tended to centre around vehicle cleanliness. This table breaks down those comments thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Vehicle cleanliness is important	24	1	3	2	0	0	0

Respondents discussed how vehicle condition is important, including interiors, condition of current vehicles, hygiene, smell, and general road worthiness.

“Vehicle Conditions: in our geographical area, the condition of some of the vehicles are a disgrace - just by looking at them you can see they are not fit for purpose ie battered, worn tyres, rust, filthy and disgusting with drivers smoking in them and not maintaining them inside or out; some are totally unhygienic

which, at the best of times is unhealthy but particularly now during the Covid-19 pandemic. Our suggestion would be that testing standards are raised and adhered to, to ensure, that only roadworthy and clean cars are licensed i.e. only the very best cars are licensed.” (Operator, Wigan)

“People should feel safe in the vehicle they are travelling in. Regular testing should be compulsory as well as a standard of cleanliness.” (Public, age 45-54, Oldham)

“Our suggestion would be that testing standards are raised and adhered to, to ensure, that only roadworthy and clean cars are licensed i.e. only the very best cars are licensed.” (Operator, Wigan)

“Vehicle colour is not particularly important. Emphasis should be on condition of vehicle both mechanically and inside.” (Public, age 55-64, Salford)

Comments and considerations

Whilst responses were relatively low, there were no strong objections to any specific aspects of the proposed vehicle licence conditions.

It should be noted that the requirement for a vehicle licence holder to undertake a basic DBS check will be added into both sets of licence conditions. This was recommended in the Department for Transport’s Statutory Guidance for Taxi and Private Hire Licensing Authorities in July 2020.

Lead Officers recommendation

To implement the standard as proposed with the addition of the DBS requirement for vehicle proprietors who are not licensed drivers.

5. Timescales for Implementation

- 5.1 It should be noted that similar reports to this are going through District governance contemporaneously making the same recommendations. These recommendations were also outlined and endorsed by the Combined Authority at their October meeting.
- 5.2 All districts are expected to have completed Stage 2 governance by mid-January 2022. Districts will move to embed new policy decisions within existing policies with immediate effect.
- 5.3 The following table provides a summary of key milestones:

Activity	Target Date
Stage 2 Report to GMCA	29 Oct 2021
District Governance for Stage 2 begins District Governance for Stage 2 concludes	6 Nov 2021 13 Jan 2022
Clean Taxi Fund Scheme Go Live	End Jan 2022
Stage 2 standards implementation	With immediate effect (upon determination of policy at district level) for new licences Recommended that all existing fleets are compliant with policies by 1 April 2024 With agreed longer transitional arrangements for existing fleets on WAV requirement for Hackneys

<p>Clean Air compliance requirements</p>	<p>All GM Licensed vehicles given exemption until 31 May 2023</p> <p>Recommended in MLS that licensed vehicles should be compliant with CAZ requirements by 1 April 2024</p>
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6. Conclusion

- 6.1 The ‘golden thread’ of licensing is that of public protection. The consultation has demonstrated that the public are overwhelmingly in support of the additional safeguards and protection that this project can deliver. As well as the local policy strengthening that minimum licensing standards will bring across Greater Manchester it delivers on the implementation of the statutory standards on safeguarding that the Government have introduced.
- 6.2 The vision of Greater Manchester is to continue to work closely together, influence policy change and support the licensed trade by delivering on its promise to provide financial support to move to greener vehicles. This is the start of a journey to continue to deliver excellence in licensing regulation in Greater Manchester. This in turn will help drive more business and passengers to a well-regulated, safe and efficient locally licensed hackney and private hire trade, for example by GM local authorities, TfGM and the GMCA delivering PR and other campaigns encouraging the public to only use and book local licensed services.
- 6.3 However, it is important not to underestimate the challenges the trade continues to face and the balance that must be struck in order to continue to support the trade whilst safeguarding the public; delivering a licensing regime that offers journeys in safe licensed vehicles, driven by safe licensed drivers. the 10 GM licensing authorities will continue to work with the hackney and private hire trade to provide that ever-important support and guidance whilst ensuring that public protection is at the forefront of our considerations.

Standard Proposal 5: Livery

Illustrative examples (NB. Vehicle colour is not relevant):





GREATER MANCHESTER TAXI AND PRIVATE HIRE VEHICLE STANDARDS



APPROVED DRIVER AND VEHICLE

Licensed by



Oldham
Council

ADVANCED BOOKINGS ONLY

Not insured unless booked

PROPOSED PRIVATE HIRE VEHICLE CONDITIONS

The licensee shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

1. Definitions

For a legal definition of the following terms, see the Local Government (Miscellaneous Provisions) Act 1976.

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Vehicle Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Oldham Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the holder of a private hire vehicle licence.

"The Operator" / "PHO" a person who makes provisions for the invitation and acceptance of booking / hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person(s) who owns, or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"The Meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

2. Identification Plates

- 2.1 The vehicle front and rear licence identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to allow them to be easily removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the private hire vehicle shall be maintained in good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the period the vehicle is licensed.
- 3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
- 3.4 The Licensee of the Private Hire Vehicle shall: -
 - provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle is kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - ensure the floor in the passenger compartment has a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the Private Hire Vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Licensee).
- 3.6 A daily vehicle check log must be completed by the driver of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
 - Tyre condition, pressures and tread
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges
 - Licence plates present and fixed in accordance with these conditions
 - Any internal discs on display and facing inwards so customers can see.
 - Door and bonnet stickers on display
 - Tariff sheet in display
 - Horn in working order

The Licensee shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Vehicle signage

- 5.1 No sign, notice, flag or emblem or advertisement shall be displayed in or on any Private Hire Vehicle without the express permission of the Council.
- 5.2 The Licensee shall ensure that the Council issued mandatory bonnet and rear door and rear window signs are affixed permanently to the vehicle and are not removed whilst the vehicle is licensed.

6. Assistance Dogs

- 6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 6.2 The location of the assistance dog must be agreed with the passenger at all times.
- 6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

7. Other Animals

- 7.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

8. Meters

- 8.1 If the vehicle is fitted with a meter:
 - The licensee shall ensure the meter is of a type approved by the Council and maintained in a sound mechanical condition at all times
 - The licensee shall ensure the meter is set to display any fare table which may be adopted by the private hire operator
 - The Council may ensure calibrate and seal, at the expense of the licensee, any meter which is to be used in the licensed vehicle
 - The licensee shall ensure the meter is illuminated and is located in a position where any hirer can see the fare easily
 - The licensee shall ensure that the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon
 - The licensee shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle
 - No meter shall be replaced without the consent of an authorised officer of the council.

9. Fare Tables

- 9.1 The Licensee shall ensure that a copy of the current fare table is available, when not working for an 'app only' based operator, at all times, so it can be easily read by passengers.

9.2 The Licensee shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

10. Licence

10.1 The Licensee shall retain a copy of the original private hire vehicle drivers' licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Police Constable on request.

11. Convictions and Suitability Matters

11.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

11.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

11.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

12. Notifications and Licence Administration

12.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

- 12.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 12.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 12.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
 - The address of the driver;
 - The company for whom the driver works for;
 - The date and time you hired / lent / leased / rented your vehicle to the driver;
 - Whose insurance the driver will be using the vehicle under;
 - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
 - The expected duration the vehicle will be hired / lent / leased / rented to the driver

13. CCTV

- 13.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

Local Additional Conditions

Any localised specific conditions may be inserted here.

PROPOSED HACKNEY CARRIAGE VEHICLE CONDITIONS

This Licence is issued subject to compliance with the Council's current Hackney Carriage byelaws and the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1. Definitions

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Oldham Council

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"The Identification Plates" the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage

The "Licensee" is the person who holds the Hackney Carriage Vehicle Licence

"The Proprietor" means the person(s) who owns or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"Taximeter" any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

"Vehicle" the vehicle licensed as a Hackney Carriage

Words importing the masculine gender such as "he" or "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council unless otherwise stipulated, all communication must be with the Council's Licensing Department.

2. Identification Plates

- 2.1 The front and rear vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and that the plate must be fixed in the plate holder using the clips provided so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee of the vehicle shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the vehicle is always maintained in a good mechanical and structural condition and be capable of satisfying the Council's mechanical and structural inspection at any time during the period of the licence.
- 3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Council.
- 3.4 The Licensee of the vehicle shall: -
 - provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle to be kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).
- 3.6 The Licensee must ensure that a daily vehicle check log must be completed by the licensee or driver(s) of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
 - Tyre condition, pressures and tread
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges
 - Licence plates present and fixed in accordance with these conditions
 - Any internal discs on display and facing inwards so customers can see.
 - Door and bonnet stickers on display
 - Tariff sheet in display
 - Horn in working order
- 3.7 The Licensee shall ensure that he or the driver shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Advertisements

- 5.1 The Licensee may only display advertisements on the outside of a London Style Hackney Carriage which must comply with the Council's policy and for which consent has been provided by an Authorised Officer.

6. Vehicle Signage

- 6.1 The Licensee will not allow any sign, notice flag, emblem or advertisement to be displayed in or from any Hackney Carriage Vehicle without the express permission of the Council
- 6.2 The Licensee will ensure that any mandatory signs be affixed permanently to the vehicle as directed by the Council and are not removed whilst the vehicle is licensed.

7. Assistance Dogs

- 6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 6.2 The location of the assistance dog must be agreed with the passenger at all times.
- 6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

8. Other Animals

- 8.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

9. Taximeters

- 9.1 The Licensee shall ensure the vehicle is fitted with a Council approved, tested and sealed Taximeter before plying or standing for hire and shall use the approved meter only.
- 9.2 The Licensee shall ensure that the Taximeter is located within the vehicle in accordance with the reasonable instruction of an authorised officer, and sufficiently illuminated that when it is in use, it is visible to all passengers.
- 9.3 The Licensee shall ensure that the authorised Taximeter is maintained in a sound mechanical/electrical condition at all times and programmed to calculate the fare in accordance with the current fares tariffs fixed by the Council.
- 9.4 The Licensee shall ensure that the 'for hire' sign is extinguished when the fare commences, and the taximeter is brought into operation.
- 9.5 The Licensee shall ensure that the 'for hire' sign is not illuminated when the vehicle is outside of its licensing district.

10. Tampering with Taximeters

- 10.1 Taximeters must not be tampered with by anybody other than an Authorised Officer or an approved contractor approved by the Council.

11. Fare Table

- 11.1 The Licensee shall ensure that a copy of the current fare table supplied by the Council is displayed and visible at all times so that it can be easily read by passengers.

12. Drivers Licence

- 12.1 The Licensee shall retain copies of the hackney carriage drivers' licence of each driver of his vehicle and produce the same to an Authorised Officer or Police Officer on request.

13. Communication Equipment

- 13.1 The Licensee shall ensure that any communication equipment, used to communicate with passengers, fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

14. Convictions and Suitability Matters

- 14.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.
- 14.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.
- 14.3 The licensee shall notify the Council if they are subject to any:
- arrest or criminal investigation,
 - summons,
 - charge,
 - conviction,
 - formal/simple caution,
 - fixed penalty,
 - criminal court order,
 - criminal behaviour order or anti-social behaviour injunction,

- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

15. Notifications and Licence Administration

- 15.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 15.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 15.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 15.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
 - The address of the driver;
 - The company for whom the driver works for;
 - The date and time you hired / lent / leased / rented your vehicle to the driver;
 - Whose insurance the driver will be using the vehicle under;
 - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
 - The expected duration the vehicle will be hired / lent / leased / rented to the driver

16. Intended Use

- 16.1 The Licensee of the Hackney Carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a private hire operator licensed by another local authority;

- 16.2 The accurate and complete record should include, as a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -
- date;
 - time of first pick up;
 - first 'pick up' point by location / name / address including house number;
 - destination point by location / name / address including house number;
 - the name and address of the operator on behalf of which the journey was being undertaken.
- 16.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;
- 16.4 The record of journeys shall be available for inspection at any time by a Police Officer or PCSO; and an Authorised Officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;
- 16.5 Each book, when full, shall be delivered to the Council's Licensing Department;
- 16.6 Where the Licensee wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.

17. CCTV

- 17.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

Local Additional Conditions

Any localised specific conditions may be inserted here.

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Licensing Committee

Taxi Licensing Policy Update

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

30th November 2021

Executive Summary

This report requests that Members approve an amendment to the Council's taxi licensing policy in light of policy changes and best practice.

Recommendations

That Members:

- 1) Note the report; and
- 2) Approve the policy amendment as outlined in the report.

Taxi Licensing Policy Update

1. Purpose of the report

- 1.1 The purpose of this report is to request that Members approve an amendment to the Council's Taxi Licensing Policy.

2. Introduction

- 2.1 The Council in its capacity as licensing authority is responsible for the licensing of private hire and hackney carriage drivers and vehicles and private hire operators.
- 2.2 Best practice suggests that licensing authorities adopt a single licensing policy in order to unify all its decisions, procedures and conditions as a single source of information for licensees, applicants and interested parties.
- 2.3 Oldham has had such a policy for a number of years and from time to time it is reviewed in order to keep up with decisions made by the Licensing Committee, revised application procedures, guidance and best practice.

3. Proposed Amendments

- 3.1 Upon reviewing current practices against the policy Officers wish to request that Members approve the following amendments/additions to the policy to it covers 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 can undertake a written test before considering refusal
 - Para 7.6 is to consider adjusting the frequency of medicals for younger drivers following first medical examination

4 Legal Services Comments

- 4.1 Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976, 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)

5 Co-operative Agenda

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

6 Environmental and Health & Safety Implications

6.1 None

7 Equality, community cohesion and crime implications

7.1 None

8 Equality Impact Assessment Completed?

8.1 No

9 Key Decision

9.1 No

10 Key Decision Reference

10.1 N/A

11 Background Papers

11.1 None

12 Appendices

12.1 Appendix 1 - Taxi Licensing Policy

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Licensing Policy

Taxi and Private Hire



Oldham
Council

Contact Information

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1. Introduction

1.1 Powers and Duties

- 1.1.1 The Licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside London) to 1976.
- 1.1.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') places on Oldham Council, as the Licensing Authority ('The Council'), the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades.
- 1.1.3 In carrying out its regulatory functions relating to private hire and hackney carriage licensing, the Council will have regard to this policy document. Notwithstanding the existence of this policy, each application, or enforcement action, will be considered on its own merits.
- 1.1.4 This policy has been formed from a number of previous documents, combining them into one informative and comprehensive guide. It sets out the requirements and standards which are expected of all those involved in Oldham's hackney carriage and private hire trades.
- 1.1.5 Applicants for licences are particularly encouraged to read the contents carefully.

1.2 Objectives

- 1.2.1 The Council has set the following objectives in relation to the licensing of the private hire and hackney carriage trades and aims to regulate the trades in order to promote these objectives: -
- ensuring passengers have safe journeys at a transparent price;
 - ensuring that vehicles are safe, accessible and reducing their impact on the environment;
 - ensuring drivers are safe and know what they are doing; and
 - the provide a quality service to the public within the borough.
 - the protection of children and vulnerable adults

1.3 Implementation

- 1.3.1 This policy shall take effect from 1st December 2021 in its revised form and the Council expects licence-holders to comply with its terms immediately.
- 1.3.2 The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.
- 1.3.3 From the effective date, this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

1.4 Partnership working

- 1.4.1 The Council will work in partnership with the following agencies to promote the policy objectives: -
- local hackney carriage and private hire trades;
 - private hire and hackney carriage trade associations;
 - Greater Manchester Police;
 - local residents;
 - disability groups;
 - service users;

- Vehicle Operator Services Agency (VOSA);
- HM Revenue and Customs;
- Department of Works and Pensions;
- Other Greater Manchester Councils;
- other Council departments;

1.5 Licensing Profile

- 1.5.1 Hackney carriage and private hire vehicles are vehicles licensed to carry no more than 8 passengers, but may be licensed to carry less.
- 1.5.2 Hackney carriages may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone. Private hire vehicles must be booked in advance, by the customer, through a private hire operator; and cannot be hailed in the street or stand at a rank.
- 1.5.3 Strictly speaking a 'taxi' is a licensed Hackney Carriage but in this policy, it is used more informally, as are the expressions the 'taxi trade' and 'taxi licensing'.
- 1.5.4 The Council currently licences 85 hackney carriage vehicles and approximately 1000 private hire vehicles as well as 28 private hire operators. It has approximately 1300 dual drivers.

1.6 Application Procedure

- 1.6.1 For specific details of the application procedures for any of the licences mentioned in this policy please visit the Licensing web pages at – www.oldham.gov.uk/taxis

1.7 Timescales for Issuing Licences

- 1.7.1 Licences, identification plates and badges will be issued within 5 working days once granted.

1.8 Power to Refuse Inactive Applications

- 1.8.1 Where an application has been dormant for a period of six months or more where the applicant has either not progressed his application or has failed to submit required documents a Delegated Officer may refuse an application on the grounds that we cannot be satisfied they are a fit and proper person to hold a licence. A decision will only be made once the applicant has been given notice of the intention to refuse and given 14 days to respond.
- 1.8.2 The Council at its discretion may undertake such checks, deemed relevant and necessary, on the suitability of applicants. This may include, but is not limited to, Police, DVLA, Government departments, multi-agency partners and councils. The Council reserves the right to request updated or additional information in relation to an applicant's fitness and suitability to hold a licence.

2. Vehicles

2.1 Limitations of Numbers

- 2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles they licence.
- 2.1.2 In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages 'if, but only if, the local authority is satisfied that

there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.'

2.1.3 The Council is satisfied that there is no significant unmet demand for the services of hackney carriages; therefore, the Council shall limit the number of hackney carriages it licences to 85. The Council will determine whether there is any significant unmet demand at regular intervals.

2.2 Exemptions from Control

2.2.1 The 1976 Act exempts the following vehicles from control under the Act: -

a) vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director;

b) vehicles while being used in connection with a wedding;

Vehicle Age Limits *Awaiting policy decision on 30.11.2021

2.3 Vehicle Specification Awaiting policy decision on 30.11.2021

2.3.1 Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

2.3.2 The Council have differing vehicle specifications for hackney carriage vehicles, private hire vehicles, stretched limousines and highly adapted vehicles. The following outline those specifications: -

2.3.3 Both hackney and private hire vehicles are not allowed to have towing bars on their vehicles.

Private Hire

Vehicles may be a saloon, estate, hatch or a vehicle designed to carry no more than 8 passengers. No purpose-built taxi can be licensed as a private hire vehicle.

All vehicles to have 4 doors and vehicles designed to carry up to 8 passengers to have at least two means of egress.

Access - passengers must have access to the vehicles rear seats without having to move or fold down any other passenger seat.

Egress – passengers must be able exit the vehicle, via the relevant means of egress, without having to move or fold down any other passenger seat.

All vehicles must be suitable to be licensed to carry at least 4 passengers.

Hackney Carriage - Awaiting policy decision on 30.11.2021

[Insert colour and vehicle type]

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, it does not meet the definition of purpose built.

All hackney carriage vehicles, except purpose built taxis, to be [insert] in colour. Purpose built taxis may be of manufacturers colour.

All vehicles to have four doors and vehicles designed to carry up to 8 passengers to have two means of egress.

Access - passengers must have access to the vehicles rear seats without having to move or fold down any other passenger seat.

Egress – passengers must be able exit the vehicle, via the relevant means of egress, without having to move or fold down any other passenger seat.

Stretched Limousines

A stretch limousine shall be required to have a Certificate of Single Vehicle Approval issued by the Vehicle and Operator Services Agency (VOSA) or another competent national authority of an EEA member state.

A stretch limousine shall be permitted to have left-hand drive and tinted glass in the passenger compartment (not the driver compartment).

A stretch limousine shall be fitted with tyres that meet both the size and weight specification for the vehicle as determined by VOSA.

The seating capacity of a stretch limousine shall not exceed eight passengers, excluding the driver's seat and a front seat in the driver's compartment, which must not be used for carrying passengers.

A stretch limousine shall only be licensed to carry up to eight passengers (an infant counts as a passenger regardless of age) and that any advertisements placed for the services of the limousine shall state that it is restricted to carrying a maximum of eight passengers.

All seatbelt requirements in the Road Vehicles (Construction and Use) Regulations 1986 as amended must be complied with.

2.4 Emissions Awaiting policy decision on 30.11.2021

2.4.1

2.5 Vehicle Testing

2.5.1 All licensed vehicles are tested at the Councils Moorhey Street testing station. Tests are conducted at the time of being licensed and midyear depending on the age of the vehicle.

2.5.2 Tests are conducted once a year for vehicles up to 3 years of age.

2.5.3 Once a vehicle reaches 3 it will require testing twice per year. If a vehicle turns 3, within its current licensing period, it will not be due two tests until its next renewal.

2.5.4 A private hire vehicle will then require two tests per year up to 8 years or up to 12 years of age for purpose built hackneys. Once a vehicle is 8 or 12 (according to the vehicle type above) and up to the maximum age limit it will require three tests per year. If a vehicle turns 8 or 12, during the current licensed period, it will not require 3 tests until its next renewal.

Drivers are required to book their own vehicle tests using the online booking system. Details of this can be found at www.oldham.gov.uk/taxis

2.5.5 Failure to attend a test without notification 48 hours in advance will result in a further payment for a test being charged.

2.5.6 Where the Council is not satisfied with the roadworthiness of a vehicle it may request an HPI check or require the vehicle to undergo an independent inspection and an 'Autolign' report produced at the cost of the applicant. This is to provide information and guidance relating to the proposed licensing of the vehicle.

2.5.7 Where a vehicle fails its test and the vehicle tester is not satisfied as to the roadworthiness of the vehicle, the vehicle may be suspended by an Authorised officer of the Council.

2.5.8 Where a vehicle has passed a vehicle test, the plates must be applied for within 30 days. Failure to do so will result in needing a new test.

2.5.9 Where a vehicle is suspended the identification plates must be removed and returned to the Council. The identification plates may be handed to an officer immediately upon suspension otherwise a notice will be placed over the plates and you will have 7 days to return them. Where a notice is placed on the plates the proprietor of the vehicle will be required to pay for new plates upon re-licensing the vehicle.

2.5.10 The Licensing Authority will issue a document outlining the criteria upon which a vehicle will be tested. This criteria does not form part of the policy document, although it may be referred to within it. The testing criteria may be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

2.5.11 Copies of the testing criteria can be obtained via the licensing web pages at www.oldham.gov.uk/taxis

2.6 Insurance Write Offs

2.6.1 Update with revised policy following meeting on 30.11.21

2.7 Accidents

2.7.1 In accordance with section 50 (3) of the 1976 Act, the proprietor of a hackney carriage or a private hire vehicle shall report to the Authority as soon as reasonably practicable and in any case within seventy-two hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

2.7.2 Following the reporting of an accident an Authorised officer will examine the vehicle to ascertain its fitness to be a licensed vehicle.

2.7.3 Where the officer is not satisfied as to the fitness of the vehicle the officer may suspend it from use under s68 of the Local Government (Miscellaneous Provisions) Act 1976. In order to ascertain its fitness, the authorised officer may require the vehicle to be examined by the Councils vehicle testers, located at the Councils Moorhey Street Depot

2.7.4 Where a vehicle is suspended the identification plates must be removed and returned to the Council. The identification plates may be handed to an officer immediately upon suspension otherwise a notice will be placed over the plates and you will have 7 days to return them. Where a notice is placed on the plates the proprietor of the vehicle will be required to pay for new plates upon re-licensing the vehicle.

2.7.5 If an officer is not satisfied as to the fitness of the vehicle before the expiration of a period of two months from this suspension, the vehicle licence shall be deemed to have been revoked and a new licence would have to be applied for if wanting to re-licence the vehicle.

2.8 Signage and Advertising

2.8.1 It is important that the public are be able to identify and understand the difference between a hackney carriage and private hire vehicle.

- 2.8.2 Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words 'taxi' or 'cab' or 'for hire'
- 2.8.3 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. With the exception of stretched limousines and approved executive hire vehicles, all other licensed vehicles shall display the identification plates on both the front and rear of the vehicle.
- 2.8.4 All private hire vehicles must display a mandatory door sign containing the words 'Advance Bookings Only'. The design of such sign must also include the name and telephone number of the private hire company and the words 'Private Hire'. All signs must be a minimum size of 600mm x 200mm.
- 2.8.5 The words "Advance Bookings Only" shall be in block capitals coloured black on a yellow background strip and each letter shall be not less than 60mm (in height) x 6mm (in thickness). All other individual lettering shall not exceed 50mm (in height) x 5mm (in thickness) but may be of any other colour. The background of any other lettering must be a different colour to the background of the 'Advance booking' strip.
- 2.8.6 The mandatory door signs shall be permanently affixed to the top half of the door panels by way of adhesive rather than magnetic means. Such signs are to be displayed at all times whilst the vehicle is licensed.
- 2.8.7 The Council will be bringing in a new policy relating to vehicle livery in 2022 and details will be provided in this policy.
- 2.8.8 Hackney carriage vehicles must display a mandatory door sign which must be affixed by way of adhesive rather than by way of magnetic means, to the upper door panels of both front doors at all times whilst the vehicle is licensed. Such signs must include the word 'TAXI' and the name of the Council together with its specified logo.
- 2.8.9 All non-purpose built hackney carriage vehicles must display a roof sign of the following design angle design, showing white to the front and red to the rear, of size 90cm x 15cm x 15cm high.
- 2.8.10 The Council, by way of conditions, restricts the advertising that can be placed on any licensed vehicle. Further details

2.9 Byelaws

- 2.9.1 The Council has made Byelaws under the 1847 Act which apply to hackney carriages. Some of the byelaws have been modified by the 1976 Act. See Appendix E

2.10 Duration of Licences

- 2.10.1 Vehicles will be licensed for a period of 12 months. Renewal of the licence will be subject to the vehicle undertaking and passing a further test at the appointed test station.

2.11 Ownership of Multiple Vehicles

- 2.11.1 There is no limit on the number of vehicle licences an individual or company can hold.

2.12 Security Cameras / Audio Recording Equipment in Vehicles

- 2.12.1 Security cameras are permissible in vehicles subject to certain safeguards. In addition, there are limited circumstances in which audio recording may be justified, for example, where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.
- 2.12.2 Equipment should not be used to record conversations between members of the public. If possible, a system without this facility should be used. If your system comes equipped with a sound recording facility, then you should turn this off or disable it in some other way.

2.12.3 No vehicle equipped with a security camera, and / or audio recording facilities, shall be used unless the existence of the camera and / or audio recording is clearly indicated by a notice displayed.

2.12.4 The Council recognises the sensitive nature of security surveillance in general but also recognises the legitimate concerns of licensed drivers. Equipment should be available to be inspected and images downloaded by Authorised Officer or Constable.

2.13 Smoking

2.13.1 It is an offence to smoke or allow another person to smoke in a licensed vehicle at any time when it is a licensed vehicle. This applies even if you are not working.

2.13.2 The use of e-cigarettes and / or vaping in a licensed vehicle by the driver and / or passenger(s) is not permitted.

2.14 Style of Plates and Badges

2.14.1 The style of plates and badges is likely to change from time to time. The Authority will keep up to date with new developments and current Health & Safety best practice, image, value for money and recognition will always be a high priority.

2.14.2 Plates, window discs and badges must be displayed/worn at all times.

2.14.3 The Council has specified that the vehicle licence number, make, model and licence expiry date, together with the number of passengers it is licensed to carry shall be placed on the vehicle identification plate. This identification plate must not be tampered with, or amended by, anyone other than an authorised officer.

2.15 Transfer of Owner

2.15.1 Should a vehicle be sold to a new owner the existing licence holder must notify the Authority within 14 days. Failure to do so renders the licence holder liable for prosecution.

2.16 Conditions

2.16.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on hackney carriage and private hire vehicles licences. Appendix A sets out the conditions attached to private hire vehicle licences and Appendix B sets out the conditions attached to hackney carriage vehicle licences.

2.16.2 The conditions at Appendix A and Appendix B do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

2.17 LPG & Electric Vehicles

2.17.1 The Council's testing station at Moorhey Street does not currently have the facilities to test the fuel systems of LPG and Electric Cars, therefore the proprietor of such vehicles must obtain the relevant certificates from a VOSA approved testing station.

2.18 Carrying of Assistance Dogs

2.18.1 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

2.18.2 Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and

2.18.3 Not to make any additional charge for doing so.

2.18.4 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

2.19 Enforcement

2.19.1 Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

2.19.2 To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

- a) Have a zero-tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction.
- b) Undertake periodic test purchasing with assistance dog owners on licenced vehicles to ensure that licensing requirements are being complied with.
- c) Make it a condition of taxi and private hire vehicle drivers licences that they have undertaken disability equality training, which includes information regarding the carriage of assistance dogs.

2.20 Medical Exemption Certificates

2.20.1 Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

2.20.2 The Licensing Authority will:

- a) Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.
- b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request; with the cost of this certificate being borne by the driver being granted the exemption.
- c) Only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

2.21 National Database of Vehicle Licences

2.21.1 The Government (DEFRA) have issued regulations which require licensing authorities to upload and regularly update details of all licensed vehicles onto a central register for the purposes of creating a register to use when creating clean air zones across the country.

2.22 Seat Belts – Driver Exemption

2.22.1 Generally speaking, every person driving a motor vehicle must wear a seat belt. However, this requirement does not apply to: -

2.22.2 The driver of a Hackney Carriage while it is being used for seeking hire or answering a call for hire, or carrying a passenger for hire;

2.22.3 A Private Hire Driver while they are using a Private Hire Vehicle to carry passengers for hire.

2.23 Converted Vehicles

- 2.23.1 Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved certification for that vehicle.
- 2.23.2 Typically, the type of vehicles adapted or modified are small vans (N1 vehicles) and larger vehicles, such as minibus type vehicles (M2 vehicles). Where vehicles have been converted, applicants need to provide additional certification to satisfy the Authority that the conversion has been carried out to the proper and safe standard.
- 2.23.3 If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall have been subsequently granted M1 Whole Type Approval.
- 2.23.4 Any vehicles which have had their seating capacity reduced or increased in order to obtain a licence must have a Voluntary Individual Vehicle Approval (VIVA) test (as opposed to Statutory IVA test which cannot be used if the vehicle has already been registered in the UK) carried out. (where seating is reduced all bolt holes where seats have been removed must be covered over.) Before a licence is granted the applicant must produce to the Council an updated log book to reflect seating capacity.
- 2.23.5 In the first instance applicants must contact the Driver & Vehicle Standards Agency (DVSA) to obtain the correct type of Individual Vehicle Approval (IVA) application form. For further information or advice applicants must contact DVSA on 0300 123 9000 or alternatively e-mail; approvals@dvs.gov.uk
- 2.23.6 Any seats that have been added must be fitted to the manufacturer's specification and pass the IVA test and have all the necessary documentation in place. Any limousines, imported and converted vehicles from outside the UK will require an IVA test irrespective of age.
- 2.23.7 Further Information with respect to vehicle approvals can be found at: <https://www.gov.uk/vehicle-approval>

2.24 Executive Hire

- 2.24.1 The main distinction between private hire and executive hire is the type of client, service offered and cost of the service.
- 2.24.2 When determining if a booking is executive hire, consideration will be given to the following factors; how the booking is made, how payment is made, type of vehicle used, dress code of the driver, business plan of the operator.
- 2.24.3 Executive hire vehicles must be of an executive prestige standard and less than 3 years old when first licensed for executive hire. The vehicle will not be permitted to display any form of advertising including company details. A full list of vehicle requirements can be found at: www.oldham.gov.uk/taxis

3. Drivers

3.1 Parallel Procedures

3.1.1 The statutory and practical criteria; and qualifications for private hire and hackney carriage drivers licences are similar. Therefore, the sections below, apply equally to hackney carriage and private hire drivers unless indicated.

3.2 Application Requirements

3.2.1 The Council will not grant a licence unless it is satisfied that the applicant is fit and proper.

3.2.2 An applicant must be at least 21 years of age at the time they make an application.

3.2.3 Criminal offences are checked through the Disclosure & Barring Service via the Council's contractor whose details are on our website. They will process the applicants online DBS application and submit it. The Council requires applicants for driver licences to disclose all convictions whether spent or not; and in addition, disclose any fixed penalties, cautions, bind-overs or anti-social behaviour orders. Other applicants need only declare unspent convictions etc.

3.2.4 All applicants are required to sign up with the DBS update service within 30 days of the issue date on the certificate. Failure to do so will result in a new DBS certificate being required. As part of the application for a licence they, by making that application, agree to a check of the DBS update service being carried out. It is the licence holders responsibility to keep the update service live by paying the annual amount to the DBS which will be charged to the card they have registered. If card details change licence holders must contact the DBS. Where an update service registration lapses a new DBS certificate will be required and a licence will not be issued until that certificate is assessed by the Council.

3.2.5 Where an applicant has lived outside the United Kingdom for more than three continuous months since the age of 18 they must obtain a Certificate of Good conduct authenticated and translated into English by the relevant Embassy or Consulate in order to assess suitability and review any previous convictions.

3.2.6 All applicants must by law prove to the satisfaction of the Council that they are **legally entitled to work** in the United Kingdom prior to a licence being granted.

3.2.7 All new applicants must undertake an **English language assessment**. Details of the implementation date and requirements will be inserted here once approved.

3.2.8 All drivers and operators who are renewing licences after the 1st April 2022 must prove that they are **registered with HMRC to pay UK tax**. Full details of this new scheme will be updated in this policy. In the meantime information can be viewed at:

<https://www.gov.uk/guidance/changes-for-taxi-private-hire-or-scrap-metal-licence-applications-from-april-2022>

3.2.9 The applicant must lodge a standard passport size photograph with the application to be used on the Council's database and on their Council issued ID badge if a licence is issued. The photo must resemble their usual appearance as it would be seen by the public. No sunglasses are to be worn nor any hats not required by way of religion that may otherwise obscure the face or usual appearance.

3.2.10 Should an applicant who has an application pending have any change in circumstances during the application including medical, driving record or conviction/arrest he should notify the Council in writing immediately to enable this information to be assessed for relevance.

3.2.11 Should an applicant who has an application pending have any change in circumstances during the application period including medical issues, driving record or arrest/conviction for an offence they must notify the Council in

writing immediately to enable this information to be considered. The Council will consider carefully the application/licence of any person who does not notify the Council of matters that they should under the application criteria or licence conditions.

3.2.12 A copy of the Councils guidance on the suitability of applicants can be obtained at: www.oldham.gov.uk/taxis

3.3 Drivers Knowledge Tests

3.3.1 Applicants must pass a Driving Standards driven test to assess your driving ability. Please go to www.oldham.gov.uk/licensing for more information on how to book and pay.

3.3.2 The second stage is that applicants will book in for the written test which contains 30 questions which will comprise of the following: -

Section A

15 questions on driver & vehicle conditions, basic maths questions and Child Sexual Exploitation

Section B

15 questions on destinations

3.3.3 To successfully pass the test applicants must get at least 10 questions correct in each of the two sections.

3.3.4 The test will last one hour.

3.3.5 A list of destinations for the written tests is available online.

3.3.6 If an applicant fails **six** attempts at the test paper they will be referred to an Authorised Officer who will consider refusing their application.

3.3.7 If an existing licence lapses and is not renewed the applicant will have to demonstrate his/her knowledge of conditions if a licence has been in force in the last six months. Outside this time a full test will be conducted.

3.4 Driving Licence Requirements

3.4.1 Applicants must have held a full GB or EU driving licence for at least two years when you apply for a licence. If you do not fall into the category above and you have a foreign driving licence you must have held a valid licence for at least two years of which twelve months must have been GB or EU. The two years commences from the date of issue of the licence rather than the date of test passed.

3.5 Applications taking a period of time

3.5.1 Where an application is submitted for a dual drivers licence and that licence is not granted within 6-months from the date of the DBS certificate, an online status check will be undertaken. If that fails a new DBS will have to be applied for and returned before a licence can be granted.

3.5.2 Where a 'new' application is submitted for a dual drivers licence and that licence is not granted within 6-months from the date of the Medical certificate, then a medical self-declaration form will need to be returned before a licence can be granted.

3.5.3 Where a 'renewal' application is submitted for a dual drivers licence and that licence is not granted within 3 months from the date of application, due to incomplete supporting information/documentation then a new application will have to be applied for an returned before a licence can be granted.

3.6 Duration of Licences

3.6.1 Driver's licences are to be granted for a period of up-to 3 years. There may be circumstances where a licence cannot be issued for 3 years this may include:

- The applicant is due to retire or cease being a licensed driver;
- The driver is being given a trial following a hearing/assessment of their fitness to hold a licence.
- In the case of a situation where the licence is not in sync with the DBS certificate a licence may be granted until the end of the 3-year term of the current DBS certificate.
- Other cases that may arise from time to time that the Licensing Panel or an Authorised Officer feel requires a licence to be issued for a period of less than 3 years.

3.7 Medical Standards

3.7.1 The Council has adopted the Group 2 licence medical standard for licensed drivers.

3.7.2 The medical certificate required by the Council requests medical practitioners to have regard to the guidelines issued by the DVLA on fitness to drive.

3.7.3 Medical certificates must be issued by a registered Doctor who has had full access to the applicant's medical notes and history. This rule is designed to ensure that full disclosure is made of the applicant's medical condition.

3.7.4 Group 2 medical forms must be dated within the last three months.

3.7.5 Any licence holder must, as soon as is reasonably practicable, notify the Council of any newly diagnosed medical condition which may restrict their entitlement to a driver's licence requiring a DVLA Group 2 medical standard.

3.7.6 Medicals are required upon application, then every 6 years until the age of 65 and annually thereafter. The medical expiry date will tie in with every other drivers licence issued.

3.8 Conditions

3.8.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on private hire drivers Appendix C sets out the conditions attached to private hire drivers licences.

3.9 Online Applications

3.9.1 Online applications must now be made via the main licensing webpages: - www.oldham.gov.uk/taxis

If you are an existing licence holder please contact the licensing team to obtain a registration code. Guidance on applying for a licence online can be found on our website above.

3.10 Driver Awareness Training

3.10.1 All new applicants must attend the mandatory Driver Awareness Training session prior to being able to sit their Driver Knowledge Test. This is run by the Council.

3.11 Database of Refusals and Revocation

3.11.1 The sharing of information, within the rules governing data protection, is an essential part of our role in protecting the public. By sharing information on our decisions, it helps other licensing authorities make informed decisions.

3.11.2 Applicants and licence holders should be aware that Oldham Council has adopted to use the NR3 register of refusals and revocations which is a portal where licensing authorities can share decisions. All applicants will be checked against this database to check whether another licensing authority holds information about that applicant that may be useful the decision making process. The Council also maintains its own records of such decisions.

3.12 VRQ/NVQ Qualification

3.12.1 All new applicants are required to register and undertake a VRQ in Road Passenger Transport as part of their application. Once licensed the driver must undertake the Level 2 NVQ in Road Passenger Transport within 2 years. This is subject to the relevant funding being available so there is no cost to the applicant.

3.13 Dress Code

3.13.1 The purpose of the dress code is to set a standard that provides a positive image of the licensed hackney carriage and private hire trade in Greater Manchester, Promoting public and driver safety.

Dress Standard

- All clothing worn by those working as private hire or hackney carriage drivers must be in good condition and the driver must keep good standards of personal hygiene.
- As a minimum standard whilst working a licensed driver, males should wear trousers and a shirt/t-shirt or polo shirt which has a full body and short/long sleeves. Knee length shorts are acceptable. Exceptions related to faith or disability are accepted.
- As a minimum standard whilst working as a licensed driver, females should wear trousers, or a knee length skirt or dress, and a shirt/blouse/t-shirt or polo shirt which have a full body and a short/long sleeve. Knee length shorts are also acceptable. Exceptions related to faith or disability are accepted.
- Footwear whilst working as a licensed driver shall fit (i.e. be secure) around the toe and heel.

Examples of unacceptable standard of dress

- Clothing that is not kept in a clean condition, free from holes, rips or other damage.
- Words or graphics on any clothing that is of an offensive or suggestive nature which might offend.
- Sportswear e.g. football/rugby kits including team shirts or beachwear (tracksuits are accepted)
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel.
- The wearing of any hood or any other type of clothing that may obscure the driver's vision or their identity.

3.14 Uniforms

3.14.1 The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The Council acknowledges that many private hire and hackney carriage companies do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Council would encourage licensed drivers to support.

4. Operators

4.1.1 Operators of private hire vehicles are required to be licensed under the 1976 Act. No person may operate a vehicle as a private hire vehicle if the vehicle or the driver is unlicensed. "Operate" means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle.

4.1.2 The Council must grant an operator's licence unless the applicant is not a fit and proper person to hold one.

4.1.3 The Council may refuse to grant an operators licence where the trading name is the same or similar to an existing operator.

4.2 Conditions

4.2.1 Operators must comply with the conditions set out in Appendix D

4.2.2 The Council is permitted to impose such conditions, as it considers reasonably necessary, on private hire operators Appendix D sets out the conditions attached to private hire operator licences.

4.2.3 The conditions at Appendix D do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

4.3 Duration of Licences

4.3.1 Operator licences are granted for 5 years, unless circumstances dictate it should be granted for a lesser period.

4.4 Insurance

4.4.1 As a private hire operator you may be required to obtain 'public liability' insurance and / or 'employee' liability insurance. You should seek advice from the Authority as to whether you do require such insurance.

4.5 Criminal Check

4.5.1 An operator requires an annual basic check if not already an authorised driver with the council.

4.5.2 The operator must ensure all staff, paid and unpaid, who have access to booking and despatch records are subject to a 'Basic' Criminal Records Check, conducted by the Disclosure Barring Service.

4.5.3 Such checks will need to be carried before initial employment commences and then every year after for both operators and staff.

4.5.4 For existing staff already in employment at the time this policy came into effect, checks will need to be carried out within 3-months of commencement of this policy and then every three years thereafter.

4.6 Operators Policies

4.6.1 Operators are required by virtue of the Private Hire Operator Licence conditions to adopt, implement, review and update as is necessary the policies as outlined in section 11 of the above conditions.

4.7 CSE & Licensing Training

4.7.1 All base / office staff will be required to attend the Council's CSE and Licensing Training Course.

4.8 Data Protection

4.8.1 Operators must ensure that they are registered with the Office of the Information Commissioner for the provision of handling and storing customers data. Furthermore, operators must ensure that customers personal data, i.e. phone numbers are not accessible or are shared with individual drivers without the express consent of the hirer.

5. Enforcement

5.1 Authorised Officers

5.1.1 'Authorised Officers' are officers appointed by the Council to fulfil duties and carry out licensing functions on its behalf.

5.1.2 The 1976 Act defines an "authorised officer" as "an officer of a district council authorised in writing by the Council for the purposes of this Part of the Act". Authorised Officers have the right to do the following: -

- require drivers to produce licences, insurance certificates and other documents;
- require operators to produce records;
- to remove plates and discs from vehicles;
- to inspect and test vehicles.
- suspend vehicles from use;
- suspend or revoke a drivers licence.

5.1.3 Obstruction of authorised officers is a criminal offence.

5.1.4 The Council employs Licensing Officers who have the authority to exercise the powers set out in the 1847 and 1976 Acts.

5.2 Complaints

5.2.1 Should a complaint be received about a driver, operator or vehicle proprietor it will be investigated fully. Ideally complaints should be put in writing and emailed to licensing@oldham.gov.uk

5.3 Enforcement

5.3.1 Many rules and regulations apply to taxi licensing and a system of enforcement exists to oversee the process.

5.3.2 If a criminal offence is committed prosecutions may be brought by either the Council or the Police.

6. Offences

6.1 Criminal Offences

- 6.1.1 There are several specific offences that apply to the hackney carriage and private hire trades. The 1847 Act and Byelaws made under it together with the 1976 Act all have offences contained in them and are the ones to be aware of. Copies of the above-mentioned Acts are available on request or can be downloaded from our website. Copies of the offences can be viewed at Appendix F
- 6.1.2 In addition, all those concerned with the private hire and hackney carriage trades should make themselves aware of the relevant provisions of the Road Traffic Act 1988 e.g. speeding, traffic signs, insurance and defective vehicles.

6.2 Driving Whilst Unlicensed

- 6.2.1 It is very important to note that offences can be committed by the driving of a Hackney Carriage or Private Hire Vehicle by un-licensed drivers.
- 6.2.2 Hackney Carriage and Private Hire Vehicles remain licensed at all times they have a licence in force and cannot be driven otherwise than by the appropriate driver. This extends to any unlicensed driver including members of the family of the licensed driver.
- 6.2.3 Contravention of this rule may also result in the offence of driving whilst un-insured (an/or permitting another to drive while uninsured).

6.3 Rights of Appeal

- 6.3.1 Any person aggrieved by a requirement, refusal, or other decision of a decision of the Council, including authorised officers, may appeal to the Magistrates' Court.
- 6.3.2 The 1976 Act makes special provisions relation to rights of appeal. Certain decisions in relation to applications being refused etc are suspended until the 21-day appeal period has expired and if an appeal is lodged until such appeal is disposed of. On public safety grounds certain decisions may take immediate effect. There are also further rights of appeal to the Crown Court under the Public Health Act 1936.

7. Delegated Powers

7.1 Delegation Scheme

- 7.1.1 The Council cannot take all decisions directly or through its Committees. An Executive Director is authorised to take all action on behalf of the Council that are not specifically reserved to the Council or a Committee. The Executive Director can then further delegate functions to Officers who carry out the daily tasks and actions under that authority.

8. Fares

8.1 General

- 8.1.1 The Council is not able to set the fares for private hire vehicles; this is a matter for the operator of the firm the vehicle works from.
- 8.1.2 In relation to hackney carriage vehicles, the 'Hackney carriage Table of Fares' is set by the Council and are a maximum fare that can be charged by hackney carriage drivers, which can be negotiated downwards, by the hirer, for journeys within the Borough.

9. Fees

9.1 Fees

9.1.1 The Council is entitled to charge fees in respect of the various licences it administers, and legislation provides that the fees charged to applicants should cover the cost of application and administration; and in relation to vehicles this extends to inspection, creation / maintenance of hackney stands, administration and enforcement and training.

Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.

9.1.2 Fees are reviewed annually in accordance with Council policy and GM Licensing fees model.

10. Hackney Carriage Stands

10.1 Taxi Ranks

10.1.1 The purpose of hackney carriage stands (taxi ranks) is to provide the public with a set location at which they can hire a licensed hackney carriage. Only Hackney Carriages licensed by Oldham Council can stand on a taxi rank or stand as they are sometimes referred to. A list of ranks is available on our web page.

10.1.2 There is an obligation on drivers when plying for hire in any street and not actually hired to proceed to one of the ranks designated under the 1976 Act. The 1847 Act defines a street as extending to any “road, square, court, alley and thoroughfare, or public passage”. Land will only be a street if the public have a right to be there.

11. Public Registers

11.1 Registers

11.1.1 The Council is required by the 1847 Act to maintain a register of licences it issues. These and other information can be viewed on our web page.

Appendix A

Private Hire Vehicle Conditions

Appendix B

Hackney Carriage Vehicle Conditions

Appendix C

Private Hire Drivers Licence Conditions

The licensee shall at all times comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

Definitions

In this licence:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"the Council" means Oldham Council

"the Operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Act.

"private hire vehicle" has the same meaning as in Section 80 of the Act.

"the proprietor" has the same meaning as in Section 80 of the Act.

"the meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.

"authorised officer" has the same meaning as in section 80 of the Act.

"licensee" means the person who holds the private hire drivers' licence.

"hirer" means the customer that has made the booking, who could also be the passenger

"passenger" means the person(s) travelling in the booked vehicle. For the avoidance of doubt, all children (including babies) count as individual passengers.

'Sexual Activity' includes but not limited to touching, kissing, inappropriate comments or conversation or propositioning.

"Owner" means a person to whom any lost property belongs to

"Drivers badge" has the same meaning as in Section 80 of the Act.

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, all communication must be to the Council's Licensing Department unless otherwise stated. Reference to the Council's email address means the email address of the Council's Licensing Department.

1. Licence Administration

- 1.1 The licensee shall notify the Council in writing of any change of their address and contact details during the period of the licence within 7 days of such change taking place.
- 1.2 The licensee shall notify the Council in writing within 7 days of commencing work with a private hire operator.
- 1.3 The licensee shall notify the Council in writing within 7 days of any subsequent change of operator.
- 1.4 The licensee shall provide a copy of his private hire driver's licence with the Operator through which the Private Hire Vehicle is being used.
- 1.5 The licensee shall ensure that relevant documentation (including DBS certificate/status, Medical Certificate, and right to work documentation) required by the Council to assess their fit and proper status, is kept up to date and remains 'valid' in line with the Council's policies.
- 1.6 For the duration of the licence, the licensee shall attend (as required) and pay the reasonable administration charge or fee attached to any requirement for training or to produce a relevant certificate (i.e. new medical certificate), assessment, validation check or other administration process.
- 1.7 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

2. Convictions and Suitability Matters

- 2.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following;

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty or speed awareness course,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- any matter of restorative justice

And shall provide such further information about the circumstances as the council may require.

3. Notification of Medical Conditions

- 3.1 The licensee shall notify the council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard. Notification must be sent to the Council's email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- 3.2 The licensee shall at any time (or at such intervals as the council may reasonably require) produce a certificate in the form prescribed by the council signed by an appropriate Doctor/Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

4. Driver Badge

- 4.1 The licensee shall at all times when driving a private hire vehicle wear the driver's badge issued to them by the Council so that it is plainly and distinctly visible and show it to any passenger(s) if requested.
- 4.2 The badge shall be returned to the council immediately upon request by an Authorised Officer (i.e. the licence is suspended, revoked or becomes invalid for any reason).
- 4.3 The licensee must wear any lanyard, clip or hold issues to them by the Council.

5. Driver Conduct and Dealing with Passengers

- 5.1 The licensee shall behave and drive in a civil, professional and responsible manner to passengers, other road users, members of the public, Council officers and other agencies.
- 5.2 The licensee shall comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensee will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g. heating/ventilation)
- 5.3 The licensee shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at the appointed time and place as required by the operator booking or as instructed by an Authorised Officer.
- 5.4 The licensee shall stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off engine if required to wait (no idling).
- 5.5 The licensee shall not use the vehicle's horn to attract customer attention. The horn must only be used in an emergency.
- 5.6 The licensee shall comply with the Council's Licensed Drivers Dress Code.
- 5.7 The licensee shall provide reasonable assistance to passengers as required by the hirer (e.g. mobility assistance and loading/unloading luggage). The licensee shall not provide mobility assistance to passengers by physically touching without consent to do so.
- 5.8 The licensee shall ensure that luggage (including shopping and other large objects) are safely and properly secured in the vehicle.
- 5.9 The licensee and passengers are not permitted to smoke in the vehicle. The licensee also must not;
 - a) vape or use an e-cigarette in the vehicle
 - b) drink or eat whilst driving

- c) use any hand held device whilst driving or allow themselves to be distracted in any other way
 - d) display any moving images or have any form of visual display screen fitted to the licensed vehicle other than satellite navigation
 - e) conduct lengthy telephone conversations whilst driving passengers
 - f) play a radio or sound reproducing instrument or equipment in the vehicle (other than for communicating with the operator) without the express permission of the passenger(s)
 - g) cause or permit the noise emitted from any radio or sound reproducing instrument or equipment in the private hire vehicle to cause nuisance or annoyance to any person
- 5.10 The licensee when hire shall, (subject to any directions given by the passenger), take the shortest route bearing in mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken.
 - 5.11 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers within, entering or alighting from the vehicle.
 - 5.12 The licensee shall report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.
 - 5.13 The licensee shall be vigilant regarding vulnerable passengers and safeguarding concerns when carrying out his duties and shall report any concerns immediately or in any event within 24 hours in accordance with council guidance.
 - 5.14 The licensee shall report (on the conclusion of the booking to the operator any complaints a passenger/member of the public has made to the licensee regarding their conduct or the conduct of other personnel/drivers.
 - 5.15 The licensee shall not engage in any sexual activity in a licensed vehicle, even if consensual.
 - 5.16 The licensee shall not, except with the express consent of the hirer/passenger or approved ride share journey, carry any person (other than the hirer/passenger) in the private hire vehicle.
 - 5.17 The licensee shall not carry a greater number of passengers than is prescribed on the vehicle licence and shall not allow any unaccompanied child to be carried in the front seat of the vehicle.
 - 5.18 The licensee will ensure that the vehicle is clean for passengers and the plate clearly visible at all times he is on control of the vehicle.
 - 5.19 The licensee will ensure that he is aware of all the workings and mechanics of the vehicles before undertaking bookings.
 - 5.19 The licensee will ensure that he is aware of all the workings and mechanics of the vehicles before undertaking bookings.
 - 5.20 The licensee shall report any accidents involving a licensed vehicle they are driving within 72 hours to the Licensing Department and must comply with any request thereafter by an Authorised Officer.
 - 5.21 The licensee shall ensure that a daily vehicle check log has been completed (either by himself or the vehicle proprietor) at the beginning of each shift. The check to be carried out are as follows:

- lights and indicators
- tyre condition, pressures and tread
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see
- Door and bonnet stickers on display
- Tariff sheet on display
- Horn in working order

The licensee shall ensure a record of the above information is kept in the vehicle at all times and will ensure the information is available to an Authorised Officer or Police Officer upon request.

6. Assistance Dogs

- 6.1 The licensee shall carry a disabled passenger's assistance dog with the passenger. The licensee will follow the advice of the passenger as to the exact position and location for the assistance dog to travel, to best suit their needs.
- 6.2 Where the licensee has been granted a medical exemption so as to exempt them from any requirement under the Equality Act 2010; the notice of the exemption must be displayed in the vehicle so that it is visible by fixing it in an easily accessible place (for example on the dashboard) or as prescribed by the Council.
- 6.3 The licensee must notify their operator of any medical exemption they hold in relation to the requirements under the Equality Act 2010.

7. Fares

- 7.1 If the vehicle is fitted with a meter the licensee shall ensure it is always visible. The licensee shall ensure it is not cancelled or concealed until the passenger has paid the fare.
- 7.2 The licensee shall ensure a copy of the current fare table is always displayed and visible in the vehicle.
- 7.3 The licensee shall not demand from any passenger a fare in excess of that previously agreed, displayed on a fare card, or if the vehicle is fitted with a meter the fare shown on the face of the taximeter.
- 7.4 The licensee shall, if requested by the passenger, provide a written receipt for the fare paid.

8. Conduct relating to illegally plying or standing for hire

- 8.1 The licensee shall ensure that the passenger(s) entering the vehicle is/are the correct person(s) for whom the vehicle has been pre-booked.
- 8.2 The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:

- a) in high footfall /high visible locations
- b) outside busy venues/businesses or in close proximity to events
- c) at the front or back of designated hackney ranks
- d) in groups or lines that present as a 'rank'
- e) in contravention of road traffic orders

8.3 The licensee shall not while driving or in charge of a private hire vehicle:

- (a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (b) Cause or allow any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (c) Offer any Private Hire vehicle for immediate public hire (whether the journey was undertaken or not)
- (d) Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator's booking system. For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensee by the operator.

9. Responsibility for lost property

- 9.1 The driver must immediately after the end of every hiring or as soon as is practical thereafter, search the vehicle for any property which may have been accidentally left there.
- 9.2 If any property accidentally left in a private hire vehicle is found by or handed to the licensee then all reasonable steps must be taken to return the property to its rightful owner. If the property cannot be returned to the owner, then the property should be reported to the operator through whom the passenger booked the vehicle at the earliest opportunity and handed to the Operator as soon as is practical and in any case within 24 hours of the property being found.

Appendix D

Private Hire Operator Conditions

The Operator shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

Definitions

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976. You can get a copy online.

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Oldham Council

"The Operator / PHO" a person who makes provisions for the invitation and acceptance of bookings/hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"District" means the area within the Licensing Authority boundary

Words importing the masculine or feminine gender such as 'his' and 'her' shall include a company and be construed accordingly.

Reference to the Council's email address means the email address for the Council's Licensing Department.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

1. Premises & Equipment

- 1.1 The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions imposed.
- 1.2 The Operator shall provide adequate communication facilities and staff to provide an efficient service to the public using the operator's facilities.
- 1.3 The Operator's premises shall be kept clean and tidy, and adequately heated, ventilated and lit.
- 1.4 The Operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate and comfortable seating.
- 1.5 The Operator's radio/electrical equipment where installed shall be regularly maintained in good working condition and any defects shall be repaired promptly.
- 1.6 The Operator shall at no time cause or permit any audio equipment to be a source of nuisance, annoyance or interference to any other person. In addition, all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.

- 1.7 The Operator shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises and produce the same to an Authorised Officer or Constable on request.
- 1.8 The Operator must display the following at all times, at any premises that the general public have access to and/or on online booking sites and applications:
- a) A copy of the current Operator licence
 - b) A schedule of fares
 - c) A notice which provides information on how to complain to the Licensing Authority including email and phone number
 - d) A copy of the public liability insurance policy certificate

The above shall be displayed in a prominent position within the relevant premises where it can be easily read; or clearly marked on the relevant online site/app where it can be easily accessed.

- 2.9 If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed at 2.8 above must also be available to view on the relevant web pages or application menu.
- 2.10 The Operator shall not allow their Licensed Operator Premises to be used to conduct business relating to licensees of other non-Greater Manchester local authorities.

2. Booking Fares

- 2.1 When accepting the hiring, the Operator shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.
- 2.2 When accepting the hiring, the Operator shall, if requested by the person making the booking, specify the fare or the rate of the fare for the journey to be undertaken and, in every case, the Operator shall immediately enter all the details of the hiring legibly as required, by Condition 3.3.
- 2.3 The records of hiring accepted by the Operator as required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976, shall contain the following detail:
- Time and date booking received (using 24-hour clock)
 - Name and contact details (phone number or address) of person making the booking
 - How the booking was made e.g., Telephone/Online etc
 - Time and detailed pick up location
 - Specific destination (the use of the term 'as directed' or similar term should only be used exceptionally).
 - ID of dispatched driver (i.e., name and call sign)
 - ID of dispatched vehicle (Licence/fleet number)
 - ID of person taking booking (excludes electronic bookings)
 - Any special requirements e.g. wheelchair accessible or disability assistance
 - Details of any subcontracting to or from another PHO (Inc. any other Operator owned by the Operator subject to these conditions)
 - Any fare quoted at time of booking, if requested by the person making the booking.
- 2.4 The Operator shall not allow drivers to pass a booking on to the Operator on the passenger's behalf and will take all reasonable steps to ensure their drivers are aware that such practice is illegal.
- 2.5 Where a booking is sub-contracted the customer must be so advised and informed as to the sub-contracted Operator who will be undertaking the booking.

- 2.6 If a non – Oldham Council licensed driver and vehicle are being dispatched to fulfil the booking, the Operator must communicate the following message to the person making the booking (whether via telephone, automated booking or booking App) before the booking is made (allowing the requester the opportunity to confirm the booking or not):

The driver and vehicle you are about to book are not licensed by (Oldham Council) to their standards and Oldham Council) Council are not empowered to take licensing action in the event of a complaint. Your driver and vehicles are licensed by {insert name of Council} and customers will have to deal with that authority in the event of a complaint.

- 2.7 The despatch, by an Operator, of a passenger carrying vehicle (PCV) and the use of a public service vehicle (PSV), such as a minibus, is not permitted without the express consent of the hirer.
- 2.8 Where the hirer is being given the option of one of the above mentioned vehicles being despatched, they should be notified that the driver is subject to different checks than a private hire driver and are not required to have an enhanced DBS check.
- 2.9 The Operator must advise the authority of the booking system it uses and advise in writing when the booking system is changed. The operator must demonstrate the operation of the system to an authorised officer upon request. Only the confirmed booking system (whether that be an electronic or manual system) can be used to record journeys taken for and carried out by vehicles licensed by Oldham Council (or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency).

3. Record Keeping & Responsibility

- 3.1 The Operator must keep detailed, up to date, records of every driver and vehicle operated by him (whether licensed as private hire or hackney carriage) and no matter which Council licensed the driver/vehicle. The records must include:
- a) Name and home address of the driver
 - b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
 - c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence and that Licensing Authority that issued it.
 - d) Name and home address of the proprietor of every vehicle
 - e) A copy of the current vehicle licence including expiry date, the licensing authority that issued it.
 - f) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
 - g) The vehicle registration number
 - h) A list of unique radio/call sign allocated to the driver and vehicle
 - i) A copy of the valid insurance in place for the driver and vehicle

- 3.2 The Operator must ensure that booking records are:
- a) Kept electronically
 - b) Are available for immediate inspection by an Authorised Officer or Police Officer
 - c) Able to be printed onto paper or downloaded in an electronic format
 - d) Continuous and chronological
 - e) Not capable of retrospective alteration or amendment
 - f) Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records. The name of the person compiling the records must be detailed on the records.
 - g) Are clear, intelligible, kept in English and retained for a minimum of 12 months from the date of the last entry or for such other period as required by an Authorised Officer.
- 3.3 The Operator must retain records for a minimum period of 12 months and make available any GPS data and any voice recording system for inspection upon request by an Authorised Officer or Police Officer.
- 3.4 The Operator must implement a robust system to ensure that drivers and/or vehicles do not operate when their licence or insurance has expired. This must be documented and approved by an Authorised Officer.
- 3.5 The Operator must conduct a check of the Council's public register (where it exists) when contracting a driver to carry out bookings.
- 3.6 The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:
- a) in high footfall / high visible locations
 - b) outside busy venues/businesses or in close proximity to large events
 - c) at the front or back of designated hackney ranks
 - d) in groups or lines that present as a 'rank'
 - e) in contravention of road traffic orders

Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.

- 3.7 The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.
- 3.8 The Operator will ensure registration with the Information Commissioner's Office for Data Controller, CCTV and other relevant purposes. Where the Operator is exempt from registration with the Information Commissioner's Office, they will notify the Council within 7 days of the commencement of these conditions.
- 3.9 Where the Operator agrees sub-contracting arrangements with other non-*(insert name of Council)* licensed Operators, it must have due regard for the comparative licensing policies and standards of the relevant licensing authority their partner Operator is subject to, and take steps not to undermine the Council's licensing standards which have been set in the interests of promoting high levels of public safety.

4. Complaints

- 4.1 The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse.

The Operator must notify the Council within 72 hours of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters involving dishonesty or equality.

The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.

- 4.2 The Operator must record every complaint received against its service (against any driver operated by him, including those licensed by other authorities carrying out a sub-contracted booking on the Operator's behalf) and, if unable to resolve the complaint within 7 days (from the date of the complaint) the Operator must provide the complainant with the relevant Licensing Authority contact details within 10 days (from the date of complaint).
- 4.3 Where a complaint not covered by section 5.1 above is received against a driver and it remains unresolved after 7 days (from the date of complaint), the operator must notify the Council within 10 days (from the date of complaint). The Operator is required to provide at the time of notification, the identity of the driver involved, the nature of the complaint/enquiry including the complainant's details.
- 4.4 The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.

5. Convictions and Staff Vetting

- 5.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following:
- arrest or criminal investigation,
 - summons,
 - charge,
 - conviction,
 - formal/simple caution,
 - fixed penalty,
 - criminal court order,
 - criminal behaviour order or anti-social behaviour injunction,
 - domestic violence related order,
 - warning or bind over
 - any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

5.2 The Operator must keep up to date records of all individuals working in any capacity (paid or unpaid) and who have access to booking records for the business as follows:

- Full Name
- Address
- Date of Birth
- Contact details (phone and email)
- DBS issue date and certificate number
- Start and finish dates of employment
- Job Title

5.3 The Operator must ensure that all individuals (non-drivers) working in any capacity and have access to booking records (paid or unpaid) have obtained a basic DBS Certificate from the Disclosure and Baring Service before commencing employment. The DBS certificate must be dated within one month before the commencement of employment.

5.4 The Operator must ensure that DBS checks are carried out for all existing relevant staff (as per condition 6.3) within one month of the commencement of these conditions.

5.5 The employee should be registered with the DBS Update Service to enable the Operator to conduct regular checks (six monthly as a minimum) of the individual's DBS status.

5.6 The Operator must have a policy compatible with the Council's suitability policy or adopt the Council's suitability policy and implement this policy in relation to the recruitment of all staff (paid or unpaid) and the recruitment of ex-offenders. This must be produced upon request.

5.7 The Operator must be able to evidence that they have had sight of a basic DBS by maintaining a register. The register should be a 'living document' that maintains records of all those in those employed for at least 12 months, being the duration of how long booking records are to be kept and allows cross referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

5.8 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

6. Advertisements

6.1 The Operator shall not cause or permit to be displayed in, on or from his/her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or includes the words "Taxi" whether in the singular or plural or the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle operated by him/her is a hackney carriage.

6.2 All advertisements by the Operator should first be approved by the Council to ensure they comply with conditions and do not breach the Codes of Practice of the Advertising Standards Authority or those of the Portman Group relating to alcohol advertising.

6.3 The Operator must not dispatch any vehicle that has been licensed by another Authority, which uses, displays or exhibits any literature, documentation, advertising or which displays any signage associated to the Private Hire Operator or the Council which suggests, indicates, misleads or might lead to a misunderstanding that the vehicle is licensed by this Council.

7. Notifications and Licence Administration

7.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

7.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.

7.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

8. Duty to Co-Operate

8.1 The Operator and his/her staff shall co-operate fully with any Local Authority Authorised Officer or Police Officer in respect of any enquiries or investigations carried out relating to drivers or vehicles currently connected to the business or formerly connected to the business.

8.2 The operator will provide the Council with details of appropriate members of staff (whether at the base or via telephone) to be contactable during the times of operation (day or night) in relation to compliance/enforcement related matters. Where the aforementioned contact details change, the Operator shall inform the Council of the new contact details within 24 hours.

8.3 The Operator shall grant access to the licensed premises to any Local Authority Authorised Officer or Police Officer upon request.

9 Lost Property

9.1 Any lost property held by the Operator must be stored securely by him for 6 months after it was found.

10 Operator Policies

10.1 Operators are required to adopt, implement, review, update as is necessary and submit to the Council the following policies:

- Safeguarding Policy
- Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints
- Equality Policy (Equality Act 2010) including disability awareness and the carrying of assistance animals.
- Data Protection Policy

- Recruitment / Suitability Policy

11 Training

- 11.1 Operators should ensure that they have attended any licensing training required by the Council within one month of a licence being granted or as otherwise directed by the Council.
- 11.2 The Operator must ensure that training is provided to relevant staff (paid or unpaid) on licensing law, Licensing policy, the policies listed at paragraph 11.1 and how and when to accept bookings. This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a record of the aforementioned training which has been signed by the operator and the member of staff.

Hackney carriage Bylaws

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of Oldham Metropolitan Borough with respect to hackney carriages in Oldham.

Interpretation

1. Throughout these byelaws “the Council” means Oldham Metropolitan Borough Council and “the district” means Metropolitan Borough of Oldham.

Provisions Regulating the Manner in which the Number of each Hackney Carriage corresponding with the Number of its Licence, shall be Displayed

(a) The proprietor of hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall: -

(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and

(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible;

Provisions regulating how Hackney Carriages are to be furnished or provided

2. The proprietor of a hackney carriage shall: -

a) provide sufficient means by which any person in the carriage may communicate with the driver;

b) cause the roof or covering to be kept watertight;

c) provide any necessary windows and a means of opening and closing not less than one window on each side;

d) cause the seats to be properly cushioned or covered;

e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

g) provide means for securing luggage if the carriage is so constructed as to carry luggage; provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3. The Proprietor of a Hackney Carriage shall cause the same to be Provided with a Taximeter so constructed, attached and maintained as to comply with the following requirements, that is to: -

a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on then face of the taximeter; when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;

c) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

d) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

e) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions Regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within the District in their Several Employments and Determining whether such Drivers shall wear any and what Badges

4. The driver of a hackney carriage provided with a taximeter shall: -

a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

a) proceed with reasonable speed to one of the stands appointed by the Council;

b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

11. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire and when hired, wear that badge in such position and manner as to be plainly visible.

12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by a person hiring or seeking to hire the carriage: -

h) convey a reasonable quantity of luggage;

i) b) afford reasonable assistance in loading and unloading; and

c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions Fixing the Rates or Fares to be paid for Hackney Carriages within the District and Securing the Due Publication of such Fares

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate of fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

14. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions Securing the Safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages and Fixing the Charges to be made in respect thereof

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the Borough and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

17. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction.

Repeal of Byelaws

19. These byelaws revoke any byelaws previously made by Oldham Metropolitan Borough Council which are subsisting at the date of these byelaws and which relate to hackney carriages and their drivers.

Dated 15th March 2004

Appendix F

List of Offences

Hackney Carriage Offences – Town Police Clauses Act 1847

Offence
Giving False information on application for HC proprietors Licence
Failure to notify change of address of HC proprietor
Plying for hire without HC proprietors Licence
Driving a HC without HC drivers licence
Lending or parting with HC drivers licence
HC proprietor employing unlicensed driver
Failure by HC proprietor to hold HC drivers licence
Failure by HC proprietor to produce HC drivers licence
Failure to display HC plate
Refusal to take a fare
Charging more than the agreed fare
Obtaining more than the legal fare
Travelling less than the lawful distance for an agreed fare
Failing to wait after a deposit to wait has been paid
Charging more than the legal fare
Carrying other person than the hirer without consent
Driving HC without proprietors consent
Person allowing another to drive HC without proprietors consent
Drunken driving of HC
Wanton or furious driving or wilful misconduct leading to injury or danger
Driver leaving HC unattended
HC driver obstructing other HC's

Hackney Carriage Offences – Local Government (Miscellaneous Provisions) Act 1976

Offence
Failure to notify transfer of HC proprietors licence
Failure to present HC for inspection as required
Failure to inform local authority where HC is stored if requested
Failure to report an accident to local authority
Failure to produce HC proprietors licence and insurance certificate
Failure to produce HC drivers licence
Making false statement or withholding information to obtain HC drivers licence
Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence
Failure to surrender drivers licence after suspension, revocation or refusal to renew
Permitting any vehicle other than HC to wait on a HC stand
Charging more than the meter fare for a journey ending outside the district, without prior agreement
Charging more than the meter fare when HC used as private hire vehicle
Unnecessarily prolonging a journey
Interfering with a taximeter
Obstruction of authorised officer or constable
Failure to comply with requirement of authorised officer or constable
Failure to give information or assistance to authorised officer or constable

Private Hire Offences – Local Government (Miscellaneous Provisions) Act 1976

Offence
Using an unlicensed PH vehicle
Driving a PH vehicle without a PH drivers licence
Proprietor of a PH vehicle using an unlicensed driver
Operating a PH vehicle without a PH operator's licence
Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle
Operating a PH vehicle when the driver is not licensed as a PH driver
Failure to display PH vehicle plate
Failure to notify transfer of PH vehicle licence
Failure to present PH vehicle for inspection as required
Failure to inform local authority where PH vehicle is stored if requested
Failure to report an accident to local authority
Failure to produce PH vehicle licence and insurance certificate
Failure to produce PH drivers licence
Failure to wear PH drivers badge
Failure by PH operator to keep records of bookings
Failure by PH operator to keep records of PH vehicles operated by him
Failure to produce PH operator's licence on request
Making false statement or withholding information to obtain PH drivers or operators licence
Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
Failure to surrender drivers licence after suspension, revocation or refusal to renew
Charging more than the meter fare when HC used as PH vehicle
Unnecessarily prolonging a journey
Interfering with a taximeter
Obstruction of authorised officer or constable
Failure to comply with requirement of authorised officer or constable
Failure to give information or assistance to authorised officer or constable



Oldham
Council



Report to LICENSING COMMITTEE

Street Trading- Amendments to Policy

Portfolio Holder:

Councillor A. Chadderton - Cabinet Member for Neighbourhoods

Officer Contact: Director of Environment

Report Author: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

30 November 2021

Reason for the Report

The reason for this report is to ask members to consider adopting changes to the current street trading policy.

Recommendation

Members are asked to approve the proposed changes to the Council's street trading policy.

Street Trading Policy Review

1 Background

- 1.1 Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') enables a Local Authority to adopt a code for the regulation and control of street trading within its district.
- 1.2 Once Schedule 4 to the Act has been adopted by a Local Authority, the Act states that the Local Authority may, by way of a resolution, choose to designate any street within its area as a prohibited, licence or consent street. A public notice will have to be published in order to designate prohibited streets.
- 1.3 In terms of definitions, broadly speaking a prohibited street means no street trading can take place, a licence street is more suitable to streets where the strict control of trading is needed i.e., town centre / district centres and a consent street are applicable to more infrequent types of trading, such as ice cream vans.
- 1.4 The Council adopted the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and resolved to designate some of the streets within the borough as prohibited streets, licence streets and consent streets.
- 1.5 In relation to street trading 'licences', the 1982 Act permits a Council, on application, to ask for any such particulars as the Council reasonably require and may attach to the grant of a licence such conditions as appears to be reasonable.
- 1.6 In relation to street trading 'consents', the 1982 Act states the Council may grant a consent if they think fit and may attach to the grant of a consent such conditions as the deem reasonably necessary.

2 Current Position

- 2.1 Currently there are 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
- 2.2 Officers are proposing the following additions 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.
- 2.3 A copy of the policy including these changes is attached at Appendix 1.

3 Recommendations

- 3.1 Members are asked to note the report and feedback any comments on its content.

4 Preferred Option

- 4.1 N/A

5 Consultation

- 5.1 In drafting this policy consultation took place with the current licence holders and due consideration has been given to comments made and, where felt appropriate to do so, amendments have been made. Only one response was received. As a consequence of the consultation the mandatory CCTV requirement has been replaced with an advisory recommendation at this stage with a view to this being made mandatory at a future date.

6 Financial Implications

- 6.1 None

7 Legal Services Comments

- 7.1 Under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may by resolution designate any street in their district as a prohibited street and the designation of the street shall take effect on the date specified in the resolution which must be at least one month after the day on which the resolution is passed. The Council shall not pass such a resolution unless they have published notice of their intention to pass such a resolution in a local newspaper circulating their area, they have served a copy of the notice on the chief officer of police and on the highway authority and they have obtained the consent of the highway authority.

- 7.2 The notice referred to above shall contain a draft of the resolution and shall state that representations relating to it may be made in writing to the Council within such period, not less than 28 days after publication of the notice, as may be specified in the notice. As soon as practicable after the expiry of the period for representations, the Council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period. After the Council have considered those representations, they may, if they think fit, pass such a resolution relating to the street and then they must publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

- 7.3 Under the provisions of Schedule 4, the Council may also require an applicant for a street trading licence to provide such other particulars as the Council may reasonably require with their application. When granting a street trading licence the Council may attach such conditions to the licence as appear to it to be reasonable and when granting a street trading consent the Council may attach such conditions to the consent as they consider reasonably necessary. The Council may grant a street trading consent if they think fit. There is a right of appeal to the Magistrates' court against a decision of the Council not to grant or renew or to vary or revoke a street trading licence, but there is no right of appeal against a decision not to issue a street trading consent. (A. Evans)

8. Co-operative Agenda

- 8.1 Not applicable

9 Human Resources Comments

- 9.1 Not applicable

10 Risk Assessments

- 10.1 Not applicable

-
- 11 IT Implications**
- 11.1 None
- 12 Property Implications**
- 12.1 None
- 13 Procurement Implications**
- 13.1 None
- 14 Environmental and Health & Safety Implications**
- 14.1 None
- 15 Equality, community cohesion and crime implications**
- 15.1 None
- 16 Equality Impact Assessment Completed?**
- 16.1 Yes
- 17 Key Decision**
- 17.1 No
- 18 Key Decision Reference**
- 18.1 N/A
- 19 Background Papers**
- 19.1 None
- 20 Appendices**
- 20.1 Appendix 1 – Street Trading Policy (draft) November 2021

Licensing Policy

Street Trading Policy



1 Introduction

- 1.1 The aim of the Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents and promotes their health and wellbeing, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the Borough.
- 1.2 This Policy relates to all street trading activities within the Borough of Oldham.
- 1.3 While each application will be dealt with on its own merits, this Policy gives prospective applicants an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be granted.
- 1.4 Throughout this policy any reference to 'the Council' means Oldham Council.
- 1.5 This policy comes into effect on the 1st December 2021 and supersedes any previous policies.

2 Overview of Legislation

- 2.1 The controls relating to Street Trading are governed by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 Paragraph 4 to Schedule 4 defines 'street trading' as the selling or exposing or offering for sale of any article (including a living thing) in a street but does not include the following:
- a) trading as a pedlar under the authority of a 'Pedlars Certificate';
 - b) anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order;
 - c) trading in a trunk road 'picnic area';
 - d) trading as a news vendor;
 - e) trading at a petrol station;
 - f) selling things as a roundsman;
- 2.3 The reference to trading as a news vendor in 2.2 above is a reference trading where:-
- a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:-
 - i) exceed 1m in length or width or 2m in height;
 - ii) occupy a ground area exceeding 0.25 sq/m;
 - iii) stand on the carriageway of a street;
- 2.4 The term 'street' includes any road, footway or other area to which the public have access without payment. The holder of a street trading consent or licence may require the permission of the landowner or other person to trade

on any private land which constitutes a street for these purposes. In particular, the grant of a consent or licence does not confer the right to trade on any land owned or controlled by the Council without the specific permission of the Council.

3 Designation of Streets

3.1 The Act states a Local Authority can designate its streets in three ways, these are:-

- a) 'Consent Street' - which is a street in which street trading is prohibited without the consent of the local authority;
- b) 'Licence Street' - which is a street in which street trading is prohibited without a licence granted by the local authority;
- c) 'Prohibited Street' - which is a street in which street trading is prohibited;

3.2 While the Council has resolved that the vast majority of streets in the Borough of Oldham be designated as 'consent streets', a number of streets have been designated as 'licensed streets' or 'prohibited streets'.

3.3 The current list of 'licensed streets' and 'prohibited streets' is attached at Appendix I

3.4 The list of designated streets at Appendix I does not form part of this policy document, although they may be referred to within it. How a street is designated could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

4 Trading at, or Near to Schools

4.1 The Council do not currently restrict street trading at or near to schools; however, conditions are attached to street trading consents and licences that stipulate, when trading at, or near to, a school, the consent / licence holder must park their vehicle or trailer on the same side of the road as the entrance or exit to that school.

4.2 Consent / licence holders must ensure that any stopping position does not infringe parking or traffic requirements; or cause obstruction of the highway; nor present a danger to other road users or pedestrians.

5 Sale of Alcohol

5.1 In order to sell alcohol, as well as having to hold a street trading consent / licence, authorisation under the Licensing Act 2003 would also be required. Where authorisation is granted under the Licensing Act 2003 additional conditions may be attached to the street trading consent / licence. These conditions may include but are not restricted to:-

- a) the trader adopting a challenge 25 policy;
- b) restrictions on the sale of alcohol in open containers;
- c) times at which alcohol may be sold;

5.2 Any street trader wishing to sell alcohol should contact the licensing team for further information.

6 Sale of Tobacco

- 6.1 The Children and Young Persons (Sale of Tobacco etc) Order 2007, amends previous legislation changing the legal age limit for the sale of tobacco from 16 to 18 years of age.
- 6.2 If you are permitted to sell tobacco you must display a notice in a prominent position readily visible at the point of sale of the tobacco stating:-

“IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18”

Failure to display such a notice may result in a fine of up to £1000.

- 6.3 The sale of tobacco to persons under 18 may result in a fine of up to £2500.
- 6.4 Cigarettes must be sold in their packs; retailers breaking a pack and selling cigarettes from it, to children or adults can be fined up £1000.

7 Special Events

- 7.1 For events such as Christmas Markets or Continental Street Markets, the Council will accept one application from the person organising the event. The application will require full details of each trader attending the event. Consent will be issued to each individual stall holder.
- 7.2 Any sale of alcohol will require a Temporary Event Notice to be served under the Licensing Act 2003.

8 Application Process

- 8.1 Any application for a street trading consent or licence must meet the following criteria:-
- the applicant must be over 17 years of age;
 - the application must be made using the prescribed form;
 - the name of the business must not be the same as, or similar to, that of an existing static retail business or another street trader;
 - the trading name of the vehicle must be included on the application form
 - the application must be accompanied by the relevant fee;
- 8.2 The application form must be completed in full, applicants should ask for assistance if they encounter difficulties in completing the application.
- 8.3 The address stated on the application form must be supported by documents containing the same address.
- 8.4 The application must also be accompanied by the following documents:-
- Public Liability Insurance – a current, original, insurance certificate; which must cover street trading to the value of £5 million;
 - Road Tax – details of the vehicles current road tax;

- c) The Current MOT Certificate for the Vehicle;
- d) The Log Book (V5) for the vehicle;
- e) Driving Licence (also for any assistants who may drive the vehicle);
- f) If handling food the applicant and any named assistants must provide a Basic Food Hygiene Certificate;
- g) Basic Disclosure – DBS (see Section 9 on how to apply);
- h) Two passport sized photographs; these are also required for any named assistants;
- i) Proof that the applicant, and any assistants, are entitled to work in the UK;
- j) The gas safety certificate for the trailer / vehicle being licensed (where applicable);
- k) A photograph of the vehicle/trailer to be licensed with every new application for where a vehicle/trailer is being changed.

8.5 The majority of the documents in 8.4 above need to be produced at every renewal. However, the DBS only needs to be renewed on a yearly basis; and the Food Hygiene Certificate need only be produced upon first application. New photographs will not be needed upon renewal unless the appearance of the consent / licence holders or any assistants has changed.

8.6 The documents in 8.4 above must relate to the vehicle you will be trading from. If you are trading from a trailer that is towed there by a vehicle you need not provide vehicle document for the towing vehicle.

8.7 Failure to follow the application procedure may result in your application being rejected or delayed.

8.8 Once the application is complete and has been accepted, the Council will either:

- a) grant the application as applied for;
- b) grant the application with conditions or a variation to application;
- c) refuse the application;

8.9 Please note, some of the information provided on the application form is published on a 'Public Register' which members of the public can view.

9 DBS Check

9.1 To apply for a Basic Disclosure (DBS) the applicant needs to contact Disclosure & Barring Service and follow their application procedures.

9.2 Any assistants named on the application form will also need to apply for a Basic Disclosure.

9.3 If any relevant convictions are recorded on the certificate, the application will be referred to the Trading Standards & Licensing Manager for determination.

9.4 Please refer to Section 17 for further information on the Council's convictions policy for Street Traders.

Contact details for DBS are:-

Website: www.gov.uk/request-copy-criminal-record
Telephone number: 03000 200 190
Email: dbsbasicenquiries@dbs.gov.uk

10 CCTV

10.1 All ice cream vans are recommended to install CCTV which the holder of the licence has control of. CCTV footage must be made available to an Authorised Council Officer or Police Officer upon request.

11 Duration of Licence/consent

- 11.1 Street trading licences are issued for a three month period; and are renewable on a quarterly basis.
- 11.2 Street trading consents are issued for a six or twelve month period, depending on the fee paid.
- 11.3 Street trading consents and licences are non-transferable. The holder may at any time surrender their consent or licence to the Council where it shall cease to be valid.

12 Renewal

- 12.1 It is the responsibility of the holder to ensure that they submit their application prior to the expiry of their consent / licence.
- 12.2 Consent / licence holders may submit their application to renew up to one month in advance. Failure to do so may result in a renewal not being granted.
- 12.3 Traders who continue to carry out their business without a licence may be liable to prosecution and/or their permission refused in line with the Council's enforcement policy.

13 Fees

- 13.1 The Council is entitled to charge fees in respect of the various licences it administers and legislation provides that the fees charged to applicants should cover the cost of application and administration.
- 13.2 For a list of the current fees relating to street trading please contact the licensing team.
- 13.3 Consents / licences surrendered prior to their may be eligible for a refund of the unexpired portion of the licence.
- 13.4 Fees are normally reviewed annually in accordance with Council policy.

14 Review of a Licence and / or Consent

- 14.1 Where the need arises, the Council may review a street trading consent or a street trading licence. Any such decision will be made in accordance with the Council's scheme of delegation.

15 Grounds for Refusal

15.1 Street trading licences may be refused on one or more of the following grounds:-

- a) there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
- b) there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
- c) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- d) the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to it for the collection of rubbish, cleansing of streets or other services rendered to the applicant in his capacity as licence holder;
- e) the applicant has at any time been granted a street trading consent and refused or neglected to pay fees for it;
- f) the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence. (This means that the applicant has held a previous street trading licence and has failed, without reasonable excuse, to make full use of that said licence).

15.2 Street trading consents may be refused on one or more of the following grounds:-

- a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- b) the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to it for the collection of rubbish, cleansing of streets or other services rendered to the applicant in his capacity as licence holder;
- c) the applicant has at any time been granted a street trading consent and refused or neglected to pay fees for it.
- d) there are already enough traders trading in the street / area, from shops or otherwise, in the goods in which the applicant desires to trade;
- e) The power to grant a street trading consent is discretionary; and notwithstanding the generality of the grounds for refusal detailed in 14.2, the Council may refuse to grant a street trading consent if they deem it appropriate to do so. Such decisions will be made in accordance with the Council's scheme of delegation.

16 Conditions

16.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on street trading consents or licences. Appendix II sets out the conditions that will normally be attached to a street trading consent / licence.

16.2 The conditions at Appendix II do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

- 16.3 Failure on the part of the holder (or any other person he employs to assist him in his trading) to comply with any of the conditions imposed may lead to the revocation of the consent / licence; or to the Council refusing to renew the consent / licence on its expiration.
- 16.4 Notwithstanding the issuing of a consent / licence, the holder is not authorized to trade at any time in contravention of any other statutory enactments or orders or Local Acts or Bylaws.
- 16.5 A street trading consent / licence does not in any way imply that:-
- a) planning approval is granted, you are advised to contact the Planning Department to ascertain if any approvals are required;
 - b) permission is granted to park on any land, highway, street or other place to trade;

17 Offences

- 17.1 A person commits an offence if they:-
- a) sell or expose for sale goods in a prohibited street;
 - b) sell or expose for sale goods in a licence street or a consent street without first obtaining authorisation from the Council;
- 17.2 A licence holder commits an offence if they:-
- a) contravene a principal term of the licence, (principal terms relate to the street in which a person can trade, the days and times in which a person can trade and the articles in which a person can trade);
- 17.3 A consent holder commits an offence if they:-
- b) sell or expose for sale goods in a street from a stationary van, cart, barrow, portable stall, or other vehicle without being granted permission to do so.
- 17.4 It is an offence to sound your chimes before 12.00 noon or after 7.00 pm. It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance.
- 17.5 All offences and breaches will be considered in line with the Council's enforcement policy.

18 Convictions Policy

- 18.1 The Council's conviction policy relates to the relevance of convictions for:-
- a) applicants for the grant or renewal of a street trading consent;
 - b) persons who wish to be registered as an assistant to a holder of a street trading consent or to renew such registration; and
 - c) the holders of street trading consents and persons registered as an assistant to the holder of a street trading consent;
- 18.2 The purpose of considering an applicant's previous convictions is to enable the Council to assess whether:-

- a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold, or to continue to hold, a street trading consent;
- b) a person who wishes to be registered as an assistant to a street trading consent holder, or to continue to be registered as an assistant to a street trading consent holder, is a suitable person to be registered as an assistant to a street trading consent holder;

18.3 Notwithstanding the existence of the convictions policy, each case will be decided on its own merits, and in making its decision the Council will consider the following:-

- a) whether the conviction is relevant;
- b) the seriousness of the offence;
- c) the length of time since the offence occurred;
- d) whether there is a pattern of offending behaviour;
- e) whether that person's circumstances have changed since the offence occurred;
- f) the circumstances surrounding the offence and the explanation offered by that person;

Applicants should refer to Appendix III for details of the general approach that will be taken to certain categories of offences.

Contacts

Licensing Team
Oldham Council
Sir Robert Peacock House
Vulcan Street
Oldham, OL1 4LA

Email: licensing@oldham.gov.uk

Environmental Health
Chadderton Town Hall
Middleton Road
Chadderton, OL9 6PP

Email: environmentalhealth@oldham.gov.uk

Planning
Civic Centre
PO Box 30
West Street
Oldham, OL1 1UQ

Email: planning@oldham.gov.uk

Website: www.oldham.gov.uk

Appendix I

1. Licensed Streets

- 1.1 For the purpose for this policy, the Council have designated the streets, or part thereof, detailed below as LICENSED STREETS and can only be used by licence holders (i.e. not consent holders) for street trading purposes.

CHADDERTON	
Andrew Street, Chadderton	Ash Walk, Chadderton
Burnley Street, Chadderton	Butterworth Street, Chadderton
Frederick Street, Chadderton	James Street, Chadderton
Lignum Avenue, Chadderton	Poplar Walk, Chadderton
Middleton Road, Chadderton (from its junction with Milne Street to Broadway)	

OLDHAM TOWN CENTRE	
Albion Street, Oldham	Cheapside, Oldham
Church Lane, Oldham	Church Street, Oldham
Church Terrace, Oldham	Curzon Street, Oldham
High Street, Oldham	Market Place, Oldham
Henshaw Street, Oldham (from its junction with St. Mary's way to West Street)	St. Mary's Way, Oldham (from its junction with Henshaw Street to Yorkshire Street).
Lord Street, Oldham (from its junction with High Street to St. Mary's Way)	Rock Street, Oldham (from its Junction with Lord Street, to St. Mary's Way)
Yorkshire Street, Oldham (from High Street to its junction with St May's Way).	

SHAW	
Collinge Street, Shaw	Kershaw Street East , Shaw
Market Street, Shaw	Regent Street, Shaw
Westway, Shaw	Crompton Way, Shaw (from its junction with High Street to its junction with Rochdale Road).
Farrow Street East , Shaw (from its junction with Market Street to its junction with Crompton Way).	Rochdale Road, Shaw (from its junction with Crompton Way to its junction with Market Street).

UPPERMILL	
High Street, Uppermill (including the Square) (from its junction with Church Road to its junction with Tame Street)	

2. Prohibited Streets

2.1 For the purpose for this policy, the Council have designated the streets, or part thereof, detailed below as PROHIBITED STREETS and cannot be used for street trading purposes:-

ALEXANDRA PARK	FAILSWORTH CEMETERY
Alexandra Road, Oldham	Cemetery Road, Failsworth
Queens Road, Oldham	Broome Grove; Waugh Avenue
Kings Road, Oldham	Laycock Crescent from Cemetery Road to its junction with Laycock Grove.

HOLLINWOOD CEMETERY	CROMPTON CEMETERY
Tiber Avenue	Blakelock Street and Alfred Street from Fraser Street to their junctions with Arthur Street.
Roman Road from its junction with Limeside Road to Montgomery Street	Fraser Street from its junction with Rochdale Road to Salts Street;
Limeside Road from Hollins Road to Pine Tree Road.	

GREENACRES CEMETERY	LEES CEMETERY
Top Street from Greenacres Road to Buller Street.	Thomas Street, Lees from West Street to Spring Lane
Greenacres Road from Esther Street to	Stanley Street, Lees.
Oberon Street	
Buttermere Road	

ROYTON	
Croft Head, Royton	King Street, Royton
Spring Garden Street, Royton	Park Street, Royton
Sandy Lane, Royton	Radcliffe Street, Royton (from its junction with Park Street to its junction with Sandy Lane)
Middleton Road, Royton (from its junction with Rochdale Road to its junction with Croft Head)	Rochdale Road, Royton (from its junction with Middleton Road to its junction with Whittaker Street).
ROYTON CEMETERY	
Cemetery Road	Nordek Drive

UPPERMILL	
Tame Street	Buckley Street
Chapel Street	Wade Row, Uppermill
High Street, Uppermill (from its junction with New Street to its junction with Church Road and from its junction with Tame Street to its junction with Buckley Street)	New Street, Uppermill (from its junction with High Street, to its junction with Church Road).
Church Road, Uppermill (from its junction with High Street to its junction with New Street)	

DOBCROSS	
Sugar Lane	Woods Lane
Platt Lane	Sandy Lane

GREENFIELD	
Bank Lane (road leading to Dovestones Reservoir)	

CHADDERTON	
Hunt Lane (from its junction with Broadway to its junction with Middleton Road)	Bay Tree Avenue (from its junction with Kensington Avenue to its junction with Laurel Avenue)
Crawley Street, Off Denton Lane	
CHADDERTON HALL PARK	
Chadderton Hall Road (from its junction with Mill Brow to its junction with Haigh Lane)	Kiln Hill Lane
Kiln Hill Close	Chadderton Fold
Chadderton Park Road (from its junction with Chadderton Hall Road to its junction with Rydal Avenue)	Nordens Drive
Haigh Lane (from its junction with Chadderton Hall Road to the entrance to the park)	Haigh Lane (B6195) (from its junction with Chadderton Hall Road to its junction with Kenilworth Avenue)
Irk Vale Drive (from its junction with Haigh Lane (B6195) to its junction with Rookwood)	

CHADDERTON CEMETERY	
Edward Street	Middleton Road (from its junction with Broadway to Daisy Street)
Fern Street	

3. Consent Streets.

3.1 For the purpose for this policy, the Council have designated that all other streets, or part thereof, that are not stated in the list for 'Licensed Streets' or 'Prohibited Streets' are classified as 'consent streets'.

Appendix II

1. Conditions

1.1 Dependant on the type of trading activity the following conditions will be normally attached to a street trading consent or licence:-

- a) sell only the goods authorised by the consent / licence and contained in the schedule;
- b) prevent obstruction of any street or danger to persons using it;
- c) prevent nuisance or annoyance (whether to persons using the street or otherwise);
- d) affix in a prominent position on the vehicle used for street trading the identification discs issued by the council;
- e) ensure that the identification disc referred to above, is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times. In addition the Consent holder and any assistants must wear in a conspicuous position, the badge issued with the consent;
- f) return the identification disc and badge(s) to the Council on the expiration of this Consent;
- g) present the vehicle for inspection when required to do so by an authorised officer of the Council at the time and place designated by the authorised officer;
- h) ensure that any person employed by him/her to assist him/her in his/her trading also complies with the aforesaid conditions;
- i) ensure the vehicle insurance includes cover for the purpose of street trading;
- j) the vehicle must be road worthy and have a valid Road Tax Licence and where applicable an MOT Certificate;
- k) the driver must carry a valid driver's licence;
- l) if there are any changes to staff you must inform this Department immediately;
- m) Street trading can only be carried out from the stall or vehicle authorised under the conditions of the licence / consent. Any significant change to, or replacement of, the stall or vehicle must be approved by the licensing office;
- n) if you or your assistant moves home or registered office, you shall write to the council giving details of new address within 7 days;
- o) if you or your assistant are convicted of any offences, given a formal caution or have any fixed penalty notices, you shall give notice in writing to the Council within 7 days of the imposition of the offence, caution or fixed penalty notice;
- p) you shall ensure that the area surrounding your site is kept free of litter, waste food, food spillage and grease staining originating from the business by the following means:-
 - i) cleaning the area as often as is necessary and at the end of each day; and

- ii) removing from the site at the end of trading on each day, all litter contained in the waste containers provided and collected from the area of the site and dispose of it in a lawful manner;
- p) you shall not place any tables, chairs or similar items on the highway;
- q) no animal shall be present on any stall or vehicle;
- r) the consent/licence holder shall provide suitable and sufficient receptacles within a radius of 5 metres from his/her vehicle, stall or container for the reception of refuse and shall, before departing from any site, ensure that all refuse within a radius of 5 metres from his vehicle, stall or container is collected and disposed of by him/her;
- s) the consent holder and/or persons assisting shall not trade either within 75 metres or within 150 metres line of sight from the main entrance of a static retail business or another street trader open for trading and traditionally selling goods of the same or similar nature;
- t) unless static i.e. burger vans, consent holders must move from position to position remaining for no longer than 5 minutes to initially attract customers and thereafter only long enough to serve customers present;
- u) when trading at or near to a school the consent holder must park their vehicle / trailer on the same side of the road as the entrance / exit of that school;
- v) consent holders must ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway, and does not present any danger to other road users or pedestrians;
- w) chimes and other audible signals should not be sounded:
 - for longer than 12 seconds at a time;
 - more often than once every 2 minutes;
 - more than once when the vehicle is stationary at a selling point;
 - except on approach to or at a selling point;
 - when in sight of another vehicle which is trading;
 - when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised days of worship);
 - more often than once every 2 hours in the same length of street;
 - louder than L_{Amax} 80dB at 7.5 metres;
 - as loudly in areas of low background noise or narrow streets as elsewhere.

- x) Licence and consent holders must comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 which can be access at: <https://www.gov.uk/government/publications/code-of-practice-on-noise-from-ice-cream-van-chimes>
 - y) the identification disc referred to in Condition (4) of the consent will remain the property of the Council, and must be returned by the holder on the expiration of the consent. The Council will not grant a renewal of the Consent until the original identification disc is returned;
 - z) For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable material
- 1.2 The consent / licence holder shall notify the Council in writing of any conviction, caution, fixed penalty, anti-social behaviour order or bind over against him/her immediately after the caution, fixed penalty, anti-social behaviour order or bind over has been issued or the conviction and sentence imposed and shall provide such further information as the Council may require.
- 1.3 The consent / licence holder shall give notice in writing to the Council of any change of his/her address during the period of the licence.
- 1.4 CCTV – the consent / licence holder must convey and CCTV footage from their vehicle(s) to an authorised officer or police officer upon request in the time requested.

Appendix III

1. Convictions Policy – Specific Offences

1.1 The following details the Council’s general approach when dealing with to certain categories of offences for street trading purposes:-

a) Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public.

Members of the public using a street trading outlet expect the holder and his assistant to be honest and trustworthy.

For these reasons a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely be granted a street trading consent where the application is made within 3 to 5 years of a conviction or the date of release from jail.

Similarly a person wishing to be registered as an assistant to a street trading consent holder is unlikely be to be registered where registration is sought within 3 to 5 years from the date of conviction or the date of release from jail.

b) Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. In cases where the commission of an offence involves loss of life, a street trading consent or registration as an assistant to the holder of a street trading consent will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release from jail where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

c) Drugs

Where an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from jail, where a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a street trading consent or to be registered as an assistant to the holder of a street trading consent will be taken into consideration.

An application will normally be refused where the applicant has a conviction for an offence relating to the possession of drugs and the date of the conviction or the release from jail, where a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from jail where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to act as an assistant to the holder of a street trading consent.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

d) Sexual and Indecency Offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent.

Where an applicant has a conviction for a sexual offence they will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed.

After a period of 5 years from conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to be registered as an assistant to the holder of a street trading consent.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a street trading consent or to be registered as an assistant to the holder of a street trading consent. In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

e) Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicants for a street trading consent or to be registered as an assistant to the holder of a street trading consent would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

f) Other Convictions

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 - The Council takes a serious view on applicants who have been convicted of offences under the 1982 Act. In particular, an applicant will normally be refused a licence if they have been convicted of an offence under the 1982 Act at any time during the 2 years preceding the application or have more than one conviction within the last 5 years preceding the date of the application.

g) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.



Licensing Committee

Amendments to Animal Welfare Licensing Policy

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

30th November 2021

Executive Summary

This report requests that Members approve an amendment to the Council's animal welfare licensing policy in terms of application procedures.

Recommendations

That Members:

- 1) Note the report; and
- 2) Approve the policy amendment as outlined in the report.

Amendments to Animal Welfare Licensing Policy

1. Purpose of the report

- 1.1 The purpose of this report is to request that Members approve an amendment to the Council's Animal Welfare Licensing Policy.

2. Introduction

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

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

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

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

- 2.4 The policy also deals with applications made under different legislation which covers:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

3. Proposed Amendments

- 3.1 Upon reviewing current practices against the policy Officers wish to request that Members approve the following amendments/additions to the policy to it covers all eventualities and scenarios in relation to dealing with an application:

- Transitional provisions updated at section 2 to reflect that these no longer apply.
- That the policy wording be updated to clarify the position on seeking on Disclosure and Barring Service (DBS) criminal records check. (Para 8.5)
- That text be added advising applicants to seek the relevant planning permission (where applicable) before seeking a licence. (Para. 8.7)

4. Legal Services Comments

- 4.1 Under Regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Council may charge such fees as it

considers necessary for the consideration of an application for a grant, renewal or variation of a licence. The fee charged for consideration of the application must not exceed the reasonable costs of that consideration. Under S15 of the Zoo Licensing Act 1981, the Council may charge such reasonable fees as it may determine in respect of applications for the grant, renewal or transfer of licences under the Act. Under S1 of the Dangerous Wild Animals Act 1976, the Council may charge a fee for an application for a licence under the Act which is in the Council's opinion sufficient to meet the direct and indirect fees which it may incur as a result of the application. (A Evans)

5 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.

6 Environmental and Health & Safety Implications

- 6.1 None

7 Equality, community cohesion and crime implications

- 8.1 None

8 Equality Impact Assessment Completed?

- 8.1 No

9 Key Decision

- 9.1 No

10 Key Decision Reference

- 10.1 N/A

11 Background Papers

- 12.1 None

13.0 Appendices

- 13.1 Appendix 1 - Animal Welfare Licensing Policy

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Licensing Policy

Animal Welfare Licensing Policy



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1. Introduction

- 1.1 Oldham Council is responsible for licensing a number of activities relating to the welfare of animals under a number of Acts of Parliament. This legislation is aimed at protecting animals in order to carry out certain businesses or have possession of certain animals within the borough of Oldham without first being licensed by the Council.
- 1.2 This document states the Council's policy as of November 2021 on the regulation of animal establishments. The purpose of the animal establishments' legislation set out below is to protect the health, safety and welfare of animals and prevent the spread of disease.
- 1.3 Oldham Council has had regard to Defra's procedural guidance when producing this policy.
- 1.4 Information and guidance supporting this policy may be found at www.oldham.gov.uk/animals
- 1.5 This policy comes into effect on the 1st December 2021 and supersedes any previous versions.

2. Transitional Provisions

- 2.1 Any licences issued under previous animal licensing legislation before the 2018 regulations came into force have now come to an end and a new licence is now required.

3. Licences issued by the Council

- 3.1 The Council issues licences for the below activities relating to the welfare of animals and are regulated by the following Acts:
 - Dangerous wild animal licences – (Dangerous Wild Animals Act 1976)
 - Zoo licences – (Zoo Licensing Act 1981)
 - Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018)

Oldham Council is also responsible for carrying out animal welfare licensing inspections for neighbouring local authorities.

4. Animal Welfare Act 2006

- 4.1 This Act is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards must be maintained by all people who are responsible for an animal. It has consolidated animal welfare legislation in areas such as preventing unnecessary suffering, mutilation and animal fighting. The Act also places responsibilities on to numerous enforcement agencies.
- 4.2 The Act introduces a 'duty of care' on any person that is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the 'duty of care' to apply to them.
- 4.3 The Act creates an offence of failing to provide for the needs of an animal in a person's care and increases the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the Act will also be disqualified from holding a licence under any of the primary licensing Acts.

The Act permits the Department for the Environment, Food and Rural Affairs (Defra) to pass regulations that may repeal or amend any of the primary licensing Acts or to create new forms of licences.

4.4 Section 9 of the 2006 Act creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

- The need for a suitable environment;
- The need for a suitable diet;
- The need to be able to exhibit normal behaviour patterns;
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury and disease.

5. Licensing Objectives

When carrying out its function under the primary licensing Acts the Council will seek to promote the following objectives:

- Animal welfare (the five needs)
- Public safety

6. Licensable Activities

6.1 *Business Test*

The circumstances where a local authority must take into account in determining whether an activity is being carried out in the course of a business for the purposes of this Schedule include, for example, whether the operator –

- a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- b) earns any commission or fee from the activity.

6.2 *Selling animals as pets*

Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.

The activity described in the above paragraph does not include— (a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009(a), or (b) the activity described in paragraph 8.

6.3 *Providing or arranging for the provision of boarding for cats or dogs*

Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

- (a) providing boarding for cats;
- (b) providing boarding in kennels for dogs;
- (c) providing home boarding for dogs; or
- (d) providing day care for dogs.

The activity described in the above paragraph does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(a).

6.4 *Hiring out horses*

Hiring out horses in the course of a business for either or both of the following purposes—

- (a) riding;
- (b) instruction in riding.

The activity described in the above paragraph does not include any activity—

- (a) solely for military or police purposes, or
- (b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966(b) relates and for as long as such an order is in force.

6.5 *Breeding dogs*

Either or both of the following—

- (a) breeding three or more litters of puppies in any 12-month period;
- (b) breeding dogs and advertising a business of selling dogs.

The activity described in the above paragraph does not include—

- (a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981,
- (b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010(c), or
- (c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

6.6 *Keeping or training animals for exhibition*

Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—

- (a) to any audience attending in person, or
- (b) by the recording of visual images of them by any form of technology that enables the display of such images.

The activity described in the above paragraph does not include—

- (a) keeping or training animals solely for military, police or sporting purposes,
- (b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(a), or
- (c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981(b).

7. **Public Safety**

- 7.1 In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public and their animals. Additionally, licence holders that permit members of the public onto their premises

have a duty to ensure that they do not put them at risk of illness or injury. Public safety will therefore be a paramount consideration by the Council at all times.

8. Licensing Application Procedure

- 8.1 The primary licensing Acts set out individual application requirements and standards that the Council must be satisfied of before it can grant a licence. Each of those primary Licensing Acts permits the Council to impose conditions on each licence it grants. The purpose of requiring a licence is primarily to ensure the welfare of the animals.
- 8.2 Unless legislation states otherwise, licences will remain in force for up to three years dependent upon the scoring matrix of low/high risk, together with welfare standards. Minor failings during an inspection may result in a re-inspection within 7 days at the inspecting officer's discretion before a final score is confirmed. The licence holder must apply for a renewed licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.
- 8.3 Applicants may request a re-inspection during the term of the licence. The fee for this will be levied at the Council's published hourly rate.
- 8.4 Applications made to the local Authority must be completed using the relevant Application forms available from the Council website or on request from the Licensing Section. Any application submitted that, upon review, is without the supporting documentation will be rejected.
- 8.5 Each application for the grant or renewal of a licence must be accompanied by the basic police disclosure (DBS) certificate which must be dated within one month of application. Applications for a DBS can be submitted and paid for online via the following link:
- <https://www.gov.uk/request-copy-criminal-record>
- 8.6 There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the primary licensing Acts and where necessary these will be considered by the Council in carrying out its functions under the Animal Welfare Act 2006.
- 8.7 Applicants are advised to seek the relevant planning permission (as applicable) before seeking a licence.
- 8.8 Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be viewed at www.oldham.gov.uk/animals.
- 8.9 Each of the primary licensing Acts states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant licensing officer is not satisfied that the legal requirements are met, or when an inspector or the Veterinary surgeon has raised concerns that the legal requirements or standards are not met or unlikely to be met, the applicant will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.
- 8.10 *Persons who may not apply for a licence*

The following persons may not apply for a licence in respect of any licensable activity—

- a) a person listed as a disqualified person in paragraph 4 or any of paragraphs 6 to 17 of Schedule 8 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the 2018 Regulations”) where the time limit for any

appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;

(b) a person listed in any of paragraphs 1 to 3 and 5 of Schedule 8 of the 2018 Regulations as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.

Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

9. Decision making

Decisions will be made in accordance to relevant statute, inspections and guidance. Internal reviews of decisions will be undertaken by a delegated manager and appeals of decisions must be made in writing to the appropriate first tier tribunal.

10. Enforcement & Offences

10.1 Inspectors from the Council are appointed to fulfil duties and carry out licensing functions on its behalf. They may inspect the premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under the licence it may be that the Council instructs a vet to ascertain if the measures in place are acceptable.

10.2 It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

10.3 It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the 2018 Regulations. Committing either of these offences could result in an unlimited fine.

10.4 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them.

10.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.

10.6 *Grounds for suspension, variation without consent or revocation of a licence*

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of the 2018 Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

11. Powers of entry

- 11.1 An inspector may not enter any part of the premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier, parts of the premises which are not a private dwelling may be entered by an inspector if the premises is specified in a licence as premises on which the carrying on of an activity to which a licence relates is being carried on.
- 11.2 A Justice of the Peace can issue a warrant authorising an inspector or a constable to enter a premises on the request of an inspector or constable using reasonable force if necessary in order to search for evidence of the commission of a relevant offence.
- 11.3 The justice will only issue a warrant if there are reasonable grounds for believing that a relevant offence has been committed on the premises, or that evidence of the commission of a relevant offence is to be found on the premises, and that section 52 of the Animal Welfare Act 2006 is satisfied in relation to the premises.
- 11.4 All other considerations from the Animal Welfare Act also apply.

12 Fees

- 12.1 Licensing fees are calculated on a cost recovery basis. Activities covered by the licensing fees set out in Regulation 13 of the 2018 Regulations are as follows:
- a) The costs of consideration of an application, including any inspection relating to that consideration;
 - b) The reasonable anticipated costs of consideration of a licence holder's compliance with the 2018 Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
 - c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
 - d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 of the 2018 Regulations to the Secretary of State.
- 12.2 The same principles will apply for fee calculation in relation to Dangerous Wild Animals and Zoo Licences.
- 12.3 In setting fees, all relevant guidance will be taken into consideration.
- 12.4 Separate application and grant fees will be set and a grant fee, where appropriate, will include any additional inspection costs including compliance and monitoring costs going forward.
- 12.5 Fees will be reviewed annually and published on the Council's website.
- 12.6 Where a vet has had to attend as part of the application or subsequent inspection these fees will be re-charged to the applicant/licence holder separately.

- 12.7 That any fee submitted for an application that is rejected or withdrawn be refunded minus any costs incurred by the Council in reviewing the application. Such costs will be based on the published hourly Officer rate for business advice/assistance.
- 12.8 There will be no refunds or partial refunds in the case of applications rejected or withdrawn after an inspection has been carried out.

13. Death of a licence holder

In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

In the circumstances described in the above paragraph the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 3 of the 2018 Regulations.

The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence shall cease to have effect on the expiry of that period.

The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

14. Dangerous Wild Animals Licence

- 14.1 The keeping of certain species of wild animals is controlled by the Dangerous Wild Animals (DWA) Act 1976 (as amended). No person may keep any dangerous wild animal without first obtaining a licence from the Council. These licences are required regardless of whether the animal is kept for commercial purposes or as a pet.
- 14.2 The animals classed as DWA are listed in the DWA Act 1976 (Modification) (No.2) Order 2007. Any person who is unsure if their animal is classed as dangerous should consult that Order or seek advice.
- 14.3 The person making the application must be the person who owns or possesses or proposes to own and possess the animal to which the application applies. The licence must be obtained and held before the owner actually has possession of the animal. Any application to renew a licence must be submitted at least two months prior to expiry.
- 14.4 Upon receipt of a completed application form and payment of the fee, a visit will be made to the premises by an inspector from the Animal Welfare team and our appointed veterinary surgeon. They will be checking for compliance against the

licensing conditions and other legislation including the Animal Welfare Act 2006. Following the inspection, the veterinary surgeon will provide the Local Authority with a report highlighting any issues, which may be added as additional conditions to the applicant's licence. The applicant will then be re-charged for the veterinary fees.

- 14.5 If the inspector considers the applicant's procedure to be acceptable and the premises to be suitable, the licence will be issued. A copy of the licence must then be displayed in a prominent position at the premises.

Considerations

Before granting a licence the Council must be satisfied:

- It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- The applicant is a suitable person to hold a licence under The Dangerous Wild Animals Act 1976 (as amended);
- Any animal concerned will at all times of its being kept only under the authority of the licence –
 - (i) be held in secure accommodation suitable in size for the animals kept and which is suitable as regards construction, temperature, lighting, ventilation, drainage and cleanliness; and
 - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- Appropriate steps will at such times be taken for the protection of any animal in case of fire or other emergency;
- All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;
- While any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

15 Zoo Licence

- 15.1 The Zoo Licensing Act 1981 came into force in 1984 and introduced a licensing system applicable to existing and new zoos. The Act was amended significantly by the Zoo Licensing Act 1984 (Amendment) (England and Wales) Regulations 2002. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour.
- 15.2 Any establishment, other than a circus or shop, when wild animals are kept for public exhibition on seven or more days in any period of 12 consecutive month's period falls within the definition of a zoo and require a licence from the Council.
- 15.3 Wild animals, for the purpose of the 1981 Act, is wide ranging and means any animal that is not normally domesticated in Great Britain. This would include animals that have come from abroad and animals/birds/reptiles that are wild in this country.

Considerations

Before determining to grant or refuse a licence, Oldham Council shall take into account representations made by or on behalf of:

- The applicant
- Chief officer of Police
- Fire Officer
- Governing Body of any national institution concerned with the operations of zoos
- Planning authority if not local authority
- Any person alleging establishment or continuance of a zoo would injuriously affect health and safety of persons living in the neighbourhood of the zoo

Oldham Council will consider any reports made by an inspector who has inspected the zoo. If there has been no inspection (which might be the case for a new zoo), the authority will consult such persons as the Secretary of State nominates.

The authority may approve or refuse the application:

➤ **Approval of the licence**

If the licence is approved:

- The licence will be sent in the post.
- The licence must be publicly displayed at the entrance to the zoo.

➤ **Refusal of the licence**

Oldham Council **shall** refuse if:

- The authority is satisfied establishment or continuance of zoo would injuriously affect health and safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order

Oldham Council **may** refuse if:

- Standards of accommodation, staffing or management are not adequate for proper care and well being of the animals
- Applicant, director/manager secretary (of a body corporate), keeper of zoo has been convicted for ill treatment of animals
- Planning permission for the zoo has not been granted the authority can refuse or defer the decision

15.4 Licences

A new licence will be granted for 4 years from the date on the licence.

If the licence is a renewal it will be 6 years from the end of existing licence.

15.5 Inspections

Three inspectors are appointed by the local authority who appear competent, including 1 vet and 2 inspectors nominated after consultation with the Secretary of State. (A zoo operator may ask for this number to be reduced.)

The inspectors will look at:

Health, welfare and safety of public and animals including measures for prevention of escape, and the records kept under any site condition.

The report will be sent to the local authority who will notify the zoo operator of any recommendations within one month. The operator will be allowed to comment on the recommendations.

15.6 Dispensations

A local authority can request the Secretary of State that due to the small size of the zoo or the small number of animal types kept there, to direct that the Act does not apply or that it is not necessary for periodical and special inspections to be carried out.

The Secretary of State may, after consulting such persons as he thinks fit, determine if these dispensations may be allowed.

The operator of the zoo may request the Secretary of State to reduce the number of inspectors for periodical inspections having regard to the size of the zoo or the small number of animals kept there.

The Secretary of State may nominate the persons to inspect the zoo, if so the operator's right to object shall not apply.

APPENDIX 1- Providing boarding for cats or dogs

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- General conditions

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are

caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

(a) their behavioural needs,

(b) its situation, space, air quality, cleanliness and temperature,

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

(iv) the prevention of, and control of the spread of, disease,

(v) monitoring and ensuring the health and welfare of all the animals,

(vi) the death or escape of an animal (including the storage of carcasses);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures.

(3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person.

(8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

(10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

Specific conditions: providing boarding for cats or dogs

PART 1 - Providing boarding for cats

Interpretation

1. In this Part—

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

Suitable environment

2.—(1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.

(2) There must be a safe, secure, waterproof roof over the entire cat unit.

(3) A cat unit may only be shared by cats from the same household.

(4) Communal exercise areas are not permitted.

(5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.

(6) Each cat unit must provide the cat with sufficient space to—

(a) walk,

(b) turn around,

(c) stand on its hind legs,

(d) hold its tail erect,

(e) climb,

(f) rest on the elevated area, and

(g) lie down fully stretched out,

without touching another cat or the walls.

(7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.

(8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

- (10) Each cat unit must include an elevated area.
- (11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.
- (12) Any gaps between cat units must be a minimum of 0.6 metres wide.
- (13) Any cat taken out of a cat unit must be secured in a suitable carrier.
- (14) The sleeping area must form part of the cat unit and be free from draughts.

Monitoring of behaviour and training of cats

- 3.**—(1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.
- (2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.
 - (3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
 - (4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

Records

- 4.** A register must be kept of all the cats on the premises which must include—
- (a) the dates of each cat's arrival and departure,
 - (b) each cat's name, age, sex, neuter status and a description of it or its breed,
 - (c) each cat's microchip number, where applicable,
 - (d) the number of any cats from the same household,
 - (e) a record of which cats (if any) are from the same household,
 - (f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
 - (g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
 - (h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,
 - (i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
 - (j) details of each cat's diet and related requirements,
 - (k) any required consent forms,

(l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and

(m) details of any medical treatment each cat is receiving.

Protection from pain, suffering, injury and disease

5.—(1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.

(2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.

(3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.

(4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

PART 2 - Providing boarding in kennels for dogs

Interpretation

6. In this Part—

"exercise run" means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

"kennel unit" means the physical structure and area that consists of a sleeping area and an exercise run;

"premises" means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

Suitable environment

7.—(1) Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

(2) In each kennel unit, the sleeping area must—

(a) be free from draughts;

(b) provide the dog with sufficient space to—

(i) sit and stand at full height,

(ii) lie down fully stretched-out,

(iii) wag its tail,

(iv) walk, and

(v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

(3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.

(4) Each dog must have constant access to its sleeping area.

(5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

(6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

(8) Only dogs from the same household may share a kennel unit.

Monitoring of behaviour and training

8.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

(4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

Records

9.—(1) A register must be kept of all the dogs on the premises which must include—

- (a) the dates of each dog's arrival and departure;
 - (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
 - (c) the number of any dogs from the same household;
 - (d) a record of which dogs (if any) are from the same household;
 - (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
 - (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
 - (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
 - (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
 - (i) details of the dog's diet and related requirements;
 - (j) any required consent forms;
 - (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
 - (l) details of any medical treatment each dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

10.—(1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), "holding kennel unit" means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

PART 3 - Providing home boarding for dogs

Interpretation

11. In this Part—

“designated room” means a room within the home allocated to a dog;

“home” means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

Home

12.—(1) Dogs must be accommodated within the home.

(2) The home must include—

- (a) direct access to a private, non-communal, secure and hazard-free external area, and
- (b) at least two secure physical barriers between any dog and any entrance to or exit from it.

Suitable environment

13.—(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

- (a) it is already habituated to it,
- (b) a crate forms part of the normal routine for the dog, and
- (c) the dog’s owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

Suitable diet

14. Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

Monitoring of behaviour and training

15.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

Housing with or apart from other dogs

16.—(1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

Records

17.—(1) A register must be kept of all the dogs accommodated in the home which must include—

(a) the dates of each dog's arrival and departure;

(b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the number of any dogs from the same household;

(d) a record of which dogs (if any) are from the same household;

(e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;

(f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;

(g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;

(h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;

(i) details of each dog's diet and related requirements;

(j) any required consent forms;

(k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;

(l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

18.—(1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

PART 4 - Providing day care for dogs

Interpretation

19. In this Part, “premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

No overnight stay

20. No dog may be kept on the premises overnight.

Suitable environment

21.—(1) Each dog must be provided with—

(a) a clean, comfortable and warm area where it can rest and sleep, and

(b) another secure area in which water is provided and in which there is shelter.

(2) Each dog must have access to areas where it can—

(a) interact safely with other dogs, toys and people, and

(b) urinate and defecate.

(3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

Suitable diet

22. Any dog that requires specific feed due to a medical condition must be fed in isolation.

Monitoring of behaviour and training

23.—(1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

(2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing apart from other dogs

24.—(1) Unneutered bitches must be prevented from mating.

(2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

Records

25.—(1) A register must be kept of all the dogs on the premises which must include—

(a) the date of the dog's attendance;

(b) the dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;

(d) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;

(e) details of the dog's relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;

(f) details of the dog's diet and relevant requirements;

(g) any required consent forms;

(h) a record of the date or dates of the dog's most recent vaccination, worming and flea treatments;

(i) details of any medical treatment the dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

26.—(1) The dogs must be supervised at all times.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

APPENDIX 2 - Breeding Dogs

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- General conditions

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

(iv) the prevention of, and control of the spread of, disease,

- (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
- (a) in the case of fish, a person who is competent for such purpose;
 - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

Specific conditions: breeding dogs

Advertisements and sales

1.—(1) The licence holder must not advertise or offer for sale a dog—

(a) which was not bred by the licence holder;

(b) except from the premises where it was born and reared under the licence;

(c) otherwise than to—

(i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1; or

(ii) a keeper of a pet shop in Wales who is licensed under regulations 2 and 4 of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021,

knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.

(2) Any advertisement for the sale of a dog must—

(a) include the number of the licence holder's licence,

(b) specify the local authority that issued the licence,

(c) include a recognisable photograph of the dog being advertised, and

(d) display the age of the dog being advertised.

(3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.

(4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.

(5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.

(6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

(7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

Suitable environment

2.—(1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.

(2) Each dog must be provided with sufficient space to—

(a) stand on its hind legs,

(b) lie down fully stretched out,

(c) wag its tail,

(d) walk, and

(e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area.

(4) Part or all of the exercise area must be outdoors.

(5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

(6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.

(7) Each dog must be provided with constant access to a sleeping area.

(8) A separate bed must be provided for each adult dog.

(9) No puppy aged under 8 weeks may be transported without its biological mother except—

(a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or

(b) in an emergency.

(10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.

(11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.

(12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.

(13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

Suitable diet

3. Staff must—

(a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,

(b) provide each breeding bitch with feed appropriate to its needs,

(c) provide each puppy with feed appropriate for its stage of development, and

(d) ensure that each puppy ingests the correct share of the feed provided.

Monitoring of behaviour and training

4.—(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.

(4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.

(5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing with or apart from other dogs

5.—(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) Procedures must be in place for dealing with dogs that show abnormal behaviour.

(4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

Protection from pain, suffering, injury and disease

6.—(1) All dogs for sale must be in good health.

(2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.

(3) The licence holder must ensure that no bitch—

(a) is mated if aged less than 12 months;

(b) gives birth to more than one litter of puppies in a 12-month period;

(c) gives birth to more than six litters of puppies in total;

(d) is mated if she has had two litters delivered by caesarean section.

(4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.

(5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.

(6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.

(7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—

(a) the date and time of birth of each puppy,

(b) each puppy's sex, colour and weight,

(c) placentae passed,

(d) the number of puppies in the litter, and

(e) any other significant events.

(8) The licence holder must keep a record of each puppy sale including—

(a) the microchip number of the puppy,

(b) the date of the sale, and

(c) the age of the puppy on that date.

(9) The licence holder must keep a record of the following in relation to each breeding dog—

(a) its name,

- (b)its sex,
- (c)its microchip and database details,
- (d)its date of birth,
- (e)the postal address where it normally resides,
- (f)its breed or type,
- (g)its description,
- (h)the date or dates of any matings, whether or not successful,
- (i)details of its biological mother and biological father,
- (j)details of any veterinary treatment it has received, and
- (k)the date and cause of its death (where applicable).

(10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—

- (a)the number of matings,
- (b)its age at the time of each mating,
- (c)the number of its litters,
- (d)the date or dates on which it has given birth, and
- (e)the number of caesarean sections it has had, if any.

(11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.

(12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

**The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations
2018**

SCHEDULE 2 General conditions

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

(a) their behavioural needs,

(b) its situation, space, air quality, cleanliness and temperature,

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

- (iv) the prevention of, and control of the spread of, disease,
 - (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
 - (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
 - (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
 - (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
 - (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
 - (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
 - (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
 - (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
 - (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
 - (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
 - (12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
 - (a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

Specific conditions: hiring out horses

Interpretation

1. In this Schedule, “client” means a person for whose use a horse is hired out.

Eligibility

2.—(1) The licence holder must—

(a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and

(b) hold a valid certificate of public liability insurance which—

(i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and

(ii) insures any client against liability for any injury sustained by, and the death of, any other person,

caused by or arising out of the hire of the horse.

(2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

Supervision

3.—(1) The activity must not at any time be left in the charge of a person aged under 18 years.

(2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.

(3) The following must be clearly and prominently displayed on the premises—

(a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;

(b) instructions as to the action to be taken in the event of a fire or other emergency.

Suitable environment

4.—(1) It must be practicable to bring all the horses on the premises under cover.

(2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.

(3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

Suitable diet

5.—(1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.

(2) Supplementary feed and nutrients must be provided to any horse when appropriate.

(3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

Protection from pain, suffering, injury and disease

6.—(1) The horses must be maintained in good health and must be in all respects physically fit.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented

(3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.

(4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.

(5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.

(6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.

(7) An area suitable for the inspection of horses by a veterinarian must be provided.

(8) The following must not be hired out—

(a) a horse aged under 3 years;

(b) a mare heavy with foal;

(c) a mare whose foal has not yet been weaned.

(9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

Equipment

7. All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

**The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations
2018**

- General conditions

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

(a) their behavioural needs,

(b) its situation, space, air quality, cleanliness and temperature,

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,
 - (ii) cleaning regimes,
 - (iii) transportation,
 - (iv) the prevention of, and control of the spread of, disease,
 - (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

- Specific conditions: keeping or training animals for exhibition

Insurance

1. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

Emergencies

2. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

Suitable environment

3. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

Monitoring of behaviour and training

4. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

Housing with or apart from other animals

5.—(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

Records

6. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

Protection from pain, suffering, injury and disease

7.—(1) A register must be kept of each animal exhibited or to be exhibited which must include—

(a) the full name of its supplier,

(b) its date of birth,

(c) the date of its arrival,

(d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),

(e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,

(f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

(g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and

(h) the distance to and times taken for it to travel to and from each exhibition event.

(2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

(3) All the animals used in exhibition events must be in good physical and mental health.

(4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

(5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

(6) The animals must be transported in suitable, secure and appropriately labelled carriers.

(7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.

(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

**The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations
2018**

- General conditions

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

(a) their behavioural needs,

(b) its situation, space, air quality, cleanliness and temperature,

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6.—(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7.—(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

(iv) the prevention of, and control of the spread of, disease,

- (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
- (a) in the case of fish, a person who is competent for such purpose;
 - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

- Specific conditions: selling animals as pets

Interpretation

1. In this Schedule—

“prospective owner” means a person purchasing an animal to keep or to be kept as a pet;

“premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

Records and advertisements

2.—(1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include —

(a) the full name of the supplier of the animal,

(b) the animal’s sex (where known),

(c) (except in the case of fish) the animal’s age (where known),

(d) details of any veterinary treatment (where known),

(e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,

(f) the date of the sale of the animal by the licence holder, and

(g) the date of the animal's death (if applicable).

(2) Where an animal is undergoing any medical treatment—

(a) this fact must be clearly indicated—

(i) in writing next to it, or

(ii) (where appropriate) by labelling it accordingly, and

(b) it must not be sold.

(3) Any advertisement for the sale of an animal must—

(a) include the number of the licence holder's licence,

(b) specify the local authority that issued the licence,

(c) include a recognisable photograph of the animal being advertised,

(d) (except in the case of fish) display the age of the animal being advertised,

(e) state the country of residence of the animal from which it is being sold, and

(f) state the country of origin of the animal.

Prospective sales: pet care and advice

3.—(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

(a) feeding,

(b) housing,

(c) handling,

(d) husbandry,

(e) the life expectancy of its species,

(f) the provision of suitable accessories, and

(g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

Suitable accommodation

4 —(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976.

Sale of animals *(effective from 6/4/2020)*

5. (1) No animal of any of the following descriptions maybe sold as a pet, or sold with a view to being resold as a pet, by or on behalf of the licence holder.

(a) unweaned mammals;

(b) mammals weaned at an age at which they should not have been weaned;

(c) non-mammals that are incapable of feeding themselves;

(d) puppies, cats, ferrets or rabbits, aged under 8 weeks

(e) puppies or kittens which were not bred by the licence holder.

(2) The sale of a dog must be completed in the presence of the purchaser on the premises

(3) in this paragraph, “kitten” means a cat aged less than 6 months

Protection from pain, suffering, injury and disease

6.—(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

APPENDIX 6- Dangerous Wild Animals Licence Conditions

While any animal is being kept under the authority of this licence;

- i) the animal shall be kept by no person other than the person specified in the licence,
- ii) the animal shall normally be held at such premises as are specified in this licence;
- iii) the animal shall not be moved from those premises, except for veterinary treatment or transport to a hospital.

- iv) the licence holder shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of this licence against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the Council.

The species and number of animals of each species that may be kept under the authority of this licence shall be restricted to those specified in the schedule within the licence.

The licence holder shall, at all reasonable times, make available the licence to any person entitled to keep any animal under the authority of the licence.

Any change in species, or increased in numbers of a species, will only be permitted if written consent of the Council is first obtained and the Schedule of Animals attached to the licence is amended by the Council.

APPENDIX 7- Zoo Licence Conditions

The following conditions may be attached to the licence in addition to the model conditions applied by the Secretary of State

They may state:

- The precautions to be taken against escape of animals and steps to be taken in the event of any escape or unauthorised release
- The records to be kept of numbers of different animals acquisitions, births, deaths, disposals or escapes and the cause of any such death and of the health of animals
- Insurance against liability for damage caused by animals
- Any other matter that the Secretary of State may decide
- The condition shall not relate primarily to health, safety or welfare of persons working in the zoo.

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Report to LICENSING COMMITTEE

Gambling Policy Review

Portfolio Holder:

Councillor A. Chadderton - Cabinet Member for Neighbourhoods

Officer Contact: Director of Environment

Report Author: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

30 November 2021

Reason for the Report

The reason for this report is to update members of the recent review of the Council's Gambling Policy and seek views on the suggested amendments required prior to Council approval.

Recommendations

That Members consider the proposed attached Gambling Policy draft and make any suggestions for further alterations to it prior to it being placed before December Council.

Gambling Policy Review

1 Background

1.1 The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling in this Country. Amongst other changes it gave local authorities new and extended responsibilities for licensing premises for gambling and associated permissions.

1.2 In setting its local policy the Council must show how we will seek to promote the licensing objectives under the Act which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- Ensuring gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable people from being harmed or exploited by gambling.

1.3 The role of the licensing authority covers:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for the consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences

2 **Current Position**

- 2.1 The current policy was adopted in January 2019 and has to be reviewed every 3 years by law. In the attached proposed policy at appendix 1 the ten Greater Manchester Authorities have worked collaboratively to develop of common policy framework and content. Local issues and profiling have been added in addition to the common policy text.
- 2.2 The content of the policy centres around the regulatory responsibilities of both operators and the Council in how it administers the gambling system. This includes:
- General principles of the Gambling Act 2005
 - Determining licences
 - Relevant factors to consider
 - Specific considerations for business types
 - Permits and permissions
- 2.3 The Gambling Act defines which statutory bodies are to be consulted on a new premises application and these are:
- Gambling Commission
 - Greater Manchester Police
 - GM Fire & Rescue
 - Planning Authority
 - Environmental Health
 - Safeguarding Partnership
 - HMRC
 - The Licensing Authority
- 2.4 Significant attention has been paid to the public health concerns surrounding gambling additions in the revised policy. Data suggest that in Oldham there are around three thousand problem gamblers and nine thousand at risk gamblers. A Greater Manchester Gambling Harm Reduction Strategy has been compiled with funding allocated to support pathways and research.
- 2.5 The proposed policy also asks operators to submit a return to the Licensing Authority in order to measure the number of interventions they are taking to assist customers and self exclude those who require that option.
- 2.6 The attached proposed policy is going to be considered by the Licensing Committee on the 30th of November 2021 prior to moving forward for approval to Council on 15 December 2021.

3 **Recommendations**

- 3.1 Members are asked to note the report and feedback any comments on its content.

4 **Preferred Option**

- 4.1 Not applicable

5 **Consultation**

- 5.1 The proposed Gambling Policy Statement was drafted for the purposes of consulting in July 2021.

The Consultation lasted for an eight week period and copies of the consultation were circulated widely amongst licence holders, trade organisations and interested parties within the trade. A total of three responses were received including Betting & Gaming Council, Director of Public Health for Oldham and the National Association of Bookmakers.

6 Financial Implications

6.1 None

7 Legal Services Comments

7.1 The Gambling Policy Statement sets out the principles the Council proposes to apply in exercising its functions under the Gambling Act during the three year period covered by the Statement. Under section 153 of the Gambling Act, the Council should aim to permit the use of premises for gambling in so far as the Council think it in accordance with the Gambling Policy Statement, any relevant code of practice or guidance issued by the Gambling Commission and it is reasonably consistent with the licensing objectives.
(A Evans)

8. Co-operative Agenda

8.1 Not applicable

9 Human Resources Comments

9.1 Not applicable

10 Risk Assessments

10.1 Not applicable

11 IT Implications

11.1 None

12 Property Implications

12.1 None

13 Procurement Implications

13.1 None

14 Environmental and Health & Safety Implications

14.1 None

15 Equality, community cohesion and crime implications

15.1 None

16 Equality Impact Assessment Completed?

16.1 Yes

17 **Key Decision**

17.1 No

18 **Key Decision Reference**

18.1 N/A

19 **Background Papers**

19.1 None

20 **Appendices**

20.1 Appendix 1 – Gambling Policy Statement (draft) November 2021

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Licensing Policy

Statement of Principles under the Gambling Act 2005



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Foreword

- 1.1 In Greater Manchester we are thinking differently about gambling with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with partners across Greater Manchester to ensure that gambling is a safe and enjoyable activity for all who choose to take part. Our priorities are:
 - Developing our understanding of gambling related harms
 - Improving access to high quality treatment and support
 - Supporting interventions to prevent gambling from becoming a harmful activity
 - Engaging with people and communities to co-design our work
- 1.2 This policy reflects collaboration across Greater Manchester with, for the first time, a joint Statement of Gambling Principles approved at local level.
- 1.3 This statement of Policy in relation to the Gambling functions that this Authority regulates sets out the approach that will be taken when dealing with permissions it grants and enforces thereafter.
- 1.4 It also identifies how the Authority will seek to promote the licensing objectives under the Act, namely: -
 - Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.
 - Ensuring gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable people from being harmed or exploited by gambling.
- 1.5 The Greater Manchester Gambling Harm Reduction Programme aims to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support.
- 1.6 The Greater Manchester model “doing things differently” means integrating policies around people, places and their needs, focusing on prevention, developing new models of support and sharing information to design and deliver better services. Working across disciplines will provide the skills to understand gambling harm, recognise it and signpost specialists where required.

2. Introduction

- 2.1 As the licensing authority, we are required to perform the following functions under the Gambling Act:
- 1) Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
 - 2) Issue provisional statements where it is proposed that gambling activities will take place but a premises is not yet ready for use
 - 3) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits
 - 4) Issue club machine permits to commercial clubs
 - 5) Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
 - 6) Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
 - 7) Issue licensed premises gaming machine permits for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
 - 8) Register small society lotteries
 - 9) Issue prize gaming permits
 - 10) Receive and endorse Temporary Use Notices for temporary use of premises for gambling
 - 11) Receive Occasional Use Notices for betting at tracks
- 2.1. Gambling is defined in the Act as either gaming, betting or taking part in a lottery
- 2.2. Gaming' means playing a game for the chance to win a prize.
- 2.3. 'Betting' means making or accepting a bet on:
- the outcome of a race, competition or other event
 - the likelihood of anything occurring or not occurring
 - whether anything is true or not.
- 2.4. A 'Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.
- 2.5. The responsibility for regulating gambling is shared between the Gambling Commission and local authorities. The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.

2.6. We are also required to:

- Provide information to the Gambling Commission regarding details of licences issued
- Maintain a register of the permits and licences that are issued under the functions above.

2.7. The Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives. These objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.8. In the case of premises licences (and some other authorisations – see specific sections for details), the licensing committee will permit gambling only so far as it is reasonably consistent with these three objectives.

Publication of this Policy

2.9. Licensing authorities have a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles they propose to apply in exercising functions under the Gambling Act 2005.

2.10. The policy statement forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

2.11. The authority is one of the 10 Metropolitan Districts of Greater Manchester. In Greater Manchester we have a shared aim reducing gambling related harms, our approach focuses on preventing gambling harms from occurring, as well as improving how we support our residents who are already experiencing harms, either directly or as a result of someone else's gambling. The renewal of licensing policies presents an opportunity for local authorities to embed these principles. Licensing leads across Greater Manchester have agreed to take a common approach to refreshing gambling licensing policies.

- 2.12. In drafting this policy we consulted widely with licence holders, trade organisations and responsible authorities
- 2.13. Three responses were received from Betting & Gaming Council (via their solicitors) Director of Public Health- Oldham Council and National association of Bookmakers. Due consideration has been given to comments made via the consultation and, where felt appropriate to do so, amendments have been made.
- 2.14. The Authority consulted upon this Policy before finalising at a full Council meeting held on the 15th December 2021 and it comes into force on the 1st January 2022.

Description of the Area

- 2.15. The authority is one of the ten Metropolitan Districts of Greater Manchester. The Borough of Oldham occupies an area of 56 square miles to the north east of Manchester. About one third of the Borough consists of the area occupied by the majority of towns 224,900 residents (2011 census). Another third of the Borough consists of moorland, which is largely uninhabited. The final third consists of small rural towns and villages.
- 2.16 Oldham currently has a range of premises that offer gambling facilities, which include one bingo hall, twenty three betting offices and five adult gaming centres. In addition to this there are various permits and permissions granted to alcohol licensed premises and private members clubs.

3. General principles

- 3.1 In making decisions on premises licences, the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Reasonably consistent with the licensing objectives; and
 - In accordance with the authority's statement of licensing policy
- 3.2 As the licensing authority, we will regulate gambling in the public interest, which will be reflected in this policy statement.
- 3.3 This policy statement does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
- 3.4 This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence.
- 3.5 Each application will be considered on its merits in accordance with the requirements of the Gambling Act and without regard to demand.

Other regulatory regimes

- 3.6 The licensing authority will avoid duplication with other regulatory regimes, so far as possible. A range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements do not need to be included in the policy statement.

Responsible Authorities

- 3.7 Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.
- 3.8 Section 157 of the Act defines those authorities. For this area they are: -
- The Gambling Commission
 - Greater Manchester Police
 - Greater Manchester Fire and Rescue
 - The Planning Authority
 - The authority which has functions in relation to pollution to the environment or harm to human health
 - Oldham Safeguarding Partnership
 - HM Revenue and Customs
 - The Licensing Authority.

- 3.9 The contact details of all the Responsible Authorities are available are set out in Appendix 1.
- 3.10 The licensing authority has designated the Oldham Safeguarding Partnership as the body that is competent to advise it about the protection of children from harm. The principles that have been used in making this designation is that the board is:
- responsible for the whole of the licensing authority's area
 - answerable to democratically elected persons

Gambling Related Harm & Public Health

- 3.11 While gambling is an enjoyable leisure activity for many, previous research has shown that harms associated with gambling are wide-ranging. These include not only harms to the individual gambler but their families, close associates and wider society. [1] [2]
- 3.12 Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk. This is the most up to date data we have available and incorporated an estimate based on GM population demographics using analysis conducted by Leeds Beckett University specifically looking at urban areas. However, we know that self-reported surveys underestimate true prevalence of harm given the unfortunately shame and stigma associated with gambling disorder. For every person who gambles, it is estimated that between six and ten people are 'affected others' and experience similar harms. These may be dependents, parents, partners, friends or colleagues[3]

Area	Estimate of Adult Population 2016	Estimated number of problem gamblers	Estimated number of 'at risk' gamblers
Greater Manchester	2,148,660	38,676	118,176
Bolton	216,920	3,905	11,931
Bury	145,880	2,626	8,023
Manchester	416,480	7,497	22,906
Oldham	173,900	3,130	9,565
Rochdale	164,820	2,967	9,065
Salford	192,840	3,471	10,606
Stockport	227,920	4,103	12,536

¹ Citizens Advice (2018) Out of Luck. An exploration of the causes and impacts of problem gambling.

² IPPR (2016) Cards on the table. The cost to government associate with people who are problem gamblers in Britain. IPPR
<https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary>

³ Kenyon (2017) Problem Gambling in Leeds. Report to Leeds City council. Leeds Beckett

Area	Estimate of Adult Population 2016	Estimated number of problem gamblers	Estimated number of 'at risk' gamblers
Tameside	173,960	3,131	9,568
Trafford	179,920	3,239	9,896
Wigan	256,020	4,608	14,081

- 3.13 Anyone who gambles is vulnerable to harm. Men, younger adults (aged 18-34) and adults from a lower socioeconomic or black and minority ethnic backgrounds are more likely to be classified as gamblers experiencing some level of harm. Gambling related harms are often described at an individual level, however these harms have a wider impact on communities and society with costs to the UK as a whole estimated at being between £260m and £1.16bn.
- 3.14 People living with, or at risk of developing, a gambling disorder may experience stress, anxiety and depression, financial losses, debts and exhibit compulsive behaviours, such as chasing losses. Gambling related harms may accrue over a long period of time or very quickly at a time of crisis, many harms have a lasting legacy beyond initial recovery from gambling disorder. Harms associated with gambling include poor mental health and wellbeing, relationship breakdown, neglect of other priorities in life, poor performance at work or school and criminal activity. The Public Health Gambling Harms Evidence Review⁴ sets out an overview of the prevalence, risk factors and public health harms associated with gambling and the economic and social burden.
- 3.15 Awareness of gambling harms as an emerging public health problem has increased in recent years, however Public Health are not a responsible authority under the Gambling Act 2005. Nonetheless, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding: <https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensingauthority-toolkit/Public-health-and-Safeguarding-toolkit.aspx>
- 3.16 Greater Manchester has a gambling harms reduction programme (which aims to reduce the harms caused by gambling to the population. Licence applicants and holders will be expected to show how they are actively protecting the local population from gambling harms with their processes and operations, and consider how the location, opening hours and promotion of their activities can minimize opportunities for harm to the vulnerable groups listed above.
- 3.17 The licensing authority recognises that local authority public health teams can offer insights from those impacted by gambling harms and offer contextual information about treatment and support in the local area and can add value to the licensing application

1.1 ⁴ <https://www.gov.uk/government/publications/gambling-related-harms-evidence-review>

process where there are concerns raised about risk of harm to vulnerable groups locally.

- 3.18 Greater Manchester's gambling harms reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations.

Determining whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence

3.19 For the purposes of the Gambling Act, an 'interested party' is:

- a) Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
- b) Has business interests that might be affected by the authorised activities
- c) Represents persons who satisfy paragraph (a) or (b)

3.20 Whether or not a person is an 'interested party' is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.

3.21 To determine who lives 'sufficiently close to the premises to be likely to be affected by the gambling premises', we will consider the following on a case-by-case basis:

- The size of the gambling premises
- The nature of the gambling premises
- The distance of the premises from the address of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises e.g. 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- The 'catchment' area of the premises (i.e. how far people travel to visit it).

3.22 Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The licensing authority will consider the following factors relevant when determining whether a person's business interests may be affected:

- The size of the premises
- The 'catchment' area of the premises (i.e. how far people travel to visit it)
- whether the person making the representation has business interests in the affected catchment area

- 3.23 In so far as who represents persons who satisfy paragraphs (a) or (b), this would include for example:
- i. Residents' associations and tenants' associations
 - ii. Trade associations and trade unions
 - iii. Any other person with written permission from somebody who satisfies paragraph (i) or (ii)
 - iv. Local councillors and MPs

Exchange of information between the licensing authority and the Gambling Commission (s29 and s30 of GA2005), and the exchange of information between the licensing authority and other persons listed in Schedule 6 of the Act (s350 of GA2005)

- 3.24 The licensing authority may share application information received in the course of processing applications with the Gambling Commission, a constable or police force, an enforcement officer, another Licensing Authority, Her Majesty's Commissioners of Customs & Excise, The First Tier Tribunal, The Secretary of State or Scottish Ministers.
- 3.25 We will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.
- 3.26 In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations. Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register. Personal addresses/contact numbers attached with representations may also be released. Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State.
- 3.27 Licensing authorities have statutory duties to notify the Commission as well as the applicant and other responsible authorities of the grant/rejection of applications (new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms.
- 3.28 We will inform the Gambling Commission without delay if:
- The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence
 - There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an operating licence
 - If it comes to our attention that: alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded.

3.29 The licensing authority will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

Functions of the licensing authority under Part 15 of the GA2005 with respect to the inspection of premises and the power under s346 of the Act to institute criminal proceedings in respect of the offences specified in that section

3.30 Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and legal requirements in respect of other permissions the licensing authority regulates. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity. The Council will adopt a risk-based inspection and enforcement programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection and enforcement programme is operated in accordance with any codes of practice issued by the Gambling Commission, in accordance with the Government's Enforcement Concordat and the Compliance Code.

3.31 The Council will take account of the Gambling Commission's guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

3.32 This licensing authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

Proportionate	regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
Accountable	regulators must be able to justify decisions, and be subject to public scrutiny
Consistent	rules and standards must be joined up and implemented fairly
Transparent	regulators should be open, and keep regulations simple and user friendly
Targeted	regulation should be focused on the problem, and minimise side effects

3.33 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were seven Primary Authority arrangements with host local authorities:

Operator	Primary Authority local authority
BACTA	Reading
Coral Racing	Milton Keynes
Ladbrokes	Milton Keynes
Paddy Power	Reading
Rank Group	City of Westminster
Sky Betting & Gaming	Wakefield
William Hill	Reading

3.34 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par>

Commenting on a licence application

3.35 If 'interested parties' (see below for definition) or 'responsible authorities' wish to comment on an application for a premises licence relating to the licensing objectives, they can make a 'representation'. The Licensing Authority can only consider representations if made by either an 'interested party' or 'responsible authority'.

3.36 A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be 'relevant'. The only representations likely to be relevant are those that meet one or more of the following criteria:

- Relate to the licensing objectives
- Relate to relevant matters in our gambling policy
- Relate to relevant matters in the Gambling Commission's Guidance to Local Authorities
- Relate to relevant matters in the Gambling Commission's Codes of Practice
- Relate to the premises that are the subject of the application
- Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.

Factors that will not be relevant

3.37 Any objections to new premises or requests for a review should be based on the licensing objectives of the Act. Unlike the Licensing Act 2003, the Act does not include the prevention of public nuisance as a specific licensing objective.

3.38 The licensing authority will not take into account representations that are:

- repetitive, vexatious or frivolous
- from a rival gambling business where the basis of the representation is unwanted competition
- moral objections to gambling
- concerned with expected demand for gambling
- anonymous

- 3.39 Details of applications and representations referred to a licensing sub- Committee for determination will be published in reports that are made publicly available and placed on the Council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.
- 3.40 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is specifically asked to do so.

Split Premises

- 3.41 The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement. The Authority will not automatically grant a licence for sub- divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to sidestep controls on the number of machines which can be provided in a single premise. The Authority will consider if the sub-division has harmed the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

Premises “ready for gambling”

- 3.42 A licence to use premises for gambling will only be issued in relation to premises:
- that the Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use
 - where they are expected to be used for the gambling activity named on the licence.
- 3.43 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 3.44 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two-stage consideration process: -
- 1) Whether the premises ought to be permitted to be used for gambling
 - 2) Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 3.45 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 3.46 When dealing with a premises licence application for finished buildings, the licensing authority will not take into account:
- whether those buildings have to comply with the necessary planning or building consents;

- fire or health and safety risks.
- 3.47 Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence.
- 3.48 It is noted that s.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Applications and plans

- 3.49 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Authority to plan future premises inspection activity.
- 3.50 It is the local authority's policy that it will expect applicants for new premises licences and variations to provide a plan showing the indicative layout of the premises including, but not limited to:
- Machines, specified by category
 - Staff counters
- 3.51 We consider that this information is appropriate, in conjunction with the premises' risk assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the licensing authority to accurately assess the likely effect of granting the application relative to the Licence conditions and code of practice and licensing objectives.
- 3.52 The premises plan in itself is only one means by which the licensing authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns and the layout of a particular premises may well determine what is most appropriate for an individual application.

Tracks

- 3.53 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundaries of the premises do not need to be defined.

- 3.54 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.
- 3.55 Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

4. Determining Premises Licences

How the Licensing Authority decides whether to grant or refuse an application

- 4.1 Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:
- a) In accordance with any relevant code of practice issued by the Gambling Commission
 - b) In accordance with any relevant guidance issued by the Gambling Commission
 - c) Reasonably consistent with the licensing objectives (subject to a and b) and
 - d) In accordance with this policy (subject to a – c).
- 4.2 The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the committee cannot reject applications on moral grounds.
- 4.3 Each case will be decided on its merits.
- 4.4 The Licensing Authority will not have regard to any demand issues for the premises.
- 4.5 Where an area has known high levels of organised crime the licensing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 4.6 Rather than reject applications outright, wherever possible the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However, where there are reasons why granting a licence would not be consistent with (a) - (d) above, the application will normally be refused.
- 4.7 In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission.

How the licensing committee decides what conditions to apply to premises licences

- 4.8 Premises Licences may be subject to any or all of the following:
- Conditions specified in the Gambling Act 2005
 - Conditions specified in the regulations issued by the Secretary of State
 - Conditions attached by Oldham Council's Licensing Committee following a hearing (where necessary).
- 4.9 With respect to conditions, licensing authorities are able to:
- Issue licences without modifying conditions set out in the Act and by the Secretary of State

- Exclude default conditions
- Attach conditions where it is believed to be appropriate
- Conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.

4.10 We will ensure that any conditions we impose are:

- Proportionate to the circumstances which they are seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

4.11 There are also conditions, which the licensing authority cannot attach to premises licences:

- Conditions on a premises licence which make it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation
- Conditions that require membership of a club or body. (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- Conditions relating to stakes, fees, winnings or prizes
- Conditions relating to demand for the premises.

4.12 Decisions about conditions will be taken on a case-by-case basis considering Gambling Commission guidance, Gambling Commission Codes of Practice, the Licensing Objectives and our policy.

Determining whether to review a licence

4.13 After a licence is granted, where the day to day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time.

4.14 A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate.

4.15 Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:

- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
- Is it irrelevant, frivolous or vexatious?
- Is it so minor that the authority will certainly not wish to revoke or suspend the licence or remove, amend or attach conditions?

- Is it substantially the same as a previous application for review relating to the same premises?
 - Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered?
- 4.16 If the answer to ANY of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:
- Revoke the premises licence
 - Suspend the premises licence for a period not exceeding three months
 - Exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion
 - Add, remove or amend a licence condition previously imposed by the Licensing Authority
- 4.17 To decide what action, if any, needs to be taken following an application for review, the licensing committee will make its determination:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with relevant guidance issued by the Gambling Commission
 - In so far as it is reasonably consistent with the licensing objectives
 - In accordance with the authority's statement of licensing policy
- 4.18 The committee will also consider any relevant representations and information given at the hearing. Codes or practice and the guidance referred to above may be obtained from the Gambling Commission.

5. Relevant factors when considering applications and reviews

5.1 In considering applications for new gambling licences, variations to existing licences and licence reviews the licensing authority will consider the following matters:

- the location of the premises
- the Local Area Profile
- the Local Risk Assessment (LRA)
- the views of responsible authorities
- the views of interested parties
- compliance history of current management
- the hours of operation
- the type of premises
- the operation of the premises in accordance with the expectations of the licensing authority, as set out in this policy
- the physical suitability of the premises
- the levels of crime and disorder in the area
- the level of deprivation and ill health in the area

5.2 The Licensing Authority believes that this list is not exhaustive and there may be other factors which may arise that could be considered relevant. The Licensing Authority will consider the relevance of any additional factors raised on a case-by-case basis.

Location of the premises

5.3 The location of the premises will be an important factor as it can impact on all three of the licensing objectives. The Licensing Authority will consider very carefully applications for premises licences that are located in close proximity to sensitive premises such as:

- Schools, including universities
- Parks, stations, other transport hubs and places where large numbers of school children might be expected
- other premises licensed for gambling
- premises licensed for alcohol
- children's and vulnerable persons' centres and accommodation
- youth and community centres
- health and treatment centres
- leisure centres used for sporting and similar activities by young persons and/or vulnerable persons
- religious centres and public places of worship

5.4 The Licensing Authority expects each premises to produce and keep on the premises a local risk assessment, covering the areas set out in this policy.

Gambling related harm

- 5.5 The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the Borough to ensure that they meet the fundamental principles of the Act. In doing so, the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm. Therefore, the local context in relation to vulnerability to gambling-related harm will be an important consideration.

Local risk assessments

- 5.6 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 5.7 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.
- 5.8 In conducting their risk assessment, the Licensing Authority will expect operators to follow the general principles of risk assessment:
- 1) Identify hazards (think about what may cause harm using the information provided below as a guide and any other matters you consider relevant)
 - 2) Assess the risks (decide how likely it is that someone could be harmed and how serious it could be. This is assessing the level of risk). Decide:
 - i) Who might be harmed and how
 - ii) What you are already doing to control the risks
 - iii) What further action you need to take to control the risks
 - iv) Who needs to carry out the action
 - v) When the action is needed by
 - 3) Control the risks (Look at what you are already doing, and the controls you already have in place.) Ask yourself:
 - i) Can I get rid of the hazard altogether?
 - ii) If not, how can I control the risks so that harm is unlikely?
 - 4) Record your findings (record your significant findings), including:
 - i) the hazards (things that may cause harm)
 - ii) who might be harmed and how
 - iii) what you are doing to control the risks
 - 5) Review the controls. (You must review the controls you have put in place to make sure they are working.) You should also review them if:
 - i) they may no longer be effective
 - ii) Also consider a review if your workers have spotted any problems or there have been any accidents or near misses.

- iii) to take account of significant changes in local circumstances, including those identified in this policy statement
- iv) when there are significant changes at the premises that may affect your mitigation of local risks
- v) Update your risk assessment record with any changes you make.

5.9 The Licensing Authority considers the following as significant changes at the premises that may affect your mitigation of local risks:

- Staffing changes
- Layout of the premises
- Changes to gaming facilities provided

5.10 The Authority will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools
- The commercial environment
- Factors affecting the footfall
- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship

5.11 The local risk assessment must show how vulnerable people, including people with gambling dependencies, are protected through:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the staffing of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
 - dedicated and trained personnel
 - leaflets and posters
 - self-exclusion schemes
 - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality

- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, Council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate

5.12 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

5.13 Other matters that the assessment will include as appropriate: -

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

5.14 Such information may be used to inform the decision the Authority makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

5.15 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Area Profile

5.16 The Greater Manchester Gambling Harms Reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations. This research and evidence will be available online at: <https://www.greatermanchester-ca.gov.uk/what-we-do/health/gambling/understanding-gambling-related-harms/> and should be referred to in Local Risk Assessments.

How the premises will operate consistent with the licensing objectives

- 5.17 We expect high standards from all gambling premises. Operators will be expected to demonstrate that they have given careful consideration to the licensing objectives and have appropriate measures in place to uphold them.
- 5.18 The following paragraphs indicate the physical and management factors that the licensing authority may take into account when considering applications for new or varied licence applications and reviews. These are not mandatory requirements but should be used as a guide to applicants and licensees as to the sort of arrangements that it should have in place and demonstrate these are in place through their bespoke risk assessment. Where an applicant or licensee can demonstrate that these factors are not relevant, or alternative arrangements are more appropriate, the licensing authority will take these into account.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

- 5.19 The Gambling Commission play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licence procedure.
- 5.20 However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises. When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that the Gambling Commission highlights in its guidance to local authorities that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.
- 5.21 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences, if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.
- 5.22 Licensees and applicants will be expected to demonstrate that they have given careful consideration to preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- 5.23 In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police’s architectural liaison unit at the design stage to ensure crime prevention and detection.
- 5.24 We encourage premises to liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation. Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.

5.25 The measures to be considered should include:

- The arrangements in place to control access (preventing unauthorised access shall not be limited to the provision of supervisory personnel; other options may include, but are not limited to, time-lock or maglock entrances)
- The opening hours
- The provision of registered door supervisors*
- The provision of CCTV
- The number of staff on duty and effective staff training, especially in relation to lone working
- The provision of toilet facilities
- Prevention of antisocial behaviour associated with the premises, such as street drinking, litter, activity outside the premises including the management of clients leaving the premises
- Adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

* Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

Ensuring that gambling is conducted in a fair and open way

5.26 Generally, this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

5.27 Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers. In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

5.28 The Gambling Act defines 'children' as those persons under 16 years of age and 'young persons' as those persons aged 16 or 17 years of age. The term 'vulnerable persons' is not defined and what constitutes harm or exploitation will have to be considered on a case-by-case basis.

- 5.29 Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society. These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling can have longer- term and enduring consequences that can exacerbate existing inequalities.
- 5.30 Regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster City Council commissioned research into this issue and published a report: Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015. Similarly, In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling (Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016) looking specifically at identifying groups of the society that could be considered (more) vulnerable to problem gambling:
- Younger people, including students
 - Those who are unemployed and/or with constrained financial circumstances
 - Those from minority ethnic groups
 - Those under the influence of alcohol or drugs
 - Problem gamblers seeking treatment
 - Homeless people
 - Those living in areas of greater deprivation
 - Those with other mental health issues and substance abuse/misuse disorders
 - Those with poorer intellectual functioning
 - Custodial and non-custodial offenders
- 5.31 Licensees and applicants will be expected to demonstrate they have carefully considered how to protect children and vulnerable persons from harm and have adequate arrangements for preventing underage gambling on their premises. The measures that should be considered where appropriate are:
- The provision of CCTV
 - Location of entrances
 - Restricted opening and closing times to protect residents vulnerable to harm
 - Supervision of entrances
 - Controlled access to the premises by children under the age of 18
 - Dealing with pupils who are truanting, and policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
 - Design layout/lighting/fit out to not attract children or vulnerable persons
 - Having a nationally-recognised proof of age scheme – Think 21/25
 - The provision of registered door supervisors
 - Clear segregation between gaming and non-gaming areas in premises frequented by children
 - The provision of adequate signage and notices
 - Supervision of machine areas in premises, particularly areas to which children are admitted
 - Controlled opening hours
 - Effective self-barring schemes

- The provision of materials for GamCare, Betknowmore UK or similar, Citizens Advice Bureau information, local public and mental health and housing/homeless associations, printed in languages appropriate to the customer base.
 - Advertising local support services in the area such as Beacon Counselling Trust or the NHS Gambling Clinic.
 - The number of staff on duty and effective staff training, especially in relation to the ability to effectively identify and engage with vulnerable persons, including primary intervention and escalation
 - A requirement that children must be accompanied by an adult (in premises where children are allowed)
 - Enhanced DBS checks of staff
 - Obscuring windows where appropriate and labelling premises so it is clear that they are gambling premises
 - Self-exclusion schemes
- 5.32 With reference to those persons with a mental impairment or mental health difficulties, operators would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.
- 5.33 For multi-occupied premises consideration should be given to the arrangements for controlling access by children and the compatibility of the different uses. Separate and identifiable entrances may be required to ensure that people do not drift inadvertently into a gambling area.
- 5.34 Children are not permitted to use Category C or above machines and in premises where these machines are available and children are permitted on the premises the licensing authority will require:
- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
 - adults only admitted to the area where these machines are located
 - adequate supervised access to the area where the machines are located
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - prominent notices displayed at the entrance to, and inside, any such areas there indicating that access to the area is prohibited to persons under 18

Expectations of operators: Staffing provision

- 5.35 Staff in licensed gambling premises are recognised as being subject to risk in the workplace from violence and verbal abuse, especially if working alone. In addition, lone workers may not be able to sufficiently serve and supervise the customers, identify and prevent young people from gambling, protect vulnerable persons, deal with customers who may be consuming alcohol and prevent the premises being used as a source of crime or supporting crime.
- 5.36 We expect premises management to recognise and address this as part of their management arrangements, especially at times where it has been identified that there is a spike in crimes around the premises.

5.37 We expect there to be an adequate number of staff and managers on the premises to cover key points throughout the day, especially where premises are close to schools/colleges/universities, pubs, bars, shopping centres and stadia.

Expectations of operators: Data gathering and sharing

5.38 Keeping track of the incidence and handling of problem gambling in Greater Manchester is a key part of promoting the licensing objectives. We expect all gambling premises to maintain a log and share this and other information with the Licensing Team upon request.

5.39 Data that we consider should be recorded and shared includes (but is not exclusive to):

- 1) Customer interventions
- 2) Cases where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- 3) Mandatory exclusions needing enforcement
- 4) Attempts to enter by those underage in a calendar month
- 5) Attempts to enter by those underage in the company of adults
- 6) Attempts to enter by those underage with complicit adults
- 7) Incidents of 'at risk behaviour'
- 8) Incidents of 'behaviour requiring immediate intervention'

5.40 We would expect that all records include time and date along with a short description of the incident and action taken.

5.41 Where appropriate, we may look to impose premises specific conditions to require this information to be provided to the licensing authority annually. However, we strongly encourage operators to share this information with the licensing authority voluntarily.

5.42 A template for this information to be provided is at Appendix 2.

Expectation of applicants: Staff Training and Knowledge

5.43 We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- 1) The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
- 2) Causes and consequences of problem gambling
- 3) Identifying and communicating with vulnerable persons: primary intervention and escalation, supported by high quality training given the challenging nature of these conversations.
- 4) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
- 5) Refusal of entry (alcohol and drugs)
- 6) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- 7) Importance and enforcement of time/spend limits

- 8) The conditions of the licence
 - 9) Maintaining an incident log
 - 10) Offences under the Gambling Act
 - 11) Categories of gaming machines and the stakes and odds associated with each machine
 - 12) Types of gaming and the stakes and odds associated with each
 - 13) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
 - 14) Safe cash-handling/payment of winnings
 - 15) Identify forged ID and bar those using forged ID from the premises
 - 16) Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
 - 17) The importance of not encouraging customers to:
 - (a) Increase the amount of money they have decided to gamble
 - (b) Enter into continuous gambling for a prolonged period
 - (c) Continue gambling when they have expressed a wish to stop
 - (d) Re-gamble winnings
 - (e) Chase losses.
- 5.44 Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling. In relation to training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

Expectation of applicants: Gaming machines / layouts

- 5.45 It is an operator's responsibility to ensure staff are able to effectively monitor gaming machine play for a number of reasons that are part of the operator's licence conditions. Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their gambling premises.
- 5.46 The Licence conditions and code of practice (LCCP) state: 'Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'.
- 5.47 A screen or pod around a gaming machine, designed to increase the privacy of the player, could prevent staff in a gambling premises from effectively monitoring gaming machine play
- 5.48 Operators will be expected to be able to evidence to the licensing authority how they have considered the risk to the licensing objectives and implemented effective controls, prior to the introduction of any new machine arrangements.
- 5.49 It will be important to consider the means by which gaming machines are supervised (e.g. line of sight to counter, effective CCTV, mirrors or floor staff) and consider whether that is appropriate for that premises.
- 5.50 Whether amendments to a premises amount to a 'material change' warranting an application to vary the premises licence under s.187 of the Gambling Act is a matter for local determination and the licensing authority will adopt a common-sense approach.

6. Premises-specific considerations

Adult Gaming Centres

- 6.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.
- 6.2 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 6.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

Casinos

- 6.4 Oldham has no licensed casinos.
- 6.5 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

'No Casinos' resolution

- 6.6 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Bingo premises

- 6.7 The Gambling Act 2005 does not contain a definition of bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:
 - Cash bingo, where the stakes panel made up the cash prize that is won; or
 - Prize bingo, where various forms of prizes are won, not directly relating to the stakes panel

- 6.8 Subject to the rules of individual operators, children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 6.9 Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one metre high
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised at all times
 - the area where the machines are located is arranged so that it can be observed by staff
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
 - children will not be admitted to bingo premises unless accompanied by an adult.
- 6.10 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The Council will take this into consideration when determining licence applications for bingo premises.
- 6.11 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

Electronic bingo gaming machines

- 6.12 Where a premises intends on providing electronic terminals to play bingo, we will expect operators (as part of their application) to provide a breakdown of the number of electronic bingo terminals that will be provided at the premises

Gaming machines at bingo premises

- 6.13 In addition to bingo, the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.
- 6.14 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

- 6.15 The LCCP requires (Social Responsibility Code Provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question. This does not restrict the provision of gaming machines in line with 6.14 above.
- 6.16 As the licensing authority, we will need to satisfy ourselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo. Equally, we must ensure that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.
- 6.17 Therefore, we will expect operators (as part of their application) to provide information on:
- any times they intend to provide gaming machines at any times that bingo facilities are not provided
 - how the premises will be recognised as a premises licensed for providing facilities for bingo
 - A breakdown of gaming machine numbers (by category)
- 6.18 The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority will expect that applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.19 The licensing authority will use their power to restrict the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
 - the number of counter positions and staff on the premises
 - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.20 The licensing authority will not seek to limit the number of gambling machines by category as this entitled provision is defined in the Gambling Act. However, we will seek to ensure that the number and provision of gaming machines are only provided in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.
- 6.21 To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.
- 6.22 The licensing authority will require information from an applicant for a new premises or for a variation to an existing premises licence in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and the Gambling Commission's guidance to licensing authorities.

'Entertainment' Bingo

- 6.23 A phenomenon over recent years has been the evolution of businesses, such as Bongo's Bingo, providing facilities for high turnover bingo (the aggregate stakes or prizes for bingo in any seven day period may exceed £2,000); typically providing equal chance gaming at pubs and nightclubs, in reliance on the alcohol licence held by the premises, and therefore doing so under the rules for exempt gaming.
- 6.24 We note that it is a condition of some such companies' operator's licence that they must notify both the Commission and the relevant local authority at least 28 days before any event takes place in new premises, by providing a description of the event taking place, a copy of the premises contract and any amendment to the rules of the bingo.
- 6.25 We would encourage venues hosting such events to promote responsible gambling messaging at them.

Betting Premises

- 6.26 We encourage operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.
- 6.27 Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm, unless the licensing authority has granted a variation application to extend these hours. The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer.
- 6.28 As a consequence, the licensing authority is unlikely to grant variation of hours' applications unless applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.29 The licensing authority will use their power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
 - the number of counter positions and staff on the premises
 - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.30 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting

machines an operator wants to offer. It is noted that that children are not able to go into premises with the benefit of a Betting Premises Licence.

(Licensed) Family Entertainment Centres

- 6.31 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only are regulated through FEC gaming machine permits.
- 6.32 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas. Operators should ensure that a proof of age scheme is in force.
- 6.33 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Occasional use notices

- 6.34 Occasional Use Notices (OUN) are designed to allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to point racecourses and golf courses for major competitions, within the boundaries of the identified venue on a specific date.
- 6.35 An OUN must be submitted for EACH day that the betting activity will be conducted on the premises. For example, four notices for four consecutive days of betting and not one notice covering the four days.
- 6.36 We will liaise with the Gambling Commission should we receive an OUN that does not relate to a genuine recognised sporting event to ensure that OUN's are not misused, for example, venues seeking to become tracks through a contrived sporting event, utilising OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue.

7. Permits and other permissions

Alcohol Licensed Premises Gaming Machine Permits

- 7.1 Premises licensed to sell alcohol that have a bar and the alcohol is not ancillary to food for consumption on the premises, having more than two gaming machines, will need to apply for a permit and must also notify the Licensing Authority if they have one or two machines. In considering whether to grant a permit, the licensing authority will have regard to the licensing objectives, guidance issued by the Gambling Commission and any other relevant matters. Permits will not be granted to licensees who have failed to demonstrate compliance with the Gambling Commission's Code of Practice.
- 7.2 In addition to the requirements of the Gambling Commission's Code of Practice, the Licensing Authority expects applicants to:
- display adequate notices and signs, advertising the relevant age restrictions
 - position machines within view of the bar in order for staff to be able to monitor the machines for use by under age or misuse of the machines
 - challenge anyone suspected of being under age and refuse access
 - provide information leaflets and / or help-line numbers for organisations such as GamCare and Betknowmore UK.

Prize Gaming Machine Permits

- 7.3 Prize gaming premises will appeal to children and young persons and weight will be given to child protection issues. Therefore, the licensing authority will expect the applicant to demonstrate that they are suitable to hold a permit (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises.
- 7.4 The licensing authority expects applicants to set out the types of gaming machines that they intend to offer and be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - that the gaming offered is within the law
- 7.5 The Gambling Commission website gives advice on types of permits, conditions, stakes and prizes. See <https://www.gamblingcommission.gov.uk>

Unlicensed FECs (uFEC)

- 7.6 Unlicensed family entertainment centres (FEC's) will perhaps be most commonly located at places such as airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FEC's will be able to offer only category D machines in reliance on a gaming machine permit.
- 7.7 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making

gaming machines available for use (Section 238). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

- 7.8 Given that the premises is likely to appeal particularly to children and young persons, when considering applications for permits we will give weight to matters relating to protection of children from being harmed or exploited by gambling and are keen to ensure that staff supervision adequately reflects the level of risk to this group. Therefore, we will generally expect such risks to be addressed through effective:
- Staff supervision and training
 - Detailed plan
 - Social responsibility policies
 - Staff being easily identifiable
 - Clear signage
- 7.9 As part of an application for a uFEC, it is our policy that a plan for the uFEC must be submitted.

Small Society Lotteries

- 7.10 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 7.11 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 7.12 This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - Submission of incomplete or incorrect returns
 - Breaches of the limits for small society lotteries
 - The eligibility of the society as 'non-commercial'

8. Appendix 1 –Responsible Authorities

<p>The Fire Safety Team Greater Manchester Fire & Rescue Oldham Command Headquarters, Broadway Chadderton Oldham, OL9 0JX</p>	<p>HM Revenue & Customs Excise Processing Teams BX9 1GL United Kingdom</p>
<p>Safeguarding Children Board Oldham Council Rock Street Centre Rock Street Oldham, OL1 3UJ</p>	<p>Planning Section Oldham Council Level 3 Civic Centre West Street, Oldham, OL1 1UQ</p>
<p>Greater Manchester Police Police Licensing Officer Sir Robert Peacock House Vulcan Street Oldham, OL1 4LA</p>	<p>Environmental Health Oldham Council Chadderton Town Hall Middleton Road, Chadderton Oldham, OL9 6PP</p>
<p>Gambling Commission Victoria Square House Victoria Square Birmingham, B2 4BP</p>	

Applications must be sent to:

Oldham Council

Sir Robert Peacock House

Vulcan Street,

Oldham, OL1 4LA

E: licensing@oldham.gov.uk

10. Appendix 3 - Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games include Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Authority.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives. The licensing objectives are: <ul style="list-style-type: none"> • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. • Ensuring that gambling is conducted in a fair and open way. • Protecting children and other vulnerable people from being harmed or exploited by gambling.
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

Term	Description
Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place

