

LICENSING COMMITTEE
21/09/2021 at 9.30 am



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 Government's 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