

LICENSING COMMITTEE
01/11/2022 at 9.30 am



Present: Councillor Surjan (Chair)
Councillors Azad, Cosgrove, C. Gloster, Goodwin, Hamblett,
Harrison, S Hussain, McLaren (Vice-Chair), Shuttleworth and
Wilkinson

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Susan Loftus	Licensing Projects and Hearings Officer
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services

1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor
Nasheen.

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 Committee considered the following public question that
had been received in accordance with the Council's
Constitution.

The question was received from Mr Abdul Rehman Khayal,
Board members NPHTA and read -

1. 'Temporary vehicles extension should continue as previously
recommended because Oldham commercial activities not
improved still we facing financial difficulties.

2. Hackney plates - Private hires and hackney plates are too
closed similarities must be differentiated from each other's as
other councils carried out different colours for both trades.'

The Chair provided the following response –

'I thank Mr Khayal for his comments on vehicle extensions and
licence plates, both of which will be discussed and covered in
this meeting.'

5

MINUTES

RESOLVED that the minutes of the meeting held on 7th June 2022 be approved as a correct record.



6

LICENSING UPDATE REPORT

Consideration was given to a report of the Trading Standards and Licensing Manager which advised the Committee of key updates and requested approval for revisions to existing standards in relation to vehicle plates and temporary vehicle extensions.

Members were advised of the two strategic objectives that related to Licensing which were:

1. To work with businesses to ensure they were licensed and compliant.
2. To ensure safe passenger journeys, in safe licensed vehicles with safe licensed drivers

It was noted that there had been a total of two applications considered by the Licensing Premises Panel since 1st April 2022. Officers continued to work with the Private Hire & Hackney Carriage trade to ensure effective communication and consultation took place. The Licensing team had held several trade forum meetings so far this year and had improved on existing communications by including relevant officers from Moorhey Street Testing Station.

Members were provided with details of the number of existing licences currently in force. The Licensing Driver Panel continued to sit monthly to hear applications for taxi licences, renewal or reviews of existing licences where offences, misconduct or any other relevant matter arises. Since 1st April 2022 there had been a total of 10 determinations by the Panel which were broken down to members and set out in section 2.6 of the report. In addition, there had been 8 emergency delegated decisions taken where driver licences had been revoked with immediate effect by the Trading Standards & Licensing Manager.

Members had previously been updated on GM Minimum Licensing Standards and had approved changes to the Taxi Licensing Policy to encompass recommendations as a result of the consultation on those standards, which were originally intended to dovetail with the GM Clean Air Plan. The Clean Air Plan was currently paused. The plan for Greater Manchester was sent to the Government in July this year, with the suggestion for a non-charging zone with funding. Authorities were still waiting to hear from the Government on the proposal.

Members had previously approved a temporary extension to licensed vehicles, whereby they could continue to be licensed beyond the maximum age limit so as to benefit from any funding released by the Government linked with the Clean Air Scheme.

GM Authorities were still waiting for a decision on the proposed plan and any funding which may become available. However, the temporary extensions to vehicles were due to come to an end on 31st December 2022.



Members were asked to consider a further extension for vehicles in order that they continue to be licensed pending a final decision being made by the Government. An age profile of vehicles who would or were already benefiting from a temporary extension was included at point 3.5 of the report.

Members were advised that the Licensing Authority had been working with the trade on issues surrounding anti-social behaviour and associated vehicle attacks. The trade were asked to report matters to Greater Manchester Police and were also asked to feed that information into the online reporting tool to better inform policy decisions going forward, particularly in respect of their requests to remove front plates. There was insufficient data to warrant a request for front plates to be removed at this time. It was therefore suggested that a smaller front plate be approved for use. A summary of Anti-social Behaviour reports submitted since the facility was put in place in March 2022 was included at point 4.2 of the report.

Earlier this year officers were tasked by the Chief Executive to hold a working group to discuss issues around MOT tests, due to concerns raised by members of the Private Hire & Hackney Carriage Associations. The aim of the group was to better understand trade concerns and implement solutions as appropriate.

In summary, it was accepted by all that the service provided was efficient and reasonable and the trade must accept their role in ensuring that applications were submitted in plenty of time to get a test date, and that vehicles were presented in a manner to pass the test first time.

Some actions taken away from the group were to provide a list of common faults/issues seen by the testers for vehicle owners to use as a means of better preparing their vehicles for test. In addition, monthly figures were to be sent to trades reps illustrating failure rates and ASB report statistics.

The MOT Bays had been closed since 27th July due to the building being unsafe and concrete falling from height over where the tests were carried out. Remedial work had been undertaken and the bays were due to re-open 31st October 2022. Private MOTs for vehicles had been obtained during this period.

There continued to be regular changes to legislation and guidance affecting licensing together with consultations the summaries of which were detailed below:

- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
- Awaiting release of the Governments Taxi and Private Hire best practice guidance following consultation earlier this year, it was hoped this would be released before Christmas 2022;
- Continuing to work with GM colleagues to deliver minimum licensing standards.

Projects underway or due to start in the coming months included:

- Consultation on the revised Statement of Fitness and Suitability policy to commence,
- Assessing the impact of the GM clean air plan on the licensing policy
- Reviewing hackney carriage ranks, licence release policy and unmet demand.

RESOLVED that:

1. The report be noted.
2. The Implications of the report be considered in future licensing decisions.

7

TAXI & PRIVATE HIRE – FITNESS & SUITABILITY OF APPLICANTS AND LICENCE HOLDERS POLICY

Consideration was given to a report of the Trading Standards and Licensing Manager which requested that Members approve a revised policy on the fitness and suitability of applicants and licence holders in relation to private hire and taxis.

Members noted that licence holders were in a unique position of trust and were often in one to one contact with children, young persons and vulnerable adults. They often had custody of property belonging to others or has knowledge which might facilitate crime. The Council was committed to ensuring insofar as is possible that:

- All persons that hold a licence were ‘fit and proper persons’ or in simpler terms they were both ‘safe and suitable’
- The public were not exposed to persons with a history of dishonesty, indecency or violence or any other offence or inappropriate behaviour which may question the person’s ‘fit and proper’ status
- The safety of children, young persons and vulnerable adults was protected.

Upon reviewing the previous policy, Officers had referred to a wide range of publications including the following:

- Institute of Licensing Guidance on determining the suitability of applicants and license holders (produced in partnership with the LGA, NALEO and LLG) (2018)

- Department for Transport Statutory Guidance on Safeguarding (2020)
- Department for Transport Best Practice Guidance (2010)
- Review into historic safeguarding practices in the Borough of Oldham (2022)
- Reports into the Independent Enquiry into Child Sexual Exploitation in Rotherham (2014 and 2015)

The final policy presented sought to address a modern-day framework having considered best practice, legislation and reviews. It set out the obligations upon which decision makers in Oldham should have regard when making important decisions and having regard to public safety.

A wide range of stakeholders both inside and outside of the Council were consulted as part of the preparation of this final policy. Those included were:

- Private Hire and Taxi trade representatives
- Greater Manchester Police
- Adults Safeguarding Partnership
- Children's Safeguarding Partnership
- Community Safety

RESOLVED that:

3. The report be noted.
4. The policy be approved.

The meeting started at 9.30 am and ended at 10.05 am