

LICENSING COMMITTEE Regulatory Committee Agenda

Date Tuesday 28 February 2023

Time 9.30 am

Venue Crompton Suite, 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, 23 February 2023.
 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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Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:
Councillors Azad, Byrne, Cosgrove, C. Gloster, Goodwin, Hamblett, Harrison, S Hussain, McLaren, Nasheen, Sheldon, Shuttleworth, Surjan (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 held on 1st November 2022 are attached for approval.

6 Licensing Update Report (Pages 7 - 12)

The purpose of this report is to provide Members with an update on Licensing matters.

7 Front Plates Report (Pages 13 - 22)

The purpose of this report is to request approval for revisions to existing standards in relation to vehicle front plates.



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 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

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Licensing Committee

Licensing Update Report

Report of Executive Member for Neighbourhoods

Officer contact: Nicola Lord – Principal Licensing Officer

28th February 2023

Executive Summary

The purpose of this report is to provide Members with an update on Licensing matters.

Recommendations

That Members:

- 1) Note the report
-

Licensing Update Report

1 Purpose of the report

- 1.1 The purpose of this report is to provide Members with an update on Licensing matters

2 General Updates

- 2.1 There are two strategic objectives that relate to Licensing, these are:

- a) To work with businesses to ensure they are licensed and compliant and,
- b) To ensure safe passenger journeys in safe licensed vehicles with safe licensed drivers

- 2.2 There has been a further application considered by the Licensing Premises Panel since the last Committee Hearing. This is shown below

Premises	Application Type	Outcome
Chillz	Variation	Granted

- 2.3 Officers continue to work with the Private Hire & Hackney Carriage trade to ensure effective communication and consultation takes place. We continue to hold trade forum meetings including Members of the Licensing Committee and representatives of Moorhey Street Testing Station.

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

Licence Type	Current Total
Dual Driver Licence	1295 (+10)
Private Hire Vehicles	1021 (no change)
Hackney Carriage Vehicles	85 (no change)
Private Hire Operators	33 (-1)
TOTAL	2434

- 2.5 The Licensing Driver Panel continues to sit monthly to hear applications for taxi licences, renewal or reviews of existing licences where offences, misconduct or any other relevant matter arises.

2.6 Since the last Committee Hearing there have been a total of 10 determinations by the Panel which are broken down as follows:

Date	Granted	Suspended	Refused	Revoked	Revoked with immediate effect
Dec '22		2	1		
Jan '23	1	1	1	1	1
Feb '23				1	1
TOTAL	1	3	2	2	2

2.7 There have been no emergency delegated decisions taken by the Trading Standards & Licensing Manager since the last Committee.

3 Clean Air / Licence Extensions

3.1 Members have previously been updated on GM Minimum Licensing Standards and have 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.

3.2 The Clean Air Plan remains 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. The Government have now responded to request further evidence, which will not be considered until July 2023.

3.3 Members have previously approved a temporary extension to licensed vehicles, whereby they can 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.

3.4 GM Authorities are still waiting for a decision on the proposed plan and any funding which may be available. However, the temporary extensions to vehicles are due to come to an end on 30th June 2023.

3.5 Members are 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. It is the view of Officers that no further extensions should be granted, as we have received no assurances funds for non-compliant vehicles will be released and Officers are concerned that older vehicles continue to breach emission standards and add to pollution levels.

4 **Future challenges and changes**

4.1 There continue to be regular changes to legislation and guidance affecting licensing together with consultations the summaries of which are 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 due to be released before Christmas 2022, however this has been delayed and no release date is known;
- Continuing to work with GM colleagues to deliver minimum licensing standards.

5 **Current Projects Update**

5.1 Projects underway or due to start in the coming months include:

- Revised Statement of Fitness & Suitability was approved by Members at the November Committee hearing
- Assessing the impact of the GM clean air plan on our licensing policy
- Reviewing hackney carriage ranks, licence release policy and unmet demand.

6 **Legal Services Comments**

6.1 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 enable the Council to have a vehicle age policy. 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)

7 **Co-operative Agenda**

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

8 **Environmental and Health & Safety Implications**

8.1 None

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

9.1 None

10 **Equality Impact Assessment Completed?**

10.1 No

11 **Key Decision**

11.1 No

12 **Key Decision Reference**

12.1 N/A

13 **Background Papers**

13.1 None

14 **Appendices**

14.1 None

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Licensing Committee

Front Plates Report

Report of Executive Member for Neighbourhoods

Officer contact: Nicola Lord – Principal Licensing Officer

28th February 2023

Executive Summary

The purpose of this report is to request approval for revisions to existing standards in relation to vehicle front plates.

Recommendations

That Members:

- 1) Note the report; and

Approve amendments as outlined within the report

Front Plates Report

1. Purpose of the report

1.1. The purpose of the report is to request approval for revisions to existing standards in relation to vehicle front plates.

2. Anti-social behaviour / revised front plates

2.1. Members were provided information relating to anti-social behaviour and trade requests to remove front plates at the last Committee hearing in November 2022. At that time Members were asked to consider a proposal to reduce the size of the front plates currently in use, in order to mitigate some of the ASB shown towards easily identifiable licensed vehicles.

2.2. The Licensing Authority have 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 our online reporting tool to better inform policy decisions going forward, particularly in respect of their requests to remove front plates.

2.3. There is insufficient data to warrant a request for front plates to be removed at this time. It is therefore suggested that a smaller front plate be approved for use. A summary of ASB reports submitted since the facility was put in place in March 2022 is included in the table below

2.4.

Report Date	Incident Date	Location	Details
11/04/2022	09/04/2022	Every Street, Manchester	Stones thrown, windscreen smashed, passengers inside
27/04/2022	14/04/2022	Ripponden Road, Oldham	Rock thrown, damage to bodywork/bonnet
03/08/2022	10/07/2022	New Moston	Two teenagers threw rocks, smashed multiple windows, passengers inside
07/10/2022	07/10/2022	Ashton Road, Oldham	Driving back to Oldham, youths attacked vehicle, no passengers

2.5. The proposed templates for the revised front plates for both private hire and hackney carriage vehicles are attached at Appendix 10.1 to this report.



2.6. Members raised concerns over the impact of reducing the size of the plates on visually impaired vehicles users. As a result of these concerns an Initial Assessment was completed to ascertain whether an Equality Impact Assessment was required, with the assistance of the Corporate Policy Lead Officer. This assessment is attached at Appendix 10.2. The outcome of this assessment was that an EIA was not required as the proposal was unlikely to disproportionately affect any groups. In addition to this, the requirements will still meet the GM Minimum Licensing Standards which already has a GM wide Equality Impact Assessment in place.

2.7. In addition to the EIA at Appendix 10.3, a copy of the existing and reduced text size as confirmed by the plate supplier is attached.

3. Legal Services Comments

3.1. Under section 47 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, including conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates. Under section 48 of the Act, the Council is required to issue a plate for every private hire vehicle it licences which must be exhibited on the vehicle in such a way as the Council requires. There is no requirement to display plates on both the front and rear of vehicles, but the Department for Transport Best Practice Guidance 2010 states that: "The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles." (A. Evans)

4. Co-operative Agenda

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

5. Environmental and Health & Safety Implications

5.1. None

6. Equality, Community Cohesion & Crime Implications

6.1. Equality impact assessment, initial assessment, carried out with the Policy Lead.

7. Key Decision

7.1. No

8. Key Decision Reference

8.1. N/A

9. Background Papers

9.1. None

10. Appendices

- 10.1. Proposed front plates
- 10.2. Equality Impact Assessment
- 10.3. Confirmation of plate sizes

Oldham PHV Size 2F Style 1_1 v3
Size 2F Template
230mm x 90mm (242mm x 93mm)

PRIVATE HIRE VEHICLE



Oldham Council


5678

REG No AB01 CDE **EXPIRES** 28 JUL 2023

LICENSED TO CARRY 4 **PASSENGERS**

Oldham HC.V Size 2F Style 1_1
Size 2F Template
230mm x 90mm (242mm x 93mm)

HACKNEY CARRIAGE



Oldham Council

5678

REG No AB01 CDE **EXPIRES** 28 JUL 2023

LICENSED TO CARRY 4 **PASSENGERS**

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	Reference:	
Responsible Officer	Nicola Lord	
Cabinet Member:	Amanda Chadderton	
Support Officer		

Equality Impact Assessment Tool

Service Area:	Licensing
Budget Reduction Title:	

Stage 1: Initial Assessment

1a	Which service does this project, policy or proposal relate to?				
	Licensing				
1b	What is the project, policy or proposal?				
	To reduce the size of the identification plates displayed on private hire & hackney carriage vehicles (taxis)				
1c	What are the main aims of the project, policy or proposal?				
	To safeguard taxi drivers from ASB issues, whilst still maintaining appropriate livery for the travelling public in identifying a vehicle as a taxi when they are waiting for or getting into the vehicle				
1d	Who, potentially, could this project, policy or proposal either benefit or have a detrimental effect on, and how?				
	Visually impaired passengers				
1e	Does the project, policy or proposal have the potential to <u>disproportionately</u> impact on any of the following groups?				
		None	Positive	Negative	Not sure
	Disabled people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Particular ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Men or women (includes impacts due to pregnancy / maternity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People in a Marriage or Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People who are proposing to undergo, are undergoing, or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People on low incomes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People in particular age groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Groups with particular faiths or beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

1f	What do you think the overall NEGATIVE impact on groups and communities will be?	None / Minimal	Significant
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

1g	Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?	Yes <input type="checkbox"/>
		No <input checked="" type="checkbox"/>

1h	How have you come to this decision?
	I do not believe this will disproportionately affect visually impaired passengers. The main livery on licensed vehicles will still be present and unchanged i.e., door signs, rear identification plate, roof signs for hackney carriage vehicles. The front identification plate is proposed to be reduced in overall size, however, the size to the text displayed on the plate is only marginally reduced.

Hi Nicola,

Thanks for the email, with regards to the small front plate the sizes are as follows, Plate number 38mm, Reg & Expiry text 7.25mm

On your current large plate the Plate number is 45mm and the Reg & Expiry text is 6.2mm.

We show the variable information on samples but the actual output generated by yourselves can be enlarged depending on the area to print into.

Thanks

Graeme

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