

## ***LICENSING COMMITTEE Regulatory Committee Agenda***

Date Tuesday 31 October 2023

Time 9.30 am

Venue Lees 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](mailto: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, 26 October 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](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:

Councillors Byrne, Cosgrove, Fryer, Hamblett, H. Harrison, Hindle, J. Hussain, S. Hussain (Chair), Islam, Kenyon, McLaren, Nasheen, Sheldon and Wahid

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 (Pages 1 - 6)

The Minutes of the meeting of the Licensing Committee held on 6<sup>th</sup> June 2023 are attached for approval.

6 Licensing Update

Licensing Update verbal report

7 Taxi and Private Hire Licensing Policy (Pages 7 - 12)

This report requests that Members approve a revised Licensing Policy for Taxis & Private Hire which includes proposals on vehicle age and testing criteria, and certificates of good conduct.

**Present:** Councillor S. Hussain (Chair)  
Councillors Bishop, Byrne, Cosgrove, Fryer, Hamblett, Hindle,  
J. Hussain, Islam, Nasheen, Sheldon and Wahid

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
Paul Rogers	Constitutional Services

1           **ELECTION OF VICE-CHAIR**

**RESOLVED:** That Councillor J Hussain be elected Vice Chair  
for the 2023/24 Municipal Year.

2           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H  
Harrison, Ibrahim and Kenyon.

3           **URGENT BUSINESS**

There were no items of urgent business received.

4           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5           **PUBLIC QUESTION TIME**

There were no public questions received.

6           **MINUTES OF PREVIOUS MEETING**

**RESOLVED:** that the minutes of the meeting held on 28  
February 2023 be approved as a correct record.

7           **LICENSING ANNUAL REPORT 2023**

Consideration was given to the Licensing Annual report which  
informed Members of the activities undertaken to discharge the  
Council's Licensing function during the period 1 April 2022 to 31  
March 2023.

Members were informed that there are two strategic objectives  
that relate to Licensing:-

- (i) To work with businesses to ensure they are licensed and  
compliant. This covers:

- Proactively licensing premises and individuals engaged in alcohol supply, entertainment and late-night refreshment.
- Participation in Pubwatch schemes, partnership projects and joint, intelligence led inspections to ensure licence conditions are not being breached.
- Promotion of the four licensing objectives and three gambling objectives.

(ii) The second relates to ensuring safe passenger journeys, in safe licensed vehicles with safe licensed drivers. This covers:

- Undertaking inspections of licensed vehicles.
- Vetting new applicants for licences to ensure they are fit and proper.
- Ensuring that passengers are safe in vehicles by responding to complaints and investigating offences and breaches of conditions.

The Licensing Act 2003 was governed by four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of Children from Harm

Members were informed about the number of licensed premises under the Act, the number of applications considered by the Licensing Premises Panel and the number of complaints related to licensed premises. Members were also informed about the number of permissions under the Gambling Act 2005 and an update on age restricted sales.

Members were informed that officers continued to work with the private hire and hackney trade to ensure effective communication and consultation took place. The Committee were provided with an update on the details of applicants and drivers brought before the Licensing Drivers Panel over the last twelve months. Members were provided with the breakdown of licences in force and the vehicle testing data.

Members were informed of future challenges and changes with regular changes to legislation and guidance affecting licensing together with consultations; the summaries of which are detailed below:

- Making the temporary pavement licence legislation permanent;

- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
- Awaiting Governments Taxi and Private Hire best practice guidance;
- Implementing changes under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which relate to the national register of refusals, revocations and suspensions and the sharing of information with other licensing authorities.

Members were also informed of current projects which were underway or due to start in the coming months which included:

- Reviewing hackney carriage ranks, licence release policy and unmet demand.
- Reviewing taxi policy to modernise processes and procedures and encourage applicants to licence with our Borough.
- Review of Licensing IT capabilities to improve the service and experience of applicants, and encouraging self-serve functions where possible.

In response to a question, Members were informed that Licensing Policy changes can be applied retrospectively to Licence holders.

**RESOLVED** that:

- (i) The report be noted.
- (ii) The implications of the report be considered in future licensing decisions.

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## **LICENSING POLICY - TAXI & PRIVATE HIRE**

Consideration was given to a report which requested Members to approve a revised Licensing Policy for Taxi and Private Hire.

Members were informed that the strategic objective for Oldham Council regarding taxi licensing is to ensure safe passenger journeys in safe licensed vehicles with safe licensed drivers.

Licensing have undertaken a consultation with the trade on key matters in order to propose amendments to our existing policy to best reflect the changed dynamics within taxi and private hire licensing, and the current issues faced by licence holders.

The landscape of the taxi and private hire trade has changed significantly in recent years. Page 3  
Introduction of App based

operators and the role technology plays has had some negative implications due to primary legislation not keeping up with the advancements, but it has also led to many positive changes and increased accessibility to, and the use of, taxis for many people.

The Licensing Service has listened to the current issues raised by the trade and has reviewed ways in which it can adapt and change in order to assist licence holders, whilst maintaining its strategic objectives to ensuring public safety.

Following consultation with the trade, amendments to the existing policy were set out in paragraphs 3.3, 3.8, 3.12 and 3.15 in the report for Members for consideration.

**RESOLVED:** That

- (i) the report be noted, and
- (ii) the policy amendments as detailed in the report be approved.

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### **PRIVATE HIRE DOOR SIGN REPORT**

Consideration was given to a report regarding a proposal for the redesign and implementation of private hire door signs.

Members were informed that the strategic objective for Oldham Council regarding taxi licensing is to ensure safe passenger journeys in safe licensed vehicles with safe licensed drivers. The Licensing Service has received feedback as part of a recent consultation on the use and practicalities of the existing requirements around private hire door signs. Several suggestions were put forward as part of the responses to the consultation, and the Licensing Service have reviewed each response and given them due consideration before putting this proposal before Members.

The report informed Members of the existing requirements that all private hire vehicles must display mandatory door signs. The signs must contain the words "Advance Bookings Only", the letters must be block capitals, in the colour black, on a yellow background. Each letter must be at least 60mm high and 6mm wide. The door sign must include the name and contact information of the private hire operator company, and the words "Private Hire". Any other lettering on the sign must be under 50mm high and 5mm wide, can be any colour but must not have a yellow background. The overall size of the door sign must be a minimum of 200mm wide and 600mm high. The mandatory door signs must be permanently displayed on the top half of the front driver and passenger door panels by way of adhesive, rather than magnetic means. These signs must always be in place whilst the vehicle is licensed.

The proposed requirements were that all private hire vehicles must display mandatory door signs. The signs must be permanently displayed on the top half of the rear passenger

doors of the vehicle. These signs must always be in place whilst the vehicle is licensed. The door signs will be issued by the Council and will display the following wording: Private Hire Vehicle – Not Insured Unless Pre-Booked with the Operator. A proposed design for the sign was attached at Appendix 14.1 of the report.

A reference was made to the current yellow background with black writing on doors which helped those with sight needs.

It was also suggested that details of the taxi operator should be displayed in passenger side of the front windscreen.

Members were advised that a sign with a yellow background with black writing in the format set out in Appendix 14.1 to the report, together with a revised sign including the operator name for the passenger side of the front windscreen as suggested could be emailed to Members for their consideration.

After discussion it was

**RESOLVED:** that

1 The Principal Licensing Officer send all members of the Committee an example of a sign with a yellow background with black writing in the format set out in Appendix 14.1 to the report and a proposed sign including the private hire operator name for display in the passenger side of the front windscreen for their consideration: and

2 Subject to no objection to the proposed signs by members of the Committee being received by the Principal Licensing Officer, approval be given to the design of the 2 signs and they be introduced for use on private hire vehicles

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#### **COMPOSITION OF PANELS 2023 2024**

Members considered a report which set out the membership of the Licensing Driver Panel and Licensing Panels, with future 2023/24 meeting dates.

A query was raised regarding some Members being shown as participating on more than one Licensing Panel.

**RESOLVED:** that

- (i) the membership and meeting dates of the Licensing Driver Panel be noted; and
- (ii) subject to the membership of the Licensing Panels being verified and recirculated to the Committee, the membership and meeting dates be noted.

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## LICENSING COMMITTEE

### Licensing Policy – Taxi & Private Hire

#### Report of Executive Member for Housing & Licensing

Officer contact: Nicola Lord – Principal Licensing Officer

**31<sup>st</sup> October 2023**

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#### **Executive Summary**

This report requests that Members approve a revised Licensing Policy for Taxis & Private Hire, which includes proposals on vehicle age, testing criteria, and certificates of good conduct.

#### **Recommendations**

That Members:

- 1) Note the report; and
- 2) Approve the proposals

## 1. **Purpose of the report**

- 1.1 The purpose of this report is to request that Members approve a revised Licensing Policy for Taxi & Private Hire which includes proposals on vehicle age, testing criteria, and certificates of good conduct.

## 2. **Introduction**

- 2.1 On 6 June 2023, a report was presented to members with proposals to revise the Taxi & Private Hire Licensing Policy following consultation with the trade in relation to application requirements, vehicle minimum age policy and private hire door signs.

- 2.2 Further discussions with the trade have taken place to address concerns over vehicle testing and the criteria that needs to be met in order to pass the vehicle inspection. The current testing criteria document is lengthy and unclear for those who do not have mechanical training, which leads to vehicle owners not having necessary information on how to carry out pre-inspection check(s) to ensure they pass. In addition, the existing age limit requirement is increasingly harder for vehicle owners to meet due to increasing costs and supply issues within the motor industry.

- 2.3 This report aims to address these concerns and propose revisions to the existing policy.

## 3. **Vehicle Age Policy**

- 3.1 Existing policy requirements:

- Vehicles new to licence, or applicants who seek to change their vehicle during an existing licence, will be licensed until the age of 10, or the age of 15 in the case of purpose-built hackney carriages, or wheelchair accessible vehicles (WAVs).

- 3.2 Proposed policy requirements:

- Vehicles new to licence, or applicants who seek to change their vehicle during an existing licence, will be licensed until the age of 12, or the age of 15 in the case of purpose-built hackney carriages, or wheelchair accessible vehicles (WAVs).

- 3.3 The above requirements are subject to all new and replacement vehicles meeting the latest emission standard which is outlined in the existing policy.

- 3.4 The previous position on vehicle age was adopted as part of the Greater Manchester Minimum Licensing Standards (MLS) process. Since the adoption of that policy standard, there have been significant changes in the vehicle market due to Covid and Brexit. These changes have resulted in vehicle prices

increasing and availability of vehicles reducing. This proposed change takes account of these challenges and aims to support the trade in Oldham.

#### 4. Vehicle Testing

4.1 In line with the increase in age policy, the following testing frequency for all vehicles is proposed:

- Under 3 years – 1 test per year
- Over 3 years – 2 tests per year

4.2 This is consistent with the Greater Manchester Authorities and simplifies the process for licence holders.

4.3 The existing policy standard requires vehicles over the age of 10 to be subject to 3 tests per year.

4.4 It has been noted that the failure rate in both private hire and hackney carriage vehicles has reduced, year on year, since April 2020, and this is shown in the table below:

Hackney Carriage		Private Hire	
Pass	Fail	Pass	Fail
<b>2020 (Apr '20 – Mar '21)</b>			
57 (46%)	66 (54%)	791 (51%)	754 (49%)
<b>2021 (Apr '21 – Mar '22)</b>			
108 (54%)	93 (46%)	1092 (52%)	1021 (48%)
<b>2022 (Apr '22 to Mar '23)</b>			
115 (65%)	62 (35%)	911 (56%)	706 (44%)
<b>2023 (Apr '23 to Sept '23)</b>			
58 (69%)	26 (30%)	770 (63%)	464 (37%)

#### 5. Vehicle Test Criteria

5.1 All Licensing Authorities within Greater Manchester conduct checks on vehicles to be used as hackney carriage or private hire. Some authorities issue an MOT certificate as part of that testing process, and others, including Oldham, make use of an MOT Certificate Exemption. It is proposed that we issue an MOT Certificate as part of the test.

- 5.2 The trade has previously raised concerns over not having an MOT certificate. It prevents vehicle owners from being able to tax their vehicle online and there have also been instances where vehicles are stopped by the police due to the .GOV website showing no MOT is in place.
- 5.3 The implications of introducing MOT Certificates will mean that testing will take longer, which will have an impact on the number of test slots available per day, reducing capacity by up to two slots in each bay. To mitigate this, the Council is exploring the option of providing a third testing bay at the depot, which will absorb those lost slots as well as providing additional slots to cover increasing demand.
- 5.4 The current testing criteria is an 81-page document dating back to 2013, and therefore requires a full review. It is proposed that the criteria be reviewed and updated to enable vehicle owners to understand what they will be tested on and what would constitute a failure.
- 5.5 By issuing an MOT Certificate, the trade can be sure the vehicle will be tested against MOT standards and the Council will also provide a clear list of anything that will be tested or reviewed over and above that level so they can undertake any remedial work needed in order for the vehicle to be compliant at the time of testing.
- 5.6 It is proposed that the new testing criteria be prepared and finalised in line with the implementation of issuing MOT certificates. Before the new approach can be implemented, the existing test bays must be authorised by DVSA to undertake those tests, and the existing vehicle testing database requires IT updates to support the new way of working.

## **6. Certificates of Good Conduct**

- 6.1 The existing policy standard for applicants, which follows Government guidance, is as follows:
- 6.2 Where an applicant has lived outside the UK 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 to assess their suitability and review and previous convictions.
- 6.3 It is proposed that the policy standard is brought into line with the other GM Authorities, outlined below:
- 6.4 Where an applicant has lived outside the UK for more than three continuous months within the last 5 years, they must obtain a certificate of good conduct authenticated and translated into English by the relevant Embassy or Consulate to assess their suitability and review and previous convictions.
- 6.5 Access to these certificates for people who have resided outside of the UK many years ago, who have since gained British citizenship or other leave to remain entitlement, is extremely difficult, and obtaining one, results in significant delays or not being able to obtain one at all. By bringing our policy in line with other GM

authorities, we can ensure relevant checks are conducted as needed, whilst not being overly burdensome on the applicant.

## **7. Legal Services Comments**

7.1 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.

7.2 Under section 57 of the Act, 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)

## **8. Co-operative Agenda**

8.1 Not applicable

## **9. Environmental and Health & Safety Implications**

9.1 None

## **10. Equality, community cohesion and crime implications**

10.1 None

## **11. Equality Impact Assessment Completed?**

11.1 No

## **12. Key Decision – No**

12.1 Key Decision Reference - N/A

## **13. Background Papers**

13.1 Consultation document

## **14. Appendices**

14.1 None

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