

LICENSING COMMITTEE
04/06/2024 at 9.30 am



Present: Councillor S. Hussain (Chair)
Councillors Byrne (Vice-Chair), Azad, Bishop, Hamblett,
Harrison, J. Hussain, Islam, Nasheen, Sheldon and Shuttleworth

Also in Attendance:

Alan Evans	Group Solicitor - Environment
John Garforth	Service Manager (Public Protection)
Susan Loftus	Licensing Projects and Hearings Officer
Nicola Lord	Principal Licensing Officer
Andrew Mather	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Cosgrove.

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**

A public question was submitted by Mr A R Khayal Chair, Board Member NPHTA

Question:

In July 2023 Oldham licensing and multi agency approach was adopted and carried out to checks on hackney and private hires vehicles.

Results were very disappointing that 10 private hires vehicles from Wolverhampton taken to Morley street out 10 four were not road worth 5 got so many technical faults resulting failed MOT failed one pass (90% failed) The licensing officials continues giving lectures on customers safety definitively out side vehicles (are) not meeting the standards they should be not allowed to work in Oldham or in Greater Manchester areas .

Oldham Council are aware of a rise in the number of out-of-town vehicles working within the Borough. This has been an issue for some years, and the Council is consistently working to find ways to reduce the volume for the benefit of our own licensed vehicles and drivers.

Response:

The Chair read out the following response to the question:

In June 2023, the Council reviewed its Licensing Policy and made changes in the process to apply for a licence, reducing the burdens placed on applicants whilst maintaining public safety. This has seen a huge rise in applications being made to the

Council, with over 1000 new driver licences being issued since. Following the issue of these licences it is anticipated that those individuals, some of which have vehicles licensed with other authorities, will choose to licence their vehicle with Oldham when their current vehicle licence expires. This should lead to a visible reduction in the out-of-town vehicles in Oldham, and an increase in Oldham licensed vehicles.

Officers from Licensing undertook an enforcement initiative in July 2023, alongside Wolverhampton Licensing Officers and this highlighted serious vehicle standard issues with Wolverhampton licensed vehicles.

In total 9 vehicles licensed in Wolverhampton were tested with 4 suspensions, 2 prohibitions, 2 delayed prohibitions and 1 pass. The results were also fed back to Wolverhampton City Council. Unfortunately, Oldham have no influence over enforcement and compliance of those vehicles and how they are tested. This is a matter for Wolverhampton City Council.

In addition, the vehicles operating in Oldham are doing so legally and we have no powers to prevent this from happening unless the Government update primary legislation.

We will continue to work to support our own licensed vehicles and drivers, and do everything within our power, including lobbying the Government for the legislative updates we need to reflect the modern day working of the private hire and hackney carriage trade

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 31 October 2023 be approved as a correct record.

6 **LICENSING ANNUAL REPORT**

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 2023 to 31 March 2024.

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. A rise in the number of premises licences was highlighted. In response to members questions on the issue of Personal Licences officers reported that these licences were issued for life but could be revoked in limited circumstances.

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.

The Licensing Team also administers and enforces a wide range of other licences, registrations and permits and the numbers of each were given. In response to Members questions concerning scrap metal licences, officers outlined enforcement activities in co-operation with the Police and Environment Agency. It was also reported that the provision of vehicle door signage for licensed scrap metal collectors was also being looked at.

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:

- Ne temporary pavement licence legislation came into effect on 31st March 2024. This will require setting new fees and establishing an application process;

- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
- Taxi and Private Hire best practice guidance has now been issued;

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.
- Review of Licensing IT capabilities to improve the service and experience of applicants and encouraging self-serve functions where possible.
- Implementing new vehicle testing to include the issue of MOT certificates.
- Review of testing facilities to increase capacity for the anticipated rise in incoming vehicle applications over the coming 12 months.
- Review of Licensing Fees to ensure that work is carried out on a cost recovery basis and reducing fees 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

A report was submitted requesting Members to approve a revised Licensing Policy for Taxi & Private Hire which includes proposals on Language Proficiency, updates to the frequency of DBS checks of Dual Drivers and reintroducing a condition to promote safeguarding of children.

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. In accordance with best practice Oldham has a single licensing policy which is revised from time to time to include decisions made by the Licensing Committee.

It was reported that The Statutory Taxi & Private Hire Vehicle Standards introduced in July 2022 recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills.

The Council already requires applicants to undertake a Driver Awareness Training Session which is immediately followed by their written Knowledge Test. In addition to the existing requirements, it was proposed that a Licensing Officer's assessment of verbal communication skills be carried out during the first application appointment. Where there appeared to be a significant enough language barrier that an individual cannot hold a conversation it was proposed the application be refused under delegated powers or an offer to defer the application pending the passing of a suitable language course be given at the cost of the applicant.

The Statutory Taxi & Private Hire Vehicle Standards states that all licensed drivers should be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service should still be subject to a check every 6 months. Oldham Council have been compliant with the requirement to undertake 6 monthly criminality checks of drivers since late 2022. However, it was reported that the existing working practices of the DBS was causing significant issues for drivers in relation to updating payments for the service which could result in the inadvertent lapse of their DBS and having to reapply. To help resolve this issue, it was proposed that the Council moves to weekly checks of individuals DBS on the update service. This would enable the Council to become aware more quickly of convictions and to monitor the update status of drivers and issue timely reminders. Weekly checks of DBS's would also bring Oldham into line with other Greater Manchester authorities who have already moved to more frequent checks to safeguard the public.

The report also proposed to incorporate a requirement into the licence conditions prohibiting a child from travelling in the front passenger seat of a vehicle.

RESOLVED:

- (i) That approval be given to the introduction of language proficiency standards into the licence application process as detailed in the report but that drivers failing the initial assessment need not take a course which is accredited.
- (ii) That approval be given to moving to weekly checks of drivers DBS status.
- (iii) Approval be given to the inclusion in the Licence Conditions of a condition that the Proprietor shall not allow any child, not accompanied by an adult,

under the age of 16 years of age to be conveyed in the front of the vehicle.



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COMPOSITION OF PANELS 2024/25

Members considered a report which set out the membership of the Licensing Driver Panel and Licensing Panels, with future 2024/25 meeting dates.

RESOLVED: that

- (i) The membership and meeting dates of the Licensing Driver Panel be noted subject to, on the Licensing Driver Panel, Councillor J. Hussain replacing Councillor Harrison and Councillor Hamblett replacing Councillor Bishop.

The meeting started at 9.30 am and ended at 11.00 am