

LICENSING COMMITTEE Regulatory Agenda

Date Tuesday 4 June 2024

Time 9.30 am

Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires 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 at least 24 hours in advance of the meeting.
 2. CONTACT OFFICER for this agenda is Constitutional Services 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, 30 May 2024.
 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

Councillors Azad, Bishop, Byrne (Vice-Chair), Cosgrove, Hamblett, Harrison, J. Hussain, S. Hussain (Chair), Islam, Kouser, Nasheen, Navesey, Sheldon and Shuttleworth

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 3 - 6)

The Minutes of the Licensing Committee held on 31 October 2024 are attached for approval.

6 Licensing Annual Report (Pages 7 - 14)

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2023 to 31st March 2024.

7 Licensing Policy - Taxi & Private Hire (Pages 15 - 18)

This report requests that Members approve a revised Licensing Policy for Taxis & 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.

8 Composition of Panels 2024/25

Report to follow.

Present: Councillor S. Hussain (Chair)
Councillors Byrne, Cosgrove, Fryer, Hamblett, H. Harrison,
J. Hussain (Vice-Chair), Islam, Kenyon, McLaren, 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 & Hearings Officer
Nicola Lord	Principal Licensing Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were 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**

There were no public questions received.

5 **MINUTES**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 6th June 2023 be approved as a correct record.

6 **LICENSING UPDATE**

The Principal Licensing Officer provided the Committee with a verbal report which informed the Committee of initiatives, priorities and activities undertaken within the Council's licensing function about which Members asked questions and Officers/Manager provided responses.

Members were informed that in July 2023, a taxi Private Hire multiagency initiative was undertaken with the testers from Oldham Council depot, DVSA, GMP, Department of Work and Pensions and the licensing team at Wolverhampton City Council.

A random selection of private hire/hackney carriage vehicles were taken to the Council's test station to undertake a full compliance test as well as spot checks.

A total of 26 vehicles were tested, of which 17 vehicles were licensed by the Council. The results of the testing were -

- 12 out of 17 Oldham vehicles passed

- 5 vehicles were suspended and
- 1 driver was found to be driving without a licence which had expired the week before

The results of the tests conducted on the 9 vehicles licensed by Wolverhampton City Council were –

- only 1 vehicle passed the test
- 4 vehicles were suspended
- 2 vehicles were issued with immediate prohibition as they were not road worthy and
- 2 vehicles were issued with a delayed prohibition

The Officer agreed to circulate a report to Members providing further details on the suspensions of the Wolverhampton and Oldham vehicles and the Committee were informed that the issues identified have been raised and fed back to the Licensing Manager at Wolverhampton.

The Licensing Committee approved a change to the Council's licensing policy on 6th June 2023. As a result of this, there has been a total of 1149 new driver applications received of which 291 have already been dealt with whilst the rest are being considered. Before the changes were implemented, Oldham licensed around 1300 drivers and the current number is nearly 1600 (1561). Approximately 200 new vehicle license applications have been received since the policy change.

The committee were informed that Wolverhampton Council have around 36,000 licensed vehicles and approximately 8,000 Greater Manchester residents have licenses in Wolverhampton.

The Manager informed the Committee that due to the number of new driver licence applications a bigger venue is now being used for driver application tests so 60 people can sit the test at once, making the process quicker.

RESOLVED: That the report be noted.

7

TAXI AND PRIVATE HIRE LICENSING POLICY

Consideration was given to a report of the Trading Standards and Licencing Manager which requested that Members approve a revised Licencing Policy for Taxis and Private Hire, which included proposals on vehicle age, testing criteria and certificates of good conduct.

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 to help streamline and modernise some procedures with an emphasis on maintaining public safety and considering the economic situation.

Vehicle Age Policy



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).

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

Members were encouraged to amend the policy so that once again Oldham can get to a situation where a licenced vehicle can stay on fleet until 12 years of age or 15 in case of a purpose built Hackney carriage or wheelchair accessible vehicle, that will not change any existing policies that apply to those vehicles but simply mean to revert back to where Oldham were a couple of years ago.

A Member proposed to accept the report, another seconded. All Members of the Committee agreed on the proposal.

Vehicle Testing

Vehicle Test Criteria

The Manager informed that in Oldham, an age compliance test system is operated. The licencing law allows licenced vehicles either to have an MOT or a compliance test which is a council dictated test, with their own standards and the council has set standards above the standards of the MOT test.

The Officer summarised that all licencing authorities within GM 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.

Certificates of Good Conduct

The Manager informed the Committee of the existing policy standard for applicants, which follows Government guidance.

The Committee were informed that when applying for UK residency the Border Agency and Home Office do their own checks and licencing will not grant a licence to someone who has a serious crime, therefore need to have their own checks in place. In theory and practise contacting every Embassy and Consulate does not work as they have their own issues. Licencing does the best they can to get the information into the UK, to do a fair assessment on someone's fitness to be a licenced driver.

RESOLVED that:

1. The report be noted;

2. The Vehicle Age Policy be amended so that 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), subject to all new and replacement vehicles meeting the latest emission standard as outlined in the existing policy noted;
3. The Vehicle Testing Frequency be amended as follows:
 - Vehicles under 3 years of age – 1 test per year
 - Vehicles 3 years of age – 2 tests per year;
4. MOT certificates be issued as part of the vehicle testing process following the preparation of new testing criteria the authorisation of the existing test bays by the DVSA; and
5. 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 any previous convictions.

The meeting started at 9.30 am and ended at 11.18 am



Licensing Committee

Licensing Annual Report

Report of Executive Member for Housing & Licensing

Officer contact: John Garforth – Trading Standards & Licensing Manager

4th June 2024

Executive Summary

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2023 to 31st March 2024.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Consider the implications of the report in future licensing decisions
-

Licensing Annual Report

1 Purpose of the report

1.1 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2023 to 31st March 2024.

2 Team Objectives

2.1 There are two strategic objectives that relate to Licensing

2.2 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.

2.3 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

3 Licensing Act 2003

3.1 The Licensing Act 2003 is governed by four licensing objectives: -

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

3.2 Numbers of licensed premises under the Act are in the table below with a comparison to previous years.

TYPE	Year ending 31.03.24	Year ending 31.03.23	Year ending 31.3.22	Year ending 31.3.21	Year ending 31.3.20
Premises Licences for alcohol	542	508	534	528	587
Premises Licences non-alcohol	121	118	126	123	142
Club Premises Certificates	49	49	50	53	61
Premises Total		675	710	704	790
Personal Licences	3331	3214	3142	3060	2987
Licensing Act Total	4043	3889	3852	3764	3777

3.3 There have been five applications considered by the Licensing Premises Panel in the last twelve months.

Grandpa Greene's, Uppermill Park	New Premises Licence with Alcohol	Application approved
Ivy Business Centre	Temporary Event Notice	Application refused

Wumz Cuisine	New Premises Licence with Alcohol	Application approved
The Old Library Café & Bar	Variation to Premises Licence	Application partially approved
Woodlands Café	New Premises Licence with Alcohol	Application approved with amendments

4.0 **Gambling Act 2005**

4.1 Applications under this legislation continue to be few and far between although Officers continue to work closely with the Gambling Commission to ensure compliance with licence conditions.

4.2 Current permissions in force under this Act are:

Bingo	1
Adult Gaming Centre	5
Betting Shops	21
Club Gaming Permit	1
Club Machine Permit	12
Alcohol licensed premises machine permits	19
Gaming machine notifications in pubs	158
Small Society Lotteries	74

6 **LICENSED DRIVERS AND VEHICLES**

Licences and Hearings

6.1 Officers continue to work with the private hire and hackney trade to ensure effective communication and consultation takes place. Elected members also attend these forums.

6.2 Below are details of the applicants and drivers brought before the Drivers Licensing Panel over the last twelve months.

6.3 The Licensing Drivers Panel usually sits monthly to hear applications for new taxi licences, renewal applications or reviews of existing licences where there are offences or conduct issues recorded.

6.4 Since May 2023 a total of **54** determinations by the Panel which are broken down as follows:

Month	Granted	Suspended	Refused	Revoked
Jun 2023	2	1		
Jul 2023	2		2	
Sep 2023	3			1
Nov 2023	2		1	
Dec 2023	2		3	1
Jan 2024	3	1	4	1
Feb 2024	6	1	7	
Mar 2024	6		5	
Total	26	3	22	3

- 6.5 In addition there have been six emergency delegated decisions taken where driver licences have been revoked with immediate effect by the Trading Standards & Licensing Manager.

Appeals lodged from those decisions are as follows:

Appeals withdrawn	0
Appeals dismissed by the court	0
Appeals allowed	0
Appeals still pending	0

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

LICENCE TYPE	May 2024	May 2023	May 2022	May 2021	May 2020	May 2019
Private Hire Vehicle Licence	1483	1030	1002	953	1046	1055
Private Hire Operators Licence	75	38	31	31	29	35
Dual drivers' licence	2466	1305	1299	1311	1366	1362
Hackney Carriage Vehicles	85	85	85	85	85	85
Total	4109	2458	2417	2380	2526	2537

7 Vehicle testing data

7.1 Data showing details of pass/fail rates of licensed vehicle mechanical compliance tests is extracted below.

Hackney Carriage		Private Hire	
Pass	Fail	Pass	Fail
2020 (Apr '20 – Mar '21)			
57 (46%)	66 (54%)	791 (51%)	754 (49%)
2021 (Apr '21 – Mar '22)			
108 (54%)	93 (46%)	1092 (52%)	1021 (48%)
2023 (Apr '22 to Mar '23)			
115 (65%)	62 (35%)	911 (56%)	706 (44%)
2023 (Apr '23 to Mar '24)			
117 (66%)	61 (35%)	1716 (64%)	958 (36%)

7.2 The main reasons for failure can be seen in the table below:

Failure Type	Number of Failures
Body/boot interior	136
Condition of vehicle	127
Direction of indicators	134
Headlamp aim	237
Obligatory lamps	632
Plates securely affixed	118
Service brake condition/efficiency	247
Suspension	240
Tyre condition	227

8 Other licences

8.1 As well as the main functions outlined previously in this report the Licensing Team also administers and enforces a wide range of other licences, registrations and permits current numbers of which are outlined below.

Licence type	Number in Force
Marriage Premises	8
Sex shops	1
Second hand dealers	38
Scrap metal sites	31
Scrap metal collectors	4
Street trading consents/licences	39
Pavement licences	7
Animal Activity Licences	22

9 Future challenges and changes

9.1 There continue to be 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. This came into effect on 31st March 2024. This will require work to calculate and set the new fees in line with this as well as creating the new application process. These are now expected to be granted for 2 years unless a there is a compelling reason not to.
- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities.
- The Taxi & Private Hire Vehicle Best Practice Guidance has now been issued. Regular review of our practices against this and Statutory Guidance takes place to ensure we are compliant or following best practice.

10 Current Projects

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

- 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 we are working on a cost-recovery basis and reducing fees to ensure best value for applicants.

11 **Legal Services Comments**

11.1 None- Information report

12 **Co-operative Agenda**

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

13 **Environmental and Health & Safety Implications**

13.1 None

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

14.1 None

15 **Equality Impact Assessment Completed?**

15.1 No

16 **Key Decision**

16.1 No

17 **Key Decision Reference**

17.1 N/A

18 **Background Papers - None**

19 **Appendices - None**



LICENSING COMMITTEE

Licensing Policy – Taxi & Private Hire

Report of Executive Member for Housing & Licensing

Officer contact: Nicola Lord – Principal Licensing Officer

4th June 2024

Executive Summary

This report requests that Members approve a revised Licensing Policy for Taxis & 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.

Recommendations

That Members:

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

1. **Purpose of the report**

The purpose of this report is to request that Members 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.

2. **Introduction**

2.1 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.

2.2 Best practice suggests that licensing authorities adopt a single licensing policy in order to unify all its decisions, procedures and conditions as a single source of information for licensees, applicants and interested parties.

Oldham has had such a policy for a number of years and from time to time it is reviewed in order to keep up with decisions made by the Licensing Committee, revised application procedures, guidance and best practice.

3. **Proposed Amendments**

3.1 **Language Proficiency:**

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. Written proficiency is relevant because this could affect a driver's ability to understand written documents, such as policies and guidance relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be relevant in identifying potential exploitation through communicating with passengers and their interactions with others.

Language proficiency will bring wider passenger benefits to those set out in the Statutory Taxi & Private Hire Vehicle Standards in terms of the driver's ability to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests and for the driver to provide a legibly written receipt upon request.

It is proposed to carry out the language proficiency test in several ways. The Council already requires applicants to undertake a Driver Awareness Training Session which is immediately followed by their written Knowledge Test.

The knowledge test comprises of 20 questions, with multiple choice answers, and covers the topics of Child Sexual Exploitation, licensing conditions, basic numeracy, customer care skills, road traffic signs and the highway code.

In addition to the existing requirements, it is proposed that a Licensing Officer's assessment of verbal communication skills be carried out during the first application appointment, if there appears to be limited understanding of the requests being made by the administration officer. Where there appears to be a significant enough language barrier that an individual cannot hold a

conversation it is proposed the application be refused under delegated powers or an offer to defer the application pending the passing of an accredited language course be given at the cost of the applicant.

3.2 **Frequency of DBS Checks:**

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. This has caused significant issues for drivers for a number of reasons.

The existing working practices of the DBS update service means that payment for a subscription is taken as a card payment annually, rather than a direct debit payment. This means where a driver loses their card, has it stolen, or replaced due to expiry, the payment the DBS attempts to take does not go through. There is no facility for drivers to update their card details with a new one until such time as the DBS attempts to take payment and it fails. They will then email the account holder to notify them of this and require new card details be supplied within a short window of time. These payment issues have resulted in many drivers' subscriptions lapsing and them having to apply for a new DBS and re-registering to the update service.

The Council has tried to combat this by emailing reminder emails to drivers at least 3 months before the check is due, but this has seemed to have limited impact with assisting drivers. Where a 6-month check fails and we cannot determine the DBS status of an individual, we are required to suspend the licence, taking the driver off the road until such time as they produce their new DBS and checks can be carried out.

It is proposed that the Council moves to weekly checks of individuals DBS on the update service for multiple reasons. The first is that we will be aware of any changes to a drivers DBS certificate within a small window of time. If any driver is convicted of an offence within the existing 6-month window, and they do not declare this to the Council, we are not aware of the new conviction until the next 6 monthly check. Weekly checks would eliminate that issue and provide the Council with near real-time information.

In addition, by carrying out weekly checks, it will enable the Council to monitor a driver's update service subscription. Where their subscription lapses, but it was current the week prior, we can notify the driver they then have just under 6 months to apply for a new DBS and re-register. This provides a substantial length of time for the DBS application to be processed and returned before the mandatory 6-month interval which would mean the driver could avoid suspension of their licence entirely.

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.

3.3 **Safeguarding of Children – vehicle licence condition**

Prior to the Minimum Licensing Standards Oldham Council implemented a condition attached to vehicle licences that prohibited a child under a certain age from travelling in the front passenger seat of a vehicle. This condition never formed part of the vehicle licence conditions implemented under MLS and therefore Oldham Council seeks to once again incorporate this.

The proposed condition is to be worded as follows:

The Proprietor shall not allow any child under the age of 13 years of age to be conveyed in the front of the vehicle.

4. **Legal Services Comments**

- 4.1 Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976, 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)

5. **Co-operative Agenda**

- 5.1 Not applicable

6. **Environmental and Health & Safety Implications**

- 6.1 None

7. **Equality, community cohesion and crime implications**

- 7.1 None

8. **Equality Impact Assessment Completed?**

- 8.1 No – not required

9. **Key Decision – No**

- 9.1 Key Decision Reference - N/A

10. **Background Papers**

- 10.1 Consultation document

11. **Appendices**

- 11.1 None