

Report to LICENSING COMMITTEE

Changes to Taxi and Private Hire Licensing Policy

Portfolio Holder:

Cllr A. Shah – Cabinet Member for Social Justice & Communities

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Reason for the Report

The reason for this report is to request that Members approve amendments to the Council's Taxi and Private Hire Licensing Policy.

Recommendations

Members are asked to approve the report.

Changes to Taxi and Private Hire Licensing Policy

1 Background

- 1.1 The Government Best Practice Guidance suggests that Councils issue a licensing policy in relation to the regulation of the taxi and private hire industry within their area. Oldham have had such a policy in place for many years and regularly review it.
- 1.2 As part of the latest review a number of clarifications are required within the policy to make it clearer together with some revisions for improved regulation.

2 Proposed Changes to Policy

- 2.1 The changes that Members are asked to consider are outlined below:

- **To re-introduce front licence plates on taxis and private hire vehicles.**
Whilst their temporary removal went down well with trade representatives their removal caused enforcement issues from Officers and some negative public response was received in relation to not knowing whether a vehicle was licensed or not. Members will recall that the proposed Greater Manchester Minimum Standards included both front and rear licence plates as part of that standard. Members are therefore asked to re-introduce front licence plates immediately.
 - **Seeking new evidence for older driver licence applications**
When considering the grant of a licence to an applicant the Council must be assured that he is a fit and proper person. Part of that process is a Criminal Records Check (commonly known as a DBS) and a Medical. On occasions applications are delayed during their process and information becomes outdated. In such circumstances it is requested that Members approve the following form of words to be inserted into our Policy: "The Council reserves the right to request updated or additional information in relation to an applicants fitness and suitability to hold a licence at any point during the application process".
 - **The use of driver medicals from other Councils**
On occasions Officers are asked to accept Group 2 medicals which have recently been undertaken for another licensing authority. This would negate the need for a further medical to be paid for in relation to any Oldham application. Members are requested to reflect this in our policy by inserting the following additional text into the Policy.
"An applicant may produce a satisfactory medical from a General Practitioner who has had sight of his full medical history within three months from the date of signature".
 - **Medicals to be undertaken to a General Practitioner who has access to applicants' medical records**
To clarify that where an applicants own GP is not able to undertake a private medical another GP may undertake the assessment but only where they have got full access to the driver's medical notes and history.
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- **Gaps in licensing vehicles when extending age limit of first licensing**
To clarify that when a vehicle previously licensed by another licensing authority is being considered for licensing under our policy it must have been consistently licensed by that previous authority without any gaps.
 - **Driver Photographs**
To clarify that where applicants are submitting passport size photographs to the Council for their ID badge that their photo should resemble their usual appearance as it would be seen by the public. That means that no sunglasses are to be worn nor any hats that are not required by way of religion that may otherwise obscure the face or usual appearance.
 - **Driver Awareness Training**
To make it clear that all drivers must attend the driver awareness training and a failure to attend may result in a suspension of their drivers licence until such time that they have attended the course.
 - **Database of Refusals and Revocations**
The sharing of information on licence applicants and revocations of licences is an essential part of our role in protecting the public. By sharing information on our decisions, it helps other Licensing Authorities make informed decisions. The Government have stated they intend to bring forward legislation to create a national database for taxi and private hire licence holders but until such time that this transpires the Local Government Association have funded a voluntary database which all Authorities are being asked to input decisions into. As part of the vetting process checks can then be made to make sure that a person being considered for a licence has not had a licence refused or revoked elsewhere. If he has then enquiries can be made with that Authority as to the reasons behind that decision in order to contribute to our decision making process. Members are asked to approve the use of this system.

National Database of Vehicle Licences

The Government (DEFRA) have issued regulations which require licensing authorities to input and regularly update all licensed vehicles onto a central register for the purposes of creating a database of vehicles to comply with future Clean Air plans across the Country. Whilst this is mandatory and not something we can choose not to do it should be reflected in our policy.

Members are therefore asked to approve the following section in our policy to reflect these necessary checks and safeguards as well as complying with statutory obligations.

“Licence holders should be aware that details of licences granted, refused or revoked will be entered onto national databases. Full details of our data sharing can be found on our Privacy Notices”.

- **Power to Refuse Inactive Applications**
To insert a section into the policy:
Where an application has been dormant for a period of six months or more where the applicant has either not progressed his application or has failed to submit required documents a Delegated Officer may refuse his application on the grounds that we cannot be satisfied he is a fit and proper person to hold a licence. A decision will only be made once the applicant has been given notice of the intention to refuse and given 14 days to respond.
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- **Diagnosis of new Medical Condition**
Insert a new condition of licence that any licence holder must, as soon as is reasonably practicable, notify the Council of any newly diagnosed medical condition which may restrict their entitlement to drivers licence requiring a DVLA Group 2 medical standard.
 - **VRQ/NVQ**
Members are asked to insert the text below into the policy:
All new applicants are required to register and undertake a VRQ in Road Passenger Transport as part of their application. Once licensed the driver must undertake the Level 2 NVQ in Road Passenger Transport within 2 years. This is subject to the relevant funding being available so there is no cost to the applicant.
 - **Right to Work Checks**
All applicants must by law prove to the satisfaction of the Council that they are legally entitled to work in the United Kingdom prior to a licence being granted.
 - **Driving Licence Requirements**
Members are asked to approve the following wording for insertion into the policy:
You must have held a GB or EU driving licence for at least two years when you apply for a licence. If you do not fall into the category above and you have a foreign driving licence you must have held a valid licence for at least two years of which twelve months must have been GB or EU. The two years commences from the date of issue of the licence rather than the date of test passed.
 - **Additional Information during the application period**
Members are asked to insert the following additional information into the policy:
Should an applicant who has an application pending have any change in circumstances during the application including medical, driving record or conviction/arrest he should notify the Council in writing immediately to enable this information to be assessed for relevance.
 - **Age of Applicants**
Insert into the policy that applicants must be at least 21 years age at time of application.
 - **Star Rating Scheme**
Members are asked to suspend the current star rating scheme as it no longer reflects the workings of the trade. The current scheme needs substantial revision and has become a paper based assessment rather than a true reflection on how operators and drivers work in the modern digital age. A revised system will be introduced to dovetail into the proposed Greater Manchester Operator conditions and linking driver conduct back into the system. A report will be presented to Members in due course which is intended to be based on a bronze/silver/gold scheme.
 - **Vehicle Type Approval**
Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for that vehicle. If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall have been subsequently granted M1 Whole Type Approval.
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➤ **Hackney Carriage Meter Calibration**

The holder of the hackney carriage proprietors licence must ensure that the vehicle is presented with its meter intact for inspection and calibration at a Council approved facility. The inspection of the meter must take place upon the grant or renewal of a vehicle licence or any vehicle being changed during the term of its licence. The calibration certificate must be produced to the Council within five working days of the date of the said certificate.

➤ **Certificate of Good Conduct**

Insert that “New applicants who have lived outside of the UK for more than 3 continuous months since the age of 18 must produce a Certificate of Good Conduct or equivalent from the country(ies) they have resided in”.

➤ **Seating Configuration**

All seats must be forward or rear facing and there must be clear unrestricted access and egress to all seats without the need to move anything (including seats) to get to it.

➤ **DBS Update Service**

Add in the following:

Applicants who have subscribed to the Disclosure and Baring Service (DBS) online update service are reminded that as part of their application for a licence they, by making that application, agree to a check of the DBS update service being carried out. It is the licence holders responsibility to keep the update service live by paying the annual amount to the DBS which will be charged to the card they have registered. If card details change licence holders must contact the DBS.

3 Recommendations

3.1 Members are asked to approve the changes to policy as outlined in this report.

4 Preferred Option

4.1 To approve the proposed policy changes.

5 Consultation

5.1 Where appropriate consultation has taken place on the measures outlined above. The issue of whether to re-introduce front licence plates is not agreed by those that responded from a trade perspective whilst Officers and public response is in favour of re-introduction which is in line with the Greater Manchester Minimum Standards.

6 Financial Implications

6.1 None

7 Legal Services Comments

7.1 Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may require any 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) to submit to it such information as it may

reasonably consider necessary to enable it to determine whether a licence should be granted and whether conditions should be attached to any such licence. Any person aggrieved by any conditions attached to a hackney carriage vehicle licence or a private hire vehicle/operator/driver's licence may appeal to the magistrates' court. (A Evans)

8. Co-operative Agenda

8.1 Not applicable

9 Human Resources Comments

9.1 Not applicable

10 Risk Assessments

10.1 Not applicable

11 IT Implications

11.1 None

12 Property Implications

12.1 None

13 Procurement Implications

13.1 None

14 Environmental and Health & Safety Implications

14.1 None

15 Equality, community cohesion and crime implications

15.1 None

16 Equality Impact Assessment Completed?

16.1 No

17 Key Decision

17.1 No

18 Key Decision Reference

18.1 N/A

19 Background Papers

19.1 None

20 Appendices

20.1 None
