

Licensing Committee

GM Minimum Licensing Standards and Clean Air Plan Consultations

Report of Executive Member for Neighbourhoods & Culture

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

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Executive Summary

The ten Greater Manchester Councils have recently launched consultations on their clean air proposals and minimum licensing standards. This report advises Members on their content.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Make any comments or ask questions of Officers
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GM Minimum Licensing Standards and Clean Air Plan Consultations

1. Purpose of the report

- 1.1 The purpose of this report is to inform Members of the commencement of consultation of Greater Manchester's Minimum Licensing Standards and Clean Air Plan. Consultation closes on the 3rd December 2020.

2. Introduction

- 2.1 Officers from the ten Councils in Greater Manchester (GM) supported by colleagues at Transport for Greater Manchester (TfGM) have been developing proposals for consultation on a Clean Air Plan for GM. This report explains how it impacts on taxi licensing and the potential funding streams available.

3. Minimum Licensing Standards

- 3.1 The GM Licensing Network, made up of the ten Licensing Managers have, over the last two years, been putting together a set of minimum licensing standards that will be the base policy for GM. Working in tandem with the proposed Clean Air Plan work has ensured that they compliment each other.

- 3.2 There are currently different licensing standards for taxis and private hire services across GM. It is being proposed that minimum licensing standards are introduced in key areas, while allowing individual local authorities to exceed these where they consider it appropriate. This will help deliver services that are safer and more customer focused with high accessibility and environmental standards. It will give customers the confidence to choose GM licensed vehicles as opposed to out of town licensed vehicles over which we have no regulatory control and for which we cannot vouch for the standards of the vehicle or its driver.

- 3.3 The proposed minimum licensing standards cover four main areas:

Drivers: Common standards of DBS checks, medicals, local knowledge, English language proficiency, driver training and dress code.

Vehicles: Vehicle emission standards of Euro IV for petrol engines and Euro VI for diesel from 2021 with an ambition to zero emission capable vehicles by 2029. Age policy of under five at first licensing and licensed until ten years old. All hackney carriages to be black and private hire vehicles white. Hackney carriages to be all wheelchair accessible. Common livery, CCTV in vehicles and other design and licensing requirements.

Operators: Private hire operators and base staff to have basic DBS checks. Updated conditions and record keeping requirements.

Local authorities: Common timescales for submitting applications and receiving granted ones. A common enforcement approach and a framework to which fees will be set.

Roadmap to zero emission capable vehicles (ZEC): GM is also proposing a road map to reducing harmful vehicles emissions with the aim of a entirely Zero emission capable fleet by 2029. This will support the city regions Clean Air Plan to reduce harmful nitrogen dioxide emissions. The Government has announced plans to ban the sale of petrol and diesel vehicles from as early as 2032. The proposed timetable to move to a ZEC fleet is as follows:

2025 – All new to licence vehicles need to be ZEC

2028 – All licensed vehicles need to be ZEC

2029 – an entirely ZEC Taxi/PHV fleet across GM

3.4 A summary of the MLS proposals can be found at Appendix 1 with the full consultation document at Appendix 2.

4. **Clean Air Plan**

4.1 Greater Manchester (GM) needs to take action to improve air quality, now and for future generations. Air pollution is linked to a range of very serious health conditions. It contributes to the equivalent of around 1,200 early deaths in GM every year, harming our health.

4.2 Government has directed GM to introduce a Category C Clean Air Zone across the region, to bring nitrogen dioxide (NO₂) levels on local roads within legal limits in “the shortest time possible” and by 2024 at the latest. As air pollution does not respect geographic boundaries, all 10 local authority areas have worked together to develop a joint Clean Air Plan to improve air quality.

4.3 GM is now consulting on the key elements of the proposals, including proposed daily Clean Air Zone charges, discounts and exemptions, and the proposals for a multi-million pound funding package to support local businesses to upgrade to cleaner vehicles. There is now a requirement under the Transport Act 2000 to consult “such local persons as [the GM authorities] consider appropriate about the charging scheme”.

4.4 Funding is being sourced from Government for hackney and private hire vehicles that would have to be changed if the proposed licensing standards are introduced from next year. This includes:

- Hackney carriages – up to £17,500 to upgrade to a ZEC wheelchair accessible vehicle

- Private Hire Vehicles - £1000 grant or finance contribution for a replacement petrol or diesel vehicle, £2000 grant or finance contribution towards a replacement hybrid vehicle, £2500 grant to replace with a ZEC vehicle or £5000 towards a replacement of a minibus or wheelchair accessible vehicle.

4.5 A summary of the clean air proposals can be found at Appendix 3 with the full consultation document at Appendix 4.

5 Legal Services Comments

5.1 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.

5.2 Under section 51 of the Act, the Council may attach such conditions to the grant of a private hire vehicle driver's licence as the Council considers to be reasonably necessary. Under section 55 of the Act, the Council may attach such conditions to the grant of a private hire operator's licence as the Council considers to be reasonably necessary. Any person aggrieved by any conditions attached to a private hire vehicle driver's licence may appeal to the magistrates' court.

5.3 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)

6 Co-operative Agenda

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

7 Environmental and Health & Safety Implications

7.1 None

8 Equality, community cohesion and crime implications

8.1 None

9 Equality Impact Assessment Completed?

9.1 No

10 Key Decision

10.1 No

11 Key Decision Reference

11.1 N/A

12 Background Papers - None

12.1 Appendices

Appendix 1 – Summary of the Minimum Licensing Standards

Appendix 2 - Consultation document – Minimum Licensing Standards

Appendix 3 - Summary of GM Clean Air Plan proposals

Appendix 4 - Consultation document GM Clean Air Plan proposals