

Licensing Committee

GM Minimum Licensing Standards

Report of Executive Member for Neighbourhoods

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Executive Summary

This report covers the findings of the Greater Manchester consultation relating to Minimum Licensing Standards for Private Hire and Hackney drivers, vehicles and operators.

Recommendations

That Members:

- 1) Note the findings of the GM consultation; and
- 2) Discuss the Council's position on vehicle upgrades prior to the implementation of the GM minimum licensing standards later this year.

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 findings of the consultation on Greater Manchester's Minimum Licensing Standards which closed in December 2020. It also discusses some of the local impacts of any future policy.

2. Introduction

- 2.1 Hackney and Private Hire services are a hugely important part of the transport sector. Collectively, they provide more journeys for residents and visitors than Metrolink or local rail, and they represent a significant part of the economy, employing over 20,000 people across the city region.

- 2.2 Minimum Licensing Standards (MLS) for all GM local authorities represent a means of achieving a range of shared goals, including:

- improving public safety;
- helping deliver clean air and reducing carbon emissions;
- supporting the locally licensed hackney and private hire trades; and
- complying with the Governments statutory guidance on safeguarding.

- 2.3 Overall, the GM approach looks to provide:

- the public with safe, visible and high-quality hackney and private hire services
- the hackney and private hire trades with clarity over what the required standards will be over the long term, and through the GM Clean Air Plan, with unprecedented investment to help renew the fleet
- local authorities with the continued regulatory role in relation to driver, vehicle and operator licensing whilst retaining scope to exceed the MLS as agreed locally by elected members.

- 2.4 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

- 2.5 Securing these ambitions will require a rolling, progressive programme of reform, with several elements to be designed, developed, agreed and implemented over time.

3 Consultation Findings

- 3.1 A consultation on the GM Minimum Licensing Standards took place between October and December 2020. In total nearly 1700 responses were received with 59% of responses being from the public, 21% from private hire drivers and 14% from hackney drivers. A presentation will be given to Members on the headline findings.
- 3.2 In terms of the proposed driver standards 94% of the public agreed with the proposals which, given that they are about public protection, is a substantial endorsement. In contrast, 58% of hackney drivers and 57% of private hire drivers agreed.
- 3.3 In relation to vehicle standards 88% of the public responses were supportive whilst CCTV and accessible vehicles were all supported by the public. Overall, only 23% of hackney and 24% of private hire drivers agreed. This figure changed when the drivers leased vehicles (37% and 22% respectively).
- 3.4 For operator standards 94% of the public responses were in favour and 67% and 65% for respective hackney and private hire drivers agreed.

- 3.5 Overall findings on the timetable for implementation of whatever policy is finally agreed was positive with 84% of the public agreeing and looking forward to improved standards. Most drivers (76%) disagreed with the timetable but this reduced to 56% when they rented or leased a vehicle.
- 3.6 Officers are currently working through the proposals and consultation responses in order to make future recommendations and recommend a new table later in the year. Further reports will be brought before Members for discussion and decision.

4 Local Issues

- 4.1 At a previous meeting of the Committee Officers were instructed to consult with the local trade as to whether Members should relax our vehicle colour policy ahead of any decisions being made on any future GM policy.
- 4.2 All licence holders were emailed as well as three trade associations. In response a total of twelve responses were received. The consensus from the responses was that licence holders wished to wait for funding opportunities later this year when they could apply for grants to upgrade non-compliant vehicles. It should be noted at this stage that the colour policy has not yet been finalised and that final proposals are still under discussion.
- 4.3 In addition to the comments made as part of the above responses respondents did ask whether vehicles which have come to the end of their licensing life could be further licensed for a period of time to allow for financial support to be claimed to upgrade them so they could purchase a emission compliant vehicle. Officers seek direction from Members as to a way forward with such requests.

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 - None**