

LICENSING COMMITTEE
08/06/2021 at 9.30 am



Present: Councillor Taylor (Chair)
Councillors G. Alexander, M Bashforth, Byrne, Garry, F Hussain,
Malik, McLaren, Shuttleworth and Wilkinson

Also in Attendance:

John Garforth	Trading Standards and Licensing Manager
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services
Sumayya Rawat	Solicitor
Christine Wood	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Arnott,
Cosgrove, C Gloster and Hamblett.

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**

The Committee received a public question from Mr Abdul
Khayal, Chair of the Oldham Taxi Owners Association.

I would like to raise matters with you that Oldham Hackney
mixed fleets catering all types of customers effectively, Disable,
vulnerable persons and children and schools runs.

Majority old peoples and disable persons mostly prefer to used
saloons or estates cars.

Wheelchair users mostly prefer to using saloon vehicles as well
some time customers which had difficulties in Manoeuvring
easily their care persons used Black cabs or multi seaters
vehicles.

As the committee members knows that these are European
directions as well. But we now out of Europe but I am sure some
European initiatives or directions will be used in future.

The other reasons why we asking Oldham for mixed fleets
because Oldham centre or surrounding areas are not
commercially or economically viable in town centre over 60%
shops are closed night economy is completely finished which we
as taxi driver needs desperately which makes our affordability
Nil! (at present) (electric black cabs price wise too expensive

£60000-68000) until such time Oldham town centre is improved significantly economically and our affordability become easier.

When grant comes and any driver want to buy electric vehicles we as trade had no objection.

But mixed fleets is the best choice for Oldham at the same time saloon vehicles can be blended with mixed fleets gradually.

If mixed fleets need to be black colour vehicles trade will advocate for it.

As Oldham had a age policies if drivers buy a vehicle Europe 6 diesel or petrol 4.

Are council allowed them to run those vehicles according to vehicles age limited?

Individuals councils can make their own decisions regarding vehicles policies by looking commercial viabilities in their areas.

Now Greater Manchester bus public policy is challenged in court that could have some bearing on taxi businesses. Wait and see. If you look Oldham Hackney fleets many vehicles are operating in town centre are environmentally vehicles, which shows that we do care good air quality which we breeze on daily basis.

The Chair provided the following response:

“I thank Mr Khayal for his question. The vehicle policy Mr Khayal refers has been subject to consultation with under GM Authorities under the Minimum Licensing Standards project which the committee is receiving an update about today. Until such time that that piece of work is finalised and Officers present recommendations to all ten districts, I am unable to say what any future policy will look like. What I can say is that we have taken on board his concerns and, along with GM colleagues, shall work towards a local transition plan for the implementation of any future policy.

In the meantime, I wish to acknowledge the work that is being done by licensed drivers to support our residents and visitors, particularly those with mobility issues, for which, to many your services are a lifeline. In addition, I'd like to put on record our continued thanks for their efforts during the recent public health crisis.”

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 2nd March 2021 be approved as a correct record.

6 **LICENSING ANNUAL REPORT**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which provided information on the activities undertaken to discharge the Council's Licensing function during the period 1st April 2020 to 31st March 2021.

There were two strategic objectives that related to Licensing which were:

1. To work with businesses to ensure they were licensed and compliant.
2. To ensure safe passenger journeys, in safe licensed vehicles with safe licensed drivers.

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 and an update on age restricted sales.

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. It was noted that as the Licensing Office had closed in March 2020 due to the COVID-19 outbreak, decisions on applicants and reviews had been dealt with by the Trading Standards and Licensing Manager under delegated powers. Members were also provided vehicle testing data and information on other licences which included Marriage premises, Scrap Metal and Pavement Licences.

The Committee were providing information on the implications of COVID-19. The pandemic had hit all sectors of trade and business. The Council had continued to support businesses in different ways. Some work had been delayed due to the current situation. The current projects underway or due to start included:

- Refreshing the Gambling Policy
- Updating the Street Trading Policy
- Implementing the forthcoming recommendations on Greater Manchester Minimum Licensing Standards alongside the Clean Air Plan.

Members welcomed the Grants to licensed drivers and felt that it had a positive impact on the trade. Members asked for clarification on the emergency delegated decisions and if those drivers were still actively working. Members were informed that five were still driving pending the appeals and one had their licence immediately revoked. Emergency delegated decisions were a second system that allowed for decisions considered a matter of urgent public safety to be made. This could include medical reasonings and offences made.

Members asked for the breakdown of licensed premises Covid breaches. Members were informed that Oldham premises had been trying their best to adhere to the Covid regulations and not many infringements had been identified. Members were informed that one public house had received a financial penalty for being open when directed to shut. One premises had also been given a direction to close due to breach of Covid regulations.

Members asked if mystery shoppers were still taking part in age restricted sales. It was explained that due to Covid restrictions, it was not secure enough for the underage volunteers. There had been a high number of complaints during the lockdown however a low number of sales had been recorded as the sales are mostly made to familiar faces. An Education scheme had been drawn up to combat age restricted sales in premises which had been working well.

Members asked for clarification on the take up of the Driver Grants. Members were informed that the date for applications had closed on 4th June with the remaining funds going back to Central Government. Out of the 1300 Drivers licenced in Oldham, 1100 took up the Grants. Links to apply for the Grants were provided to Drivers in all emails from the service. It was noted that the Grants were well received, and a number of Drivers gave their thanks to the Officers.

Members queried vehicle testing and whether it was random or following a complaint. Members were informed that random testing was done in conjunction with the Police and a further exercise would be undertaken in the next 12 months. Depending on the nature of the complaints received, Officers would check the vehicles for breaches of the compliance test.

Members questioned how the plastic screens were advertised to Drivers. It was noted that, similar to the Grants, advertisement of the screens was sent out in emails and leaflets. Drivers could not be forced to have them; however, screens were still available for collection for Drivers to use.

RESOLVED that

1. The report be noted.
2. Implications of the report be considered in future licensing decisions.

7

GM MINIMUM LICENSING STANDARDS

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which covered the findings of the Greater Manchester (GM) consultation relating to Minimum Licensing Standards for Private Hire and Hackney drivers, vehicles and operators.

Minimum Licensing Standards for the Greater Manchester Local Authorities represented a means of achieving a range of shared goals which included:

- Improving public safety.
- Helping deliver clean air and reducing carbon emissions.
- Supporting the locally licensed hackney and private hire trades.
- Complying with the Governments statutory guidance on safeguarding.

The GM approach looked to provide:

- The public with a safe, visible and high-quality hackney and private hire services.
- The hackney and private hire trade with clarity over what the required standards would 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 Minimum Licensing Standards as agreed locally by elected Members.

The proposed Minimum Licensing Standards covered 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.

Members were informed that along with the four main areas, GM were to propose a road map to reduce harmful vehicle emissions with the aim of an entire Zero Emission capable fleet (ZEC) by 2029 that would support the Clean Air Plan. The Government had announced plans to ban the sale of petrol and diesel vehicles from as early as 2032 with a timeline as followed:

- 2025 – all new to licence vehicles need to be ZEC.
- 2028 – all licensed vehicles need to be ZEC.
- 2029 – an entirely ZEC Taxi/Private Hire Vehicles fleet across GM.

Members were informed that around 1700 responses had been received for the consultation on the GM Minimum Licensing

Standards with 59% of responses being from the public, 21% from private hire drivers and 14% from hackney drivers. 94% of the public agreed with the proposed driver standards in contrast to the 58% of hackney drivers and 57% of private hire drivers. For 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). For operator standards 94% of the public responses were in favour and 67% and 65% for respective hackney and private hire drivers agreed.

Members queried what could be done to push the Government to support compliant vehicles. It was noted that Transport for Greater Manchester (TFGM) were working on behalf of GM and had received £20 million for vehicle upgrades. It was expected that the funds would be available later on in the year. Officers were also waiting to hear information on the hardship Fund.

Members asked for and received clarification on vehicles that would not meet the policy due to the colour. It was noted that Officers would not make a vehicle change due to its colour. There had been twelve responses in regard to colour with drivers wanting to wait for funding to be available. Members commented that reassurance funding and not retrospective funding was wanted before drivers made decisions on upgrading the vehicle.

Members referenced vehicles that would reach the upper age limit before the grants were agreed and suggested that a six-month extension be allowed to enable drivers to apply for funding. Sign off of the funding would be done in July 2021 and then passed on to Government, pending all 10 GM Local Authorities to be in agreement.

RESOLVED that:

1. The findings of the GM consultation be noted.
2. Vehicles that reach the upper age limit before the closure of the funding opportunities be extended until 31st December 2021 to allow drivers to apply for grants to upgrade non-compliant vehicles.
3. Consideration of the vehicle colour policy be deferred to a later meeting.

8

COMPOSITION OF PANELS 2021 2022

The Committee were informed about the composition of Licensing Driver Panel and the Licensing Panels scheduled throughout the 2021/2022 Municipal Year.

RESOLVED that the composition of Panels for the 2021/2022 Municipal year be agreed and the dates of future meetings be noted.

The meeting started at 9.30 am and ended at 11.00 am

