

Licensing Committee

GM Minimum Licensing Standards – Stage 1 Proposals for Drivers, Operators and Local Authority Standards

Report of Executive Member for Neighbourhoods

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Executive Summary

This report asks Members to approve the recommendations, following consultation, on the Greater Manchester Minimum Licensing Standards for Private Hire and Hackney drivers, operators and local authority standards. These are appended to this report.

Recommendations

That the Licensing Committee resolves to:

1. Note the endorsement of the below recommendations by the Greater Manchester Combined Authority;
2. Agree to retain our current policy on DBS criminal records checks;
3. Agree to retain our current policy on medical examinations for drivers;
4. Agree to retain our current policy on driver knowledge tests;
5. Adopt a new policy on the assessment of an applicant's knowledge of spoken and written English;

6. Retain our current policy on driving proficiency tests for applicants whilst noting a new provider;
7. Retain our current policy on driver training whilst noting the content will be expended and enhanced;
8. Adopt a dress code policy for private hire and hackney drivers;
9. Agree in principle to adopting a policy for drug and alcohol testing of drivers subject to the content being agreed at a later date; therefore, allowing officers to draw up and consult on the policy wording;
10. Agree a revised set of private hire driver licence conditions which will be mirrored across Greater Manchester;
11. Agree a revised set of Private Hire operator licence conditions which will be mirrored across Greater Manchester;
12. Retain our current policy on criminal records checks on private hire operators and their staff who have access to booking records;
13. Agree a common standard across Greater Manchester for the submission of applications;
14. Endorse proposals for Officers to develop a common enforcement approach across Greater Manchester;
15. Endorse a common methodology for the setting of licensing fees across Greater Manchester;
16. Retain our current position on Members receiving relevant and timely licensing training to allow them to make effective decisions;
17. Retain our current delegations to allow Officers to take urgent decisions on licences on the grounds of public safety;
18. Allow Officers to continue work across Greater Manchester relating to considerations for an Excellence in Licensing Award;
19. Bring into force all revised and new policies from the 1st December 2021.

GM Minimum Licensing Standards

1. Purpose of the report

- 1.1 The purpose of this report is to inform Members of the recommendations of the Greater Manchester Licensing Network following their consultation on Greater Manchester's Minimum Licensing Standards which closed in December 2020.

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, and
- 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. Age and colour policies, 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.

- 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 was given to Members on the findings at their last meeting.
- 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.

4 Recommendations

- 4.1 Attached to this report at Appendix 1 are the recommendations encompassing the reasons for the proposals, feedback from the consultation and considerations.

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 Some groups will be affected by policy proposals

9 Equality Impact Assessment Completed?

9.1 Yes

10 Key Decision

10.1 No

11 Key Decision Reference

11.1 N/A

12 Background Papers

12.1 The consultation document and findings can be found at www.gmtaxistandards.com

13 Appendices

13.1 Appendix 1 – Proposals and Recommendations