

LICENSING COMMITTEE

GM MINIMUM LICENSING STANDARDS

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

22nd March 2022

Executive Summary

This report requests that Members discuss amendments to the Council's Taxi and Private Hire Licensing Policy following of a request to pause and review certain elements of implementation.

Recommendations

That Members:

- 1) Note the report
 - 2) To agree the policy changes as outlined in section 3 of the report
 - 3) To agree the further amendments as outlined in section 4 of the report
-

1. **Purpose of the report**

- 1.1 The purpose of this report is to request that Members discuss amendments to the Council's Taxi and Private Hire Licensing Policy following of a request to pause and review certain elements of implementation.

2. **Introduction**

- 2.1 At its meeting on the 30th November 2021, Members made several policy changes to the Councils Taxi and Private Hire Licensing Policy in line with the work carried out and recommendations brought forward from the Greater Manchester Minimum Licensing Standards programme.

- 2.2 The ten vehicle standards that were considered as part of the programme at the above meeting were:

- Wheelchair accessible purpose built hackney carriages
- Vehicle ages
- Vehicle emissions
- Vehicle colour
- Vehicle livery
- Vehicle testing
- CCTV
- Executive Hire
- Vehicle design and licensing requirements
- Vehicle licence conditions

- 2.3 The standards are attached to this report at Appendix 1.

- 2.4 Since the last meeting of the committee Members and Officers have received further representations from trade representatives about the availability and costs associated with purchasing new or replacement vehicles. In addition, as Members will be aware, the GM clean air zone implementation planned for May 2022 has been paused to enable further plans to be tabled with Government by July 2022.

- 2.5 As a result of the representations and meetings held, the Chief Executive, following a recommendation by the Leader and Chair of the Licensing Committee authorised a pause to the implementation of the vehicle standards pending further discussion at the next licensing committee.

3. Proposed way forward

- 3.1 Upon reviewing our current position Officers have been discussing the way forward with GM colleagues and the Chair of Licensing. A meeting has also been held with local trade representatives to gain insight into current concerns of the trade. In turn, the Council acknowledges the current economic impact on the trade including lack of availability of vehicles and price increases in vehicles and fuel and understands the effect this is having on the trade.
- 3.2 The table below details the proposals Officers now make to progress policy decisions either on an interim or final basis.

Policy Area	Proposal
Wheelchair accessible purpose built hackney carriages (WAV)	<p>A mixed fleet of hackneys including adapted vehicles may continue to be licensed until 31.12.2029. Any change of vehicle must be to a vehicle that is emissions compliant. Thereafter vehicles must be all purpose built WAV's.</p> <p>Existing WAV's that have a condition on their licence that they must be wheelchair accessible must continue to comply with this condition.</p>
Vehicle Age	<p>New licence holders will comply with the GM standard of saloon vehicles being under 5 years of age and licensed until 10.</p> <p>Existing licensed vehicles may stay licensed until age 12 (14 for purpose built hackneys)</p> <p>In relation to the next vehicle change, the replacement of an existing licensed vehicle be extended so a vehicle maybe licensed up until 7 years of age and until 10 (15 for WAVs)</p> <p>The above are subject to any emissions transitional requirements which at present state that a non-emission compliant vehicle cannot be licensed beyond 31.12.2025.</p>

Vehicles Emissions	<p>All new to licence vehicles must be emission compliant to Euro 6 diesel, Euro 4 petrol or zero emission capable.</p> <p>Existing non-emission compliant vehicles have until 31.12.2025 to become compliant (within the age limits outlined above which may result in them ceasing being licensed earlier).</p>
Vehicle Colour	<p>Hackney saloon vehicles must be white and WAVs either white or manufacturers colour.</p> <p>Private hire vehicles may be any colour.</p>
Vehicle Livery	Adopt the GM standard when introduced
Vehicle testing	Already in place – no changes needed
CCTV	Await a further GM report on draft policy
Executive Hire	Already in place – no changes needed
Vehicle design and licensing requirements	<p>The GM Licensing Managers are reviewing this policy area and a further report will be brought before Members in the future. There is no guarantee to the trade of what future policy may be but in the interim the following is sought for approval:</p> <p>Category A and B vehicles will not be licensed</p> <p>Category C/S vehicles – will consider licensing if it has successfully passed an ‘autolign’ inspection and the report and certificate can be produced.</p> <p>Category N/D vehicles – will consider licensing subject to the review of an automotive engineers report.</p>
Vehicle licence conditions	Retain the GM new standard conditions

4 Other policy amendments

4.1 Members are asked to approve the following policy amendments:

4.2 If a vehicle licence expires the licence holder has 21 days in which to renew it under the same policy criteria. After this period any vehicle application would have to meet the criteria that would apply to a new vehicle licence as per policy. This does not prohibit the consideration of particular circumstances upon their merits.

- 4.3 Due to the current pause on funding to support the clean air plan that is under review, it is felt necessary and fair to those vehicle owners whose vehicles are coming to their end of licensing life through policy limits, to allow those vehicles to continue to be licensed until the funding situation is confirmed. The initial request is that this be allowed until the end of September 2022 but with the caveat that Officers may extend again if the situation remains unresolved by that time.

5 Future policy development

- 5.1 Members are asked to note that the GM minimum licensing standards programme is ongoing and further considerations will be brought before them in due course.
- 5.2 Officers will continue dialogue with the trade; however expectations need to be managed and representatives have been reminded that our overarching responsibility in policy development is that of public safety. In turn the trade has acknowledged that they are eager to work with Officers and Members and engage in meaningful conversation and consultation going forward which is welcomed.
- 5.3 A list of joint Council / trade policy items for further discussion is being formulated and this will assist in future meetings and working parties that are to be convened.
- 5.4 The licensing policy is a living document and will be kept under review. The intention is not to change policy too often in order to provide stability for the trade.

6 Legal Services Comments

- 6.1 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. (A. Evans)

7 Co-operative Agenda

- 7.1 These proposals support the agenda of supporting the local economy and working with businesses to improve benefits for all.

8 Environmental and Health & Safety Implications

- 8.1 These proposals support the ambitions of the Council and GM in relation to achieving a cleaner environment.

- 9 Equality, community cohesion and crime implications**
- 9.1 None
- 10 Equality Impact Assessment Completed?**
- 10.1 Yes
- 11 Key Decision**
- 11.1 No
- 12 Key Decision Reference**
- 12.1 N/A
- 13 Background Papers**
- 13.1 None
- 14.0 Appendices**
- 14.1 Appendix 1 – GM MLS Vehicle standards recommendations