

Licensing Committee

Licensing Update Report

Report of Executive Member for Neighbourhoods

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Ext. 5026

1st November 2022

Executive Summary

The purpose of this report is to inform Members of key updates and request approval for revisions to existing standards in relation to vehicle plates and temporary vehicle extensions.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve amendments as outlined within the report
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Licensing Update Report

1 Purpose of the report

- 1.1 The purpose of this report is to inform Members of key updates and request approval for revisions to existing standards in relation to vehicle plates and temporary vehicle extensions.

2 General Updates

- 2.1 There are two strategic objectives that relate to Licensing, these are:

- a) To work with businesses to ensure they are licensed and compliant and,
- b) To ensure safe passenger journeys in safe licensed vehicles with safe licensed drivers

- 2.2 There have been a total of two applications considered by the Licensing Premises Panel since 1st April 2022. These are shown below

Premises	Application Type	Outcome
Lighthouse Inn	Temporary Event Notice	Rejected
Anglers Arms	Variation	Granted

- 2.3 Officers continue to work with the Private Hire & Hackney Carriage trade to ensure effective communication and consultation takes place. We have held several trade forum meetings so far this year and have improved on existing communications by now including relevant officers from Moorhey Street Testing Station.

- 2.4 Details of the number of existing licences in force are detailed below:

Licence Type	Current Total
Dual Driver Licence	1285
Private Hire Vehicles	1021
Hackney Carriage Vehicles	85
Private Hire Operators	34
TOTAL	2425

2.5 The Licensing Driver Panel continues to sit monthly to hear applications for taxi licences, renewal or reviews of existing licences where offences, misconduct or any other relevant matter arises.

2.6 Since 1st April 2022 there have been a total of 10 determinations by the Panel which are broken down as follows:

Date	Granted	Suspended	Refused	Revoked	Revoked with immediate effect
June '22	1	2		1	1
July '22		1			1
Sept '22		2			1
TOTAL	1	5		1	3

2.7 In addition, there have been 8 emergency delegated decisions taken where driver licences have been revoked with immediate effect by the Trading Standards & Licensing Manager.

3 Clean Air / Licence Extensions

3.1 Members have previously been updated on GM Minimum Licensing Standards and have approved changes to the Taxi Licensing Policy to encompass recommendations as a result of the consultation on those standards, which were originally intended to dovetail with the GM Clean Air Plan.

3.2 The Clean Air Plan is currently paused. The plan for Greater Manchester was sent to the Government in July this year, with the suggestion for a non-charging zone with funding. Authorities are still waiting to hear from the Government on the proposal.

3.3 Members have previously approved a temporary extension to licensed vehicles, whereby they can continue to be licensed beyond the maximum age limit so as to benefit from any funding released by the Government linked with the Clean Air Scheme.

3.4 GM Authorities are still waiting for a decision on the proposed plan and any funding which may be available. However, the temporary extensions to vehicles are due to come to an end on 31st December 2022.

3.5 Members are asked to consider a further extension for vehicles in order that they continue to be licensed pending a final decision being made by the Government. To assist members with considering the implications of that decision, an age profile of vehicles who will, or are already benefitting from, a temporary extension has been included in the table below:

	Vehicles currently on extensions		WAVs (<i>wheelchair accessible vehicles – already permitted until 15 yrs</i>)	
Vehicles reaching 12 before 31/5/23	Vehicles between 12 – 13 years	Vehicles between 13 – 14 years	Vehicles between 14 – 15 years	Vehicles 15+ years
38	15	2	1	2

4 **Anti-social Behaviour / Revised Front Plates**

- 4.1 The Licensing Authority have been working with the trade on issues surrounding anti-social behaviour and associated vehicle attacks. The trade were asked to report matters to Greater Manchester Police and were also asked to feed that information into our online reporting tool to better inform policy decisions going forward, particularly in respect of their requests to remove front plates.
- 4.2 There is insufficient data to warrant a request for front plates to be removed at this time. It is therefore suggested that a smaller front plate be approved for use. A summary of ASB reports submitted since the facility was put in place in March 2022 is included in the table below

Report Date	Incident Date	Location	Details
11/04/2022	09/04/2022	Every Street, Manchester	Stones thrown, windscreen smashed, passengers inside
27/04/2022	14/04/2022	Ripponden Road, Oldham	Rock thrown, damage to bodywork/bonnet
03/08/2022	10/07/2022	New Moston	Two teenagers threw rocks, smashed multiple windows, passengers inside
07/10/2022	07/10/2022	Ashton Road, Oldham	Driving back to Oldham, youths attacked vehicle, no passengers

- 4.3 The proposed templates for the revised front plates for both private hire and hackney carriage vehicles are attached at Appendix 16.1 to this report. Members are asked to review the templates and approve the proposal.

5 MOT Working Group

- 5.1 Earlier this year officers were tasked by the Chief Executive to hold a working group to discuss issues around MOT tests, due to concerns raised by members of the Private Hire & Hackney Carriage Associations. The aim of the group being to better understand trade concerns and implement solutions as appropriate.
- 5.2 In summary, it was accepted by all that the service provided is efficient and reasonable and the trade must accept their role in ensuring that applications are submitted in plenty of time to get a test date, and that vehicles are presented in a manner to pass the test first time.
- 5.3 Some actions taken away from the group were to provide a list of common faults/issues seen by the testers for vehicle owners to use as a means of better preparing their vehicles for test. In addition, monthly figures are to be sent to trades reps illustrating failure rates and ASB report statistics.
- 5.4 The MOT Bays have been closed since 27th July due to the building being unsafe and concrete falling from height over where the tests are carried out. Remedial work has been undertaken and the bays are due to re-open 31st October 2022. Private MOTs for vehicles have been obtained during this period.

6 Future challenges and changes

- 6.1 There continue to be regular changes to legislation and guidance affecting licensing together with consultations the summaries of which are detailed below:
- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
 - Awaiting release of the Governments Taxi and Private Hire best practice guidance following consultation earlier this year, it is hoped this will be released before Christmas 2022;
 - Continuing to work with GM colleagues to deliver minimum licensing standards.

7 Current Projects

- 7.1 Projects underway or due to start in the coming months include:
- Consultation on the revised Statement of Fitness and Suitability policy to commence, the draft copy for approval being laid before you today
 - Assessing the impact of the GM clean air plan on our licensing policy
 - Reviewing hackney carriage ranks, licence release policy and unmet demand.

8 **Legal Services Comments**

- 8.1 Under section 47 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, including conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates. Under section 48 of the Act, the Council is required to issue a plate for every private hire vehicle it licences which must be exhibited on the vehicle in such a way as the Council requires. There is no requirement to display plates on both the front and rear of vehicles, but the Department for Transport Best Practice Guidance 2010 states that: "The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles."
- 8.2 Sections 47 and 48 of the Act also enable the Council to have a vehicle age policy. 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)

9 **Co-operative Agenda**

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

10 **Environmental and Health & Safety Implications**

- 10.1 None

11 **Equality, community cohesion and crime implications**

- 14.1 None

12 **Equality Impact Assessment Completed?**

- 12.1 No

13 **Key Decision**

- 13.1 No

14 **Key Decision Reference**

- 14.1 N/A

15 **Background Papers – None**

16 Appendices

16.1

