

LICENSING COMMITTEE

Licensing Policy – Taxi & Private Hire

Report of Executive Member for Housing & Licensing

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Executive Summary

This report requests that Members approve a revised Licensing Policy for Taxis & Private Hire, which includes proposals on vehicle age, testing criteria, and certificates of good conduct.

Recommendations

That Members:

- 1) Note the report; and
- 2) Approve the proposals

1. **Purpose of the report**

- 1.1 The purpose of this report is to request that Members approve a revised Licensing Policy for Taxi & Private Hire which includes proposals on vehicle age, testing criteria, and certificates of good conduct.

2. **Introduction**

- 2.1 On 6 June 2023, a report was presented to members with proposals to revise the Taxi & Private Hire Licensing Policy following consultation with the trade in relation to application requirements, vehicle minimum age policy and private hire door signs.

- 2.2 Further discussions with the trade have taken place to address concerns over vehicle testing and the criteria that needs to be met in order to pass the vehicle inspection. The current testing criteria document is lengthy and unclear for those who do not have mechanical training, which leads to vehicle owners not having necessary information on how to carry out pre-inspection check(s) to ensure they pass. In addition, the existing age limit requirement is increasingly harder for vehicle owners to meet due to increasing costs and supply issues within the motor industry.

- 2.3 This report aims to address these concerns and propose revisions to the existing policy.

3. **Vehicle Age Policy**

- 3.1 Existing policy requirements:

- Vehicles new to licence, or applicants who seek to change their vehicle during an existing licence, will be licensed until the age of 10, or the age of 15 in the case of purpose-built hackney carriages, or wheelchair accessible vehicles (WAVs).

- 3.2 Proposed policy requirements:

- Vehicles new to licence, or applicants who seek to change their vehicle during an existing licence, will be licensed until the age of 12, or the age of 15 in the case of purpose-built hackney carriages, or wheelchair accessible vehicles (WAVs).

- 3.3 The above requirements are subject to all new and replacement vehicles meeting the latest emission standard which is outlined in the existing policy.

- 3.4 The previous position on vehicle age was adopted as part of the Greater Manchester Minimum Licensing Standards (MLS) process. Since the adoption of that policy standard, there have been significant changes in the vehicle market due to Covid and Brexit. These changes have resulted in vehicle prices

increasing and availability of vehicles reducing. This proposed change takes account of these challenges and aims to support the trade in Oldham.

4. Vehicle Testing

4.1 In line with the increase in age policy, the following testing frequency for all vehicles is proposed:

- Under 3 years – 1 test per year
- Over 3 years – 2 tests per year

4.2 This is consistent with the Greater Manchester Authorities and simplifies the process for licence holders.

4.3 The existing policy standard requires vehicles over the age of 10 to be subject to 3 tests per year.

4.4 It has been noted that the failure rate in both private hire and hackney carriage vehicles has reduced, year on year, since April 2020, and this is shown in the table below:

Hackney Carriage		Private Hire	
Pass	Fail	Pass	Fail
2020 (Apr '20 – Mar '21)			
57 (46%)	66 (54%)	791 (51%)	754 (49%)
2021 (Apr '21 – Mar '22)			
108 (54%)	93 (46%)	1092 (52%)	1021 (48%)
2022 (Apr '22 to Mar '23)			
115 (65%)	62 (35%)	911 (56%)	706 (44%)
2023 (Apr '23 to Sept '23)			
58 (69%)	26 (30%)	770 (63%)	464 (37%)

5. Vehicle Test Criteria

5.1 All Licensing Authorities within Greater Manchester conduct checks on vehicles to be used as hackney carriage or private hire. Some authorities issue an MOT certificate as part of that testing process, and others, including Oldham, make use of an MOT Certificate Exemption. It is proposed that we issue an MOT Certificate as part of the test.

- 5.2 The trade has previously raised concerns over not having an MOT certificate. It prevents vehicle owners from being able to tax their vehicle online and there have also been instances where vehicles are stopped by the police due to the .GOV website showing no MOT is in place.
- 5.3 The implications of introducing MOT Certificates will mean that testing will take longer, which will have an impact on the number of test slots available per day, reducing capacity by up to two slots in each bay. To mitigate this, the Council is exploring the option of providing a third testing bay at the depot, which will absorb those lost slots as well as providing additional slots to cover increasing demand.
- 5.4 The current testing criteria is an 81-page document dating back to 2013, and therefore requires a full review. It is proposed that the criteria be reviewed and updated to enable vehicle owners to understand what they will be tested on and what would constitute a failure.
- 5.5 By issuing an MOT Certificate, the trade can be sure the vehicle will be tested against MOT standards and the Council will also provide a clear list of anything that will be tested or reviewed over and above that level so they can undertake any remedial work needed in order for the vehicle to be compliant at the time of testing.
- 5.6 It is proposed that the new testing criteria be prepared and finalised in line with the implementation of issuing MOT certificates. Before the new approach can be implemented, the existing test bays must be authorised by DVSA to undertake those tests, and the existing vehicle testing database requires IT updates to support the new way of working.

6. **Certificates of Good Conduct**

- 6.1 The existing policy standard for applicants, which follows Government guidance, is as follows:
- 6.2 Where an applicant has lived outside the UK for more than three continuous months since the age of 18, they must obtain a certificate of good conduct authenticated and translated into English by the relevant Embassy or Consulate to assess their suitability and review and previous convictions.
- 6.3 It is proposed that the policy standard is brought into line with the other GM Authorities, outlined below:
- 6.4 Where an applicant has lived outside the UK for more than three continuous months within the last 5 years, they must obtain a certificate of good conduct authenticated and translated into English by the relevant Embassy or Consulate to assess their suitability and review and previous convictions.
- 6.5 Access to these certificates for people who have resided outside of the UK many years ago, who have since gained British citizenship or other leave to remain entitlement, is extremely difficult, and obtaining one, results in significant delays or not being able to obtain one at all. By bringing our policy in line with other GM

authorities, we can ensure relevant checks are conducted as needed, whilst not being overly burdensome on the applicant.

7. Legal Services Comments

7.1 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.

7.2 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)

8. Co-operative Agenda

8.1 Not applicable

9. Environmental and Health & Safety Implications

9.1 None

10. Equality, community cohesion and crime implications

10.1 None

11. Equality Impact Assessment Completed?

11.1 No

12. Key Decision – No

12.1 Key Decision Reference - N/A

13. Background Papers

13.1 Consultation document

14. Appendices

14.1 None