



Licensing and Appeals Committee

Date: Monday, 3 June 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Licensing and Appeals Committee

Councillors - Ludford (Chair), Grimshaw (Deputy Chair), Evans, Hassan, Hughes, Jeavons, T Judge, Lynch, McHale, Madeleine Monaghan, Reid, Stone and Lyons

Supplementary Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 6
To approve as a correct record the minutes of the meeting held on 4 March 2019.
- 5. Hackney Carriage Vehicle Policy – Consideration of temporary extension to the age limit** 7 - 16
The report of the Head of Planning, Building Control and Licensing is attached.
- 6. Allocation of Hackney Carriage Proprietor Licences** 17 - 36
The report of the Head of Planning, Building Control and Licensing is attached.

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Beth Morgan
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This supplementary agenda was issued on **29 May 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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Licensing and Appeals Committee

Minutes of the meeting held on Monday, 4 March 2019

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Grimshaw, Chohan, Evans, Hassan, Hughes, Jeavons, Lynch, McHale, Madeleine Monaghan, Paul, Reid and Stone

Apologies: Councillor Barrett and T Judge

Also present: Councillors:

LAP/19/31. Minutes

To approve as a correct record the minutes of the meeting held on 3 December 2018.

Decision

To approve as a correct record the minutes of the meeting held on 3 December 2018.

LAP/19/32. Taxi Compliance Update Report

The Principal Licensing Officer presented the report that provided the Committee with information in respect of compliance work undertaken by the Unit during April - June 2018 and where possible provided comparative data to demonstrate performance and change.

Table 1 in the report showed an increase in complaints received during Qtr 1 and Qtr 2 18/19 compared to the same quarters the previous years. As has previously been reported to the Committee, service improvements over the past 2 years included objectives to:

- Ensure the wider public are more aware of how to report issues and find it more accessible to do so – particularly with regards to disability related issues
- Improve response, investigation times and quality; thereby generating more complaints as people see more value in doing so

and therefore the general increase in complaints from residents and visitors to the City was anticipated and welcomed.

Qtr 3 18/19 shows a decrease in the number of complaints both from the previous quarter and against the same quarter the previous year. Qtr 3 is usually the busiest quarter for complaints with the City seeing peak numbers in visitors and journeys over the festive period; so this reduction could indicate improved levels of customer service and satisfaction.

The Committee questioned whether more could be done to improve the standard of driving for both Hackney Carriage and Private Hire Drivers, and officers confirmed that driving standards are constantly monitored. Officers also agreed to investigate the possibility of using technology to help improve standards where they fell below the expected level.

The Committee also asked about the issue of ply-for-hire offences, and asked for clarification as to how widespread this was. Officers said that the problems were widespread, and included both drivers licensed by Manchester, and drivers who had Hackney Carriage licenses issued by other authorities, which allowed them to work as Private Hire drivers in Manchester. Officers confirmed that routine checks are carried out on both day and night shifts at various locations across the City, including railway stations, the airport, hospitals and supermarkets. On night shifts interactions are targeted to hotspot areas causing congestion within the Night Time Economy, and locations where the risk of illegal activity is higher. Officers also confirmed that they regularly undertook operations such as Operation Aztec to identify drivers willing to ply-for-hire illegally, but that their resources, although improved, were limited. More recently, Aztec has expanded its focus and now regularly targets illegal plying for hire using specially trained Special Constables undertaking journeys as customers in licensed vehicles. The Operations use different sites to direct vehicles for questioning under caution or vehicle checks, and the system is flexible to enable a check site to be shut down and moved on any given operation.

The Committee asked whether drivers with Hackney Carriage licenses issued by local authorities could misunderstand the law that they could only ply-for-hire within the area covered by the issuing authority, but officers confirmed that they believed the drivers were fully aware of the illegality of their actions, but were willing to take the risk as the financial rewards were high. Officers also confirmed that they would consider changing the paperwork issued by Manchester to make the illegality of ply-for-hire explicit.

Decision

To note the report.

Manchester City Council
Report for Information and Resolution

Report to: Licensing and Appeals Committee – 3 June 2019

Subject: Hackney Carriage Vehicle Policy – Consideration of temporary extension to the age limit

Report of: Head of Planning, Building Control and Licensing

Summary

Hackney Trade representatives have put forward a proposal for a temporary extension to the current age limit contained within the existing Hackney Vehicle Age Policy. The report sets out the rationale behind the proposal and provides the Committee with relevant information, considerations, risks and options to support a balanced and informed decision.

Recommendations

1. The Committee are asked to consider whether to extend the current HCV age limit
 2. In the event the Committee do want to extend the current age limit; it is recommended that:
 - i. The HCV age limit is extended to a maximum of 13 years from the date of first registration stating:
No Hackney Carriage Vehicle licence will be issued or renewed (including replacement vehicles) for a vehicle more than 13 years since the date of first registration in this or any other country.
 - ii. The extension is limited to a maximum of 12 months and is subject to further review/amendment following GM Minimum Standards proposals.
-

Manchester Strategy Outcomes	Summary of contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	The Taxi Licensing Policies are aimed primarily at the core function of Licensing authorities which is ensuring public safety. Beyond that, the Service aims to support Licensees by understanding issues that impact on their industry and reflect that in policy wherever appropriate.

skilled city: world class and home grown talent sustaining the city's economic success	Not applicable to the content of this report
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The current Hackney Carriage Vehicle Policy is one of the most equitable in the country, supporting consistency of full accessibility within the entire fleet, ensuring that no users have to make special arrangements.
A liveable and low carbon city: a destination of choice to live, visit and work.	<p>The Taxi Licensing Service seeks to support those who wish to work within the Taxi and Private Hire industries to do so in partnership and pride with Manchester, where the corresponding policies and standards are high in order to protect and safeguard our communities and visitors.</p> <p>Vehicle policies seek to establish low carbon emissions and contribute to better air quality in the City.</p>
A connected city: world class infrastructure and connectivity to drive growth	Not applicable to the content of this report

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue - None
Financial Consequences – Capital - None

Contact Officers:

Name: Ann Marku
Position: Principal Licensing Officer (Taxis)
E-mail: a.marku@manchester.gov.uk

Name: Danielle Doyle
Position: Licensing Unit Manager
Email: d.doyle@manchester.gov.uk

Background documents

Statement of Policy: Conditions of fitness, application process and guidelines relating to Hackney Carriage Vehicles 2013 (Hackney Carriage Vehicle Policy)

- 1.0 The Council currently imposes age limits in respect of the licensing of Hackney Carriage vehicles. The current policy is that Hackney carriage [black cabs] are licensed up to 10 or 12 years of age dependent upon the emissions they produce.
- 1.1 The wording of the current age policy, which is contained within the Hackney Carriage Vehicle Policy allows a hackney carriage vehicle that is 11 years and 11 month old to be licensed and the vehicle would therefore be 13 years old before being removed from the fleet.
- 1.1.2 Hackney Trade representatives have put forward a proposal for a temporary extension to the current age limit.
- 1.2 The context for the request from the Trade relates principally clean air and climate change agenda. Members will be aware the Government has placed a legal responsibility for compliance with NO2 limits with local authorities; this requires bodies such as Greater Manchester (GM) to produce and implement a Clean Air Plan, which includes a requirement to create a Clean Air Zone (unless compliance can be proven to the set timescale through alternative means).
- 1.3 The 10 GM Local Authorities, Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) completed detailed local modelling of options, and submitted an Outline Business Case to Government at the end of March 2019. This details proposals to introduce a Clean Air Zone across the whole of Greater Manchester, and a request for a £28m 'Clean Taxi Fund' to support the upgrade of non-compliant taxi and private hire vehicles. Following a public Conversation about Clean Air (currently live until end June 2019) and a formal Clean Air Public Consultation to follow planned for August 2019, a report will be provided back to the GMCA recommending a Final Business Case to Government by the end of 2019.
- 1.4 If implemented, all categories of a Clean Air Zone would include Taxi and Private Hire Vehicles; therefore both of our trades are currently likely to be affected; this could include being subject to a daily charge if the vehicle is not compliant with the requisite Emissions Standards. Engagement has already begun with the Taxi and Private Hire Trades across GM, to further understand the risks and challenges and how best use could be made of any financial support package provided by the Government to bring vehicles into compliance.

2.0 Clean Air and Minimum Standards

- 2.1 Concurrently, the 10 Greater Manchester Authorities are working on harmonising Taxi and Private Hire licensing standards. Whilst the detail of the proposal is yet to be formally finalised, it will include proposals regarding a range of issues relating to vehicle standards and specifications, including emissions requirements. Clearly, these standards will be mindful of the

statutory requirements around Clean Air Emissions standards.

2.2 The GM authorities are mindful of the need to align the two work packages. Manchester is working closely alongside the other Licensing Authorities from GM together with TfGM to understand and model in more detail; the impacts, risks, and learning from other cities and regions that have implemented Clean Air Zones. Further engagement with the trade is planned later this month (June 2019).

2.3 The current outline proposed timeframe for implementation of minimum standards is:

- Trade briefings across GM - June 2019
- Formal Public Consultation – Summer 2019
- Final Minimum standards confirmed end of 2019
- Minimum Standards implementation from April 2020 onwards – with anticipation that different standards will require different lead in times and local arrangements may be required.

3.0 Trade concerns

3.1 At Trade engagement meetings in March 2019, representatives from the Hackney Trade fed back to officers and lead Members a number of concerns including:

- The general availability of emissions compliant vehicles (second hand) in the hackney carriage market nationally
- Where manufacturers (other than London Electric Vehicle Company who make the TX London style cab vehicles) are bringing new purpose built or adapted vehicles for Hackney Carriage use onto the market, they do not conform to the current MCC HCV Policy vehicle specification
- The affordability of new TX vehicles (only electric vehicles available new in TX models)
- The electric vehicle charging infrastructure improvements required to support a wholesale move towards an electric fleet
- Difficulties in obtaining finance.

3.2 The above areas of concern are issues being picked up either by the GM Air Quality work or the wider MCC Hackney Carriage Vehicle Policy Conditions of Fitness Review. However, there is a specific area of concern the trade has requested the Committee consider.

3.3 This relates to the aging Hackney Carriage fleet operating in the City. A significant number of proprietors will be required to replace their current vehicles in the coming months, however, the decision to do so is at a time of some uncertainty whilst there are three important relevant matters still pending:

- the final minimum standards with regards to vehicle specification that are currently being reviewed for potential use by all Greater Manchester Authorities

- the review of MCC's HCV conditions of fitness (which may modify the vehicle specification and options available to proprietors)
- Government's response to a Final Business Case on the Clean Air Plan and the possible provision of a Clean Air Tax Fund to support proprietors upgrading their vehicle to emissions compliant vehicles

3.4 The Committee will recognise that as vehicles could be replaced on a vehicle licence during the currency of that licence, and that this happens frequently for a number of reasons, the age profile of the fleet changes almost daily.

Table 1 below sets out the current age profile of the licensed MCC Hackney fleet providing numbers according to the anticipated vehicle age at the time, the corresponding licence is due for renewal; and the current number of vehicles of each age category correct as of 16 May 2019. A snapshot of the data was also taken in July 2018 (although it was not recorded at that time how many brand new vehicles were licensed on the fleet):

Licence	Age	Number at time Renewal due	Number as of 16.5.19	Number as of 11.7.18
HV	0	22	70	--
HV	1	57	27	31
HV	2	29	26	24
HV	3	42	55	48
HV	4	64	77	69
HV	5	90	113	85
HV	6	102	100	100
HV	7	106	126	162
HV	8	147	149	120
HV	9	135	126	131
HV	10	115	111	94
HV	11	105	73	104
HV	12	59	31	96
HV	13	11	1	25
HV	14	1	0	2

3.5 The current HCV Policy states at 3.1 of the Policy:

- a. *No Hackney Carriage Vehicle licence will be issued or renewed (including replacement vehicles) for a vehicle more than 12 years since the date of first registration in this or any other country.*
- b. *The Council may waive the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of an exceptional standard*
- c. *Any request for an exemption due to a licensed vehicle being in 'exceptional condition' will normally be granted for a 12-month period, after which time a further application would have to be made.*

3.6 In view of the matters pending (set out in 3.3) which are likely to have implications for the Trade, its representatives have asked the Committee to consider a temporary extension to the current age limit element in the policy. This would allow all current proprietors to be able to make an informed choice about vehicle purchases and replacements, and for those replacing vehicles in the months immediately preceding a possible Clean Air Fund, are able to benefit from the opportunity this would potentially provide for upgrading to a zero emissions capable vehicle.

4. Options, Risks and considerations

4.1 There is the option for the Committee to consider extending the current age limit for a set period of time. If the Committee is minded to do so, it is recommended the limit be extended to 13 years, for a period of no more than 12 months. This, it is believed, would provide sufficient time for relevant decisions to be made with regards to Minimum Standards and Clean Air solutions.

4.2 The Committee will also note that the Council's existing HCV Policy in any event is subject to further possible change, following the outcome of the Minimum Standards public consultation and resultant decisions, at the end of 2019/beginning of 2020.

4.3 If the Committee is minded to temporarily extend the age limit beyond the current 12 years, it is essential there are assurances in place to avoid compromising public safety. In this regard the following would mitigate any potential risks:

- i. The vehicle would still be subject to three tests per year. As per current practice, a vehicle would be suspended until such a time as it passes the vehicle compliance test
- ii. The current policy is worded so that a vehicle could be licensed up to the day before its '12th birthday'. Vehicle licenses are issued for 12 months and so the current position is that we allow vehicles on the fleet that are up to 13 years of age in any case (that are not of exceptional condition). An extension to this would effectively extend the potential age limit to almost 14 years of age (unless worded otherwise). It should be noted by the Committee that it is the intention of officers to propose amending the wording accordingly of any future

HCV Policy when fully revised. The revision of the wording would only allow vehicles to be licensed to the date of they are 12 years of age (or whatever the age policy is) and not allow them to be licensed beyond that age ie a vehicle that is licensed when it is 11 years and 10 months old could only be licensed until it was 12 years of age (from the date of first registration).

- iii. Officers have checked the current Hackney Carriage vehicle age limits of other cities and provide the following data (*The data has been taken from documents published on the relevant web pages of the cited authorities and has not been verified further*)
 - Transport for London – currently 15 years age limit (recent consultation closed in April 2019 proposing to reduce age limit to 12 year by 2022)
 - Birmingham City Council – currently no age limit
 - Leeds City Council – 8 years age limit for WAVs (*Leeds do not have a purpose built HCV requirement and licence saloon cars as HCVs – the age limit on all saloon cars is 7 years and the maximum age limit for WAVs is 8 years*)
 - City of Wolverhampton Council - 16 years age limit
- iv. Any extension (if granted) is likely to be temporary given that the GM Minimum Standards work will propose changes to the current Policy in any event; and possible impacts of a CAZ
- v. Given the data in **Table 1** above, this will only apply to a small proportion of the existing fleet.

4.4 The main consideration and driver for this proposal from the Hackney Trade is those Hackney Carriage Proprietors whose vehicles are nearing the current age limit within the next 6-9 months. The concern is that they could purchase a vehicle that does not conform to new standards/requirements as a result of the GM work packages; and miss the opportunity for financial support through options provided via a Clean Air Taxi Fund - if this is obtained from Government. In balancing these considerations, the Committee may want to also consider the following points:

- A number of Hackney Carriage Proprietors have been replacing vehicles in the months leading up to this proposal and will possibly feel disadvantaged by any temporary change to the Policy. Notwithstanding, the nature of any Policy change is that there is always a 'cut off point' and some people are likely to be affected more than others
- Table 1 above also evidences that the HCV fleet at the upper limit has reduced in age over the last 10 months (although the average age remains at just under 8 years of age)
- Any changes to Policy and vehicle standards or specification that are agreed under proposed GM Minimum standards, would be subject to a consideration for a gradual implementation and possible grandfather rights to account for those proprietors who have invested in new/replacement vehicles recently

- It is an option for proprietors who need to consider replacing their vehicles soon, to consider options to lease vehicles pending decisions of the GM work packages
- There is a risk that any extension to the current age limit policy, places additional pressures on a possible Clean Air Taxi Fund (should one be obtained) by potentially increasing the number of Hackney Carriage Proprietors eligible to access such funds

5. Legal Considerations.

- 5.1 In the event that the amendment to the policy to extend the age limit to 13 years of age for all hackney carriage vehicles is adopted by the Committee this would have the effect of removing the exceptional circumstances exception for well-maintained vehicles from the policy. The Court has in the case of *Rv Hyndburn Borough Council ex p Rauf and Kasim* previously considered whether it is lawful for a Council to introduce an age policy for vehicles which does not contain an “ exceptional condition “ clause. The Court held that the policy was lawful and gave the following reasons:-

“... the local authority did give such consideration as was appropriate to this application. It indicated in the letter which it wrote in reply to it that the applicant was refused in line with the policy and that did not indicate that it was shutting its ears to any application, either considered individually or an application which amounted to an application to change the policy as a whole. In those circumstances, it seems to me, the stance adopted by the Local Authority in relation to the application was a lawful one”

The Judgment in this case therefore indicates that a policy need not contain an exceptional condition exemption to be lawful as long as the Council does not fetter its discretion to depart from the policy when appropriate.

6.0 Key Policies and other considerations

- 6.1 (a) Equal Opportunities
There are no equal opportunities issues arising from this report.
- 6.2 (b) Risk Management
As with any such decision made by the Council it can be challenged by way of ‘Judicial review’.
- 6.3 (c) Legal Considerations

There are no additional legal considerations to those already highlighted within this report.

7.0 Conclusion and recommendations

- 7.1 The report sets out the relevant matters for the Committee to consider in relation to the request to extend the current vehicle age limit. It also identifies options and associated potential risks.

7.2 If Committee is minded to extend the current age limit; it is recommended that:

- iii. The HCV age limit is extended to a maximum of 13 years from date of first registration stating:
No Hackney Carriage Vehicle licence will be issued or renewed (including replacement vehicles) for a vehicle more than 13 years since the date of first registration in this or any other country.
- iv. The extension is limited to a maximum of 12 months (or less) and is subject to further review/amendment following GM Minimum Standards proposals.

**Manchester City Council
Report for Resolution**

Report to: Licensing and Appeals Committee – 3 June 2019

Subject: Allocation of Hackney Carriage Proprietor Licences

Report of: Head of Planning, Building Control and Licensing

Summary

Manchester has an existing policy which limits the number of Hackney licences issued in the City. Where licences become available the policy introduced a random selection process.

This report provides information regarding 4 hackney carriage proprietor licenses no longer issued, and, in line with the policy should be re-allocated by instigating the 'Random Selection Process'. The random selection process is outlined and copies of the criterion, proposed letter to the trade and 'expression of interest' applications are attached to the report at **Appendix 1 and 2a,b**.

The report also recommends that the random selection process remains in place at this time until the outcome of the 2019/20 Licensing Survey is known. This would include an unmet demand survey that would determine if any further licences are required to be issued.

Recommendations

1. That the Committee agree to the instigation of a random selection process for the reallocation of the following plates:
HV0040, HV0352, HV0501, HV1014
 2. The Committee agree that following the allocation of the 4 hackney carriage proprietor licences, the random selection process is temporarily closed but remains in place until the outcome of the Licensing Survey 2019/20. This is on the basis that this includes an unmet demand survey that would determine whether any further licences need to be issued.
-

Manchester Strategy Outcomes	Summary of contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	The Taxi Licensing Service aims to continuously evolve and improve to support Manchester residents who wish to work in these industries.

A highly skilled city: world class and home grown talent sustaining the city's economic success	The re-allocation of these 4 hackney carriage vehicles will create jobs for each vehicle proprietor and any subsequent drivers should the vehicles be tracked (rented) out.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The current random selection process allows for drivers to make a 'special consideration application where they think they have special circumstances to allow them to enter into the random selection process without fulfilling the full criteria.
A liveable and low carbon city: a destination of choice to live, visit and work.	The allocation of 'new hackney carriage' plates requires the purchase of a vehicle that is less than 2 years of age.
A connected city: world class infrastructure and connectivity to drive growth	The Taxi Licensing Service aims to ensure its policies use all opportunities to enhance connectivity and infrastructure through progressive, transparent and equitable policies.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue - None

Financial Consequences – Capital - None

Contact Officers:

Name: Ann Marku

Position: Principal Licensing Officer (Taxis)

E-mail: a.marku@manchester.gov.uk

Name: Danielle Doyle

Position: Licensing Unit Manger

Email: d.doyle@manchester.gov.uk

Background documents:

Licensing and Appeals Committee Reports 4 July and 4 October 2010

Current hackney carriage vehicle – Random Selection Policy

1. Introduction

- 1.1 At a meeting on 5 July 2010 the then Licensing and Appeals Committee agreed to recommend to Council a policy and criteria for the future allocation of hackney carriage proprietors' licences. On 14 July 2010, the Council approved this policy and the criteria, which states that all future hackney carriage proprietors' licences would be allocated by a process of random selection. A copy of the policy and criteria is attached to the report at **Appendix 1**.
- 1.2 The Council has 1090 existing licensed hackney carriage vehicles. There are currently, however, 4 hackney carriage vehicle proprietor licences that are not currently allocated. These 4 licences should now be re-allocated (for information the Trade call such licences 'free plates'). The reasons for each individual re-allocation, is briefly outlined in paragraph 2 of the report below.
- 1.3 The 4 plates in question should be re-allocated using a 'Random Selection Process' in line with the Council's existing policy. This process has proven to be both costly and time consuming. Individual drivers who request to be included in the process have to be seen face to face by a senior officer and the documentation scrutinised to ensure that they meet the criteria. At the last allocation of plates some 200 drivers were interviewed to issue 30 potential hackney carriage vehicles licences. To minimise additional costs, it is therefore recommended that, following the allocation of the 4 licences:
- the random selection be temporarily closed, but,
 - remain in place until the completion of the Licensing Survey in 2019/20
- 1.3.1 The Licensing Survey 2019/20 includes an unmet demand survey. The latter is important as it would help to inform the Council whether any additional hackney carriage proprietor licences are required to meet current and possible future demands of the City.

2. Hackney Carriage Plates for re-issuing

- 2.1 The following plates are currently not issued.

HV0040 – this Licence was not renewed on time. The matter was determined by the Licensing and Appeals Committee in 11 September 2017 who decided not to grant the renewal application. This decision was later upheld following a Crown Court appeal.

HV0352 and **HV0501** were owned by the same person – the licences expired on 19 November 2012 and 26 July 2016. There had been no contact or queries raised about the licence(s) since 2012 until this year when an email was received asking how to transfer the plate(s). Although this was responded to there has been no further contact

HV1014 – This was revoked by Licensing and Appeals Committee in 2009

3.0 Random Selection process

- 3.1 The random selection process was deemed by the Council to be a fair process. The process involves an independent team (the Electoral Reform Services (ERS)). All drivers are sent a letter, advising that they can express an interest in wishing to have a new hackney carriage licence.
- 3.2 A copy of the draft letter that would go to all licensed hackney carriage and private hire drivers is attached at **Appendix 2a**. The letter explains the random selection process and what drivers need to do.
- 3.3.1 Attached at **Appendix 2b** is the draft wording that would also go on the taxi licensing web page at www.manchester.gov.uk/taxi and which would have links to the questionnaire. These documents also include the documentation required by individuals to evidence that they meet the criteria.
- 3.3.2 The questionnaire would be converted into an on-line form that would go directly to ERS, who will send an electronic receipt message.
- 3.2 Anyone who expresses an interest must be able to meet (and provide evidence that they meet) the criteria:
- a current Manchester licensed hackney carriage driver with a minimum of 5 years' experience gained in the 7 years before the closing date, or
 - a current Manchester licensed private hire driver with a minimum of 5 years' experience gained in the 7 years before the closing date, **and** have passed the hackney carriage driver knowledge test.
 - Individuals must not:
 - currently hold a hackney carriage proprietor's licence (including licences via transfer)
 - have had any proprietor's licence (both hackney carriage and private hire) revoked in the five years before the closing date
 - be a person who has previously been issued a hackney carriage proprietor's licence by Manchester City Council
- 3.3 There is also a special consideration policy; this enables individuals who do not meet the criteria to also express an interest. These expressions of interest are considered by a panel and if accepted persons are entered into the random selection process.
- 3.4 Anyone who is chosen from the random selection process must be able to provide evidence that they meet the criteria unless they have met the special consideration policy. Acceptable written evidence would be:
- tax returns
 - accounts (may require sample receipts)
 - wage slips
 - evidence of work from airport
 - evidence of work from operator
 - any other documentation you feel is appropriate

4.0 Conclusion and recommendations

- 4.1 The report informs the Committee that there are 4 Hackney Carriage Vehicle Proprietor licences available as they are currently not issued.
- 4.2 The report asks the Committee to agree to the Random Selection Process being instigated to allow the issue of the 4 plates in question.
- 4.3 The report also advises the Committee that the cost of the random selection process is both costly and time consuming. In order to minimise additional costs, it is further recommended that:
 - following the allocation of the 4 licences, the random selection is temporarily closed, but that it remains in place and is used in the allocation of any further hackney carriage proprietor licences that may be identified in the 'Licensing Survey 2019/20.

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Criteria for the allocation of hackney carriage proprietor licences

1. New hackney carriage licences or 'plates' are allocated using a random selection process.
2. You must meet the criteria to be entered into the random selection pool.
3. Once all new licences have been allocated, your details will be deleted. We will start with a new pool of people each time we have new licences to allocate.
4. To enter the random selection draw, you must either be:
 - i. a current Manchester licensed hackney carriage driver with a minimum of 5 years experience gained in the 7 years before the closing date, or
 - ii. a current Manchester licensed private hire driver with a minimum of 5 years experience gained in the 7 years before the closing date, **and** have passed the hackney carriage driver knowledge test.
5. You must not:
 - i. currently hold a hackney carriage proprietor's licence (including licences via transfer)
 - ii. have had any proprietor's licence (both hackney carriage and private hire) revoked in the five years before the closing date
 - iii. be a person who we've issued a hackney carriage proprietor's licence to in the past
6. In addition to people who meet criteria 1 to 5, those who have been accepted under the Special Consideration Policy will be entered into the random selection draw.
7. Anyone being issued with a new hackney carriage proprietor's licence must have:
 - i. a vehicle that complies with the vehicle specification in our [Hackney Carriage Policy](https://www.manchester.gov.uk/downloads/download/5432/hackney_carriage_vehicle_policy) [https://www.manchester.gov.uk/downloads/download/5432/hackney_carriage_vehicle_policy] i.e. Manchester Conditions of Fitness
 - ii. a vehicle less than two years old from the date of first registration at the time the licence is issued (i.e. once the vehicle has passed our standard vehicle test).
8. You will be required to complete a statutory declaration confirming that you meet the requirements.

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«Title» «First_Names» «Surname»
«Address_1»
«Address_2»
«Address_3»
«Address_4»

6 September 2010

Dear «Salutation»

We want to let you know that we will be reallocating xx hackney carriage proprietor licences (plates) using a new Random Selection Process 2019 (RSP19).

It was agreed some time ago that any new 'plates' would be allocated in this way.

To make this a fair process we will be using the independent team (the Electoral Reform Services (ERS)) to process applications and to carry out the random selection.

This means that:

1. you must first meet the criteria, **then**
2. you must express your interest in being included in the random selection pool.
3. if you are chosen in the process, you will be asked to provide the documents that prove you meet the criteria.
4. a decision will be made on whether you can apply (we will provide the 'hackney carriage vehicle application form').

If you are successful in joining the pool, we will keep your details until we have assessed whether there are enough hackney carriages for Manchester. This information will be provided by the 2019/20 'Licensing Survey, which includes an 'unmet demand survey'. This survey is done every three years.

If more licences are needed, we will randomly choose from the pool again. After this, your details will be permanently deleted.

Who can express an interest?

You must meet our criteria to apply. A copy has been included with this letter.

There is also a 'special consideration policy' for people who do not meet the criteria but may have special circumstances. You can make a request for special consideration if this describes you. If accepted, you will be entered into the random selection process.

How to join the pool

Express your interest to be entered into the random selection.

1. go to ([link to form to be added](#)) and complete the form. You will get a receipt and be added to the random selection pool

OR

2. fill in the 'request for special consideration' form at ([link to form to be added](#)). We will invite you to a meeting with a panel who will make a decision on whether you can be included in the random selection pool.

Only applications submitted in these ways will be considered. Do not send us your application in any other way.

Timescales

I've used the previous timescales to add dates - please confirm that these are realistic.

Start Date	Process	Closing Date
1 July 2019	Requests for random selection and special consideration requests to be received (6 wk period)	4pm - Monday 12 August 2019.
26 August 2019	City Council Officers have maximum 4 wk period for finalisation of special consideration requests	Officers will forward any granted request to ERS to be entered into the random selection pool.
29 November 2019	Random selection takes place	
30 November 2019	Commence validation process	
December 2019	Issue application forms for Hackney Carriage Proprietor Licences	
Early 2020	Report to Licensing and Appeals Committee confirming details of persons allocated Hackney Carriage Proprietor Licences	

Selection Process

Once the selection process has been made, we will check the information you provided. If the checks are passed, we will send you a hackney carriage vehicle application form.

Yours sincerely

Danielle Doyle
Licensing Unit Manager

Proposed Web content

Expression of interest for a new hackney carriage licence

Summary

New hackney carriage licences or 'plates' are allocated using a random selection process. This means you need to express an interest if you want a new licence. If this is successful, you will be added to a pool of people and will be picked at random. This means that not everyone will be picked.

To make this a fair process we will be using the independent team (the Electoral Reform Services (ERS)) to process applications and to carry out the random selection.

If you are successful in joining the pool, we will keep your details until we have assessed whether there are enough hackney carriages for Manchester. This information will be provided by the 'unmet demand survey' that is done every three years.

If more licences are needed we will randomly choose from the pool again. After this, your details will be permanently deleted.

Fees

NA

Application, guidance notes or terms and condition

You must meet the criteria to express an interest. Read the criteria

If you are chosen in the process, you will be asked to provide the documents that prove you meet the criteria.

[Express an interest](#) [link to form] in being included in the random selection pool.

If you do not meet the criteria, there is also a 'special consideration policy' for people who may have special circumstances. You can make a request for special consideration if this describes you. If accepted, you will be entered into the random selection process.

[Request special consideration](#) [link to form] for entry into the random selection process

Only applications submitted in these ways will be considered. Do not send us your application in any other way.

[This should only be added to the directory for the time that it is live]

Processing and timescales

You will only be entered into the random selection pool if you submit the form and received an acknowledgement from the Electoral Reform Services.

We will let you know by XXX if you have been selected from the pool.

Criteria for the allocation of hackney carriage proprietor licences

1. New hackney carriage licences or 'plates' are allocated using a random selection process.
2. You must meet the criteria to be entered into the random selection pool.
3. Once all new licences have been allocated, your details will be deleted. We will start with a new pool of people each time we have new licences to allocate.
4. To enter the random selection draw, you must either be:
 - i. a current Manchester licensed hackney carriage driver with a minimum of 5 years experience gained in the 7 years before the closing date, or
 - ii. a current Manchester licensed private hire driver with a minimum of 5 years experience gained in the 7 years before the closing date, **and** have passed the hackney carriage driver knowledge test.
5. You must not:
 - i currently hold a hackney carriage proprietor's licence (including licences via transfer)
 - ii have had any proprietor's licence (both hackney carriage and private hire) revoked in the five years before the closing date
 - iii be a person who we've issued a hackney carriage proprietor's licence to in the past
6. In addition to people who meet criteria 1 to 5, those who have been accepted under the Special Consideration Policy will be entered into the random selection draw.
7. Anyone being issued with a new hackney carriage proprietor's licence must have:
 - i a vehicle that complies with the vehicle specification in our https://www.manchester.gov.uk/downloads/download/5432/hackney_carriage_vehicle_policy i.e. Manchester Conditions of Fitness
 - ii a vehicle less than two years old from the date of first registration at the time the licence is issued (i.e. once the vehicle has passed our standard vehicle test).
8. You will be required to complete a statutory declaration confirming that you meet the requirements.

[Download a copy of the criteria \[link to criteria\]](#)

Form to be made into on-line form.

Expression of interest for a new hackney carriage licence.

All sections and questions must be completed. If any sections questions are not fully answered, your **Request to be entered into the Random Selection Process** may not be considered.

Before you apply

If you are selected you will need to provide evidence that shows that you have been a driver for 5 out of 7 years. Documents include:

- tax returns
- accounts (may require sample receipts)
- wage slips
- evidence of work from airport
- evidence of work from operator
- any other documentation you feel is appropriate

You'll also need evidence to show that you can finance a suitable hackney carriage vehicle, such as bank statements or an offer of a finance agreement.

First Name(s)	
Second name	
Date of Birth	
House or flat number, or building name*	
Street*	
Area	
Postcode *	
Daytime phone	
Email	

SECTION A - LICENCE NUMBERS

1.	<p>Do you hold a current Private Hire Driver's Licence issued by Manchester City Council?</p> <p>What is you Private Hire Driver Licence Number?</p> <p>What is the expiry date of your Private Hire Driver's Licence?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>PD</p> <p>DD / MM / YYYY</p>
2.	<p>Do you hold a current Hackney Carriage Driver's Licence issued by Manchester City Council?</p> <p>What is you Hackney Carriage Driver Licence Number?</p> <p>What is the expiry date of your Hackney Carriage Driver Licence?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>PD</p> <p>DD / MM / YYYY</p>
3.	<p>Do you hold one or more Private Hire Vehicle Proprietor Licences issued by Manchester City Council?</p> <p>If YES - Give details of one ONLY that you hold:</p> <p>What is the expiry date of the above Private Hire Vehicle Proprietor Licence?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>PV</p> <p>DD / MM / YYYY</p>
4.	<p>Do you hold one or more Hackney Carriage Vehicle Proprietor Licences issued by Manchester City Council?</p> <p>If YES - Give details of one ONLY that you hold:</p> <p>What is the expiry date of the above Hackney Carriage Proprietor Licence?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>HV</p> <p>DD / MM / YYYY</p>

NOW GO TO SECTION B

SECTION B – ADDITIONAL INFORMATION – PLEASE ANSWER ALL QUESTIONS

1.	Have you passed the Manchester City Council Hackney Carriage Knowledge Test?	YES <input type="checkbox"/> NO <input type="checkbox"/>
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2.	Have you held a Manchester City Council-issued Private Hire Driver's Licence for 5 years out of the last 7 (prior to 25 October 2010)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
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3.	Have you held a Manchester City Council-issued Hackney Carriage Driver's Licence for 5 years out of the last 7 (prior to 25 October 2010)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
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4.	Tell us below all instances in the last five years where you have either been out of the country (for more than a two weeks) and / or periods where you have been unable to work ie ill health, family crisis			
	Reason	Date from	Date to	details
	e.g Holiday	01.12.2013	01.04.2013	Family holiday
	e.g Health	01.06.2013	01.11.2013	Heart attack

5.	Has Manchester City Council ever issued you with a Hackney Carriage Vehicle Proprietor Licence (commonly known as a free plate)? <i>Note – this question only applies to plates issued to you directly by the City Council, and not plates which may have been transferred to you by another person.</i>	YES <input type="checkbox"/> NO <input type="checkbox"/>
	If 'Yes' Please provide details of the plate number you were issued with and the year:	HV YYYY

6.	Have you had a Hackney Carriage Vehicle Proprietor Licence revoked by Manchester City Council in the last 5 years?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If YES Give your reasons for revocation and the date revoked below (continue on an additional piece of paper if required):		

7	Have you had a Private Hire Vehicle Proprietor Licence revoked by Manchester City Council in the last 5 years?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If YES Give your reasons for revocation and the date revoked below (continue on an additional piece of paper if required):		

Declaration

1. I believe that the facts stated in this request are true and acknowledge that, if any of the facts that I have stated are untrue, that Manchester City Council may request Greater Manchester Police to undertake an investigation.
2. I confirm that I will meet all of the requirements of Manchester City Council's Policy Criteria for the allocation of a Hackney Carriage Proprietor Licence.
3. I confirm that I can provide documentation that evidences the information contained in this form

I agree

Confirmation screen

We will let you know if you are successful in joining the selection pool in XX working days.

If you're picked at random, you will be asked to provide us with documents to prove that you meet the criteria. Once these have passed our checks, a decision will be made on whether you can apply for a new licence.

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