

Licensing and Appeals Committee

Minutes of the meeting held on Monday, 13 September 2021

Present:

Councillor Ludford (Chair) – in the Chair

Councillors: Grimshaw, Andrews, Connolly, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons and Reid

Apologies:

Councillors: Chambers, S Judge, Lynch and McHale

LAP/20/3 Minutes

The minutes of the meeting held on 7 June 2021 were submitted for approval.

Decision

To approve as a correct record the Minutes of the Licensing Committee meeting held on 7 June 2021.

LAP/20/4 GM Minimum Licensing Standards – Stage 1 Recommendations (Drivers, Operators and Local Authority Standards)

The Committee considered the report of the Director of Planning, Building Control and Licensing regarding proposed Greater Manchester (GM) Minimum Licensing Standards for Taxis and Private Hire to help deliver a safer, more professional, and more environmentally friendly service across the whole of the GM region. The aim of licensing standards is to harmonise standards across the ten authorities, ensuring each authority work collaboratively on policies for these licensing functions that seek to support and not undermine each other, and are the preferred option for residents and visitors.

The Licensing Unit Manager presented information from the report that provided detailed consultation feedback and officer recommendations on the Drivers, Operator and Local Authority Standard elements at Stage 1. A Stage 2 report outlining the proposed Vehicle Standard recommendations will be provided later in the year.

The Committee was taken through each of the standards and invited to ask questions or comment.

Driver proposed Standard 1 - Enhanced Criminal Record Checks

It is proposed that all drivers will be required to undertake an enhanced disclosure check through the DBS to include barred lists (such as details of unspent convictions and police cautions). Drivers must also register to the DBS Update Service and maintain that registration to enable the licensing authority to routinely check for new information every 6 months as a minimum. NB. If a licence has not been issued

within 6 months of a DBS certificate issue date, then a further enhanced DBS will be required (unless the applicant is registered with the Update Service) Licensing Authority to ensure sufficient background checks are conducted on applicants who have (from the age of 18) spent 3 continuous months or more living outside of the UK – this includes requiring a certificate of good conduct authenticated by the relevant embassy as necessary.

MCC - Standard already met for DBS certificates and checks but don't currently conducted on overseas background checks.

The Committee was informed of the difficulty in making background checks on individuals that resided or had spent time in other countries. DBS checks are always made, but unless records are held on the Police National Computer then it may not be possible access information about an individual's conduct whilst abroad. The report outlined the flaws in the current processes for obtaining overseas certificates of good conduct, and the risks to this being made a mandatory requirement due to the costs involved (which would significantly increase the licence fees), and would likely deter licensees coming to GM authorities but working here anyway without having those checks conducted, unless it was a national mandatory requirement.

Members of the Committee referred to the importance of ensuring Hackney Carriage and Private Hire drivers are properly validated before being allowed to drive members of the public and requested that a further report be submitted on overseas certificates of good conduct.

The Committee was informed that the Council has a policy to conduct DBS checks on all licensed drivers every six months. It was not always possible to validate certificates presented from other countries where records were either not maintained or may take months to arrive.

Driver proposed Standard 2 - Driver Medical Examinations

It is proposed that:

- Group 2 medical examinations are used to check drivers are medically fit to drive [the same examinations as applied by the Driver and Vehicle Standards Agency (DVSA) for lorry and bus drivers]
- That the medical assessment is conducted by a registered GP or registered Doctor who has reviewed the applicant and has access to their full medical history
- That the medical certificate is no more than 4 months old on the date the licence is granted
- Medical certificates are required minimally (unless otherwise directed by a medical professional) on first application; at age 45; and every 5 years thereafter until the age of 65 when it is required annually

MCC - Standard currently met.

Driver proposed Standard 3 - Knowledge Tests

It is proposed that applicants undertake a knowledge test. Authorities will be able to determine what is included in the local test, but topics covered may include; local area knowledge, local conditions, licensing law, road safety, highway code, numeracy and safeguarding.

MCC - Standard currently met.

Driver proposed Standard 4 - English Language Test

It is proposed that new drivers undertake an assessment to ensure that they are able to communicate in spoken English and in writing to a standard that is required to fulfil their duties, including in emergency and challenging situations.

Whilst the standard is not specified further and will be for authorities to determine, the expectation is that that all authorities have a test requirement that can demonstrate the ability to communicate effectively to:

- Establish the passenger(s) destination and provide answers to common passenger queries or requests.
- Be able to provide customers with correct change - Be able to provide a legibly written receipt upon request.

MCC - Standard currently met

Driver proposed Standard 5 - Driving Proficiency Tests

It is proposed that all new drivers will be required to pass a taxi/private hire on-road assessment with a GM approved supplier

MCC – Currently not required

A member of the Committee referred to the cost of a test and it was explained that the cost is met by the applicant. In view of the number of tests that will be required across GM, it may be possible to consider procuring this at a GM level in the future with a view to negotiating a lower rate with a test provider.

Driver proposed Standard 6 – Driver Training

It is proposed that all authorities require drivers to undertake training in the following areas as a minimum:

- Safeguarding
- Child Sexual Exploitation (CSE)
- Human Trafficking and County Lines
- Disability and dementia awareness
- Licensing Law

MCC - Standard currently partially met

Training and test content is currently delivered on various matters including safeguarding and CSE for a number of years, however not all of areas suggested are covered under the proposal. Information has been issued to Manchester licensed drivers regarding to human trafficking and county lines activity for example, however specific training is not delivered on issues or topics like dementia awareness. The position on training content and its delivery more widely and considering further options post licence issue is under review. A separate report on the subject, will be submitted to the Committee.

Driver proposed Standard 7 - Dress Code

It is proposed that a dress code is introduced to promote an improved and positive image of the licensed trade across the region. A proposed code is detailed in Appendix 1 of the report submitted.

MCC – The Standard has been proposed previously, but not yet implemented.

Driver proposed Standard 8 - Drug and Alcohol Testing

It is proposed that a policy is developed to introduce testing for drivers based on complaints or intelligence received.

MCC - No such policy currently exists in any district. A policy will be submitted in 2022.

Driver proposed Standard 9 - Private Hire Driver Licence Conditions

A set of proposed licence conditions for Private Hire Drivers are set out at Appendix 2 of the report submitted. The conditions cover a comprehensive set of expectations with regards to driver behaviour,

MCC – Standard has been proposed previously, but not yet implemented, including customer service and requirements on reporting.

Operator Proposed Standard 1 - Private Hire Operator Licence Conditions

A set of proposed licence conditions for Private Hire Operators is set out in Appendix 3 of the report submitted. The conditions set out expectation and responsibilities with regards to how records should be kept in relation to booking, vehicle and drivers working for their company.

MCC - Standard previously proposed but not yet implemented

Operator Proposed Standard 2 - Criminal Record Checks for Operators and Staff

To introduce a condition on the Operator licence requiring operators and their staff (paid or unpaid) who have access to bookings to be DBS checked annually to ensure that only safe and suitable people have access to operator records.

MCC - Standard partially in place Checks are conducted on Operator Licence holders but not staff at present.

Local Authority Proposed Standard 1 - Timescales for applications

It is proposed that authorities ensure processes are in place to allow customer licence holders to submit renewal applications up to 8 weeks prior to licence expiry; and to ensure that once any application has been determined, the licence will be issued to the customer within a maximum of 5 working days.

MCC – Standard already in place.

Local Authority Proposed Standard 2 - An agreed common enforcement approach

It is proposed that a common enforcement approach is developed and adopted to ensure that standards are adhered to in practice.

MCC - N/A as the proposal is for all 10 authorities are to work together to develop a new framework. Manchester has the only dedicated taxi and private hire enforcement service across GM and takes a very proactive approach to detecting criminal behaviour as well as ensuring compliance with policies and licence conditions.

Members of the Committee referred to the experience of the enforcement services provided by the Council and expressed concern at the loss of experience, if the role was to be managed at a GM level. The point was also made that Manchester licensed drivers are required to meet additional standards than those required by other authorities and this may result in drivers applying to authorities outside of GM for a driver licence.

The Committee was advised that no decisions had been made with regards to how compliance services would be delivered with GM colleagues. With reference to drivers licensed by non GM authorities, it was reported that if agreement is reached across GM on all of the standards proposed, a campaign will be launched to raise public awareness to ensure that passengers know that GM licensed drivers operate to high standards. Customers would be made aware of the driver and the local authority where the driver licence has been obtained.

Officers were asked to provide a report on what action GM is taking to lobby the Law Commission on the engagement of drivers by UBER and the checks made to ensure drivers are licensed and drivers licensed by non-GM authorities.

Local Authority Proposed Standard 3 - A Common Fee Setting Framework

It is proposed that a common methodology for setting the costs and calculating the taxi and private hire fees is agreed and adopted

MCC - N/A as the proposal is for all 10 authorities to work together to agree a common framework. Manchester already has a robust and transparent full cost recovery model.

Local Authority Proposed Standard 4 - Councillor Training

Most Councillors already receive training, but this proposal ensures that this is embedded as a consistent standard and confirms that those with responsibility for taxi and private hire licensing, receive relevant training.

MCC – Standard already met

Local Authority Proposed Standard 5 - Delegated powers for Licensing Managers

It is proposed that appropriate delegated decision-making powers will be in place for Licensing Managers and Heads of Service to suspend or revoke licences on the grounds of public safety when an urgent need arises.

MCC - Standard already in place

Local Authority Proposed Standard 6 - Excellence in Licensing Award

It is proposed that a scheme is introduced to allow members of the public to nominate drivers and companies who they wish to be considered for an 'Excellence in Licensing award'.

MCC – No scheme or similar in place.

Decisions

1. The Committee agreed each of the proposed standards for implementation by 30 November 2021 with a 'go live' date of 1 December 2021 (or as soon thereafter, where procurement is required by any GM Authority).
2. The Committee requested further reports on the issues referred to relating to: enforcement, GM lobbying of the Law Commission on Uber drivers, overseas conduct checks and driver training.

LAP/20/5 Exclusion of the Public

Decision

To exclude the public during consideration of the following item which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAP/20/6 Allocation of Hackney Carriage Proprietor Licence HV434

The Committee was advised that the applicant was unable to attend the meeting due to illness and not currently being in the UK and had submitted a request via their family for the application be deferred to a later date.

The Committee considered the request to defer the application.

Decision

The Committee agreed to defer consideration of the application to the next scheduled meeting to provide time for the applicant to recover from their illness and return to the UK.