



Licensing and Appeals Committee

Date: Monday, 6 June 2022
Time: 10.00 am
Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

Public access to the Council Chamber 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.

There is no public access from any other entrance of the Extension.

Membership of the Licensing and Appeals Committee

Councillors - Grimshaw (Chair), Connolly (Deputy Chair), Andrews, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, T Judge, Reid and Riasat

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

To approve as a correct record the minutes of the meeting held on 24 January 2022.

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5. Request for Hackney Carriage Fuel Surcharge

The report of the Director of Planning, Building Control and Licensing is to follow.

Information about the Committee

The Licensing and Appeals Committee discharges the duties of the Council in relation to a range of licensing and registration functions.

In general, decisions are made by the Committee under powers delegated to it under the Council Constitution and will not require to be referred to the Council for approval. Meetings are controlled by the chair, who is responsible for seeing that the business on the agenda is dealt with properly.

The Committee has previously agreed detailed procedures for dealing with certain types of applications. The role of officers at meetings is to present reports and to give procedural or legal guidance to the Committee

Copies of the agenda are available beforehand from the reception area at the main entrance of the Town Hall in Albert Square. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
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Further Information

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

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This agenda was issued on **Tuesday, 24 May 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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Licensing and Appeals Committee

Minutes of the meeting held on Monday, 24 January 2022

Present: Councillor Ludford – in the Chair

Councillors: Grimshaw, Evans, Flanagan, Hassan, Hewitson, Hughes and Reid

Apologies: Councillor Andrews, Connolly, Jeavons and Lynch

LAP/22/01 Minutes

The minutes of the meeting held on 25 October 2021 were submitted for approval.

Decision

To approve as a correct record the Minutes of the Licensing & Appeals Committee meeting held on 25 October 2021.

LAP/22/02 GM Minimum Licensing Standards – Stage 2 Recommendations (Vehicles)

The Committee considered the content of the report of the Director of Planning, Building Control and Licensing which concerned the proposed Greater Manchester Minimum Licensing Standards for Taxis and Private Hire. There were 10 Standards within the report, proposing that all the standards recommended to be implemented, are done so with immediate effect (or as soon thereafter where procurement or substantial changes to process are required).

The Licensing Unit Manager informed the Committee that the aim of the work is to harmonise standards across the districts, ensuring GM authorities 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. This was due to an absence of a National Policy. The Licensing Unit Manager confirmed the breakdown from feedback, agreements presented to the 10 GM authorities and agreements reached with these authorities.

The Licensing Unit Manager presented the 10 standards to the Committee for consideration.

Standard 1 – Hackney Carriages to be Wheelchair Accessible Vehicles (WAVs).

The Licensing Unit Manager stated that this standard had been accepted by 3 local authorities that had not previously approved and requested that the Committee consider the proposal for use of side-loading access only or amend to allow the use of rear-loading access also.

During discussions, questions and considerations it was raised that rear-loading WAVs posed problems at Hackney Carriage ranks, requiring extra space at the rear of the vehicle as well as adding a safety risk to any wheelchair users/mobility

impaired customers. The Committee had concerns on whether disability groups had been consulted on this issue and felt that feedback should be considered.

The Licensing Unit Manager confirmed that TfGM had carried out consultations in this regard but expressed that there could be a more targeted approach.

In considering that more work could be done in consultation on this issue the Committee felt that the option to amend to allow rear-loading vehicles should be revisited in the future.

Decision

The Committee agreed to retain the standard that all licensed Hackney Vehicles must be side loading.

Standard 2 – Vehicle Age

The Licensing Unit Manager confirmed that it was proposed for consultation that all licensed vehicles are under 5 years old at first licensing and no more than 10 years old and that views were sought on consideration of a different age policy for electric and wheelchair accessible vehicles (PHV WAV – under 7 years on to fleet and 15 years off and Purpose built HVC – under 7 on to fleet and 15 years off).

During discussions, questions and considerations a concern was raised on whether vehicles over 7 years old could be sold and returned to another fleet. It was confirmed that this would not be allowed and that any vehicles over the age limit would be automatically barred from use.

Decision

The Committee agreed the Lead Officer's recommendation:

To implement the following as the minimum standard:

- PHV – under 5 years on to fleet and 10 years off
- PHV WAV – under 7 years on to fleet and 15 years off
- Purpose built HVC – under 7 on to fleet and 15 years off
- To remove the beyond the age limit policy

That the above policy be implemented for new to licence vehicles as soon as the policy takes effect.

That existing licences begin transitioning and are compliant with the new policy standard by 1 April 2024.

To remove the beyond the age limit policy.

Standard 3 - Vehicle Emissions

The Licensing Unit Manager stated that this proposal had changed considerably, adding that Manchester does not currently present an emissions problem due to the vehicle age limit. It was added that the Clean Air Policy would commence from May 2022 but new standards for taxis had been paused due to issues with the supply

chain. The Zero Emissions Policy, scheduled for 2028 had also been paused with no date set, but the Licensing Unit Manager confirmed that this date was still Manchester's aim.

Decision

The Committee agreed to implement the policy:

To require licensed vehicles to be compliant with the current emissions standard as follows:

- For all new to licence vehicles – from the date the policy is determined locally
For existing fleets – to begin transitioning as soon as the policy is in place and to complete transitioning by 1 April 2024 (vehicle must also be compliant with the age policy)
- To note the strong ambition to move existing fleets to Zero Emissions Capable as soon as possible

Standard 4 – Vehicle Colour

The Licensing Unit Manager presented information relating to vehicle colour policy, including exemptions (silver cars allowed for Private Hire Vehicles) and risks (potential for more instances of Ply For Hire due to uniformity of fleets). It was noted that Manchester was at the forefront of this policy and that this was undermined by other local authorities due to the de-regulation act. It was confirmed that customers with sight impairment disabilities and/or guide dogs find white taxis more difficult to notice. The Licensing Unit Manager expressed that retaining the all-white colour policy for Private Hire Vehicles (PHV) could see drivers move away from Manchester, adding that customers now have confirmation of the vehicle type, number plate and driver name via booking apps, adding that bogus drivers can potentially exploit the current policy. Final comments centred around the fact that no other local authorities in GM or nationally were upholding the policy for Private Hire vehicles.

During discussions, questions and considerations, comments were raised around passenger safety if the PHV policy was not retained, that Uber did not operate with this policy, the potential discrimination to visual impaired customers if the policy was retained, whether this proposal had been considered by the Executive Members and that vehicles licensing in other local authorities, allowed to operate in Manchester, did not have this standard implemented.

The Licensing Unit Manager stated that the MLS requested that all GM local authorities have stickers and plates, adding that there had been a noted trend in drivers ceasing to operate in Manchester due to this policy.

Decision

The Committee agreed to remove the requirement for Private Hire Vehicles to be of a specified colour and retain the policy standard that all Hackney Carriage Vehicles should be black in colour with the following exceptions:

- Purpose-built Taxis may be of the manufacturer's colour
- Advertising is allowed on London Style Taxis

Standard 5 - Vehicle Livery

The Licensing Unit Manager confirmed that Hackney Carriages should retain the requirement for Fixed plates to the front and rear and include stickers on the bonnet and that Private Hire Vehicles should carry stickers bearing the operators name, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo, display those stickers on both rear side doors and the back window and not use any magnetic stickers.

Decision

The Committee agreed to implement the standard as proposed.

Standard 6 - Vehicle Testing

The Licensing Unit Manager stated that this standard proposed that all vehicles more than 3 years old will be tested at least twice a year and that all vehicles will be tested against the DVSA MOT standard as a minimum. (This will be at cost to the vehicle licence proprietor/driver), adding that Manchester currently exceeds the proposal.

The recommendations for testing were outlined as:

0-3 years, 1 test per year

4-8 years, 2 tests per year

9-15 years, 3 tests per year

The Licensing Unit Manager stated that this could be retained or varied, adding that consideration should be given as to whether this standard was conducted in-house at MCC or handed to external providers and to consider any risks associated.

During discussions, questions and considerations it was expressed that in-house was preferable and clarification was sought on how tests were currently conducted.

The Licensing Unit Manager stated that improvements had been made in providing tests dates and reminders to licence holders and that there was no intention to look for an external provider for this service.

Decision

The Committee agreed to amend the age parameters as follows:

a. 0-3 years old = 1 test

b. 4-8 years old = 2 tests

c. 9-15 years old = 3 tests

Standard 7 – CCTV

The Licensing Unit Manager stated that CCTV was currently allowed but not mandated and that the full policy is in the process of being drafted.

Decision

The Committee agreed to approve the drafting of a CCTV policy for further consideration and consultation.

Standard 8 – Executive Hire

The Licensing Unit Manager confirmed that Manchester City Council was already compliant with this standard and stated that the recommendation was to retain this policy.

Decision

The Committee agreed to retain the standard as proposed.

Standard 9 – Vehicle Design

The Licensing Unit Manager stated that all vehicles were to conform to the categorisations in the report. If any vehicles were modified and/or retro-fitted vehicles they would then be checked for approval. It was noted that Manchester was compliant with most recommendations already with the additional option to allow written off vehicles with an engineer's report and for a swivel seat to be added to Hackney Carriages. Mention was given to window tint specifications and that there had been strong lobbying in support of this from the trade. There was an intention to move to CCTV which would mitigate the move to tinted windows (currently allowing for 20% light transmission). Other local authorities had approved the "written off" policy for implementation as of April 2022, adding that this was reliant on the outcomes of the Clean Air Policy and would, therefore, not require implementation prior to this policy being passed. The swivel seat policy would require further information on side/rear loading and the Licensing Unit Manager stated that there were some in the fleet already.

During discussions, questions and considerations it was expressed that a 20% light transmission tint was a safety issue for passengers and should not be allowed without a CCTV policy being implemented. It was suggested that this proposal should be deferred for further information.

The Licensing Unit Manager confirmed that checks had been made with GMP and no evidence on the compromise of passenger safety had been noted, also adding that the cost to replace tints would be at the operators cost, which was seen as an issue within the trade.

An observer from the trade agreed that there should be further examination conducted into the effect tints have on passengers and their feelings on personal safety.

Decision

The Committee agreed to defer the following proposal for further information:

To change the minimum light transmission specific for point c) remaining glass and specify:

- Remaining glass or rear side windows (exc. Rear window) – allow manufacturer's tint to a minimum 20% light transmission

The Committee agreed to otherwise retain the standard as proposed with the following minor amendments:

To change:

- No advertising other than Council *issued* signage on PHVs to: No advertising other than Council *approved* signage on PHVs

To amend the start date for non-renewal of licences with vehicles that have been previously written off and for this policy to take effect at a date to be agreed with the Chair of Licensing and Appeals Committee following the findings of the GM Clean Air Committee funding review.

To defer the decision on swivel seats at this time, but in the interim allow other purpose-built Hackney models that are not manufactured with a swivel seat onto the fleet for an agreed period of time.

Standard 10 – Vehicle Licence Conditions

The Licensing Unit Manager stated that there were two sets of proposed conditions in the report for this standard which had not yet been implemented. It was explained that improvements were proposed pre-pandemic and then adopted by 7 of the GM authorities. DBS checks were confirmed as now added which differed from the recommendations laid out in 2020.

Decision

The Committee agreed to implement the standard as proposed with the addition of the DBS requirement for vehicle proprietors who are not licensed drivers.