

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing and Appeals Committee – 20 January 2020

**Subject:** Proposed new Private Hire Operator and Private Hire Driver Licence Conditions, and Licensed Driver Dress Code

**Report of:** Director of Planning, Building Control & Licensing

---

**Summary**

This report sets out the relevant considerations for proposed new conditions to be attached to Private Hire Operator and Private Hire Driver licences, and a proposed Licensed Drivers Dress Code.

**Recommendations**

The Committee are asked to approve the proposed conditions for public consultation, with or without amendment.

---

**Wards Affected: All**

<b>Environmental Impact Assessment</b> - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city
---

Proposed conditions aim to reduce emissions from private hire vehicles idling, and travelling to the City for the sole purpose of circling and illegally plying for hire.
---

<b>Manchester Outcomes</b>	<b>Strategy</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities		An effective and high quality licensing regime demands and encourages compliance and therefore raises standards and public confidence in licensed vehicles. This has the potential to increase the public use of these services which benefits the City economy and supports a safer night time economy in the City for visitors and residents as part of the overall transport offer.

<p>A highly skilled city: world class and home grown talent sustaining the city's economic success</p>	<p>Effective regulation of Manchester licensed taxi and private hire drivers raises the standards of those operating within this part of the public transport industry, and promotes a world class fleet.</p>
<p>A progressive and equitable city: making a positive contribution by unlocking the potential of our communities</p>	<p>Manchester strives to have a world class licensed fleet that promotes equality and confidence to those living in, working in and visiting our City.</p>
<p>A liveable and low carbon city: a destination of choice to live, visit and work.</p>	<p>In conjunction with vehicle licence policies – regulation of driver and operator behaviour can also reduce the carbon impact of this industry.</p> <p>Compliance activity provides a visible and reassuring presence to the public and serves to deter non-compliant and illegal taxi activity. All activity aims to ensure public safety and support Manchester as safe destination that people choose to live, visit and work in.</p>
<p>A connected city: world class infrastructure and connectivity to drive growth</p>	<p>Effective regulation supports the ambition for a world class fleet and one that will assist economic growth.</p>

**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: Danielle Doyle  
 Position: Licensing Unit Manager  
 Telephone: 0161 234 4962  
 E-mail: d.doyle@manchester.gov.uk

Name: Andy Scragg  
 Position: Principal Licensing Officer  
 Telephone: 0161 245 7709  
 Email: a.scragg@manchester.gov.uk

**Background documents:**

Local Government (Miscellaneous Provisions) Act 1976

Current MCC Private Hire Operator Licence Conditions

Department for Transport (DfT) – Taxi and private hire vehicle licensing guide 2010

Law Commission Report 2014 - Taxi and Private Hire Services

De-regulation Act 2015

Immigration Act 2016

Report to Licensing and Appeals Committee on Private Hire Operator Licence Conditions – proposed new conditions for consultation – December 2017

DfT Task & Finish Group report 2018

IoL Guidance on determining suitability 2018

DfT Taxi and Private Hire Vehicle Licensing: Government response to independent report 2019

DfT proposed Statutory Guidance for Licensing Authorities 2019

## **1.0 Background**

- 1.1 The licensing function seeks to support the council in delivering a safe and healthy city by promoting and enforcing best practice in licensing standards. Through the licensing process we aim to regulate both the hackney carriage and private hire trade to achieve these key objectives.
- 1.2 In the context of this report, Private Hire Operators and Driver Licence Conditions have a significant role to play. The current conditions have been in existence for a number of years and require updating. Officers have established that the private hire driver conditions have not been updated since 2001, and the Operator conditions since 2007. Copies of both sets of current licence conditions are attached at **Appendix 1**.
- 1.3 On 4 December 2017, the Committee was presented with a revised set of Private Hire Operator conditions for consideration. The Committee agreed that the conditions as proposed could go out to consultation in 2018. (Work was also planned to update other licence conditions and policies at this time). However soon after that decision was made, work to align taxi and private hire licensing standards across the 10 Greater Manchester authorities gained traction and the proposed consultation was put on hold pending a fuller review of all licence conditions and policies across GM to ensure collaboration and consistency.
- 1.4 The 10 authorities Licensing Managers formed the GM Licensing Network, which met regularly to work through and agree a set of proposed common minimum standards. Chairs of Committees and Executive Members were consulted and kept regularly informed and a GM wide public 'conversation' took place in the Summer of 2018 to help inform some of the work. It quickly became apparent that the Clean Air Plan needed to be closely aligned with any proposals for common minimum standards, particularly in relation to vehicles. Aligning the two pieces of work, placed a further delay on the progression of minimum standards due to delays with central government, and the GMCA finalising its business case in relation to Clean Air. The Committee will no doubt be aware that the Clean Air final business case remains outstanding, and that until more information is understood in relation to a possible Clean Taxi Fund, it is difficult to make decisions with regards to vehicle standards given the impact this will have financially on the trade.
- 1.5 Whilst it remains desirable to launch proposed common minimum standards across all 10 districts simultaneously, the prolonged delay is exacerbating the impact of outdated licence conditions in Manchester. It has been agreed at the GM Licensing Network that Manchester should move ahead independently on relevant proposals as it sees fit.

## **2.0 Considerations and key issues**

- 2.1 The delay from the initial proposal 2 years ago has allowed consideration to be given to some movement with regards to national standards for taxi and private hire licensing. A DfT Task and Finish Group report of July 2018 made

34 recommendations to government to reform regulation of these industries. Government issued its response in February 2019 alongside proposed guidance to local authorities that went out to consultation between 12 February 2019 and 22 April 2019.

- 2.2 Some key acknowledgements from government in the above mentioned documents include:
- The term 'Taxi' should only be used in reference to a Hackney Carriage and not private hire
  - Requirement on drivers to use the DBS Update Service (current MCC practice but not conditioned on the licence)
  - Requirement to conduct overseas criminal record and background checks and for Private Hire Operator staff to obtain a DBS certificate
- 2.3 Officers also consider that general standards of conduct and higher standards of compliance (and therefore reduced complaints and improved public perception) could be improved if greater clarity was provided for drivers and operators in refreshed licence conditions, particularly with regard to:
- Expectations of conduct and dress code
  - Use of mobile devices and e-cigarettes
  - Expectations with regards to assistance dogs
  - Record keeping and reporting expectation on Private Hire Operators
  - Deterring and disrupting illegal plying for hire in the City and the resultant congestion on busy City centre thoroughfares from over-supply of private hire vehicles plotting and waiting around the City for bookings
  - Reducing carbon emissions from drivers who are idling in licensed vehicles
- 2.4 However, government is still yet to publish a response to the consultation on the updated guidance to local authorities, with no indication of a timeline for publication or for legislative reform. It is in this context, with all the drivers for more immediate change in the primary interest of better public safety, that officers now propose updating specific licence conditions in lieu of the regional and national changes.
- 2.5 Given the fact that vehicle licence conditions hold a greater relevance and link to the clean air work, it is proposed that the Committee consider Private Hire Operator and Private Hire Driver Licence conditions in the first instance and await further feedback from the GMCA with regards to Clean Air before deciding how to move forward with vehicles and other policy areas. The Council will of course be able to amend as necessary any conditions in the future.
- 2.6 Members will understand that the proposed licence conditions seek to introduce a more robust system for the regulation of private hire operators and drivers in Manchester and to set a higher standard for other local authorities to follow. However, we must also be mindful that coupled with our very proactive taxi and private hire licensing enforcement team and in the absence of national reform, some private hire licensees may seek to apply for licences

outside of Manchester, whilst being able to continue to work within the City boundary. In order to try to mitigate that risk, consideration should be given to raising greater public awareness about the varying standards in different licensing authorities. Alongside proposed conditions that seek to encourage customers to make more conscious decisions about the vehicles and drivers they are booking; this could be an opportunity to encourage residents and visitors to the City to support Manchester as a Licensing Authority that prides itself on endeavouring to raise the bar in the regulation of an industry where risks around vulnerability could be high.

- 2.7 Members will also be aware that proposed conditions designed to disrupt and deter illegal plying for hire and congestion within the City, will only apply to Manchester licensed drivers and operators, and so it remains important for Manchester to continue to work collaboratively with neighbouring authorities and government departments to strive for higher standards nationally.
- 2.8 Members should also note that whilst, following consultation, finalised and agreed licence conditions will be effective immediately for new private hire operator and private hire driver licences issued, it will take a number of years for all existing licences to be subject to new conditions. This is because private hire driver licences are issued for a 3 year duration and private hire operator licences have a 5 year duration. However, since 2018 the Unit has been issuing private hire operator licences with a 12 month duration in anticipation of the proposed changes and the need to be able to implement those changes as soon as possible. We also know we are due to renew the vast majority (around 90%) of our private hire driver licences from October 2021 – September 2022; and a large proportion of our Operator licences in 2022; so we can reasonably assume that amended licence conditions will apply to the majority of the affected licensees by the end of 2022.

### **3.0 Revised Proposed Conditions and Dress Code**

- 3.1 The proposed Private Hire Operator Licence Conditions (**Appendix 2**) and Private Hire Driver Licence Conditions (**Appendix 3**) and linked Licensed Driver Dress Code (**Appendix 4**) attached have been drafted having due regard to a number of changes in relevant legislation, guidance and within the industry since 2007. These include (but are not limited to):
- DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance (March 2010)
  - Equalities Act 2010
  - DfT Private Hire Vehicle Licensing: guidance note (August 2011)
  - Law Commission Report 2014
  - Deregulation Act 2015
  - Immigration Act 2016
  - DfT Task & Finish Group report 2018
  - IoL Guidance on determining suitability 2018
  - DfT Taxi and Private Hire Vehicle Licensing: Government response to independent report 2019
  - DfT proposed Statutory Guidance for Licensing Authorities 2019

- Feedback from trade representatives and PH Operators at several trade engagement meetings 2016-2019

#### **4.0 Consultation Process**

4.1 It is proposed to conduct a standard 12 week period of consultation. Officers will instigate a 12 week consultation, as soon as practicable after this meeting. The consultation will open to the general public and all stakeholders but specific invitations to comments will be sent to:

- Private Hire and Hackney Trades
- GMP
- Disabilities groups
- Age Concern
- Suzy Lamplugh Trust
- Public
- Other Licensing Authorities

4.3 Following the consultation Officers will include any responses in a further report to the Committee for final consideration.

#### **5.0 Key Policies and Considerations**

##### **(a) Equal Opportunities**

Not relevant to the contents of this report

##### **(b) Risk Management**

Any decision to impose general licence conditions may be subject to challenge by way of Judicial Review if any party considers them to be potentially unlawful.

##### **(c) Legal Considerations**

In order to be lawful all conditions imposed on private hire driver licences, operator licences and vehicle licences under the Local Government Miscellaneous Provisions Act 1976 must be relevant and proportionate to achieve licensing aims of ensuring passenger safety, security and comfort.

#### **6.0 Conclusion**

6.1 The report provides Members with the relevant background information and considerations with regard to a proposal for new Private Hire Operator and Private Hire Driver Licence conditions and a Licensed Driver's dress code.

6.2 Members are asked to approve the proposed conditions for public consultation, with or without amendment.