

**Manchester City Council
Report for Resolution**

Report to: Licensing & Appeals Committee – 4 March 2024

Subject: Taxi & Private Hire Service and Policy Update

Report of: Director of Planning, Building Control and Licensing

Summary

This report summarises the key points in the recently published non-statutory DfT *Taxi and Private Hire vehicle licensing best practice guidance for licensing authorities in England*, and advises the Committee with regards to officer concerns about the Guidance; seeking views with regards to feeding back those concerns to the DfT, as well as responding to the current Wolverhampton consultation on taxi and private hire policy revisions.

The report also proposes several initial policy revisions for Manchester alongside areas the Committee may wish to instruct officers to consult further upon.

Recommendations

The Committee is asked to note the report and consider the following recommendations:

	Recommendations
1	Subject to comments by the Committee during the meeting; instruct officers to consult on updating the Private Hire Operator Conditions to include: <ul style="list-style-type: none">• The disability awareness training requirement• The accessibility requirement of booking platforms
2	Subject to comments by the Committee; instruct officers to consult with the trade on <ul style="list-style-type: none">• Vehicle Age Policy• NCAP ratings
3	Remove the current tint requirement for rear passenger windows in the private hire vehicles policy with immediate effect and replace it with the following: <ul style="list-style-type: none">a) Front windscreen – min. 75% light transmissionb) Front side door glass – min. 70% light transmissionc) Rear door glass - min. 30% light transmissiond) Rear window – manufacturer’s tint
4	Approve the Private Hire door sticker design to replace the bonnet sticker requirement
5	Approve the removal of the requirement for licensed vehicles to carry fire extinguishers and first aid kits

6	Request Officers to respond to the City of Wolverhampton public consultation on behalf of the Licensing Authority (subject to comments by the Committee)
7	Request officers to provide a written response to the DfT on the following areas of the Guidance: <ul style="list-style-type: none"> • Driving Proficiency • Joint Authorisation • Incentivising vehicle choices and accessibility provision • Pedicabs and rickshaws • Mandating CCTV in vehicles • The risks associated with the testing requirements and frequency • The continued negative impacts of licence shopping on the authority's ability to devise local best practice
8	Approve the move to daily DBS checks on all our licensed drivers in the interests of public safety.
9	Approve the removal of the forward facing VPIS application requirement and fee.

Wards Affected: All

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

Having a viable taxi and private hire licensing regime helps ensure that the licensed vehicles operating in the City support our zero carbon ambitions.

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	The decisions in this report continue to support the objectives in the Manchester Strategy by encouraging and enabling a licensed fleet of drivers, vehicles and operators, that are safe, greener, skilled and provide a professional level of service to residents and visitors.
A highly skilled city: world class and home-grown talent sustaining the city's economic success	

<p>A progressive and equitable city: making a positive contribution by unlocking the potential of our communities</p>	<p>The proposals in the report seek to encourage new applications as well as encourage existing licence holders to remain licensed with Manchester. This in turn will enable Manchester to retain levels of control and influence over local licence holders and support growth and place making in Manchester as a place destination to live, visit and work.</p>
<p>A liveable and low carbon city: a destination of choice to live, visit and work.</p>	<p>The report seeks to balance these objectives against the desire to support the licensed trade to remain viable and assist in their continued recovery from the impacts of the pandemic, and make Manchester licensed drivers and vehicles the preferred travel option for passengers.</p>
<p>A connected city: world class infrastructure and connectivity to drive 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

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Background documents

City of Wolverhampton Public Consultation on Taxi and Private Hire policy

Department for Transport – Taxi and Private Hire vehicle licensing Best Practice Guidance for Licensing Authorities in England (November 2023)
Report to Licensing and Appeals Committee 17 July 2023 – Taxi and Private Hire Policy Revisions
Department for Transport – Statutory taxi and private hire vehicle standards – November 2022
Department for Transport Draft Best Practice Guidance and Consultation 2022 Report to Licensing and Appeals Committee – 24 January 2022 (GM Minimum Licensing Standards – Stage 2 Recommendations)
Report to Licensing and Appeals Committee – 13 September 2021 (GM Minimum Licensing Standards – Stage 1 Recommendations)
Manchester City Council Private Hire policies and licence conditions
Manchester City Council Hackney Vehicle Policy

1. Introduction

- 1.1 On 17 November 2023, the Department for Transport (DfT) published their long-awaited Guidance; *Taxi and Private Hire vehicle licensing best practice guidance for licensing authorities in England*¹. The Guidance, which replaces the previous best practice guidance published in 2010, is non-statutory and was originally proposed before being consulted upon in March 2022.
- 1.2 Members may recall a report on taxi and private hire policy revisions presented to this Committee on 17 July 2023. At the time, Manchester was continuing to work to agree minimum policy standards with other GM authorities under the Minim Licensing Standards (MLS) project, but that project had also stalled in part whilst awaiting the DfT's Best Practice Guidance.
- 1.3 Elements of this Best Practice Guidance depart significantly from the MLS proposals and current MCC policy, and the issue of licence shopping continues to present a significant challenge for licensing authorities including Manchester. As previously outlined to the Committee, individual authorities within GM have already departed from initial MLS proposals in a bid to be as responsive as possible to local issues and the wider pressures of commerciality within the private hire sector.
- 1.4 The 10 Greater Manchester Licensing Managers have jointly reviewed the Best Practice Guidance and intend to present their conclusions back through the GMCA with regards to the MLS project in May 2024.
- 1.5 In the meantime, this report provides the Committee with a summary of the key points in the Best Practice Guidance and proposes a number of initial policy revisions for Manchester.
- 1.6 Concurrently, the City of Wolverhampton Licensing Authority, are also consulting on revisions to some of their taxi and private hire policy in response to the Guidance. To assist Members today, those proposals have been summarised in this report.

2. Taxi and Private Hire Best Practice Guidance for licensing authorities

2.1 General policy guidance

Section 3.2 of the Guidance, outlines the approach authorities should take when developing taxi and private hire policy. It recognises that ensuring the safety of passengers is important, but also highlights that regulation should protect equality and enable fair competition. It outlines the guidance provided by the competition and markets authority and points to 4 tests that authorities should apply when developing policy:

- Will the measure directly or indirectly limit the number or range of suppliers?
- Will the measure limit the ability of suppliers to compete?

¹ [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118142/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england.pdf)

- Will the measure limit suppliers' incentives to compete?
- Will the measure limit the choices and information available to consumers?

2.2 The guidance suggests that all licensing authorities produce one cohesive policy document that brings together its key information on taxi and private hire licensing. Officers consider this a sensible suggestion and were already intending to pull together a full refresh of related taxi and private hire policies at the conclusion of the MLS piece of work. This document can now be developed and a draft brought back to this Committee later this calendar year.

2.3 Accessibility

As Members will note when they review the guidance, there is a significant focus on ensuring accessibility is rooted in taxi and private hire policy as well as wider transport policy. Many of the recommendations are already embedded in our relevant policies, for example with regards to:

- our accessibility requirements for Hackney carriages
- working with airports and other transport interchanges to ensure passengers with disabilities can access and exit licensed vehicles safely
- exercising discretion on vehicle requirements to ensure adequate supply of wheelchair accessible vehicles can be licensed
- requiring private hire operators to establish a passenger's accessibility needs prior to taking the booking
- prosecuting drivers where they are in breach of the Equality Act
- keeping complainants adequately informed of investigations and outcomes.

2.4 Some other key recommendations in the guidance around accessibility for our further consideration are:

- Developing and maintaining an Inclusive Service Plan (ISP) that outlines the authority's strategy for making transport more inclusive generally and specifically in relation to taxi and private hire provision
- Ensuring ranks are provided with adequate space to deploy a ramp
- Ensuring the supply of wheelchair accessible vehicles (WAVs) in the hackney and private hire fleets – including considering incentivising the uptake of WAVs where mandating them isn't appropriate and specifying that WAVs should be capable of accommodating larger than reference size wheelchairs
- Ensuring street designs don't prevent taxis and private hire vehicles from stopping close to key destinations
- Ensuring PH Operators provide a range of booking methods (so those with limited access to certain forms of technology can access PHV services)
- Encouraging drivers to learn British Sign Language and contributing to the related costs

2.5 Whilst some of this can be taken forward for consideration with colleagues in other Council services (eg. Local Transport Plan refresh and with regards to the ISP), it isn't always clear within the guidance how other elements could or should be funded or achieved. As Committee Members will know, both trades

are largely self-employed. Using controls available to Licensing Authorities for Hackneys, we already have a policy of requiring all licensed Hackney vehicles to be fully accessible vehicles. A similar policy is not possible or legally justifiable on the private hire fleet. Where private hire drivers are employed by an Operator, the vehicle licence holder isn't necessarily the driver and so in most circumstances, neither the driver nor the operator has any control or influence over the vehicle purchased and licensed by the owner/licence holder. Also being a full cost recovery fee model, there is no subsidy for taxi and private hire licensing in Manchester, so it is impossible to financially incentivise licence holders using licence fee money with regards to their vehicle choices. We also have extremely limited influence over the manufacturing and supply of these vehicles to ensure there is adequate provision across the fleets. There is also no funding available in the Licensing budget to support additional training for drivers, such as BSL training as suggested in the guidance.

2.6 Joint Authorisation

The Guidance recommends that licensing authorities should jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area, however it does not outline how any such agreement should be funded between authorities. The model protocol referred to in the new guidance (the LGA Councillor's handbook 2021²) outlines that the starting point is that no reimbursement of costs will be made for time or costs incurred, and any agreement to do so will be on a case-by-case basis. In such a scenario, the licence fee payers of one authority will be paying for the resource to enforce against licence holders of another authority. It is extremely unlikely that a licensing authority would delegate suspension or revocation powers to another authority and so the risk would be that officers could repeatedly deal with breach of licence issues, but no further action is subsequently taken by the host authority. Another risk is that with reduction in fee income, authorities that are experiencing the highest levels of out of area licensees, simply can't fund the resource to have a proactive compliance service offer. Due to the significant variation that already exists in levels of compliance service offer, this would not be a fair and equitable exchange of delegated powers.

2.7 Points based enforcement system

The Guidance recommends authorities adopt this model for compliance. Officers consider that our current regime of investigative casework aligned to the conviction policy works well at present, and aside from updating the conviction policy, does not propose changing our current compliance service model.

2.8 Driver standards

The Guidance suggests a number of areas where Manchester (and most other authorities) are already compliant:

² [Joint authorisation of compliance officers protocol - April 2022 \(tfl.gov.uk\)](https://www.tfl.gov.uk/gov/consultations/consultations/joint-authorisation-of-compliance-officers-protocol-2022/)

- To issue driver licences for 3 years as standard and issue for a shorter period only where appropriate (i.e. the applicant has a limited right to remain in the UK)
- To have a fit and proper test, including a medical assessment to Group 2 standard
- To check the National Register for Revocations, Refusals and Suspensions (NR3S)
- Accept non-UK driving licences for up to 12 months, and accept the exchange of those licences to a UK licence
- Test written and oral language proficiency
- Ensure Drivers receive safeguarding training
- Require Hackney driver applicants to pass a local topographical knowledge test but authorities should not require private hire drivers to sit such tests
- Require drivers and vehicle licence holders to undertake daily maintenance checks of the vehicle and complete maintenance records.

2.9 The only standard we don't currently comply with in the Driver section of the Best Practice Guidance is at 6.4 of the Guidance which states that authorities should require taxi and private hire drivers to undertake a driving proficiency test. The Committee may recall that this was originally proposed as part of Stage 1 of the MLS project in September 2021. At that time, the Committee rejected the proposal

2.10 Private Hire Operators

This section of the guidance states:

Guidance	MCC position
Operators and their staff should be trained in disability awareness	Welcome comments from the Committee – can be consulted upon to incorporate as a requirement in the Operator Licence Conditions. The DfT provides online training material that can be used by Operators and their staff ³
Operators should be required to ensure that any digital booking platforms comply with accessibility regulations	Welcome comments from the Committee – can be consulted upon to incorporate as a requirement in the Operator Licence Conditions.
Operator licences should be issued for 5 years as standard	Already do this.
Operators should be prosecuted where sufficient evidence of discrimination under the Equality Act 2010 exists	Already our approach.

³ [REAL training: taxi and PHV modules - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/real-training-taxi-and-phv-modules)

2.11 Officers can consult upon incorporating requirements in the Operator Licence conditions subject to any comments from the Committee. Any new conditions will only apply to Operators on the renewal of their 5 year licence.

2.12 Vehicle Standards

This section of the guidance states:

	Guidance	MCC position
1	Authorities should be cautious about specifying that only purpose-built Taxis can be licensed	This has been MCC's policy for a considerable period of time, based on the profile of the City's transport network and the need to ensure that any passenger with additional needs at any of our major transport interchanges, will not have to wait for an accessible vehicle at a Hackney rank.
2	Authorities should look favourably on adaptations that improve the personal security of the drivers	MCC permits the installation of safety screens by approved suppliers and subject to inspection at our testing facility. Additional licence conditions apply.
3	Where there is local interest in pedicabs, authorities should make appropriate adjustments to licensing requirements to accommodate requests	MCC does not currently license pedicabs or rickshaws to operate in Manchester following legal advice around the suitability of being licensed as taxis, including concerns for accessibility, health and safety and driver training. Officers do not recommend reviewing our position at this time.
4	Authorities should not impose age limits for the licensing of vehicles and instead should consider more targeted requirements to meet policy objectives on emissions, safety rating and increasing WAV where this is low	Our current maximum age limits are: 10 years – Private Hire (saloon) 15 years – Private Hire (WAV) 15 years – Hackneys (all WAV) It is argued that licensees should be able to keep a vehicle licensed as long as it can pass the vehicle compliance test, is emissions compliant and complies with other safety or interior condition requirements; licence holders, particularly WAV owners, are paying considerable amounts for new emissions compliant vehicles and would welcome the longest return possible on their investment. It is also asserted that Electric Vehicles don't have the mechanical engine element to deteriorate over time.

		<p>There is some concern over the removal of age limits altogether as there are still significant mechanical elements to any vehicle that will deteriorate over time, especially when the average annual mileage of vehicles is around 30,000 miles. The interior wear and tear of the vehicle, and overall condition of the vehicle, deteriorates significantly the older it gets.</p> <p>Retaining an age limit if other authorities are removing theirs could create a risk of further licence shopping.</p> <p>Officers welcome comments from Members on vehicle age limits and whether to consult with licensees on any amendments to this policy position.</p>
5	<p>Authorities should consider the safety benefits of requiring its licensed vehicles to be of a specified Euro NCAP (New Car Assessment Programme) rating</p>	<p>Officers welcome comments from Members on whether to consult with licensees on any amendments to this policy position.</p>
6	<p>Authorities should consider how vehicle licensing policies can support any environmental policies adopted by the local authority and licensing teams should work with colleagues with air quality responsibility to ensure licensed vehicles play their part in tackling emissions. Authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future</p>	<p>The vehicle emissions policy has been considered in the previous report by this Committee in line with the legal Direction.</p>
7	<p>Authorities should not require the removal of windows rear of the B pillar if they have a minimum light transmission of 30% or above.</p>	<p>Our policy currently requires a minimum of 70% light transmission on rear passenger (rear of the B pillar) windows. The trade have asked that this issue be considered urgently by the Committee to remove this requirement due to the significant costs to individual proprietors to change the windows. Proposals</p>

		around the tint policy are outlined separately below.
	Authorities should assess the demand for WAVs every 5 years and align with the production of the local transport plan where possible and take appropriate steps to ensure that the supply of suitably accessible vehicles meets the demand	The Local Transport Plan is in the early stages of its refresh and the Licensing Unit will conduct a demand survey to feed into that updated plan.
	Authorities should consider additional accessibility requirements including the installation of hearing loops in vehicles that have an internal screen.	Manchester has a fully accessible Hackney Carriage policy, including a requirement for hearing loops
	Authorities should seek to differentiate the profile of private hire vehicles by not permitting roof signs and requiring all taxis to display a 'taxi' roof sign. Authorities should not impose a livery requirement on private hire vehicles and any signage should be limited to the authority licence plate or disc and a 'pre-booked only' door sign. Where an exclusive relationship exists between operator and driver/vehicle, the authority should consider permitting the display of operator details in a discreet manner so as not to undermine the overall objective of enabling the public to differentiate easily between taxis and private hire vehicles.	MCC already prohibits the use of roof signs on private hire vehicles and requires hire lights on taxis. The Committee already removed the requirement for bonnet stickers and operators stickers at its meeting on 17 July 2023. Further proposals around signage are detailed below.
	Authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have a positive or adverse net effect on the safety of service users.	CCTV is permitted in our licensed vehicles (upon application to ensure certain requirements are adhered to) but not mandated. Mandating CCTV in private hire vehicles in the context of licence shopping would have a significant adverse impact on the Council's income recovery and not achieve the desired outcome of passenger safety if licensees simply

		moved to other authorities in order to avoid this requirement.
8	<p>An annual test for licensed vehicles is appropriate unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles.</p> <p>Authorities should, where possible, obtain details of the test including failures or use Gov.Uk to check the MOT record of the vehicle to ascertain if vehicle defects were identified.</p> <p>It seems appropriate to apply the same criteria (and MOT test) to taxis and private hire vehicles as other vehicles. However it is also appropriate to set criteria for assessing the internal condition of the vehicle, though these criteria should not be too onerous.</p> <p>As the application of the MOT standard seems appropriate, it should be accepted that any DVSA approved testing centre is able to conduct this assessment and that any MOT will evidence the fact that the vehicle is roadworthy.</p>	<p>MCC require tests on a frequency commensurate with the age of the vehicle, supported by the body of evidence that demonstrated that vehicles are more likely to fail a vehicle test the older it is.</p> <p>Our current in-house testing regime ensures that we have full access to the data regarding the maintenance (or lack of) and failure rates of our licensed fleet, and are able to suspend vehicles until major issues are rectified and we are satisfied the vehicle is safe and suitable to transport the public. Authorities that use external MOT testing stations do not always have easy access to this data or review this data.</p> <p>Officers consider the DfT have not taken into consideration Best Practice Guidance for the Inspection of Hackney Carriage and Private Hire Vehicles issued by the Freight Transport Association (Aug 2012)⁴ on behalf of the Public Authority Transport Group and supported by VOSA which states that: <i>“In the interests of passenger safety, a more stringent maintenance and testing regime is required [to the standard MOT] ... in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test”</i></p>
9	<p>If authorities elect not to require drivers to undertake training on the safe way to tackle a vehicle fire, then vehicles should not be required to carry fire extinguishers and drivers should be advised to get out and stay out of the vehicle and call 999 rather than attempting to firefight.</p>	<p>MCC currently require vehicles licence holders to ensure the vehicle has a fire extinguisher (and first aid kit) in the vehicle at all times.</p> <p>Proposed amendments to this requirement are outlined below</p>

⁴ [GetFile.aspx \(logistics.org.uk\)](http://logistics.org.uk)

- 2.13 Views are sought from the Committee with regards to the following policy elements:
- the age limit on vehicles
 - NCAP rating requirement

The Committee may wish to instruct officers to consult on these requirements before bringing a further report to the Committee.

2.14 Window Tint Policy

Most rear passenger windows are made by the manufacturer to light transmissions well below 70%, which means that Manchester currently requires its vehicle licence holders to replace the rear passenger windows at considerable cost (up to around £1000). As outlined in the DfT's response to the public consultation on the Best Practice Guidance, most vehicles used and licensed for private hire are manufactured with tint lower than 70% light transmission. There is no hard evidence of additional safety concerns of allowing tinted rear passenger windows, and it is not considered necessary or proportionate to require the removal of manufactured tinted windows, unless they are lower than 30% light transmission. To this end, officers recommend that the Committee consider removing the current requirement in the private hire vehicle policy with immediate effect and replacing it with the following:

- a) Front windscreen – min. 75% light transmission
- b) Front side door glass – min. 70% light transmission
- c) Rear door glass - min. 30% light transmission
- d) Rear window – manufacturer's tint

2.15 Private Hire Vehicle Signage

Officers have consulted with Private Hire Operators with regards to door stickers to replace the bonnet sticker in line with the previous recommendations of this Committee. The Committee will be provided during the meeting with the sample sticker design preferred by Operators for approval. If approved, and subject to any comments of the Committee, these stickers will be provided to vehicle licence holders for placement on the front vehicle doors. This will allow for those Operators who own their vehicle fleets and wish to continue to use their own Operator brand stickers on rear doors (as this is where they are already placed), to do so.

2.16 Emergency Equipment

The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be carried, should ensure that licensed drivers receive suitable and sufficient training. This advice was supported by the Manchester Licensing Partnership's Fire Safety Officer from Greater Manchester Fire and Rescue Service. As such, the Best Practice Guidance is clear that authorities should only mandate the carriage of fire extinguishers in these circumstances. It stands to reason that similar training would be required of individuals if there was any expectation that they would use first aid equipment. It is timely to review our position on these issues, and

our expectations of drivers above and beyond that of any citizen. Trade articles have been written on this subject with continued lobbying from the trade that it is inappropriate to mandate that this equipment is carried in licensed vehicles.

Officers consider it inappropriate and administratively burdensome for the Licensing Authority to oversee these training elements in order to be satisfied that a driver can carry such equipment in the licensed vehicle, and therefore recommend to the Committee that these requirements be removed from our policy.

3. Wolverhampton Policy Revision & Consultation

3.1 Members will know that the City of Wolverhampton Council are the main issuer of private hire licences in England at present. As a Licensing Authority, Wolverhampton cannot cap the number of private hire licences it issues or impose an intended use policy on private hire vehicles and drivers. The authority is operating within the current legislative framework.

3.2 Wolverhampton do not have what might be considered 'low' requirements in their driver policies and are believed to be currently the only authority in England to check driver DBS status' on a daily basis. Licence holders tell officers that the main reasons they moved to Wolverhampton are:

- The answers to their driver test questions are easily available (Wolverhampton state that even if drivers are memorising the test answers, they are still learning the content)
- Vehicles can be tested at a number of designated MOT stations and tests are only required once annually.
- Vehicles don't have to have a front plate, are not required to have operator stickers (meaning they can work for more than one operator at a time) and can have manufacturer's tints
- The proactive and robust nature of MCC Licensing service, especially with regards to the safety of vehicles
- Cost of licences and the online customer portal

3.3 As economies of scale are realised very easily when processing applications, this means that the income generated from their licence numbers far outweighs the cost of delivering the service and they can continue to reduce their licence fees. As such it appears unlikely that Wolverhampton's influence over the private hire industry will reduce without legislative reform.

3.4 Wolverhampton Council are currently consulting on the following policy areas following the publication of the Best Practice Guidance:

- The development of an ISP
- The further removal of livery requirements on private hire vehicles
- The prohibition of the words 'Taxi' or 'Cab' (or any derivatives) on private hire operator signage
- Requirement to provide references in place of certificates of good character where these cannot be provided (where applicants have been outside of the UK for 3 or more continuous months since the age of 18)

- Removal of age limits on vehicles in favour of emissions requirements
- Introduction of mandatory driving proficiency test
- Acceptance of non-UK driving licences up to the anniversary of their arrival in the UK
- Intended Use policy for Hackney Drivers
- Permitting rear loading Hackneys onto the fleet to increase the number of WAVs available to the public
- Permitting any DVSA approved testing station to provide an MOT for a licensed vehicle

3.5 Wolverhampton don't currently mandate CCTV in their licensed vehicles and have not included this in their consultation.

3.6 The public consultation link is: [Taxi and Private Hire Vehicle Licensing - Best Practice Guidance for Licensing Authorities in England - City of Wolverhampton Council - Citizen Space](#). The consultation closes on 8 March 2024.

3.7 The Committee is asked to advise officers of any particular responses it would like to be included in the Licensing Authority's response to the Consultation.

4. Additional Officer comments on the Best Practice Guidance

4.1 Whilst the best practice guidance offers some useful suggestions and recommendations around higher quality provision of taxi and private hire services, the Department for Transport appears to overlook the challenge faced by licensing authorities in developing *local best practice* that goes above and beyond the minimum requirements of other licensing authorities, and particularly the standard set by the preferred licensing authority of the private hire trade at any moment in time. To depart from those standards (and in particular to require anything that makes the cost higher and the application process longer for the applicant), would simply act as a deterrent to licensees and reduce income recovery.

4.2 Whilst contending with licence shopping, it is almost impossible to retain standards that are perceived as 'higher' or costlier and therefore localism and the notion of 'best practice' no longer exists in reality. There is a further misconception that national standards and joint authorisation of officers will address the issue of licence shopping. That premise fails to understand:

- The significant variance in the way written policy standards or conditions are then implemented and enforced in practice – not least because local decision makers often depart from policy
- That national policy standards will be low by definition in order to be a one size fits all
- That national policy standards are unlikely (based on the statutory standards we have in place now) to provide the level of detail required to remove the variance in the application of a standard. An example of this would be the current statutory standard is that all vehicles must have as a minimum one MOT per year; yet does not stipulate where this has to take place. Whether the licensed vehicle test is delivered in house or by a designated MOT testing station can bring a significant variance in

quality of test, failure data available to the licensing authority, and subsequent scrutiny of failure rates. This is a major factor in licence shopping.

- The variance in the robustness of the administration process (checks in relation to the fit and proper criteria and identity of the applicant) has more significant implications for the safety of the public than a written policy does
- As stated above - the level of proactive activity conducted by authorities varies hugely so joint authorisation isn't possible in a fair and equitable way. The robustness with which some authorities approach proactive compliance is also a significant factor in licensees moving to other authorities, even where a similar policy standard exists.
- Licensing services are delivered and funded very differently across the country; some are subsidised and not many operate on a true 100% cost recovery model – so regardless of standards, variance in fees and proactive compliance provision will always be present and applicants will continue to licence shop if they can.

5. DBS checks

- 5.1 The DfT's Statutory Taxi and Private Hire vehicle standards (issued November 2022) requires Licensing Authorities to request an enhanced DBS certificate from drivers, and ensure drivers are registered with the DBS Update service in order to facilitate the authority carrying out at least 6 monthly checks on their DBS status.
- 5.2 Manchester was exceeding that requirement, conducting quarterly DBS checks since 2018.
- 5.3 With the implementation of a new business system and improvements to our processes, it will be possible to introduce daily DBS checks on our licensed fleet of drivers beginning in May 2024.
- 5.4 The Committee is asked to approve the move to daily DBS checks on all our licensed drivers in the interests of public safety.

6. VPIS (Video Point of Impact Systems) or Dashcams

- 6.1 Our current policy requires vehicle licence holders to notify the authority at least 7 days prior to the installation of a VPIS and as a full cost recovery service, this attracts a fee of £15 to have the system inspected.
- 6.2 The Unit has recently received requests from the trade to remove the requirement to apply for the installation, and then pay for and bring the vehicle to Lawton St for an inspection (in addition to the vehicle testing/inspection regime).
- 6.3 It is proposed that the VPIS policy and related licence conditions remain, and systems are checked at vehicle inspections (usually 2 or 3 tests per year) to ensure it is compliant with the policy (and ensure they are forward facing only). Any internal facing systems will still require application to the Council for

relevant authorisation. It is recommended that the forward facing VPIS application and fee requirement is removed.

7. Conclusion and Summary of recommendations

- 7.1 This report outlines the recently published DfT Best Practice Guidance for Licensing Authorities alongside the current City of Wolverhampton policy consultation. The Committee will note this is non-statutory guidance.
- 7.2 Public safety remains paramount to Manchester as a licensing authority. It is however becoming more challenging to strive for standards that meet our local strategic aspirations for a higher quality fleet due to inaction by government to address the negative impacts of extensive out of area working.
- 7.3 Manchester needs to strike the right balance between fulfilling its duty to ensure greater public safety whilst responding to the changing nature of the private hire industry. The reality is that where any local authorities take a more stringent line on any of these policy areas, it is likely to result in continued reductions in drivers and vehicles licensed by that authority, and in Manchester that means leaving the City with even less control and influence over the safety standards of the fleet working in its district.
- 7.4 The report advises the Committee with regards to officer concerns about the DfT Guidance and seeks the views of the Committee with regards to officers feeding back those concerns to the DfT, as well as responding to the Wolverhampton consultation.
- 7.5 The report also outlines several recommendations for the Committee:

	Recommendations
1	Subject to comments by the Committee during the meeting; instruct officers to consult on updating the Private Hire Operator Conditions to include: <ul style="list-style-type: none"> • The disability awareness training requirement • The accessibility requirement of booking platforms
2	Subject to comments by the Committee; instruct officers to consult with the trade on <ul style="list-style-type: none"> • Vehicle Age Policy • NCAP ratings
3	Remove the current tint requirement for rear passenger windows in the private hire vehicles policy with immediate effect and replace it with the following: <ul style="list-style-type: none"> e) Front windscreen – min. 75% light transmission f) Front side door glass – min. 70% light transmission g) Rear door glass - min. 30% light transmission

	h) Rear window – manufacturer’s tint
4	Approve the Private Hire door sticker design to replace the bonnet sticker requirement
5	Approve the removal of the requirement for licensed vehicles to carry fire extinguishers and first aid kits
6	Request Officers to respond to the City of Wolverhampton public consultation on behalf of the Licensing Authority (subject to comments by the Committee)
7	Request officers to provide a written response to the DfT on the following areas of the Guidance: <ul style="list-style-type: none"> • Driving Proficiency • Joint Authorisation • Incentivising vehicle choices and accessibility provision • Pedicabs and rickshaws • Mandating CCTV in vehicles • The risks associated with the testing requirements and frequency • The continued negative impacts of licence shopping on the authority’s ability to devise local best practice
8	Approve the move to daily DBS checks on all our licensed drivers in the interests of public safety.
9	Approve the removal of the forward facing VPIS application requirement and fee.

8. Key Policies and Considerations

a) Equal Opportunities

Whilst we do not have exact demographic data (as we do not collect this data as part of the licensing process), we know from our customer interactions that a significant majority of Hackney Carriage licence holders are from BAME communities. We also know that members of the BAME community (and communities in the North-West), were disproportionately impacted by the pandemic.

Hackney Carriages also provide key accessible transport for passengers with mobility issues or other disabilities and must remain a viable option for these key affected groups.

b) Risk Management

No further considerations for this report.

c) Legal Considerations

Under sections 47(1) and 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any such conditions to the grant

of a hackney carriage or private hire vehicle licence as it considers to be reasonably necessary. Any person aggrieved by any conditions attached to their licence may appeal to the magistrates' court.