

AGENDA FOR

LICENSING AND SAFETY PANEL

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To: All Members of Licensing and Safety Panel

Councillors : S Walmsley (Chair), J Grimshaw, T Holt, S Hurst, G Keeley, K Leach, C Morris, I Schofield, M Smith, Sarah Southworth, C Walsh, S Wright and Y Wright

Dear Member/Colleague

Licensing and Safety Panel

You are invited to attend a meeting of the Licensing and Safety Panel which will be held as follows:-

Date:	Thursday, 23 July 2020
Place:	https://councilstream.com/burycouncil
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	Please attend by 6:50 for a prompt 7.00pm start.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing and Safety Panel are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

3 PUBLIC QUESTION TIME

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

Approximately 30 minutes will be set aside for Public Question Time if required.

4 MINUTES OF THE LAST MEETING *(Pages 1 - 6)*

Minutes from the 24th June 2020 are attached for approval.

5 OPERATIONAL REPORT *(Pages 7 - 12)*

A report from the Executive Director of Operations is attached.

6 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TESTS IN LIGHT OF THE COVID 19 PANDEMIC *(Pages 13 - 16)*

A report from the Executive Director of Operations is attached.

7 GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING *(Pages 17 - 24)*

A report from the Executive Director of Operation is attached.

8 REQUEST TO INCREASE THE HACKNEY CARRIAGE FARE CARD *(Pages 25 - 30)*

A report from the Executive Director of Operations is attached.

9 EXCLUSION OF PRESS AND PUBLIC

To consider passing the appropriate resolution under section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item of business since it involves the likely disclosure of the exempt information stated.

10 AGENDA *(Pages 31 - 32)*

11 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

LICENCE *(Pages 33 - 56)*

A report from the Executive Director of Operations is attached.

12 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

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Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 24 June 2020

Present: Councillor S Walmsley (in the Chair)
Councillors T Holt and I Schofield

Also in attendance: Anita Green - Legal Services
Michael Bridge - Licensing Unit Manager
Angela Lomax - Head of Service (Trading Standards and Licencing)
Chloe Ashworth – Democratic Services

Public Attendance: No members of the public were present at the meeting.

LSP.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.2 PUBLIC QUESTION TIME

No public questions were asked.

LSP.3 MINUTES OF THE LAST MEETING

1. That the Minutes of the Meeting held on 4th June 2020 be approved as a correct record and signed by the Chair.

LSP.4 EXCLUSION OF PRESS AND PUBLIC

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or Applicants for Licences provided by the Authority.

LSP.5 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE

Applicant 01/2020

Applicant 01/2020 attended the meeting alone.

The Chair made introductions and Anita Green, Representative of Legal Services explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report and his written submissions.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding a proposed suspension or revocation of a Private Hire Vehicle Driver's Licence. He advised that document pack page 13 stated the

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Licensing and Safety Panel, 24 June 2020

offence was 'intermediate' however, he confirmed it is in fact a 'minor' offence. The report, which was accepted by the Applicant, explained that the Licence Holder had held a private hire driver's licence since 17/06/2010. On 5th June 2020 this client made an online application to renew his Private Hire Drivers licence. On the renewal application the following question is asked to declare if he had any convictions, fines or formal cautions. This client answered No to the question. However when a licensing advisor checked the client's driving licence the following conviction(s) were found:

SP30 Exceeding statutory speed limit on a public road one on the 21/07/2019 and another on the 21/08/2019. When the licensing records were checked, the client had also not informed us of these convictions.

When questioned by the Deputy Licensing Officer on the matter, this client explained that he was going to enter the convictions on the application but he did not attend court so did not know what to enter in the box so did not enter anything and said No instead to the question

When questioned in the meeting by the Licensing Unit Manager, the licence holder advised he did not declare the convictions by mistake as he felt confused by the form.

The license holder was informed if in any doubt he should contact the Licensing Service for assistance to avoid this occurrence and the form states this.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Licence Holder and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to admonish the licensee as to future conduct and reinstate his licence.**

The Panel noted that;

- the Licence Holder was honest and consistent in his reason why he didn't declare
- the Licence Holder was remorseful for his actions
- the License Holder now understands the correct process

Applicant 02/2020

Applicant 02/2020 attended the meeting alone.

The Chair made introductions and Anita Green, Representative of Legal Services explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report and his written submissions.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding a proposed suspension or revocation of a Private Hire Vehicle Driver's Licence. He advised that document pack page 16 stated the offence was 'intermediate' however, he confirmed it is in fact a 'minor' offence. The report, which was accepted by the Applicant, explained that the Licence Holder had held a private hire driver's licence since 21/01/2004.

On 16th April 2020, this client made an online application to renew his Private Hire Drivers licence. On the renewal application the following question is asked, "do you have any convictions, fines or formal cautions". This client answered No to the question. However when a licensing advisor checked the client's driving licence the following convictions were found:

SP30 Exceeding statutory speed limit on a public road on the 14/07/2017 and 28/01/2020.

When questioned in the meeting by the Licensing Unit Manager the Licence Holder advised he had confusion with the form and made a mistake.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Licence Holder and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to admonish the licensee as to future conduct and reinstate his licence.**

The Panel noted that;

- the Licence Holder was remorseful and believed he made an honest mistake
- the License Holder now understands the correct process
- this issue has occurred more frequently and the root cause could be down to the online application not being clear enough for license holders.

Applicant 03/2020

Applicant 03/2020 attended the meeting and was accompanied by a representative, Charles Oakes.

The Chair made introductions and Anita Green, Representative of Legal Services explained the procedure and ensured that the Applicant, his representative and members of the Licensing and Safety Panel had all read the report and his written submissions.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding a proposed suspension or revocation of a Private Hire Vehicle Driver's Licence. The report, which was accepted by the Applicant and his representative explained that the Licence Holder had held a private hire driver's licence since 03/07/2014.

On 01st June 2020, this client made an online application to renew his Private Hire Drivers licence. On the renewal application the following question is asked, "do you have any convictions, fines or formal cautions". This client answered No to the question. However when a licensing advisor checked the client's driving licence the following convictions were found:

LC20 Driving otherwise than in accordance with a licence on the 04th November 2018.

When questioned in the meeting by the Licensing Unit Manager the Licence Holder advised he believed the declaration was asking for findings from his CRB to which he had nothing.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Licence Holder and his representative and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to admonish the licensee as to future conduct and reinstate his licence.**

The Panel noted that;

- the Licence Holder was remorseful
- the license Holder did not intend to be deceitful
- the License Holder now understands the correct process
- this issue has occurred more frequently and the root cause could be down to the online application not being clear enough for license holders.
- The Licensing and Safety Panel would have made the same decision if disclosed when he should have and so the License holder is not benefiting from none disclosure.

LSP.6 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

Applicant 04/2020

Applicant 04/2020 did not attend the meeting but requested the item to continue in his absence.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application for a Private Hire Vehicle Driver's Licence. The report, which had been sent to the Applicant, explained that the Applicant had held a private hire drivers licence continually since 28th March 2008.

He has also held a Private Hire Operators Licence continuously since 28th August 2008. His Private Hire Operators' Licence remains valid until the 23rd September 2020. However, his current drivers licence expired on the 16th May 2020.

This client submitted a written application for the grant of a Private Hire drivers licence due to his previous licence expiring on the 26th May 2020. To the question have you ever been convicted of an offence; this client indicated yes; disclosed an SP30 from 25th August 2019 and suggested that the service refers to its own records for all other information. The service has no record of this client notifying the service of this most recent speeding offence from August 2019.

When a licensing advisor used the DVLA's online portal to check the client's driving licence on the 26th May 2020 the following conviction(s) were found:

TT99 – Signifies a disqualification under the totting up procedure. The total number of penalty points reached 12 or more within three years on the 04th July 2018

SP30 - Exceeding statutory speed limit on a public road on the 25th August 2019

The panel questioned if the decision was in relation to both is Private Hire Licence and Private Hire Operators Licence are two separate decisions. They were advised it is two separate decisions.

Delegated decision:

The Panel carefully considered the report and written representation by the Applicant and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 04/2020 be refused but allow the Private Hire Operators Licence to remain.**

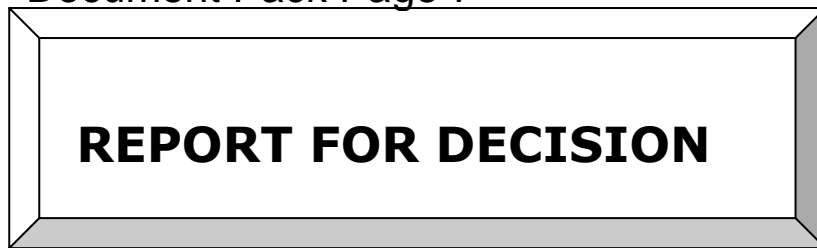
The Panel noted that;

- The previous driving history of the applicant is serious
- The applicant has not shown improvement in his driving at speed nor in his obligation to declare traffic offences
- The applicant has disregarded his past appearances before Panel for failing to declare traffic offences. He must have known he was obliged to declare traffic offences having appeared before Panel for such matters in the past. In addition he has held a private hire drivers licence for 12 years and should be aware of the requirement to disclose any offences to the Licensing Department.
- He has undertaken a practical driving assessment in the recent past to no effect
- Public safety is paramount and he has shown little contrition in respect of the seriousness of speeding.
- The offences have been committed within a short period of time.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00 pm and ended at 3.12 pm)

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DECISION OF:	LICENSING & SAFETY PANEL
DATE:	23rd July 2020
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	EXECUTIVE DIRECTOR (OPERATIONS)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

1.1 The report advises Members on operational issues within the licensing service.

2.0 Licensing Hearings Panel

2.1 The Licensing Service received an application for the grant of a premises licence in respect of The Hub Bar, Haslam Street, Bury. Representations were received from Greater Manchester Police and An interested party in respect of this application. This matter was scheduled to take place on the 1st April 2020, However the Licensing Unit Manager explained via telephone conference call, that since the application had been received there had been the outbreak of the Covid-19. As a result of this and the restrictions and requirements for social distancing, it was felt that the hearing of the application together with representations from GMP and the Ward Councillor could not be dealt with fully in the public interest. It was noted that GMP had indicated that an application would be made to hear some of its representations in private.

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- 2.2 Due to these circumstances, in order to deal with the application in the appropriate manner it was proposed that the time period set out in the Licensing Act 2003 (Hearings) Regulations 2005 within which the hearing of the application must be commenced, be extended in the public interest, in order to ensure a full and fair hearing, for three months until 1 July, pursuant to regulation 11 of those Regulations.
- 2.3 It was agreed unanimously, pursuant to regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, to extend the time period set out in the Regulations within which the hearing of the application must be commenced, for three months until 1 July, in order to deal with the application in the appropriate manner and in order to ensure a full and fair hearing, in the public interest.
- 2.4 The rescheduled meeting took place on the 1st July 2020 and Members resolved It was agreed unanimously, to grant the application subject to the conditions as per the report and the additional modified conditions agreed between the applicant and PC Scott on behalf of GMP.

3.0 Statistics of the Licensing Service

- 3.1 The Licensing Service during the financial year 19/20 have dealt with the following:-

Type of Work	Number
Number of Licences/Registrations/Consents/Permits processed	4501
Number of applicants/Licence holders considered by the Licensing and Safety Panel Of which were new applicants - Suspension / Revocation / Admonishment - 8 Granted - 6 Refused - 3 Withdrawn - 3	20
Number of applications considered by Licensing Hearing Panels Of these:- Personal Licence - 1 New application - 1 Variation application -1 Review application - 1	4

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Complaints regarding Taxi Trade	129
Complaints regarding Licensed premises	59
Freedom of Information Requests	46
Compliance checks/Enforcement/complaints undertaken by the Licensing Service:- Licensed premises - 638 Taxi Trade - 776 Clients - 219 Operator - 12 Vehicles - 545	2190
Number of Enhanced Disclosure Checks	419
Number of Knowledge Tests undertaken includes Hackney Carriage conditions test/Private hire conditions test	122
Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 - Inspections	45
Gambling <ul style="list-style-type: none"> • Betting Shop (Transfer) -7 • Club Machine Permit (New) - 2 • Notification of Intent to have Gaming Machines - 13 • Small Society Lotteries (New) - 8 	30
General Licensing Electrolysis – New Application -1 Hairdressers – New Application -5 House to House Collections Applications – 32 Street Collection permit Applications -110 Marriage Venue Licences – New Applications – 4 Scrap Metal Licence (Mobile) -1 Scrap Metal Dealer (Site Licence) New Application – 2, Renewal 10 Second Hand Dealer – New application – 18	216

Street Trading Consents – New – 17 Renewal -16	
<p>Policy matters</p> <ul style="list-style-type: none"> • Safeguarding Training – Currently 61 drivers that have not completed the training. • Window Tint Policy • Testing Manual • Vehicle Signage 	

4.0 Common Minimum Licensing Standards/Clean Air

- 4.1 The Licensing Unit Manager has been attending further meetings in relation to the above with all the other Greater Manchester Authorities.
- 4.2 A meeting hosted by the Combined Authority for Executive Members/Councillors took place on the 3rd July 2020 to brief members of the current situation relating the common minimum licensing standards and Clean Air.
- 4.3 It is hoped that the consultation will take place in the Autumn.

5.0 COVID 19

- 5.1 Following a meeting of the Emergency Powers Group on the 14th July 2020, the licensing service have been given permission to amend Council policy to assist licence holders in respect of the following matters:
- To postpone the Knowledge test until further notice.
 - To grant a Hackney Carriage/Private hire Drivers Badges for a 12 month period rather than up to 3 years under the legislation.
 - To permit a self-certification declarations in respect of medicals
 - To postpone the receipt of new applications for Hackney Carriage and Private Hire Drivers badges
 - To extend all current Hackney Carriage and Private Hire vehicle licences by 3 months beyond their current expiry date which are due for renewal between the dates 1/6/2020 and 31/3/2021 and to move forward by 3 months all 6 monthly scheduled interim vehicle tests scheduled between 1/7/20 to 30/9/20
 - To permit Minor Variations or Temporary event notices to be submitted under the Licensing Act 2003 for On Sales of Alcohol and outside areas. The fees in respect of these applications will be waived (Only for those applications that relate to the on-sales and outside areas to assist businesses in light of COVID19).

Contact Details:

M Bridge

Licensing Unit Manager

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REPORT FOR DECISION

MEETING:	LICENSING & SAFETY PANEL
DATE:	23rd JULY 2020
SUBJECT:	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TESTS IN LIGHT OF THE COVID 19 PANDEMIC
REPORT FROM:	EXECUTIVE DIRECTOR (OPERATIONS)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the Public Domain.
SUMMARY:	
OPTIONS & RECOMMENDED OPTION	<p>Members are requested to consider all of the following:-</p> <ul style="list-style-type: none"> • That all interim tests scheduled between 1st July and 30th September be put back by three months. • All Hackney Carriage and Private Hire vehicles licences that have previously had a three month extension be put back by a further three months (Previously expired between 1st April 2020 and 30th June 2020) • All Hackney Carriage and Private Hire Vehicles expiring between the 1st July 2020 and the 31st March 2021 be put back by 3 months. • Refuse the all the proposed extensions as outlined above.

IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Financial Implications and Risk Considerations:	The cost of the proposal is a loss of income of £50k and will need to be managed as part of the Council’s financial strategy. The government is making funding available to local authorities to reflect loss of funding however the level of government funding made available will not cover all costs and loss of income associated with COVID-19.
Statement by Executive Director of Operations:	The cost of the licensing function are funded through the fees and charges levied by the Council.
Equality/Diversity implications:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Considered by Monitoring Officer:	Yes <input checked="" type="checkbox"/> Comments
Are there any legal implications?	Under the legislation the Council is required to determine applications. The report is in accordance with the appropriate legislation.
Staffing/ICT/Property:	None
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Operational decision reference 185 suspended the testing of licensed private hire and hackney carriage vehicles by 3 months between the period of 31st March and the 30th June 2020, the licensing service have moved all scheduled interim and renewal tests back by three months. This was approved on the 26th March 2020.
- 1.2 The Licensing Service have calculated that up to the 30th June 2020 we have 284 vehicles licences (266 Private Hire and 18 Hackney Carriages) that are expiring that will require inspection at Bradley Fold.

- 1.3 Vehicle proprietors will be required to renew their licences would still be required to be made to the Council before their extended current licence expires and pay the requisite fee. Confirmation of the application would be confirmed by notice/letter to say that it had been extended.
- 1.4 On the 14th July 2020, a meeting of the Emergency Powers Group considered an urgent decision report relating to request to extend all current Hackney Carriage and Private Hire Vehicle licences by 3 months beyond their current expiry date which are due for renewal between the dates 1/7/2020 and 31/3/2021 and to move forward by 3 months all 6 monthly scheduled interim vehicle tests scheduled between 1/7/20 to 30/9/20. This decision was to be implemented with immediate effect.

2.0 ISSUES

- 2.1 Following the decision of the Emergency Powers Group on the 14th July 2020, the Leader and the Deputy Leader of the Council in consultation with the Executive Director reviewed the decision and raised concerns due to the ambiguity of the report and requested that this matter be referred to the Licensing and Safety Panel for consideration on the 23rd July 2020.
- 2.2 The Licensing Service have reviewed the concerns raised and would like the members of the Licensing and Safety Panel to consider the options contained in this report.
- 2.3 The justification and rationale for the requirement of the additional report, is that the April to June renewals have fallen at a time of peak lockdown and when the trade was worst affected though lack of income. By adding an additional 3 month extension to this group, the vehicle renewals and tests will move to October to December, when the trade will have increased and so vehicle proprietors will be in a better financial position to pay the relevant fees. The Council has made it clear from the start of this crisis that we would do everything in our power to help those worst affected, and this change for this cohort seeks to do just that.
- 2.4 The proposal will cause a peak in demand between October and December on the Licensing Service and Bradley Fold. The Council will need to explore options for how we deal with this peak so all Hackney Carriage and Private Hire vehicle tests and renewals can be carried out in this period without causing delay or financial hardship to the drivers. This may incur additional costs such as overtime may be needed to deal with this increased workload.
- 2.5 The Licensing Service would like to make members aware that by extending these vehicle licences will mean that some of the vehicles will not have been tested for 9 and 12 months respectively.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The Licensing Service have calculated that the extension of these Hackney Carriage and Private hire vehicle licences will cause there to be a loss of income during the 2020/2021 municipal year of £50,220 (£30,420 for the Licensing Service and £19,800 for Bradley Fold).

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- 3.2 This is due to the vehicle renewals that expire in January, February and March 2021 will be put back by three months so it will take them into the next financial year.

4.0 CONCLUSION

4.1 Members are requested to consider all of the following options:-

- That all interim tests scheduled between 1st July and 30th September be put back by three months.
- All Hackney Carriage and Private Hire vehicles licences that have previously had a three month extension be put back by further three months (Previously expired between 1st April 2020 and 30th June 2020)
- All Hackney Carriage and Private Hire Vehicles expiring between the 1st July 2020 and the 31st March 2021 be put back by 3 months.
- Refuse the all the proposed extensions as outlined above.

List of Background Papers:-

Urgent Decision Report and Minutes – Emergency Powers Group -14th July 2020

Contact Details:-

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REPORT FOR DECISION



Agenda Item

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	23rd JULY 2020
SUBJECT:	GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING
REPORT FROM:	ASSISTANT DIRECTOR (OPERATIONS)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	<ul style="list-style-type: none"> To update the members regarding the consultation in respect of the proposals to introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators licensed by Licensing Authorities across Greater Manchester.
OPTIONS & RECOMMENDED OPTION	<p>It is recommended, that:</p> <ul style="list-style-type: none"> Note the contents of the report; and Authorise a consultation on the proposed GM Minimum Standards and support the proposal that TfGM administers the consultation process.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if

	appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine the application. The report is in accordance with the appropriate legislation. Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Members may recall a report that was considered by the Licensing and Safety Panel on the 25th July 2019 in relation to the Common Minimum Licensing Standards. A copy of the report is attached at Appendix 1.
- 1.2 Members resolved the following:

The Assistant Director (Legal and Democratic Services) submitted a report to provide members with details of proposals to introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators licensed by Licensing Authorities across Greater Manchester (GM). The report set out proposals to consult across GM on the proposed GM minimum standards.

The proposed minimum standards relate to the four key areas identified by GM Licensing Network Group and aim to raise standards across GM with a view to a more consistent approach to taxi licensing across the region.

TfGM will host the GM minimum standards consultation on behalf of all GM Licensing Authorities and will procure an outside agency to do the analysis of responses.

It was agreed:

1. To note the contents of the report.
2. To authorise a consultation on the proposed GM Minimum Standards in the autumn and support the proposal that Transport for Greater Manchester administers the consultation process.

2.0 ISSUES

- 2.1 Following the approval being approved by the Licensing and Safety Panel on the 25th July 2019 the proposed consultation did not take place in autumn 2019.
- 2.2 The Greater Manchester Licensing Network (GMLN Group) have been continuing to work in conjunction with Transport for Greater Manchester (TFGM) and it is proposed that the consultation will now take place in Autumn 2020.

3.0 OPTIONS

- 3.1 It is recommended, that Members:
 - Note the contents of the report; and
 - Authorise a consultation on the proposed GM Minimum Standards and support the proposal that TfGM administers the consultation process.

List of Background Papers:- Report and Minutes of the Licensing and Safety Panel – 25th July 2020

Contact Details:-

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Email: m.bridge@bury.gov.uk

REPORT FOR DECISION



**Agenda
Item**

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	25th JULY 2019
SUBJECT:	GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	<ul style="list-style-type: none"> • To provide members with details of proposals to introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators licensed by Licensing Authorities across Greater Manchester. • To provide members with details of proposals to consult across GM on the proposed GM minimum standards.
OPTIONS & RECOMMENDED OPTION	<p>It is recommended, that Members:</p> <ul style="list-style-type: none"> • Note the contents of the report; and • Authorise a consultation on the proposed GM Minimum Standards in autumn and support the proposal that TfGM administers the consultation process.
IMPLICATIONS:	

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues arising from the report
Statement by Executive Director of Resources:	The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	No - not at this stage
Considered by Monitoring Officer:	<p>Under the legislation the Council can apply reasonable conditions to licences.</p> <p>Members are advised that licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.</p>
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

1.1 Changes to Hackney Carriage and Private Hire regulation, new technology new business models, and an outmoded legislative framework have all contributed to the current situation where the Taxi and PH trade is becoming increasingly problematic and difficult to regulate.

1.2 The key issues are around public safety, out-of-area working, vehicle standards, poor air quality and congestion, particularly in specific city centre locations. The proposed approach of common minimum standards across Greater Manchester seeks to: encourage consistently high standards for Hackney Carriage and Private Hire services in Greater Manchester; to encourage Government to pursue regulatory reform to ensure high safety standards; and to contribute to the vision of an improved integrated transport system for Greater Manchester.

1.3 As a result of the recommendations made by the Department for Transport's (DfT) Task and Finish Group on 'Taxi and Private Hire Vehicle Licensing: a safer and more robust system' GM's licensing authorities have agreed to deal with the challenges detailed above by adopting a two-track approach, with Transport for Greater Manchester (TfGM) supporting GM Licensing Authorities in this work.

1.3.1 Firstly GM's licensing authorities have agreed to collectively develop a common set of minimum standards for Private Hire Vehicles and Hackney Carriages licensed by Licensing Authorities across Greater Manchester. GM Licensing Authorities have been working closely with Transport for Greater Manchester (TfGM) on proposals around these minimum standards.

1.3.2 Secondly, Greater Manchester Combined authority (GMCA), TfGM and GM Licensing Authorities are working with other city-regions and local authorities to urge Government to take appropriate action to reform the legislative and regulatory framework to ensure it is fit for purpose.

1.4 The next steps in respect of 1.3.1 is for TfGM to consult, on behalf of all GM Licensing Authorities, on the proposed GM minimum standards, as further detailed in this report below.

2.0 GM MINIMUM STANDARDS CONSULTATION

2.1 The Greater Manchester Licensing Network (GMLN Group) has identified the four key areas where common standards are required, namely: drivers, vehicles, operators and licensing authority standards.

2.2 The GMLN Group is currently developing a set of minimum standards for Hackney Carriage and Private Hire licensing and enforcement that can be incorporated within each Licensing Authorities' own licensing policies.

2.3 The proposed minimum standards relate to the four key areas identified by GMLN Group and aim to raise standards across GM with a view to a more consistent approach to taxi licensing across the region.

2.4 A consultation on the proposed GM minimum standards is scheduled to commence in the autumn.

2.5 TfGM will host the GM minimum standards consultation on behalf of all GM Licensing Authorities and will procure an outside agency to do the analysis of responses. The GMLN Group has requested that 10 separate reports be provided by TfGM to show individual local authority responses.

2.6 Bury Licensing Service is fully supportive of the proposed minimum standards and has been an engaged contributor to the work. We believe it will lead to an improvement in our current standards.

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2.7 It is proposed that Bury Council support TfGM in its administration of the consultation process.

2.8 A further report will be compiled for Members once the TfGM consultation process has concluded and consultation response data will be shared with Members.

3.0 OPTIONS

3.1 It is recommended, that Members:

- Note the contents of the report; and
- Authorise a consultation on the proposed GM Minimum Standards in autumn and support the proposal that TfGM administers the consultation process.

The only alternative option is to not support the aim of the other GM Authorities in harmonising hackney carriage and private hire standards across the region. This would impact on the establishment of a consistent approach to taxi and private hire licensing in Greater Manchester; and contradict the work being supported by TfGM and endorsed by the Mayor of Greater Manchester.

4.0 CONSULTATION

4.1 The consultation requirements are as set out in this report.

5.0 Reasons for Recommendation

5.1 By agreeing to support consultation on GM Minimum Standards the Council is showing its commitment to working together with the other GM Authorities to achieve a single vision of consistently high standards for licensed vehicles, drivers and operators across Greater Manchester.

List of Background Papers:-

Not applicable

Contact Details:-

Mr M. Bridge
Licensing Unit Manager
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Email: m.bridge@bury.gov.uk

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REPORT FOR DECISION

MEETING:	LICENSING & SAFETY PANEL
DATE:	23rd July 2020
SUBJECT:	Request from the Hackney Carriage Drivers Association to request a review of the Hackney Carriage Fare Table
REPORT FROM:	EXECUTIVE DIRECTOR (OPERATIONS)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the Public Domain.
SUMMARY:	The report relates to a request from the Hackney Carriage Drivers Association to review the Hackney Carriage Fare Table
OPTIONS & RECOMMENDED OPTION	<p>Members are requested to consider:-</p> <ul style="list-style-type: none"> • To approve the review of the Hackney Carriage Fare Table and if no objections are received during the review implement the request. • To approve the review of the Hackney Carriage Fare Table and if objections are received, a further report will be considered by the Licensing and Safety Panel. • To reject the review of the Hackney Carriage Fare Table

IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
Statement by Executive Director of Resources and Regulation:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Considered by Monitoring Officer:	Yes <input checked="" type="checkbox"/> Comments
Are there any legal implications?	The report is in accordance with the appropriate legislation.
Staffing/ICT/Property:	None
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allows a district Council to fix the rates or fares within the local authority for Hackney Carriage Vehicles by the production of a table of fares.
- 1.2 The Act requires the council to advertise a notice in a local newspaper for 14 days any proposal to change Hackney Carriage fares and the production of a table of fares to allow any objections to be made.
- 1.3 If no objections are received the Table of Fares shall come into effect after the 14 day notice period.

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- 1.4 If any objection is received a further date has to be set, not later than 2 months after the first specified date, on which the Table of Fares shall come into force with or without modifications as decided by them after consideration of the objections.

2.0 ISSUES

- 2.1 The Licensing Service have received a request from Hackney Carriage Drivers Association to increase the Hackney Carriage Fare Table within the Borough of Bury. This was last revised in 2008.
- 2.2 The current Fare Table came into operation in 2008 a copy of which is attached at appendix 1. The proposed increases are achieved by reducing the distance travelled / waiting time. The proposed fare table is attached at appendix 2.

3.0 CONCLUSION

- 3.1 Members are requested to consider the options
 - To approve the review of the Hackney Carriage Fare Table and if no objections are received during the review implement the request.
 - To approve the review of the Hackney Carriage Fare Table and if objections are received, a further report will be considered by the Cabinet.
 - To reject the review of the Hackney Carriage Fare Table

List of Background Papers:-

Not Applicable

Contact Details:-

Mr M. Bridge
Licensing Unit Manager
3 Knowsley Place
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Bury
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Email: m.bridge@bury.gov.uk



TABLE OF FARES FOR HACKNEY CARRIAGES

FARES FOR DISTANCE OR TIME OR A COMBINATION OF BOTH	DAYTIME RATE (except Sundays) (TARIFF 1) 6am to 10pm	NIGHT TIME RATE (TARIFF 2) 10pm to 6am & All day Sunday and Bank Holidays	CHRISTMAS & NEW YEAR RATE (TARIFF 3) From 6pm on 24 th December to 6am on 27 th December & from 6pm on 31 st December to 6am on 2 nd January
TO HIRE THIS TAXI FOR THE FIRST HALF MILE	£1.90	£2.30	£3.20
FOR THE FIRST 1718 YARDS (approx 1 mile)	£3.10	£3.70	£5.40
FOR EACH approx MILE THEREAFTER	£2.10	£2.50	£3.80
WAITING TIME (Traffic lights etc).	20p (45 seconds)	20p (45 seconds)	30p (68 seconds)
Fare Guide (excluding any waiting time)	Approximate to the appropriate flag fall	Approximate to the appropriate flag fall	Approximate to the appropriate flag fall
1 mile	£3.10	£3.70	£5.40
2 mile	£5.20	£6.20	£9.20
3 mile	£7.30	£8.70	£13.00
4 mile	£9.40	£11.20	£16.80
5 mile	£11.50	£13.70	£20.60
10 mile	£22.00	£26.20	£39.60

1. **GUIDE DOGS TRAVEL FOR FREE.**
2. **YOU ARE LIABLE TO A £30 CHARGE IF YOU FOUL THE INSIDE OF THIS TAXI**
3. **THE ABOVE ARE THE MAXIMUM CHARGES THAT MAY BE MADE.**

In the event of a complaint, please note the taxi licence number on the window signs / licence plates which start with the letter H.

Please address any complaints to:
Licensing,
3 Knowsley Place
Duke Street
Bury, BL9 OEJ

Tel: 0161 253 5208



TABLE OF FARES FOR HACKNEY CARRIAGES

FARES FOR DISTANCE OR TIME OR A COMBINATION OF BOTH	DAYTIME RATE (except Sundays) (TARIFF 1) 6am to 10pm	NIGHT TIME RATE (TARIFF 2) 10pm to 6am & All day Sunday and Bank Holidays	CHRISTMAS AND NEW YEAR RATE (TARIFF 3) From 8pm on 24 th December to 6am on 27 th December & from 8pm on 31 st December to 6am on 2 nd January
TO HIRE THIS TAXI FOR THE FIRST 440 yards	£1.90	£2.30	£3.20
FOR THE FIRST 1760 YARDS (approx 1 mile)	£3.70	£4.50	£6.50
WAITING TIME (Traffic lights etc).	20p (40 seconds)	20p (40 seconds)	30p (60 seconds)
Fare Guide (excluding any waiting time)	Approximate to the appropriate flag fall	Approximate to the appropriate flag fall	Approximate to the appropriate flag fall
1 mile	£3.70	£4.50	£6.50
2 mile	£6.10	£7.30	£10.70
3 mile	£8.50	£10.10	£14.90
4 mile	£10.90	£12.90	£19.10
5 mile	£13.30	£15.70	£23.30
10 mile	£26.60	£31.40	£46.60

- Note 1 Hiring by time: If the Hackney Carriage is hired by time such fare shall be agreed with the hirer at the commencement of the journey.
- Note 2 Journeys ending outside the district: If no rate of fare is agreed before the commencement of the hiring, no fare greater than that indicated on the taximeter and which shall be in accordance with this fare table shall be charged.
- Note 3 Hackney Carriages being used for Private Hire: No Hackney Carriage shall be used under a contract or purported contract for Private Hire Except at a rate not greater than that fixed by this fare table and shall be charges from the point in the district where the hirer commences the journey.
- Note 4 Guide dogs/assistance dogs travel for free.
- Note 5 You are liable to a £40 charge if you foul the inside of this Taxi.
- Note 6 The above are the maximum charges that may be made.

In the event of a complaint, please note the taxi licence number on the window signs / licence plates which start with the letter H.

Please address any complaints to: Licensing, Bury Council, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ. Telephone Number 0161 253 5208 or email licensing@bury.gov.uk

Revised July 2020

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