

AGENDA FOR

LICENSING AND SAFETY COMMITTEE

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To: All Members of Licensing and Safety Committee

Councillors : S Walmsley (Chair), J Grimshaw, T Holt,
K Leach, J Lewis, G McGill, J Rydeheard, M Smith,
C Walsh, S Wright and Y Wright

Dear Member/Colleague

Licensing and Safety Committee

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

Date:	Thursday, 2 September 2021
Place:	Council Chamber- Bury Town Hall
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:	The meeting will be live streamed: https://councilstream.com/burycouncil

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 MINUTES OF PREVIOUS MEETINGS *(Pages 5 - 20)*

The Minutes of the Meeting held on the 8th July 2021 and 22nd July are attached. Members of the Licensing & Safety Committee are asked to consider whether these are a correct record of the meeting, and if so, to formally approve them.

4 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.

5 OPERATIONAL REPORT *(Pages 21 - 24)*

A report from the Executive Director (Operations) is attached.

6 COMMON MINIMUM LICENSING STANDARDS *(Pages 25 - 104)*

A report from the Executive Director (Operations) is attached..

7 URGENT BUSINESS

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

8 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.

9 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE *(Pages 105 - 120)*

A report from the Executive Director (Operations) is attached.

10 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCES *(Pages 121 - 148)*

A report from the Executive Director (Operations) is attached.

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Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 8 July 2021

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, T Holt, J Lewis and G McGill

Also in attendance: Michael Bridge – Licensing Manager
Janet Witkowski – Council Solicitor
Michael Cunliffe – Democratic Services

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

LSP.1 APOLOGIES FOR ABSENCE

Councillors Leach, Rydeheard, M Smith, Walsh, S Wright, Y Wright and Ben Thomson, Head of Public Protection.

LSP.2 DECLARATIONS OF INTEREST

Councillor Walmsley declared a personal interest in the agenda item suspension/ revocation of Private Hire Driver Licence, number 4/2021. This was due to Councillor Walmsley being a school governor and the driver 4/2021 had obtained a character reference from the Headteacher of the same education establishment.

LSP.3 PUBLIC QUESTION TIME

No public questions were submitted to the meeting.

LSP.4 OPERATIONAL REPORT

The Executive Director (Operations) submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

LICENSING AND SAFETY SUB COMMITTEE

A hearing for an application of a Grant of a Premises Licence in respect of the Den, Victoria Mills, Wellington Street, Bury, BL8 2AL to which representations were received from Greater Manchester Police, Greater Manchester Fire and Rescue Service and an Interested Party. The Sub-Committee considered the request for an adjournment by the applicant's solicitor on 9th June 2021. Having heard representations and having received legal advice Members resolved unanimously that the hearing before it be adjourned to allow extra time for mediation between the responsible authorities and interested parties in the public interest to the 7th July 2021.

The Licensing Unit Manager verbally updated the Committee that the application had been granted at the hearing on 7th July 2021, subject to conditions from both GMP and Greater Manchester Fire and Rescue Service.

COVID MARSHALS

The Covid marshals have been visiting licensed premises during the Euro 2020 tournament to ensure compliance and no issues have been identified.

The Covid marshals have been delivering beer mats for the Grab a Job campaign to encourage members of the public to get a covid vaccine.

The Covid marshals have been undertaking Tack and Trace visits to contacts that the hub have been unable to contact.

BURY SHOW

An officer of the Public Protection Service along with the assistance of the Covid marshals visited Bury Show to ensure that the event was covid compliant. No issues had been identified.

COMPLIANCE VISITS

Officers from the Public Protection Service have undertaken visits on the 29th June 2021 to three off-licences to ensure compliance with the licensing objectives under the Licensing Act 2003.

PARTNERSHIP WORKING WITH GREATER MANCHESTER POLICE

An officer from the Licensing Service has undertaken 9 visits to licensed premises with Greater Manchester Police on the 29th June 2021 to check on procedures the venues have in place for the Euro 2020 football tournament. Advice and guidance have been given to the licence holders.

CHANGES TO WEBSITE AND ON-LINE APPLICATIONS

Following the last meeting of the Licensing and Safety Committee, the Licensing service have reviewed the Council's website and the online applications forms in relation to declaring convictions, fixed penalties in respect of motoring convictions. This information has now been passed to the relevant section to implement the changes.

It was agreed:

That the report be noted.

LSP.5 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.6 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

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.7 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE**Licence Holder 4/2021**

The Executive Director (Operations) submitted a report relating to Licence Holder 4/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report, which was accepted by the Licence Holder, was presented by the Licensing Unit Manager and set out the reasons for the Licence Holder being before the Committee.

The report stated that the License Holder had held a private hire driver's licence continually since 11th March 2013 and has a current licence until 17th May 2022. On the 25th May 2021, the Deputy Licensing Officer was notified by Manchester Council Licensing Department, that they had been prosecuted for plying for hire and having no insurance following an exercise they carried out on 14th September 2019 in Manchester City Centre. The Licence Holder pleaded guilty and received a fine of £235, 8 penalty points, was ordered to pay the costs of £433 and a victim surcharge of £35. The Licence holder had failed to notify the Licensing Department within 7 days as per the Private Hire Drivers Licence conditions.

The Licence Holder explained to the Committee that on the 14th of September 2019, 2 males had entered his vehicle and made him feel very uncomfortable. He admitted an error of judgement and concentration. The 2 males were undercover police officers working in conjunction with members of the Greater Manchester Police traffic unit conducting a taxi operation within the city centre.

The License Holder stated he was aware of the licence conditions and had read them when it was first issued. However, he admitted he had made an error and it would not happen again. He referred to concerns as to impact on his family and added that since the incident he had been depressed. He provide a number of character references to the Committee to consider.

Delegated decision:

The Committee carefully considered the report, the additional references and oral representations by the Licence Holder. The Committee noted that the convictions were very serious issue but that there were with exceptional circumstances due to previous good character of the Licence Holder and having already been dealt with via the courts. The Licence Holder had also shown remorse and admitted the offences and his errors on the evening in question.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the

Committee resolved to admonish the Licence Holder as to future conduct and to take no further action.

Licence Holder 7/2021

The Licensing Manager informed the committee that licence holder 7/2021 had requested an adjournment due to being a single parent and had work commitments in another part of the country which had prevented him attending the meeting.

Delegated decision:

That the case be adjourned until the next meeting on the 22nd July.

LSP.8 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 08/2021

The Executive Director (Operations) submitted a report relating to Applicant 08/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant, was presented by the Licensing Unit Manager and set out the reasons for the Applicant being before the Committee.

The report stated that the Applicant had held a Private driver's licence continuously since 27th March 2009 until its expiry on 4th June 2021. As part of the renewal process, the Applicant submitted an online application which explains that any traffic offences must be declared irrespective of when they occurred. This applicant selected 'no' when asked "Do you have any convictions, fines or formal cautions?" The applicant selected 'yes' when asked "Have you been issued with any fixed Penalty notices?". He then indicated he had been convicted of an offence of speeding in November 2020 and been awarded three points and a £100 fine. This Applicant had therefore failed to declare this motoring conviction within 7 days of the conviction as stipulated in the private hire drivers licence conditions.

The Applicant stated that he accepted the fine and penalty points and informed his insurers straight. However, he advised that due to the pandemic, his hectic life and family stresses he forgot to tell the licensing service. He stated that this was a misunderstanding on his behalf to which he has admitted and he apologised. He also stated that he had not tried to hide the offence and had been working throughout lockdown delivering blood and equipment to hospitals.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. It noted the Applicant's apology and that he had disclosed the conviction in his renewal application.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

Licence Holder 09/2021

The Executive Director (Operations) submitted a report relating to Applicant 09/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant, was presented by the Licensing Unit Manager and set out the reasons for the applicant being before the Committee.

The report stated the Applicant had previously held a private hire driver's licence continually since 24th May 2017 until its expiry on the 23rd May 2021. As part of the renewal process the Applicant declared that in August 2020 he had been convicted of speeding for which he was awarded 3 penalty points and was ordered to pay a fine of £100. However, he had failed to declare this motoring conviction within the correct time frame of 7 days from conviction, as stipulated in condition 1 the private hire drivers licence conditions.

The Applicant explained to the Committee that the offence had been committed late at night on the motorway and he had shortly afterwards travelled outside the country due to the death of a relative. When he came back he saw the letter and he forgotten about it due to the pandemic. The Applicant accepted his mistake and apologised.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant. It noted the Applicant's apology and that he had disclosed the conviction in his renewal application.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

Licence Holder 10/2021

The Executive Director (Operations) submitted a report relating to Applicant 10/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant was presented by the Licensing Unit Manager and set out the reasons for the Applicant being before the Committee.

The report stated that the Applicant was originally granted a private hire drivers licence on 4th August 2005. It was revoked later that year when the client's licence was revoked by the Licensing and Safety Panel when he was convicted of dishonesty arising from insurance fraud. He was issued with a new private hire driver's licence on 7th November 2008, which he has been held continuously until its expiry on the 22nd April 2021.

As part of the online application the Applicant selected 'no' when asked "Do you have any convictions, fines or formal cautions?" and also selected 'no' when asked "Have you been issued with any fixed Penalty notices?" However, checks via the DVLA's online portal found the Applicant had a conviction in December 2020 for speeding, for which he was awarded 3 penalty points and ordered to pay a fine of £100. The Applicant had therefore failed to declare this motoring conviction within the correct time frame of 7 days from conviction, as stipulated in the private hire drivers licence conditions.

The Applicant explained to the committee that he had tried to complete and submit the online form 3 times and had telephoned the licensing department to report problems he was experiencing with it. He went on to explain that around the time his brother and father had passed away and his mother and another brother were ill in hospital. He had therefore forgot to declare the conviction. He accepted he should have notified the Licensing Service but had forgotten and apologised.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant. It noted the Applicant's apology.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to grant the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

Licence Holder 11/2021

The Executive Director (Operations) submitted a report relating to Applicant 11/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant, was presented by the Licensing Unit Manager and set out the reasons for the applicant being before the Committee.

The report stated that the Applicant has held Private Hire and Hackney Carriage driver's licences continuously since 8th June 2018 until its expiry on the 7th June 2021.

As part of the online renewal application for both licences, it explains that any traffic offences must be declared irrespective of when they occurred. On both

application forms, the Applicant selected 'yes' when asked "Do you have any convictions, fines or formal cautions?" and also selected 'yes' when asked "Have you been issued with any fixed Penalty notices?". He then indicated he had been convicted in March 2021 of speeding and was awarded 3 penalty points and ordered to pay a fine of £100. The Applicant had therefore failed to declare this motoring conviction within the correct time frame of 7 days from conviction, as stipulated in the private hire and hackney carriage drivers licence conditions.

The Applicant explained to the meeting that he had tried to book a speed awareness course and had thought there was a longer period of days to declare offences to the Licensing Department. He accepted he had made a mistake but indicated he had got mixed up with timescales relating to notification of accidents and convictions. The Applicant admitted last reading the licensing rules 3 years ago and apologised for the mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant. It noted the Applicant's apology and that he had disclosed the conviction in his renewal application.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00pm and ended at 3.10pm)

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Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 22 July 2021

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, T Holt, J Lewis, G McGill,
J Rydeheard and Y Wright

Also in attendance: Michael Bridge – Licensing Manager
Janet Witkowski – Council Solicitor
Michael Cunliffe – Democratic Services

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

LSP.1 APOLOGIES FOR ABSENCE

Councillors Leach, M Smith, Walsh, S Wright and Ben Thomson, Head of Public Protection.

LSP.2 DECLARATIONS OF INTEREST

Councillor Walmsley declared an interest in the agenda item suspension/ revocation of Private Hire Driver Licence, number 15/2021. This was due to Councillor Walmsley knowing the applicant.

Councillor Rydeheard declared an interest in the agenda item suspension/ revocation of Private Hire Driver Licence, number 4/2021 and applications for the grant/ renewal of private hire driver licence, number 17/2021. This was due to Councillor Rydeheard knowing the solicitor representing both items.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 24th June 2021 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No public questions were submitted to the meeting.

LSP.5 PROVISION OF A SECOND AUTHORISED TESTING STATION IN BURY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Executive Director (Operations) submitted a report providing Members with an update on the process and timelines associated with the provision of an additional authorised testing station in Bury for hackney carriage and private hire vehicles. It included details of the work that needs to take place to fully understand the associated impacts and to set up the required arrangement.

The process and timeline outlined in the report would ensure the implications of introducing a second authorised testing station are understood and a fair, open and transparent process is carried out to procure an additional authorised testing station in Bury.

It was agreed:

To approve the process and timelines associated with the provision of an additional Authorised Testing Station, as set out in Section 3 of the report attached to the agenda.

LSP.6 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.7 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

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.8 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 15/2021

Councillor Trevor Holt Chaired the meeting for this application only.

The Executive Director (Operations) submitted a report relating to Licence Holder 15/2021 who was in attendance at the meeting along with Mr Ahmed his legal representative. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Manager set out the reasons for the Licence Holder being before the Committee.

The report stated the licence holder had held a private hire driver's licence continually since 8th December 2003 until its expiry on the 20th May 2022. He emailed the licensing department on 27th May 2021 to inform them that he had received two motoring convictions (SP30) following an email sent to all licensed drivers to remind them of the conditions attached to their licence. This licence holder had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

This licence holder was subsequently interviewed by the Licensing Enforcement Officer and he explained the background to the offences which was detailed in the report attached to the agenda packs.

The licence holder and his legal representative explained at the meeting that he had been involved in an accident as a pedestrian not long after the second offence took place. This had resulted in four operations and medical paperwork had been presented to the Chair. He had also experienced family problems and non-disclosure of the offences was a mistake for which he submitted apologies and stated it would not happen again. He also thought the email from the Licensing Department which he replied to on the same day was an amnesty to declare any past convictions that may have not been declared.

Upon questioning by the Licensing Manager he admitted last reading the licensing rules a number of years ago and apologised for the mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his legal representative.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the licensee as to future conduct and reminded the applicant to recognise the responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 07/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 07/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Manager set out the reasons for the Licence Holder being before the Committee.

Members were reminded this matter was scheduled to be heard on the 8th July 2021, but a request by the licence holder for an adjournment was granted due to working commitments

The report stated the licence holder had held a private hire driver's licence continually since 22nd December 2019 until its expiry on the 22nd December 2022. He emailed the licensing department on 1st June 2021 to inform them that he had received a motoring conviction (SP50) following an email sent to all licensed drivers to remind them of the conditions attached to their licence. This licence holder had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

This licence holder was subsequently interviewed by the Licensing Enforcement Officer and he explained the background to the offence which was detailed in the report attached to the agenda packs.

The licence holder explained at the meeting that he had tried to arrange a speed awareness course which after attending would have resulted in no points being attributed to his licence and no need to declare the conviction. After trying to

arrange this via central ticket office without any success after a number of days he apologised for the mistake.

Upon questioning by the Licensing Manager, he confirmed he had read the licensing rules and this incident would not happen again.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the licensee as to future conduct and reminded the applicant to recognise the responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 12/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 12/2021 who was in attendance at the meeting along with Mr Khan his legal representative. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Manager set out the reasons for the Licence Holder being before the Committee.

A witness statement in relation to this case had been circulated to Members of the committee.

The report stated the licence holder had held a private hire driver's licence continually since 26th September 2013 until its expiry on the 15th October 2022. He emailed the licensing department on 27th May 2021 to inform them that he had received a motoring conviction (SP30) following an email sent to all licensed drivers to remind them of the conditions attached to their licence. This licence holder had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

This licence holder was subsequently interviewed by the Licensing Enforcement Officer and he explained the background to the offence which was detailed in the report attached to the agenda packs.

The licence holder and his legal representative explained at the meeting that he thought he had to inform of conviction only upon renewal of the licence and when the Licensing email was received, he realised his mistake and declared the offence. The licence holder upon questioning stated he had read the conditions.

The Licensing Manager advised that if the licence holder was unsure of the conditions, then the licensing department could have been contacted to advise as they offer help and support.

As a point of clarity in response to comments made by the licence holder's legal representative, the Council's legal officer provided the definition of a conviction which includes a fixed penalty notice under the licensing policies.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his legal representative.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the licensee as to future conduct and reminded the applicant to recognise the responsibility for declaring future convictions within the timescales printed on the licence, not just at the start or renewal stage but throughout the licence duration.

Licence Holder 13/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 13/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report was accepted by the Licence Holder and the Licensing Manager set out the reasons for the Licence Holder being before the Committee.

The report stated the licence holder had held a private hire driver's licence continually since 30th October 2007 until its expiry on the 23rd January 2023. He emailed the licensing department on 3rd June 2021 to inform them that he had received a motoring conviction (SP30) following an email sent to all licensed drivers to remind them of the conditions attached to their licence. This licence holder had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

This licence holder was subsequently interviewed by the Licensing Enforcement Officer and he explained the background to the offence which was detailed in the report attached to the agenda packs.

The licence holder explained at the meeting that the incident by was an oversight on his behalf due to having a lot on in January. He stated he understood the licensing conditions and confirmed that he had re-read the terms and conditions again to refresh himself with them.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the licensee as to future conduct and reminded the applicant to recognise the responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 14/2021

The Licensing Manager informed the committee that licence holder 14/2021 had requested an adjournment due to being poorly in hospital in another part of the country which had prevented him attending the meeting.

Delegated decision:

That the Committee passed on their best wishes and the case be adjourned until the next meeting in September.

LSP.9

APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCES

Licence Holder 17/2021

The Executive Director (Operations) submitted a report relating to applicant 17/2021 who was in attendance at the meeting along with Mr Ahmed his legal representative. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the applicant and the Licensing Manager set out the reasons for the applicant being before the Committee.

This applicant had held a Private driver's licence continuously since 15th April 2015 until its expiry on 11th April 2021.

On the 6th April 2021 the private hire drivers licence was extended without prejudice until the date of this committee meeting.

The online application explains that any traffic offences must be declared irrespective of when they occurred. This applicant selected no when asked "Do you have any convictions, fines or formal cautions?" The applicant also selected no when asked "Have you been issued with any fixed Penalty notices?" When a licensing advisor used the DVLA's online portal to check this applicant's driving licence a conviction (SP30) was found. This applicant had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

This applicant was subsequently interviewed by the Licensing Enforcement Officer, and he explained the background to the offence which was detailed in the report attached to the agenda packs.

The applicant stated that English was not his first language since arriving in the UK 6 years ago. It was an error on his behalf when completing the online application form as he was not used to computers

The applicant apologised and added that he had visited the Council's reception area within 7 days to report the points but there was no record to confirm or deny this statement.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his legal representative.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to grant the licence application for a period of 12 months. They informed the applicant that their mitigation was contradictory and reminded the applicant to recognise their responsibility for any licence breaches if any occur in the future.

Licence Holder 16/2021

The Executive Director (Operations) submitted a report relating to applicant 16/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the applicant and the Licensing Manager set out the reasons for the applicant being before the Committee.

This applicant had held a Private driver's licence continuously since 14th June 2018 until its expiry on 13th June 2021. He had submitted an online application for the renewal of a Private Hire drivers licence on the 25th May 2021.

The online application explains that any traffic offences must be declared irrespective of when they occurred. This applicant selected no when asked "Do you have any convictions, fines or formal cautions?" The applicant also selected no when asked "Have you been issued with any fixed Penalty notices?" When a licensing advisor used the DVLA's online portal to check this applicant's driving licence a motoring conviction (SP30) was found. This applicant had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

The applicant also holds a Private Hire Operators Licence which he was first granted on 26th July 2019 for one year. This then expired and he did not licence himself as an Operator again until 3rd February 2021.

The online private hire operators licence application asks "Do you have any convictions, fines or formal cautions?" The applicant also selected no when asked "Have you been issued with any fixed Penalty notices?"

The applicant's operator's licence was issued on the 3rd February 2021. The Licensing Service issued a private hire operator's licence to this applicant due to the fact that the application form did not request the declaration of fixed penalties. Due to this the application was granted due to the requirements being met.

This applicant was subsequently interviewed by the Licensing Enforcement Officer, and he explained the background to the offence which was detailed in the report attached to the agenda packs.

The applicant stated that he was very sorry and had held a clean driving licence for many years. There was no malice in his action and had last read the conditions a couple of years previously.

The Licensing Manager made Members aware of another fine which had recently been given by Greater Manchester Police for obstruction of a pavement and a £30 penalty. The incident happened on the 6th June, although the applicant notified the Deputy Licensing Officer immediately by email and emailed again on the 19th June to inform that the fine had been received.

Delegated decision:

The Committee carefully considered the report, and oral representations by the applicant.

(1) Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the licensee as to future conduct and grant the licence application for a period of 12 months. They informed the applicant to report any licence breaches if they occur in the future.

(2) Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the operator as to future conduct but no action would be taken in relation to the operators licence.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00pm and ended at 2.59pm)



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	2 nd September 2021
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	N/A

Executive Summary: A report to advise members on operational issues within the Licensing service.

Recommendation(s)

That the report be noted.

Key considerations

Not applicable

Community impact/ Contribution to the Bury 2030 Strategy

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	.

Consultation:

Legal Implications:

Not Applicable

Financial Implications:

Not Applicable

Report Author and Contact Details:

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Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	

1.0 BACKGROUND

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

2.0 LICENSING HEARINGS SUB COMMITTEE - 10th August 2021

2.1 A hearing for an application of a Grant of a Premises Licence in respect of Mozzarella, 5 Kings Road, Prestwich, M25 0EU to which two representations were received from Councillors. The Sub-Committee considered the report and heard the representations. Members resolved to grant the application with the amended hours and additional conditions that had been proposed and agreed with Greater Manchester Police.

2.2 A hearing for an application of a Grant of a Premises Licence in respect of Cosalea, Walshaw Park House, Walshaw Road, Bury, BL8 1PY to which representations were received from interested parties. The Sub-Committee considered the report and heard the representations. Members resolved to grant the licence subject to the agreed conditions from Greater Manchester Police.

3.0 COVID MARSHALS

3.1 One covid marshal has now commenced in post and is on a fixed term contract until August 2022. We are still awaiting a start date for the other candidates.

4.0 PARKLIFE

4.1 The annual Parklife festival at Heaton Park is due to take place on Saturday 11th and Sunday 12th September with New Order on Friday 10th. Officers will be working throughout and will be joined by the Covid marshals, Letters have been delivered to residents of Sheepfoot Lane, Meade Hill Road and Middleton Road to advise of the requirements for a Street Trading Licence should they be thinking of selling any goods from their properties. Licensed premises in the area will be visited prior to the event.

5.0 COMPLIANCE VISITS

- 5.1 Officers from the Public Protection Service have undertaken evening visits on the 20th August 2021 to licensed premises throughout the borough. Twelve visits were carried out as a result of complaints received. One new premises was visited to advise on the requirement for a licence and general compliance visits were carried out in Bury town centre.



Classification	Item No.
Open	

Meeting:	Licensing & Safety Committee/Full Council
Meeting date:	2 September 2021 – Licensing and Safety Committee 8 September 2021 (tbc) – Full Council
Title of report:	Common Minimum Licensing Standards
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report outlines the work that has been undertaken by the Greater Manchester Licensing Network and Transport for Greater Manchester in relation to Common Minimum Licensing Standards for Hackney Carriage and Private Hire Licensing. It details the consultation that has taken place and feedback and comments received. The standards detailed in the report relate to licensed drivers, licensed private hire operators and local authority and the proposals and recommendations made in the report are designed to ensure a safe, visible, accessible and high-quality hackney and private hire service.

Recommendation

- To adopt the recommendations presented in section 4 (Lead Officer Recommendations) for each proposed standard for implementation by 1 December 2021 unless an alternative date is specified, or a further report is required.

1.0 Introduction

1.1 Background

Around 2,000 hackney vehicles, approximately 11,500 private hire vehicles and upwards of 18,600 drivers are currently licensed across the ten Greater Manchester Authorities. Whilst there are many similarities in terms of policy standards and licence conditions, there are also significant differences, particularly when it comes to policies relating to the licensing of vehicles, the calculation of licensing fees and the approach to proactive compliance.

In 2018, Greater Manchester's ten local authorities agreed to collectively develop, approve and implement a common set of minimum licensing standards (MLS) for taxi and private hire services.

At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations. In addition, by establishing standards around common livery and colour, MLS is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester and their visibility.

This approach stands to benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire services grows and will contribute directly to better air quality and lower carbon emissions. By establishing and implementing Greater Manchester-wide minimum licensing standards, we can help to ensure that all residents and visitors see these services as safe and reliable, and preferable to those not licensed by Greater Manchester local authorities.

Ultimately the collaborative approach that the MLS represents will help achieve the vision of a strong, professional and healthy taxi and private hire sector providing safe and high quality services to residents and visitors across the whole of Greater Manchester. This vision sees Taxis and Private Hire as a crucial part of the overall transport offer, that can consistently deliver safe and high-quality services for the public. The proposed MLS, together with funding from the GM Clean Air Plan, will help deliver improved safety, customer focus, higher environmental standards and accessibility.

This collaborative approach seeks to establish a basic and common minimum in key areas, whilst allowing Districts to exceed these minimums where they consider this to be appropriate. As licensing is a local authority regulatory function, the Standards have been devised by the GM Licensing Managers Network who work in partnership across Greater Manchester to drive innovation, partnership and change agendas.

MLS is also related to other key Greater Manchester priorities, most notably the GM Clean Air Plan and decarbonisation strategies, hence TfGM has been supporting the development of MLS ensuring it complements wider objectives.

Local reform through MLS can deliver real improvements across Greater Manchester, but the growth of out-of-area operation undermines local licensing and gives cause for real concern that vehicles and drivers licensed outside our conurbation (but carrying Greater Manchester residents and visitors) may not be regulated to the high standards we expect. In this regard, it is important to recognise that Government reform of taxi and private hire legislation and regulation is urgently required. Further work to press the case to Ministers for reform is a key part of the overall approach.

1.2 Minimum Licensing Standards

The GM MLS were ready to be consulted on when the Department for Transport published Statutory guidance for taxi and private hire licensing authorities in July 2020. The MLS project has had regard for that guidance, which largely mirrors what is already proposed across GM, and reference is made in the report where appropriate.

It should be noted however that the Statutory guidance firmly highlights the past failings of licensing regimes in putting public safety at the forefront of their policies and procedures.

Taxis and Private Hire services are unique in the potential opportunity and risks they present to the travelling public. In no other mode of public transport are passengers as vulnerable or at risk to those who have mal-intent; risks that are increased for children and vulnerable adults. The sector itself is vulnerable to being used for criminal activity such as child sexual exploitation, county lines and other drug dealing/money laundering activity.

The Casey Report (2015) made it clear that weak and ineffective arrangements for taxi and private hire licensing had left children and the public at risk. The Statutory guidance asks authorities to have due regard to reviewing its policies thoroughly and considering good practice in the implementation of robust standards that address the safeguarding of the public and the potential impact of failings in this area.

It is with public safety in mind as our primary duty as Licensing Authorities that the MLS are proposed.

Overall, the GM approach looks to provide:

the public with safe, visible, accessible and high-quality hackney and private hire services
the hackney and private hire trades with clarity over what the required standards will be over the long term, and through the GM Clean Air Plan, with unprecedented investment to help renew the fleet

local authorities with the continued regulatory role in relation to driver, vehicle and operator licensing whilst retaining scope to exceed the MLS as agreed locally by elected members

The MLS are divided into four distinct sections as follows:

Licensed Drivers; including criminal records checks, medical examinations, local knowledge test, English language requirements, driver training including driving proficiency and common licence conditions.

Licensed vehicles; including vehicle emissions, vehicle ages, common vehicle colour and livery, vehicle testing, CCTV, Executive Hire and vehicle design common licence conditions

Licensed private hire operators; including common licence conditions, DBS checks for operators and staff every year, fit and proper criteria for operator applications and common licence conditions.

Local Authority Standards: including application deadlines and targets, GM Enforcement Policy, Licensing Fee Framework, annual councillor training requirements and Officer delegations.

Due to the breadth of proposals to be considered by Members, and the complexity of the vehicle standards (and their link to the Clean Air Plan), this report seeks to provide Members with detailed consultation feedback and officer recommendations on the Drivers, Operator and Local Authority Standard elements at Stage 1.

A Stage 2 report outlining the proposed Vehicle Standard recommendations will be provided in the Autumn.

1.3 Link to the Clean Air Plan

An important element of the overall approach is to provide clarity and long-term certainty for vehicle owners, so that they are able to plan the upgrade of their vehicles in a way that meets and contributes positively to GM's Air Quality, Carbon and other environmental obligations.

This will also help ensure that applicants to the Clean Taxi Fund, secured as part of the GM Clean Air Plan, will have a clear understanding of what locally licensed vehicle requirements will be over the longer term, for example in terms of emissions, age and other criteria, so they can determine the best use of the available funds given their specific circumstances. Note that only those vehicle owners who have licensed their vehicle with one of the GM local licensing authorities will be eligible for Clean Taxi Funds to support upgrade.

As noted above a further report will be prepared outlining final proposals for vehicle standards, as part of Stage 2 of the MLS.

2. The Consultation

2.1 A GM wide public consultation took place between 8 October and 3 December 2020. The consultation yielded a total of 1683 responses broken down as follows:

- 1552 via online questionnaire
- 84 paper questionnaires
- 47 via email

The split of respondents was as follows:¹

Respondent Category	Questionnaire*	Letter / email	Total	%
General public	974	25	999	59%
Hackney drivers	221	11	232	14%
Private hire vehicle drivers	350	3	353	21%
Private hire operators	30	2	32	2%
Vehicle leasing companies	10	0	10	1%
Businesses	18	1	19	1%
Representatives	31	5	36	2%
Base	1,634	47	1,681	100%

¹ Two respondents did not complete the 'respondent type' question.

2.2 In addition, and concurrently, a qualitative phase of four online focus groups and 40 in-depth interviews took place to gain greater understanding of stakeholder views on the proposed changes

2.3 For a full breakdown of demographics and to view the complete GM consultation report please visit www.gmtaxistandards.com

2.4 The response breakdown for Bury Council was as follows:

	Questionnaire	Letter/ email	Total	% (Figures Rounded to nearest %)
General public	89	1	90	72%
Hackney drivers	2	0	2	2%
Private hire vehicle drivers	27	0	27	22%
Private hire operators	3	0	3	2%
Vehicle leasing companies	2	0	2	2%
Businesses	0	0	0	0%
Organisations	0	0	0	0
Elected representatives	1	0	1	1%
Base	124	1	125	100%

For the purpose of this report:

There were less than 10 responses received from hackney carriage drivers, private hire operators, vehicle leasing companies, businesses, organisations and representatives. Analysis of the closed questions (e.g. agree/disagree) is therefore limited to the general public and private hire vehicle drivers.

Because of the small sample size data should be treated with caution and any difference in response is not statistically significant unless stated otherwise.

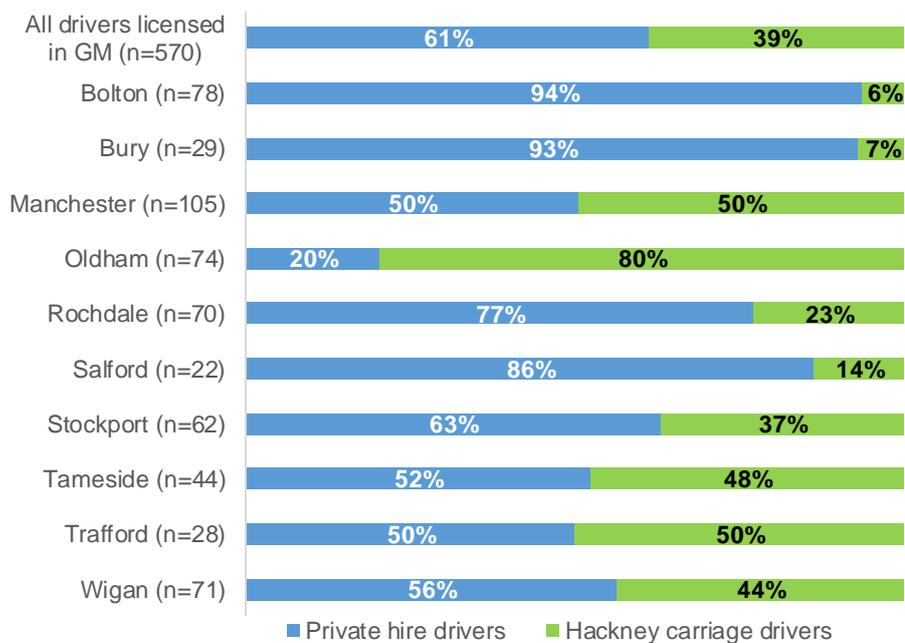
In order to compare responses with the rest of Greater Manchester, the following types of respondents have not been included in the data:

- Those who did not state their location; and
- Those who are only located outside Greater Manchester.

Analysis of comments about each proposed standard will include the data from all types of respondent, where their comment adds detail to a view they hold.

For each standard, each respondent stated their level of agreement from strongly agree to strongly disagree. In this report the data for those who live or are licensed in Bury are compared to the total response from Greater Manchester (including responses from Bury).

2.5 The following table provides a comparison of driver trade response levels across each of the 10 districts, with numbers on the left column and split shown between Hackney and Private Hire:



- 2.6 As Members will see, the response rates were generally low across the board, particularly from members of the trades. This isn't uncommon compared to Officers reflections on previous engagement with the trade. At a GM level, there are enough responses to draw conclusions, however, the number of responses in some sub-groups at district level is small and as such, the data should be treated with caution.
- 2.7 Across GM there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefings sessions were held for representatives at GM level in MLS and clean air. There were also twenty five briefing sessions for all trade sectors affection by clean air and at local level a number of local briefings were held and various communication methods used to notify all affected that consultation was underway including emails, newsletters and contact via operator bases.
- 2.8 It should be noted that the findings of the in-depth interviews and focus groups have been included alongside the findings from the questionnaire, expanding on the findings to provide deeper insight and examples in commentary form. The in-depth interviews enabled those who may be specifically impacted to provide additional detail and specific examples e.g. from a specific business sector.
- 2.9 The Consultation questionnaire asked for views on each section of standard proposals; Drivers; Vehicles; Operators and Local Authorities. Within each section, respondents were asked two questions:
1. To what extent do you agree or disagree with the proposed minimum licensing standards for [*Drivers/Vehicles/Operators/Local Authorities*] in Greater Manchester?
 2. Please use this space to provide any comments relating to the proposals for the minimum licensed standards for [*Drivers/Vehicles/ Operators/Local Authorities*]

For question 1 on each section, response options were:

- strongly agree
- agree
- neither agree or disagree

- disagree
- strongly disagree
- don't know

Respondents were then asked a series of other questions to gain further insight into their views on implementation and impact of the proposals, including free text responses to gain more qualitative feedback.

- 2.10 Copies of the Consultation Questionnaire and accompanying information booklet are available at www.gmtaxistandards.com

3. Summary Findings

- 3.1 The following paragraphs provide summaries of the consultation responses at a GM level. District specific comments and feedback on individual standards are included later in the report in section 4.

3.2 Driver Standards

- Extremely high levels of agreement from members of the public (94%) citing expectations that their safety and experience would improve from the proposals
- Overall agreement with proposals from Trade (Hackney 58% and PH 57%) but substantial proportion did not agree (Hackney 28% and PH 29%)
- Drivers saw the benefit in improving the customer experience but expressed concern at cost implications and felt the dress code was unnecessary.

3.3 Vehicle Standards (To be considered in the stage 2 report later in the year)

- High level of agreement from members of the public (88%)
- Greater overall level of disagreement from Trade (Hackney 69% and PH 63%)
- Trade mostly commented on age policy proposals; disagreeing
- Concerns raised about the charging infrastructure for electric vehicles
- Public liked the proposal of CCTV but concerns raised by the Trade with regards to cost and data privacy
- Comments and disagreement across trade and public with regards to colour policy proposals

3.4 Operator Standards

- Much broader agreement across both members of the public (94% agreed) and Trade (Hackney 67% and PH 65%)
- Main comments were in support of DBS checks for Operator staff, whilst some concern was also raised about cost and frequency
- Members of the public felt proposals could help improve customer service

3.5 Local Authority Standards

- High level of agreement again from members of the public (90%) and the Hackney Trade (72%) but Private Hire trade responses were split with only 51% agreeing
- Many Hackney and PH respondents commented that the licensing fee should be more affordable
- Members of the public were more in support of the licensing award than drivers who did not feel it would be beneficial

4. Recommendations

4.1 This section of the report provides further qualitative feedback and officer recommendations for each proposed standard. A separate Equality Impact Assessment has been produced.

- 4.2 Each Standard is set out in individual tables below detailing:
- the proposed Standard and the rationale for the proposal
 - the current standard in district
 - feedback and comments made in the consultation in relation to the specific standard (both at a GM and local level),
 - outline of relevant points, considerations and risks in response to the consultation
 - officer recommendation for that proposed standard.

A summary table is provided below to show at a glance which standards are already in place in Bury and where the proposed standards represent a change. The table also indicates those standards that are part of the new Department for Transport's statutory standards, and the last column indicates the outcome proposed after consideration. Full details to support each recommendation then follow in the report.

Key: Where the proposed standard has a blue circle ● at the side this reflects that this standard is contained within the Department for Transport's Statutory Guidance

RAG Rating:

Green indicates that this standard is already being met in Bury
Amber indicates that this standard is already partially met in Bury
Red Indicates that this would be a new standard for Bury

Proposed Standards		Bury	Statutory Plans	Implement Proposed Standard
Licensed Drivers	1. Enhanced DBS Check		●	To implement the Standard as proposed. To reflect and engage with government further on the requirement for certificates of good conduct overseas and prepare a further report if necessary.
	2. Driver Medical examination			To implement the Standard as proposed
	3. Knowledge test			To implement the Standard as proposed

	4. English language test		●	To implement the Standard as proposed
	5. Driving proficiency test			To provide a future report as to the implementation of the standard for new drivers at an agreed date in 2022 and utilise in licence reviews as appropriate with immediate effect. To provide a further future report to consider the implementation of the standard for existing drivers at a later date. To note that the current standard/requirement within Bury will remain in force pending those future reports and subsequent decisions..
	6. Driver training		●	To implement the standard for new drivers at an agreed date in 2022 and utilise in licence reviews as appropriate with immediate effect. To consider the implementation for existing drivers at a later date.
	7. Dress Code			To implement the standard as proposed.
	8. Drug and Alcohol Testing			To develop a full policy proposal to be brought back to Members in 2022.
	9. Private hire driver conditions			To implement the standard as proposed.
Operator Standards	1. Common Licence conditions			To implement the standard as proposed.
	2. Criminal record checks for operators and staff		●	To implement the standard as proposed.
Local Authority Standards	1. Timescales for applications – 8 Weeks			To implement standard as proposed
	2. An agreed common			To implement standard as proposed

	enforcement approach			
	3. A Common Fee setting Framework			To implement the Standard as proposed.
	4. Councillor Training		●	To implement the Standard as proposed.
	5. Delegated powers for Licensing Managers			To implement the Standard as proposed.
	6. Excellence in Licensing Award			To provide a further future report on how a scheme would be operated, funded and be seen to be fair and take direction from Members about developing a scheme further.

DRIVER STANDARDS PROPOSALS

Proposed Standard 1	Bury Council Current standard
<p>Enhanced Criminal Record Checks ●</p> <p>It is proposed that all drivers will be required to undertake an enhanced disclosure check through the DBS to include barred lists (such as details of unspent convictions and police cautions). Drivers must also register to the DBS Update Service and maintain that registration to enable the licensing authority to routinely check for new information every 6 months as a minimum.</p> <p>NB. If a licence has not been issued within 6 months of DBS certificate issue date, then a further enhanced DBS will be required (unless the applicant is registered with the Update Service)</p>	<p>On first application, currently require a DBS every three years</p> <p>Some are registered with the update service, but many aren't as this is not mandatory at Bury.</p>
<p>Licensing Authority to ensure sufficient background checks are conducted on applicants who have (from the age of 18) spent 3 continuous months or more living outside of the UK – this includes requiring a certificate of good conduct authenticated by the relevant embassy as necessary.</p>	<p>This is currently required in Bury.</p>
<p>Reason for Proposal</p> <p>There is currently no legal requirement for licensing authorities to conduct an Enhanced DBS Check (including barred list) or to conduct interim checks on the Driver's DBS status using the DBS Update Service.</p>	

Whilst the GM authorities all currently require the enhanced check, not all require registration with the Update Service in order to facilitate interim checks during the currency of the licence. Without this requirement, the onus is on the driver to self-report any criminal matters to the licensing authority or the Police to advise the licensing authority if they are aware of the driver's occupation.

Further, in 2015, licensing authorities were required by law to issue Driver licences for a standard length of 3 years (unless the authority thinks it is appropriate to issue for a shorter period in the specific circumstances of the individual case). This change meant that drivers who usually had a DBS check at the point of annual renewal, were now not having their DBS status checked (unless the local authority put procedures in place to do so) during the currency of the 3 year licence.

Due to a number of different factors and scenarios (for example, an applicant could provide a certificate that was issued some months ago, or take a number of months to pass a knowledge test, or be referred to a hearing during their application process), and as all application processes vary by authority; it can sometimes be a number of months between the date of issue on the DBS certificate and the date the licence application is then determined. As such, the proposed policy is that the applicant must have a certificate that is less than 6 months old at the point the licence is issued (or be registered with the Update Service so that a check can be made prior to issue).

This standard was proposed to ensure that all GM licensed drivers were being checked proactively, regularly and consistently by the licensing authority; and that the regime was not reliant on third parties reporting matters of concern to the authority. By ensuring that all drivers must register (and remain registered) with the Update Service, those checks can be conducted by the authority at least every 6 months. This in turn provides a greater level of confidence to the travelling public that the driver is being regularly and continuously monitored to ensure they remain a 'fit and proper' person to be transporting members of the public.

The DBS cannot access criminal records held overseas (only foreign convictions that are held on the Police National Computer may, subject to disclosure rules, be disclosed). Therefore, the DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas.

Consultation Response

GM level summary:

96 comments were made from general public respondents.
29 comments were made from trade respondents.

Of the 9 Driver related standards, this standard received the second highest number of comments.

The following table shows a breakdown of the number of comments made for this standard by type of respondent:

STANDARD	General public	Hackney Drivers	PHV Drivers	PHV Operators	Businesses	Vehicle Leasing Company	Representatives
Enhanced Criminal Records Check (DBS)	96	6	12	1	0	1	9

This table provides more detail on the type of themes that came out in the comments made by respondent type:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Enhanced DBS should be mandatory	74	6	7	1	0	1	6
DBS check would make passengers feel safer	12	0	0	0	0	0	1
All drivers should not have a criminal background / have enhanced DBS check	5	0	2	0	0	0	1
DBS check every six months is expensive	1	0	3	0	0	0	0
Concern checks don't cover convictions obtained abroad	9	0	1	0	0	0	2
Base	96	6	12	1	0	1	8

Comments made in relation to criminal record checks were very supportive:

"I feel it is appropriate for drivers to have an enhanced criminal record check – it would make me feel a lot safer allowing my disabled daughter (who also has a learning disability) to travel under their care. After all, all staff currently involved in her care have to have one. I feel it is appropriate." (Public, age 45-54, Bury)

Very few comments were received from the trade, but those that did comment were also supportive of additional checks. All drivers spoken to in qualitative research felt that it was a positive standard which encouraged trust in drivers from users, especially if it is explicit to all users that this is a mandatory standard. The in-depth interviews with users, drivers and operators showed that most respondents assumed this standard was already in place and felt that if it wasn't mandatory then it should be.

Bury Response:

In total, 9 members of the public made comment on Enhanced Criminal Record Checks.

- **Enhanced Criminal Record Checks (DBS):** Two thirds (n=6) of the comments received agreed that the DBS checks should be mandatory and three other comments were about improving the feeling of passengers' safety.

In total, 1 Private hire driver made comment on Enhanced Criminal Record Checks

- **Enhanced Criminal Records Check (DBS):** One driver agreed that DBS checks should be mandatory.

Comments and considerations

The Statutory guidance issued in July 2020 advises that authorities should carry out an Enhanced DBS check including barred lists and require drivers to evidence continuous

registration with the Update Service to conduct checks at least every 6 months, and notes the particular high risks to passengers within this industry by the private nature of the mode of travel. The guidance advises that if drivers do not subscribe to the Update Service, they should still be subject to a check (by production of new certificate) every 6 months.

Licensing Authorities should do all they can to minimise the risk to the public and be proactive in doing so. This standard ensures that in addition to the enhanced DBS certificates already required by all 10 authorities, that every authority also requires drivers to be registered with the Update Service and subsequent 6 monthly checks conducted on their DBS status, thereby ensuring consistency on the frequency of proactive checks and ensuring that authorities are not reliant on the honesty of licence holders declaring relevant issues and offences.

This standard also has the added benefit of reducing the cost long term to the licensee as an enhanced DBS certificate costs a minimum of £40 and a new certificate would be required each time the authority wanted to check the status of the licensee's DBS – however registration with the Update service is only £13 per annum, and the licensee need never obtain a further certificate at full cost should their DBS remain clear.

There was overwhelming support from the consultation and strong public safety benefits of this proposed standard, as well as reduced overall costs to the licence holder.

In relation to overseas background checks; due to significant concerns about the current system and the value of conducting these checks against the cost that would be reflected in the licence application fee, Officers will be reflecting further on the current system and engaging with the Government on the best way to conduct such checks going forward and will, if deemed necessary, prepare a further report.

Lead Officer recommendation

To implement the Standard as proposed.

To reflect and engage with government further on the requirement for certificates of good conduct overseas and prepare a further report if necessary.

Proposed Standard 2	Bury Council Current standard
<p>Driver Medical Examinations It is proposed that:</p> <ul style="list-style-type: none"> Group 2 medical examinations are used to check drivers are medically fit to drive [the same examinations as applied by the Driver and Vehicle Standards Agency (DVSA) for lorry and bus drivers] 	<p>We currently have this standard in Bury</p>
<ul style="list-style-type: none"> That the medical assessment is conducted by a registered GP or registered Doctor who has reviewed the applicant and has access to their full medical history 	<p>An applicant/licence holder can go to their own GP or they can go to another approved supplier as well but this supplier does not have access to medical records</p>

<ul style="list-style-type: none"> • That the medical certificate is no more than 4 months old on the date the licence is granted 	<p>We currently accept medicals up to 12 months old.</p>
<ul style="list-style-type: none"> • Medical certificates are required minimally (unless otherwise directed by a medical professional) on first application; at age 45; and every 5 years thereafter until the age of 65 when it is required annually 	<p>Applicants must have a medical when they apply for their first licence and then again when they reach 45 and every five years up to 65 and then every year thereafter.</p>

Reason for Proposal

Taxis and private hire vehicles are public transport providers and it is important that the travelling public are assured with regards to the medical fitness of their designated driver. The medical standards for Group 2 drivers are substantially higher than Group 1; not permitting various medical conditions deemed to be too high risk for driving occupations where the driver typically spends lengthy periods of time in the vehicle, has a responsibility to members of the public and need to be able to assist passengers with disabilities.

Currently nine districts require the Group 2 medical assessment standard, but not all have a policy standard that requires the assessment to be made by a GP or Doctor who has access to the applicant's full medical history, or a standard that the medical is no more than 4 months old at the date the licence is granted. This proposal brings all 10 pre-requisites on this element of the licence application process into line, alongside the statutory frequency standard for medical certificates being renewed.

Consultation Response

GM level response:

This proposal perhaps unsurprisingly elicited very few comments as there are only minor changes to current the current policy standard across the board:

17 comments were made from general public respondents
 18 comments were made from trade respondents

Of those that did comment, most agreed with the standard.

The following table provides a breakdown of the number of comments by respondent category:

STANDARD	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Medical Examinations	17	4	5	1	1	0	7

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
The cost of the medical is expensive	0	0	2	0	0	0	0
Health check should include being able to handle wheelchair users	1	0	0	0	1	0	0
Driver medical examinations are not necessary	5	0	2	0	0	0	0
Agree with medical examination	11	4	1	1	0	0	7
Non-NHS organisations should be allowed to issue medical certification	0	0	0	0	0	0	1
Base	17	4	5	1	1	0	7

Two respondents mentioned that driver's being physically unable to assist wheelchair users can be an issue, with some driver's complaining they had a 'bad back' or that the chair was too heavy.

A trade association made the following comment:

"Something that is problematic however is the fact that individual licensing authorities have differing standards requirements for DVSA Group 2 medicals. Many 'forward thinking' licensing authorities are currently using DVSA medical providers that are approved by the Road Haulage Association (RHA)..... we implore the 10 Unifying TfGM Authorities to immediately utilise these service providers like the RHA does" (Organisation, LPHCA)

Bury Response:

In total, 3 members of the public made comment on Medical Examinations:

Medical examinations: Two comments agreed with the medical examinations in general and one commented it was unnecessary.

No Private hire driver made comments on this proposal.

Comments and considerations

In the absence of a statutory standard, best practice guidance does advise on the application of the Group 2 standard but remains silent on whether a GP or registered Doctor can conduct the assessment in the absence of the full medical records. From experience and following engagement with the Institute of Licensing and medical professionals, lead officers understand it is important that the GP/Doctor assessing the applicant has access to their full records and not just a summary of the applicant's medical records which could omit critical information.

The cost of medical assessments is not within the jurisdiction of licensing authorities, but as long as the GP/Doctor has access to the full medical records, authorities do not otherwise stipulate which GP/Doctor can be used which allows applicant's to search the market for what is most suitable to them at the time. Given the impact on the trade following the pandemic, and reports of ongoing delays accessing medical assessments, officers consider it best not to

stipulate specific providers at this time, although this is something that could be considered in the future.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 3	Bury Council Current standard																
<p>Knowledge Tests</p> <p>It is proposed that applicants undertake a knowledge test. Authorities will be able to determine what is included in their local test but topics covered may include; local area knowledge, local conditions, licensing law, road safety, highway code, numeracy and safeguarding.</p>	<p>All drivers must undertake and pass a knowledge test in Bury prior to a licence being granted</p>																
<p>Reason for Proposal</p>																	
<p>Local area knowledge has long been considered an important feature and a strategic objective to licence a high-quality fleet of drivers that supports visitors and business growth in the region. This is not just proposed from a customer service perspective; so that passengers are not waiting unnecessarily due to driver confusion about buildings/stations/locations, or so they are not charged unnecessarily if the driver does not take the most direct route. More importantly than that, having sound and sufficient knowledge of the local area is widely considered essential for public safety, as in the worst scenarios, lacking a decent understanding of local routes can lead to passengers being in dangerous or vulnerable locations.</p> <p>All 10 authorities currently require a local knowledge test and this proposal seeks to protect and embed this standard within the suite of common standards.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p> <p>This standard elicited the second highest number of comments from respondents within the Driver standards section.</p> <p>123 comments were made from general public respondents 47 comments were made from trade respondents</p> <table border="1" data-bbox="215 1653 1426 1832"> <thead> <tr> <th>STANDARD</th> <th>General public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>Knowledge Test</td> <td>123</td> <td>12</td> <td>22</td> <td>4</td> <td>0</td> <td>2</td> <td>7</td> </tr> </tbody> </table> <p>This table breaks those comments down thematically across the respondent categories:</p>		STANDARD	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Knowledge Test	123	12	22	4	0	2	7
STANDARD	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Knowledge Test	123	12	22	4	0	2	7										

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
The local knowledge test is not needed as most people use sat nav	15	5	8	1	0	2	3
The local knowledge test is needed - issue with drivers' poor local knowledge	108	7	9	3	0	0	4
Knowledge test is only required for new drivers	0	0	6	0	0	0	0
Base	123	12	22	4	0	2	7

As the table shows, the most commonly held view was that the knowledge test was needed, and that drivers' poor local knowledge was an issue for the general public. Those public respondents cited cost of travel and concerns for safety as the main reasons for their view:

"I have pre-booked taxis within the borough I live in (Oldham) and in Manchester and have found that the driver does not have local knowledge of the borough. As I often travel alone, I find this disconcerting and have found myself anxious on many a journey." (Public, age 35-44, Oldham)

"Knowledge Test: This is very important. One in every three that I have travelled with asks me for directions. When my daughter, with special needs, travels alone and is asked for directions she is unable to do that. This has caused a long unnecessary journey." (Public, age 75+, Oldham)

"Knowledge tests - too often we are asked to provide directions to the location we are travelling or spend minutes at the start of each journey trying to explain. I think a basic understanding of the areas in Greater Manchester is a must." (Public age 25-34, Stockport)

"Knowledge tests should be required every five years to ensure drivers are aware of changes in the Highway Code and reminded of best practice. They should also be required after a driver is convicted/fined or reported for any breach of the Highway Code or other offence." (Public, age 65-74, Manchester)

One user respondent in the qualitative focus groups gave this example:

"Driver pulls up at the side of the road to ask me where a certain place was. It wasn't far away but because of the diversions in place due to roadworks, his sat nav was useless as it wasn't picking it up or giving him an alternative route. So, I ended up getting in with him and showing him the way as he was struggling, didn't know the area and his passenger was getting quite irate. I shouldn't need to do that though. (User, Group 16).

Trade respondents' comments mostly supported the standard:

"I once had one driver pull up and ask me where Old Trafford was, when working in Trafford. I get you might not know little places, hard to reach, but Old Trafford stands out and is well signposted and this driver was clueless. Had no idea. That's not good enough in my eyes." (Hackney Driver, Trafford)

"Now, part of the stipulation for your badge, hackney badge employees, you take the shortest direct route. Unless instructed by the customer. They've got Google maps, everything they do is app based, Uber is app based and its app based on Google maps. Google maps is not the shortest, it's the fastest. If there's a motorway anywhere near where you're going or you're coming from, he'll jump on it and the customer has to pay, because it's all done on distance. That is going against the bylaws of the town. The

bylaws state that if you're an operating service it's got to be shortest, most direct route."
(Hackney Driver, Stockport)

Although 5 Hackney drivers and 8 private hire drivers did not feel the knowledge test was necessary due to the widespread use of Sat Nav technology:

"Knowledge test not essential since today technology can find and direct driver to any destination" (Hackney Driver, Manchester)

"Knowledge tests are not as needed as it once was. Most jobs undertaken via some sort of Sat Nav and many with the journey already mapped out before the customer even enters the vehicle." (Vehicle lease company, Stockport)

Bury Response:

In total, 10 members of the public made comment on this proposal.

Knowledge test (n=10): Members of the public who commented were in support of the local knowledge test emphasising drivers don't always know where they wish to travel to and just follow SatNav or ask passengers for direction.

"Lack of local area Knowledge. on many occasions on social nights out with my friend we have constantly had to direct the driver to wherever we wish to go as they just do not have the area knowledge & when questioning our more familiar / regular drivers why it became apparent that drivers were being brought in from outside the area. This often led to debates / arguments with some of the drivers because they didn't see it as a problem & that we should show them the route & a lot of the time the drivers were engaged in general conversations on their hands-free mobiles which we found to be very disconcerting & downright rude." (Public, age 55-64)

"Knowledge tests in terms of knowing the best route to take to keep the fare to a minimum, rather than taking longer routes to increase the cost. From my own experiences I have on occasion challenged the taxi / cab driver on their choice of route, and received the response "Which way do you want me to go?" I think the public and certainly myself expect these minimum standards from a service that is for the public." (Public, age 45-54)

In total, 3 private hire drivers made comment to this proposal.

Knowledge test: Two drivers stated that the knowledge test is unnecessary since they use SatNav and one driver commented they were important as there is currently an issue with drivers' local knowledge.

Comments and considerations

Whilst most responses support the standard that is already in place, a minority of respondents disagree citing the use of satellite navigation technology, and this assertion is often made on and off by trade groups to local authorities. There are many examples of when Sat Nav technology cannot be relied upon, including a well-publicised example that took place in April 2021 in Eccles in Salford, where an 'out of town' private hire driver drove a passenger in his vehicle into the Bridgewater Canal, telling the Police he was following his Sat Nav.

It is much more preferable that locally licensed drivers have a sound local knowledge of their area as technology can fail, or signal can be lost, and passengers (who may be children and/or vulnerable) should have the confidence that the driver is able to transport them to their destination regardless of whether they have access to technology or not. In short, Sat Nav should be seen as a supplement to, not a replacement for, local knowledge.

A risk that should be noted, is the cost implication of delivering (whether in house or via a third party) local knowledge tests and therefore ultimately the cost to the applicant. This will generally only apply to new applicants rather than existing licence holders. Whilst other local authorities outside of the

region choose not to require this element in their licensing of drivers, this could remain a motivation for drivers to seek their licences elsewhere. As all authorities currently have the standard within their fee structure, it is considered best to retain the standard and continue to make this point to the DfT.

Lead Officers recommendation

To implement the Standard as proposed

Proposed Standard 4

Bury Council Current standard

English Language Test ●

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

This is a pre-requisite requirement before an application can be made in Bury

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

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

Reason for Proposal

It is essential in providing a safe experience that licensed drivers are able to communicate effectively with passengers to establish their needs, and provide accurate information with regards to journey time, fare and the operation of the vehicle, and provide legible receipts upon request. It remains a common complaint to authorities that some drivers lack the ability to communicate effectively.

Licensed drivers also have a key role to play in the public transport network, often driving vulnerable individuals (on schools' contracts for example), or visitors who are unfamiliar to the area. It is important that passengers are able to communicate effectively in all situations (particularly in an emergency) with their driver to ensure their needs are met, particularly those with disabilities or additional needs. We also know from various reviews that the sector can play a critical role in the identification of exploitation and criminal activity, including county lines; so drivers must be able to identify and clearly report harm and risk through their understanding of spoken English.

Consultation Response

GM level response:

94 comments were made from general public respondents
39 comments were made from trade respondents

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
English Language Test	94	13	18	2	0	1	5

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with language requirements	72	10	14	1	0	0	4
The enforcement of language tests will be controversial	3	0	1	0	0	0	0
Only a speaking / listening test is required, writing is not important	11	0	0	0	0	1	2
English and maths test are discriminating people with disabilities who are already a hackney / PHV driver	3	1	0	1	0	0	0
Language requirement is not necessary	7	2	4	0	0	0	0
Base	94	13	18	2	0	1	5

As Members will see, the majority of those who made an additional comment on this standard made positive remarks in support of the proposal:

“I believe that an English test is crucial as many passengers have told me they’ve had drivers who are unable to speak a word of English. Just imagine you’re in a private hire and you tell the driver you have cut yourself. You need a plaster. And the driver tells you he doesn’t understand. There’s many other scenarios I could give you.” (PHV Driver, Manchester)

“Having good communication skills is essential so that the passenger can feel confident and secure, knowing that they have been understood and can understand what the driver is saying to them. I know this because I work with people who have dementia and need this extra care” (Public, age 55-64, Manchester)

However, a small number of comments were made raising concerns about this standard:

“The English language tests. I feel like this will alienate a lot of drivers and tests like these are biased against immigrant taxi drivers. Most councils have these enhanced checks” (Public, age 25-34, Manchester)

“All of the above already exist in my council but it is stupid that someone with a PHD who is of an age where they cannot find their O levels from 50 years ago still has to take an English/Math test because councils currently say if you don't have GCSE, GCE or equivalent O level you have to take an English test even though English is first language and far superior qualifications have been gained over a career.” (Operator, Bury)

“English language test- since when has this ever been a problem before? I think there are unconscious biases at play here you need to address. Really unfair to suggest current taxi drivers can't speak or write English. When has this ever been an issue? Speaking a language and writing it are two very different things. I don't think you need to be able to write to drive taxis. Having these criteria will exclude those who probably already struggle to get work elsewhere e.g. people with learning disabilities, people whose second language is English. They can speak English but can't write. Really disappointed with these criteria.” (Public, age 35-44, Rochdale)

Aecom noted that there was no significant difference in the number of comments received by district or ethnic origin.

Bury Response:

In total, 8 members of the public made comment on this proposal.

- Almost all the comments received (n=7) agreed with the requirements just one person felt it was an unnecessary standard.

In total, 3 private hire drivers made comment on this proposal.

English language test: One driver agreed with the test; another disagreed, with one comment suggesting that the enforcement of a language test will be controversial.

Comments and considerations

Whilst the comments against the standard are few, it is still important to address concerns raised that may be based on misconceptions about the rationale for having a licensed driver fleet proficient in the use of both written and oral English. The primary purpose of licensing is always public safety and it is with this in mind, that most GM authorities already have this requirement in their regime.

Whilst it is understood that the sector does attract newly migrant workers, it is important that users and licensees understand the important role licensed drivers play as a public transport provider and their responsibilities to passengers. Authorities strive to licence a driver fleet that plays an active role in safeguarding matters. As stated in the Statutory Guidance; “A lack of language proficiency could impact on a driver’s ability to understand important documents, such as policies and guidance relating to the protection of children and vulnerable adults. Oral proficiency will also be of relevance in the identification of exploitation through communicating with passengers and their interaction with others”.

A risk that should be noted, is the cost implication of delivering (whether in house or via a third party) language proficiency tests and therefore ultimately the cost to the applicant. Whilst some local authorities outside of the city region choose not to require this element in their licensing of drivers, this could remain a motivation for drivers to seek their licences elsewhere. As most GM authorities currently have this standard already within their fee structure, it is considered best to retain the standard and continue to make this point to the DfT. Officers will be looking at options for joint procurement of providers going forward.

Lead Officers recommendation

To implement the standard as proposed.

Proposed Standard 5	Bury Council Current standard																
<p>Driving Proficiency Tests It is proposed that all new drivers will be required to pass a taxi/private hire on-road assessment with a GM approved supplier.</p>	<p>This is currently a pre-requisite in Bury. Driving proficiency tests are undertaken by two driving school companies in Bury. Bury would have to use the GM approved supplier once sourced.</p>																
<p>Reason for Proposal</p>																	
<p>Driving a licensed vehicle does require additional skills to those assessed in a standard driving test. Taxi and PH driving proficiency tests are conducted by DSA test examiners and require the driver to demonstrate a level of driving skill and ability associated with that of an experienced driver as well as a sound knowledge of the highway code. The test takes into account that drivers have additional road safety responsibilities to their passengers, and the safe conveyance of passengers. Some manoeuvres tested include:</p> <ul style="list-style-type: none"> • Safe turning of the car around in the road • Safe stopping at the side of the road (a safe distance from the kerb and ensuring there are no obstructions for passengers) • A wheelchair exercise (loading/unloading and securing safely) <p>Authorities regularly receive complaints from customers who feel their driver lacked safe driving skills, or sufficient knowledge of the highway code and this proposal seeks to improve the overall quality of driver licensed within the region.</p> <p>Currently half the GM authorities have this requirement in policy, and the proposal is that all new drivers will be required to pass a taxi or private hire on-road assessment with a GM approved supplier (those that currently require have a list of approved suppliers at present).</p> <p>Due to some drivers who have migrated from Europe being able to convert to a UK licence it is highly likely that they will not have been tested against UK standards including the highway code.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p> <p>53 comments were made from general public respondents 28 comments were made from trade respondents</p> <table border="1" data-bbox="193 1458 1449 1659"> <thead> <tr> <th>Standard</th> <th>General public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>Driving Proficiency Test</td> <td>53</td> <td>10</td> <td>10</td> <td>3</td> <td>0</td> <td>0</td> <td>5</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Driving Proficiency Test	53	10	10	3	0	0	5
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Driving Proficiency Test	53	10	10	3	0	0	5										
<p>This table breaks those comments down thematically across the respondent categories:</p> <table border="1" data-bbox="193 1771 1449 1955"> <thead> <tr> <th>Comment Theme</th> <th>General Public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>Support proficiency tests proposals</td> <td>39</td> <td>7</td> <td>3</td> <td>1</td> <td>0</td> <td>0</td> <td>5</td> </tr> </tbody> </table>		Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Support proficiency tests proposals	39	7	3	1	0	0	5
Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Support proficiency tests proposals	39	7	3	1	0	0	5										

Proficiency training / test should be live not virtual	3	0	0	1	0	0	0
A driver proficiency test would not serve any purpose for experienced drivers.	6	3	7	1	0	0	0
Driving proficiency should be constantly tested	6	0	0	0	0	0	0
Base	53	10	10	3	0	0	5

This proposal didn't elicit as many comments as other standard, but of those comments made, most were in general support and felt that it should be compulsory.

"Driving proficiency tests - most drivers are ok, but I have come across several that I wonder how they ever passed a driving test. Some have total ignorance e.g. doing a 3 point turn on a busy main road at a blind junction is stupid, this happened to us in a taxi - nearly caused an accident -the taxi driver started shouting at the other innocent drivers calling them stupid." (Public, age 65-74, Trafford)

"Driver proficiency test. Driving standards need to be improved, there are currently many private hire vehicles driven badly, with seemingly little awareness of traffic laws, and a lack of consideration for other road users." (Public, age 35-44, Bury)

"Drivers need to be taught how to drive a Taxi, not just a vehicle. It is a customer service industry. Poor local knowledge and a reliance on technology has severely lowered standards." (Hackney Driver, Wigan)

"Driving proficiency should be constantly tested. Perhaps every 3 years or after complaints on their driving conduct." (Public, age 25-34, Stockport)

"Driving proficiency tests. Applicants must have held a UK licence for a minimum of two years. Foreign and EU countries licences not acceptable to drive a PHV or taxi in the UK. A minimum of 45 minutes' drive on a variety of road types plus several stops to alight as if requested by passengers. A safe reversing manoeuvre and three-point turn. Questions on the highway code, and some road signs. Must demonstrate ability to remain calm and focused whilst being questioned enroute. No serious or dangerous faults allowable." (Operator, Manchester)

However, some drivers (10 in total) did comment that they did not feel the test was necessary:

"With the use of Sat Nav is the knowledge test a necessity, especially considering most drivers reside within the vicinity. Driver proficiency is just unnecessary especially if a driver has more than 5+ years of driving experience" (PHV Driver, Trafford and outside Greater Manchester)

"Driving proficiency tests not ness just another pain in neck current driving licence enough." (Hackney Driver, Wigan)

Bury Response:

In total, 5 members of the public made comment on this proposal

- **Driving proficiency test:** Most of the comments were supportive (n=4). Just one felt it would not serve a purpose;

No comments were received from private hire drivers on this proposal.

Comments and considerations

As this proposal is for new applicants only, Members have raised that the majority of the existing fleet of over 18,000 GM licensed drivers will not have undertaken this assessment and benefited from the knowledge provided in training. Members also highlighted that such courses should be repeated at intervals (akin to other transport sectors) to realise the benefits for the travelling public but recognise the additional cost burden this would present to licensees at this challenging time. It is noted however that a proposal to implement the standard for existing fleets has not been consulted upon at this time and so due consideration will have to be given to this in the future if this is proposed.

However, as is the case currently, where a driver's proficiency is called into question (through complaints, officer observations and/or traffic related offences), it remains an option for authorities upon review of the driver's licence, to determine that the driver undertake a relevant proficiency course and assessment.

Fees for these tests average around £100 (for both theory and practical). Again, joint procurement is likely across GM for this policy area.

It is noted that the introduction of this standard across the board at this uncertain time for the trade may also further deter new and renewal applicants to GM authorities, who instead seek to find the easiest and cheapest route to being licensed elsewhere. As well as further risking licensing services cost recovery models; under the current national system, such drivers would continue to work and operate within GM anyway (thereby GM residents and visitors would not benefit from this standard in any event). Again, continued lobbying of government can seek to highlight and address this risk.

Lead Officers recommendation

To provide a future report as to the implementation of the standard for new drivers at an agreed date in 2022 and utilise in licence reviews as appropriate with immediate effect.

To provide a further future report to consider the implementation of the standard for existing drivers at a later date.

To note that the current standard/requirement within Bury will remain in force pending those future reports and subsequent decisions.

Proposed Standard 6	Bury Council Current standard
<p>Driving Training ●</p> <p>It is proposed that all authorities require drivers to undertake training in the following areas as a minimum:</p> <ul style="list-style-type: none"> - Safeguarding - Child Sexual Exploitation - Human Trafficking and County Lines - Disability and dementia awareness - Licensing Law 	<p>This is currently an existing requirement in Bury although there are a small number of drivers who have not yet completed their training. All affected drivers have been contacted in writing and if not completed face their licences being revoked.</p>
<p>Reason for Proposal</p>	
<p>The primary purpose of any training required for a licensed driver is to improve public safety. By ensuring that licence holders are aware of important issues related to their occupation as a public transport provider; ensuring they understand their responsibilities, the licensing regulatory regime, the requirements of their licence conditions and what role they play in identifying and reporting safeguarding issues and criminal activity.</p>	

As front facing services to the public, licensing authorities recognise the significant and positive role that licensees can play in supporting regulators to protect members of the public, by identifying and reporting concerns relating to safeguarding and criminality. Driver training builds on this recognition to ensure licensees are well placed in identifying relevant issues, knowing how to report and in turn supporting the public safety objective.

Consultation Response

GM level response:

70 comments were made from general public respondents

29 comments were made from trade respondents

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Driver training	70	9	7	1	2	0	10

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Additional training subjects should be included	26	2	2	0	1	0	5
Any Driver Training should be optional	5	5	4	1	0	0	1
Safety needs improving for vulnerable groups	23	0	1	0	0	0	2
Driver behaviour needs improvement	13	0	0	0	1	0	0
Agree with driver training	11	3	0	0	0	0	4
Base	70	9	7	1	2	0	10

Those making comments on this standard were mostly supportive or had additional suggestions to make with regards to improving the training. Safety, vulnerability, disabilities and additional needs were common threads.

“Driver training to make drivers aware of peoples disabilities that should be obvious and treated as such. Basic driver courtesy of exiting the vehicle and assisting passenger with alighting the vehicle and also to any baggage that may be carried.” (Public, age 55-64, Tameside)

“Knowledge tests should also include the use of facilities and technology within vehicles as they relate to disabled people. This is absolutely crucial and should include the use of ramps and the level of gradient which should be as shallow as possible, how to provide assistance to disabled passengers to access the vehicle, how to secure passengers within the vehicle, including all types of wheelchairs and scooters and non-standards cycles, sometimes used by disabled people and provision of information to passengers about the

licensing information of the drivers and vehicle.” (Organisation, Manchester Disabled People's Access Group)

“In driver training it should include training regarding impact on pedestrians of pavement parking.” (Public, age 35-44, Stockport)

“Driver training regarding vulnerable road users such as cyclists. I'm nearly hit daily by taxi drivers in Manchester while commuting.” (Public, age 25-34, Manchester)

“I was just going to say that disability covers so many different impairments and people can have multiple impairments, some of which are not obvious, as well as mental health and all these may be challenging for the driver. The driver's mental health should also be identified in there. It is also important to do training around speech impediments as a lot of drivers could identify somebody as drunk so yes, I think driver training is very important.” (User, Group 1)

Amongst trade respondents, comments were very low again but those that did comment mostly felt the training should be optional:

“I really don't think there is any need for existing drivers to have driver training, when you have been driving a taxi for a number of years, and dealing with challenging road users, and the safety of your passengers, as you do as a professional driver, and the longer you have done this profession, I really don't think there is any need for any other driver training, it would be a waste of resources.” (Hackney Driver, Wigan)

“It is waste of time to do all this on regular basis, people have been driving for years and they do not need any more training for driving a taxi, all they need is a driving licence and good record as a citizen.” (Hackney Driver, Oldham)

Other comments made on the standard were:

“Pretty much, yeah, I think they do like a day's training when you apply for a new badge, but they didn't apply it to existing badge holders, so I think now if you were applying you have to do like a half a day course of some kind. But when they brought it in, they didn't apply it to existing badge holders who have never done it. (PHV Driver, Rochdale)

“We've never heard of it. So, none of my drivers have had child safeguarding training. I've never had it. Yet in the new minimum standards proposals I'm supposed to be doing a DBS every single year, because I'm an operator.” (Operator, Trafford)

“The whole strategy for driver training should be centred around motivation to do well at the job and each training experience should leave a driver feeling positive and valued. Spending that bit extra finance if needed will be well worth it if these outcomes can be achieved. To raise standards in private hire in Greater Manchester I implore you to use the carrot as well as the stick. If drivers are attending training, whatever the subject, it can be made an enjoyable and attractive experience.” (Councillor, area not provided)

Bury Response:

In total, 3 members of public made comment on this proposal.

- **Driver training:** One comment was in general agreement with the training, one felt that additional subjects should be included in the training and one mentioned that driver's behaviour needs improvement.

In total, 1 private hire driver made comment to this proposal.

Driver training: A driver commented additional subjects should be added to the training.

Comments and considerations
<p>Most of the GM authorities already require driver training for all new applicants, and some have retrospectively delivered safeguarding training to their existing drivers. The proposal seeks to ensure a fully consistent approach for new applicants, embedding the key elements of safeguarding, exploitation and disability awareness into the requirements for a licensed driver in the region.</p> <p>Whilst there is inevitably a cost associated to this requirement (whether delivered in house or by a third party provider), for most authorities it wouldn't be additional to their current costs which already include this standard. There is again the risk that it may deter some applicants, but the risk of not requiring this training is considered to be much more significant to the travelling public. If delivered in house, this can be provided at a lower cost than some external courses on the market. The proposal did not elicit many comments from respondents and the majority made were in support.</p> <p>Authorities are at liberty to consider if and how they may wish to introduce the standard for existing licence holders.</p>
Lead Officers recommendation
To implement the standard as proposed.

Proposed Standard 7	Bury Council Current standard																
<p>Dress Code It is proposed that a dress code is introduced to promote an improved and positive image of the licensed trade across the region. A proposed code is attached as Appendix 1</p>	<p>This would be a new requirement for Bury if implemented</p>																
Reason for Proposal																	
<p>Licensing Authorities receive numerous complaints annually with regards to driver dress standards and related personal hygiene. In the worst examples, passengers have reported that drivers wearing shorts have had their private parts on display.</p> <p>Authorities are striving to achieve a higher standard of licensed driver fleet, and positive driver image for resident and visitor passengers is part of that standard of professionalism we aim to achieve. It is merely about drivers considering and reflecting on what they wear as a licensed driver and not about uniform.</p>																	
Consultation Response																	
<p><u>GM level response:</u></p> <p>102 comments were made from general public respondents. 91 comments were made from trade respondents.</p>																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Standard</th> <th style="text-align: center;">General public</th> <th style="text-align: center;">Hackney Drivers</th> <th style="text-align: center;">PHV Drivers</th> <th style="text-align: center;">PHV Operators</th> <th style="text-align: center;">Business</th> <th style="text-align: center;">Vehicle Leasing Company</th> <th style="text-align: center;">Representatives</th> </tr> </thead> <tbody> <tr> <td>Dress Code</td> <td style="text-align: center;">102</td> <td style="text-align: center;">27</td> <td style="text-align: center;">49</td> <td style="text-align: center;">4</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Dress Code	102	27	49	4	0	1	10
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Dress Code	102	27	49	4	0	1	10										

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with dress code	21	2	2	1	0	0	2
A designated uniform is uncomfortable to drive in all day	9	9	8	0	0	0	3
Disagree with a uniform (dress code)	70	17	39	2	0	1	5
Cultural / religious attire should be permitted	2	0	0	0	0	0	0
Dress code should be decided by the firm	1	0	0	1	0	0	0
Base	102	27	49	4	0	1	10

This proposal received a relatively high number of comments compared to some of the other standards. The majority of those that made comments (among both public and trade) disagreed with the idea of a 'uniform' stating it wasn't necessary or was uncomfortable. Comments made included:

"Dress code as we are self-employed it is up to us what we wear as long as it is appropriate and not offensive" (PHV Driver, Tameside)

"I don't think there is need to change the dress code as long as the driver is dressed appropriately." (Hackney Driver, Manchester)

"I am worried about dress code because we the private hire drive or hackney drivers spend many hours sitting and driving so we wear a dress who we feel comfortable if there is dress code, I am afraid it can make us uncomfortable." (PHV Driver, Manchester)

"Dress code is very subjective and could put pressure on drivers who are already scrutinised and looked down on by the general public." (Public, age 25-34, Bolton)

"I don't really think dress code is that important. Taxi drivers should be allowed to wear whatever they want as long as it isn't offensive or inflammatory." (Public, age 18-24, Bury)

"Agree with all proposal except for Dress Code, which will have little benefit to the public." (Organisation, Brandlesholme Community Centre)

"I couldn't care less what my driver wears, if I'm honest. as long as it's not kind of, they look like they've just rolled out of bed, kind of thing." (User, Group 15)

38 of the trade respondents that commented and disagreed with the proposal were from an Asian background.

Other comments received included:

"Dress code; would make drivers look professional to visitors to the area plus I would be more confident in the driver." (Public, age 55-64, Manchester)

“Well, I support the dress code. I think it’s broad enough, so if somebody’s wearing jeans it’s not a big issue, but if their personal hygiene is not good, then it would be an issue, so yeah.” (User, Group 1)

“It’s illegal to drive a private hire vehicle wearing shorts which are not below the knee. So, they’ve got to be knee length shorts. I know the licensing laws, it’s illegal to drive a taxi in flipflops. Yeah, half these drivers wouldn’t know, I’ve told drivers that in the past, being a manager, I’ve pulled people in saying you can’t wear that. You’re not meant to wear a football shirt when you’re driving a private hire vehicle either.” (Operator, Trafford)

Bury Response:

In total, 11 members of the public made comment on this proposal.

Dress code (n=11): Members of the public stated that uniforms are not necessary as long as drivers are presentable.

“The requirements for dress code seem unnecessary as long as the taxi is identifiable” (Public, age 35-44)

“I don’t really think dress code is that important. Taxi drivers should be allowed to wear whatever they want as long as it isn’t offensive or inflammatory.” (Public, age 18-24)

In total, 2 private hire drivers made comment on this proposal.

- **Dress code:** Two drivers disagreed with the dress code

Comments and considerations

Some of the comments elicited in the response suggest the respondents did not refer to the Appendix in the accompanying information booklet that outlined the proposed dress code, as there is reference to disagreeing with a ‘uniform’ and some respondents seem to be under the impression the dress code is prescriptive.

On the contrary, the outline dress code proposed does not seek to introduce a uniform or be overly prescriptive, but instead simply aims to make clear both for drivers and compliance officers what is deemed acceptable and what isn’t in a broad sense, to provide consistency across the board whilst respecting, for example, religious dress.

Therefore despite the fact that most of the comments made were in general disagreement with this standard, it is considered the concerns raised by those respondents are already addressed by the broad way in which the dress code is already proposed. Having said that, alterations to the draft dress code are proposed in response to provide even further flexibility on what would be deemed as acceptable as follows:

Shirts can include t-shirt or polo shirt

Tracksuits to be removed from the list of unacceptable sportswear (tracksuits will be acceptable as long as they adhere to the other conditions i.e. don’t contain words or graphics that could be deemed as offensive, and clean, free from holes, rips or other damage)

Dress code policies are not unique in GM and a number of Authorities already have them.

Lead Officers recommendation

To implement the standard as proposed.

Proposed Standard 8	Bury Council Current standard																																								
<p>Drug and Alcohol Testing It is proposed that a policy is developed to introduce testing for drivers based on complaints or intelligence received.</p>	<p>This would be a new requirement for Bury if implemented.</p>																																								
<p>Reason for Proposal</p>																																									
<p>Driving under the influence of drugs and/or alcohol poses a significant risk to the public and other road users. Other driving professions undergo testing in this regard and following discussions, the GM authorities felt this was an important policy area to consult upon in principle at this stage.</p> <p>It should be noted that Greater Manchester Police already act on concerns observed in the course of their general engagement with road users at large, but that this proposal will strengthen partnership working and ensure that any intelligence relating to substance misuse by licensees is acted upon consistently across GM as per the policy.</p>																																									
<p>Consultation Response</p>																																									
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<p>Few comments were received about this proposal in principle, but those that did comment were mostly in favour of the standard:</p>																																									
<p><i>“These are all good subjects. The drivers already go through these checks. The only one that is new is drink and drugs test which should be necessary and a must. A very good and positive step.” (PHV Driver, Bury)</i></p>																																									

"I agree with all these points. For a woman getting into a vehicle with someone she does not know is very risky and some people have taken advantage of women when they could perhaps be travelling home late at night. Taxi drivers should not have a criminal background and should be regularly tested for drugs and alcohol as they are providing a public service." (Public, age 55-64, Trafford)

The small number of negative views however raised concerns that the proposal was duplication of existing arrangements and about possible abuse of the system:

"Drivers are already subject to drug and alcohol testing by the police. It is not acceptable for the trades to be subject to LA roadside drug and alcohol checks." (Hackney Driver, Manchester)

"Drug and alcohol testing- DISAGREE the GM hackney trade is already subject to such testing by GMP." (Unite the Union - Manchester Hackney Carriage)

"Drug and alcohol testing - what are the circumstances when this will be enforced? I hope it will not be just at the whim of a customer that makes a complaint, there would need to be clear guidance or policy." (Public, age 35-44, Manchester)

"Drugs and alcohol testing for drivers, it's a good idea but can be open to abuse if only on complaint or anonymous report by people and passengers who have a personal issue with a driver due to other reasons can use this as a tool to abuse and cause unnecessary problem for that driver so I don't agree with this proposal as bus drivers/tram drivers don't get tested." (PHV Driver, Manchester)

During the qualitative in-depth interviews a handful of users expressed surprise the standard wasn't already in place, but also suggested it may be difficult to enforce:

"I'm quite shocked that the drug and alcohol one isn't in place. Because that makes you kind of question whether or not, well should I be questioning now (the driver's behaviour) when I get in the taxi." (User, Group 2)

"It seems sensible to have a consistent policy in place for all involved, know what the process is for complaining etc." (User, Group 2)

"I think it's more problematic around drug testing. because, you know, it's difficult enough to know whether somebody's been taking certain kinds of drugs and you know, I mean there's so many different effects of different kinds of drugs that can produce inappropriate behaviour of dangerous behaviour, but I think the police have difficulty in themselves, you know, if you're on amphetamines, you know, that could have a bad effect, not just cannabis. It's not just cannabis these days, is it, it's other things." (User, Group 1)

Some drivers were open to increased monitoring and policing of this amongst drivers, but felt it was difficult when there are drivers from outside of the region.

"If they brought back spot checks and just did, you know, I'd imagine drug and alcohol might be police rather than council, but if they just did a pull over at the side of the road, breathalysed you and did whatever you have to do for a drugs test, I think it'd be quite, you know, if they do it random or like you said, if the customer reports a driver thinking they smell alcohol and followed it up. Yeah, but I think the only problem is, a lady was once saying to me she wanted to make a complaint and I said, it was an out of area town, you know, I'll use the example of Wolverhampton again, this lady, you know, they're working in Trafford, so she contacted Trafford Council only to find that it was Wolverhampton she had to contact." (PHV Driver, Trafford)

Most drivers and operators felt this was a positive step and would encourage it to be monitored whilst a fair and clear process could be introduced.

Bury Response:

In total, 5 members of the public made comments on this proposal.

- **Drugs and alcohol testing:** respondents provided a general comment in agreement with this (n=4) with one concerned about abuse of the system;

In total, 1 private hire driver made comment on this proposal

Drug and Alcohol Testing: agreed with the testing

Comments and considerations

This is an area that licensing authorities and Members have considered due to general feedback from members of the public and complaints concerning drivers who may be using or under the influence of drugs whilst driving.

Other driving professions such as train, bus and HGV drivers already undergo regular drug and alcohol testing as part of the annual medical examination as well as random testing, and there is a clear argument that due to the public safety responsibility of licensed drivers there should be a similar policy in place.

The Statutory guidance issued last year does not refer directly to random or targeted testing of existing fleet but does suggest that authorities should consider requiring new applicants who have had previous convictions for drugs related offences (that are outside of the conviction policy guidelines and therefore is eligible to be considered for a licence), to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Any such policy would have to ensure it complied with HSE and ICO guidance on risk and data collection, and consider the following issues:

- How testing will be targeted ensuring fairness and transparency
- Frequency of testing
- Who will deliver the testing
- How data will be collected and held

Lead Officers recommendation

To develop a full policy proposal to be brought back to Members in 2022.

Proposed Standard 9	Bury Council Current standard
<p>Private Hire Driver Licence Conditions A set of proposed licence conditions for Private Hire Drivers are set out at Appendix 2. The conditions cover a comprehensive set of expectations with regards to driver behaviour, including customer service and requirements on reporting.</p>	<p>Bury Council currently has private hire driver conditions. As part of this MLS project a proposed set of conditions have been developed. This is part of the work of GM Licensing Managers being undertaken.</p>

Reason for Proposal

Each local authority already has licence conditions for their private hire drivers, but they vary across the conurbation. The Licensing Managers Group reviewed their own conditions and collectively proposed a set of updated and revised conditions, with an enhanced focus on the expectations on drivers with regards to dealing with passengers, assisting those with disabilities and proactively reporting relevant matters to the licensing authority.

Specific new conditions were also proposed to tackle and deter the high volume of private hire drivers and vehicles (mirrored in the proposed Private Hire Operator and Vehicle licence conditions) seen in busier districts and town centres. Recent years have seen a proliferation of private hire drivers and vehicles at these locations as technological advances and business models mean that private hire vehicles can now be booked 'almost instantly'. Whilst legislation still makes a clear distinction between Hackney Carriages that can be hailed for immediate hire on the street, and private hire vehicles that still require that a pre-booking to be made via a licensed Operator; the general public often have no awareness of the difference or requisite process ... as such we now often have an environment where private hire drivers plot and circle around busier locations pre-empting demand, but also taking advantage of the often chaotic conditions created by high levels of congestion and confusion as passengers just want to get home. Pre-pandemic, the private hire sector saw high levels of over supply with numerous operators and drivers competing for the same finite business; an environment in itself creating an impetus for illegally plying (drivers offering fares outside of the booking process to undercut competitors) and often creating unsafe driving conditions in heavily pedestrianised and congested areas as private hire vehicles often double park and stop and wait in contravention of traffic orders in order to get as close as possible to prospective customers. In addition, the high volume of plotting and circling around districts and town centres creates more unnecessary emissions.

Without substantial proactive compliance, private hire drivers can be present in busier areas, appearing available for hire, and effectively plying their trade as such. This has had a significant impact on the Hackney Trade in recent years who (in most districts) pay a premium for purpose built accessible vehicles and the ability to ply their trade on ranks (depending on the authority's fee model, costs associated with providing for the Hackney rank provision and marshalling can be added to the costs used to calculate the relevant fee). Many less scrupulous drivers take advantage of this environment, illegally plying for hire and picking up un-booked fares. Furthermore, in busier areas and particularly busy night-time economies, this also creates an environment where drivers with ill intent or unlicensed drivers are more easily able to pick up vulnerable people.

In the absence of national legislative reform on this issue, the proposed conditions seek to help alleviate some of the harm and risk caused by this behaviour, by requiring drivers who do not have a booking to plot or wait away from busy and high footfall locations and away from designated ranks. It has been previously determined that it is not possible to require private hire drivers and vehicles to return to base on completion of a job, and authorities recognise that private hire operators will reasonably wish to ensure that their customer base are better serviced by having drivers and vehicles available in fairly close proximity to expected demand.

Consultation Response

GM level response:

5 comments were made from general public respondents
4 comments were made from trade respondents

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Private Hire driver conditions	5	1	2	0	0	0	1

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with PHV conditions	3	1	0	0	0	0	1
It is unfair to standardise hackney and PHV drivers but have their work classified differently	2	0	2	0	0	0	0
Other	25	2	4	1	1	0	1
Comments about CAP	1	1	2	0	0	0	1
Base	31	4	8	1	1	0	3

Very few comments were received about the proposed Private Hire licence conditions.

One organisation feared if conditions were too onerous then drivers would leave Greater Manchester.

“Private hire driver conditions - AGREE but fear that if PHV driver standards are too restrictive they will shop elsewhere under cross-border legislation.” (Unite the Union -Manchester Hackney Carriage)

“All of these changes are welcome, however there needs to be parity between taxis and private hire vehicles. It is unfair to standardise them but have their work be classified differently. I pay more in a Hackney cab and they can use the bus lane, however whilst in a private hire they cannot charge waiting time but cannot use the bus lane. There needs to be standardisation across the travel industry. Private hire taxi drivers should be allowed to use bus lanes in the same way as in other cities such as Sheffield.” (Public, age 25-34, Salford)

Bury Response:

In total, 1 Member of the public made comment to this proposal.

- **Private hire driver conditions:** This person agreed with them without giving a reason.

In Total, 1 private hire driver made comment to this proposal.

Private hire driver conditions: One driver felt they were unfair.

Comments and considerations

There is a risk as raised by one respondent that stricter conditions will motivate private hire drivers to get licensed outside of GM but continue to work in the area anyway. This is the case for many of these proposals as identified at the beginning of the report, and will require strong

representations to be made to government to highlight this risk to authorities seeking to raise the bar in taxi and private hire licensing.

Many of the licence conditions proposed already exist in one form or another across the conurbation with regards to driver conduct and administrative responsibilities. It is considered that those that don't already exist are critical to assisting authorities tackle the negative impacts of sub-contracting.

Lead Officers recommendation

To implement the standard as proposed.

OPERATOR STANDARDS

Proposed Standard 1	Bury Council Current standard																
<p>Private Hire Operator Licence Conditions A set of proposed licence conditions for Private Hire Operators are set out at Appendix 3. The conditions set out expectation and responsibilities with regards to how records should be kept in relation to booking, vehicle and drivers working for their company.</p>	<p>Bury Council as part of the MLS project a proposed set of conditions have been developed. This is part of the work of GM Licensing Managers are undertaking.</p>																
Reason for Proposal																	
<p>Each local authority already has licence conditions for their private hire operators, but they vary across the conurbation. The Licensing Managers Group reviewed their own conditions and collectively proposed a set of updated and revised conditions, with an enhanced focus on the expectations on Operators with regards to records and staff vetting.</p> <p>Specific new conditions were also proposed to make it clearer and easier for licensing authorities to scrutinise records and bookings that have been sub-contracted. Due to the high level of bookings being subcontracted, local standards have been undermined and the travelling public lack awareness of the implications for their safety. The proposed conditions require operators to make it clear to passengers which authority the vehicle and driver they are dispatching is licensed by.</p>																	
Consultation Response																	
<p><u>GM level response:</u></p> <p>Less than a fifth of respondents in each category chose to comment on the Operator standard proposals (19% of member of the public, 12% of Hackney respondents and 11% or PHV respondents). Those that provided a comment gave a significant number of general comments:</p> <table border="1" data-bbox="231 1832 1385 2024"> <thead> <tr> <th>Standard</th> <th>General public</th> <th>Hackney Drivers</th> <th>PHV Drivers</th> <th>PHV Operators</th> <th>Business</th> <th>Vehicle Leasing Company</th> <th>Representatives</th> </tr> </thead> <tbody> <tr> <td>General Comments</td> <td>80</td> <td>13</td> <td>17</td> <td>6</td> <td>0</td> <td>1</td> <td>4</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	General Comments	80	13	17	6	0	1	4
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
General Comments	80	13	17	6	0	1	4										

This table breaks those comments down thematically across the respondent categories:

General Comment on Operator Standards	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with the proposals (general)	67	8	6	3	0	1	4
Disagree with the proposals (general)	3	3	6	0	0	0	0
Concerns of illegal activities	8	2	0	2	0	0	0
Proposals are already in place	3	1	5	1	0	0	0
Base	80	13	17	6	0	1	4

Almost half of all comments received gave a general comment about proposal and the response was varied:

General public: generally expressed agreement with the proposed standard:

“These are important measures to make sure every journey is safer for everyone.”
(Public, age 25-34, Bolton)

Hackney drivers: generally expressed agreement with the proposed standard, however, three disagreed:

“I believe that this is a good idea which will help to protect the public and make them feel safe to know and should be their right as a minimum” (Hackney Driver, Tameside)

PHV drivers: expressed a very mixed view with six giving a positive comment and six a negative one about the proposed standard.

“Because either a driver or operator we all are providing public service and we all should go through same procedure.” (PHV Driver, Oldham)

“They already keep records of bookings, driver and vehicles details.” (PHV Driver, Oldham)

Concern about illegal activities: There was some concerns raised by hackney drivers (n=2) and members of the public (n=8) with the current enforcement and emphasised the need for this to be addressed.

“A severe crackdown on non-complying drivers/operators will need to be carried out as I think the requirements will be extremely onerous to them and illegal companies will be set up” (Public, age 55-64, Bolton)

“Too many stories of taxi drivers getting a licence then 3 drivers driving the vehicle on same licence. It’s not fair or safe” (Hackney Driver, Wigan)

This table shows the breakdown of responses where comments were made specifically about the licence conditions showing only 9 members of the trades commented on the conditions:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Common licence conditions	39	1	7	1	0	0	0

The following are a selection of the concerns raised in the comments about conditions:

“Please can it be considered to make it compulsory to allow guide dogs and other assistance dogs in all vehicles and that a text or similar system should be installed to help deaf or hearing-impaired people communicate.” (Public, age 45-54, Salford)

“The drivers cancelling jobs should be controlled, I’ve been stranded at work a number of times when taxi companies cancel the jobs after accepting it!” (Public, age 35-44, Manchester)

“Common licence conditions: Answering phone calls courteously, clearly, providing relevant information asked for by the user. Providing taxi when called for, not absconding / avoiding a call / not having a taxi that does not show up. Clear information about fares and timeframe - time of arrival, approximate time to destination. Criminal record checks: same as before, further protection of female passengers, especially in Rochdale area.” (Public, age 25-34, Rochdale)

“With the advent of technology, it should be simple of the driver to be able to give a cost of the journey before it begins. This creates transparency for all and stops differing fares for the same journey.” (Public, age 35-44, Bolton)

“Please bring some kind of checks where all local authorities should be able to check/monitor the way work gets distributed as many drivers don’t get same work but when it comes to radio money everyone pays same but some get more work in terms of favouritism.” (PHV Driver, Bury)

“I’ve had a few racist remarks made to me by taxi drivers in Manchester, the operators don’t take complaints seriously. Drivers should have to have ID visible at all times and operators should be required to have some complaints process which can be reviewed by Greater Manchester councils.” (Public, age 25-34, Salford)

PH Operator

A number of detailed submissions were made by an Operator about 7 specific Operator licence conditions. These have been fully considered and the proposed amendments recommended by officers are set out at **Appendix 4** (which have in turn been updated in the Conditions at Appendix 3).

Bury Response:

In total, 4 members of the public made comments on this proposal.

In total, 2 private hire drivers made comment on this proposal.

Comments and considerations

There was no strong opposition overall to the Operator licence conditions, with comments from within the trades minimal in number and the vast majority of those that responded supporting the proposal. Members of the public overwhelmingly agreed with the Operators standards in general.

There was strong opposition voiced by one Operator both about the conditions in general and with regards to a number of individual conditions as referred to above and these have been fully considered, resulting in some amendments. The proposed conditions seek to protect the integrity of the standards within each of the 10 GM authorities and assist officers to more effectively address and tackle issues that undermine public safety.

A number of the concerns made in the comments fall outside the remit of the proposed standard (it is already compulsory in law for example for drivers to allow assistance dogs to be carried in the vehicle unless the vehicle is exempt, or the way Operators distribute work to their employees),

but overall, there was a keenness that Operators should be more robustly monitored and scrutinised through effective compliance, which begins with clear and robust licence conditions.

As with the private hire driver licence conditions, there is a risk that stricter conditions will motivate private hire operators to simply obtain Operator licences in other authorities and use drivers and vehicles licensed by those authorities to fulfil bookings taken by the Operator based within GM. This is the case for many of these proposals as identified at the beginning of the report and will require strong representations to be made to government to highlight this risk to authorities seeking to raise the bar in taxi and private hire licensing.

Many of the licence conditions proposed already exist in one form or another across the conurbation.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 2	Bury Council Current standard
<p>Criminal Record Checks for Operators and Staff</p> <p>To introduce a condition on the Operator licence requiring operators and their staff (paid or unpaid) who have access to bookings to be DBS checked annually to ensure that only safe and suitable people have access to operator records.</p>	<p>This would be a new requirement for Bury if implemented</p>
<p>Reason for Proposal</p>	
<p>It has been an identified gap in the licensing regime for a while that Operator staff are not required to be vetted in any way in relation to their character and criminal record.</p> <p>The Statutory Guidance makes it clear that although Operators and their staff have minimal if any direct contact with passengers, licensing authorities should be assured that those granted Operator licences and their staff, also pose no threat to the public and have no links to serious criminal activity. For example, an Operator base dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. As licensing authorities we must be satisfied that these individuals (as well as drivers) are safe and suitable individuals to have access to such information and opportunity. The guidance goes on to specifically state:</p> <p>“Operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on their register of booking and dispatch staff”.</p> <p>It also goes on to state:</p> <p>“Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.”</p> <p>Whilst the guidance does not go wider than those staff, the GM MLS proposes that all staff employed either in a paid or unpaid capacity should be subject to these checks. As practitioners we are aware of the opportunity than any staff member within an Operator company has access to sensitive or personal information that could be misused to take advantage of or exploit</p>	

passengers or their possessions, and consider it reasonable to require Operators to ensure their staff have the basic DBS check at least annually.

Consultation Response

GM level response:

A fair number of comments were made by members of the public in relation to this proposal alongside 40 comments from trade respondents:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Criminal record checks for operators and staff	76	13	16	6	0	2	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with all operators and staff having criminal record checks	59	9	8	1	0	0	1
Agree because operators hold a lot of private information	3	0	0	0	0	0	1
The operator should not need DBS check	8	2	2	3	0	1	0
Concerns about data protection with DBS checks / amount of details operators keep	3	0	3	0	0	1	0
DBS checks should be less frequent / less than annually	2	2	3	2	0	0	1
DBS checks should be more frequent / every 6 months	2	0	1	0	0	0	0
Base	76	13	16	6	0	2	3

Most comments expressed agreement with the proposed checks:

“Don’t have an issue with operators having CRB checks done.” (Operator, Rochdale)

“Anyone who has close dealings from the public should have a criminal record check, including the people mentioned here. Also, checks must be made to make sure the person who is the driving licence holder is actually the person who took the test.” (Public, age 65-74, Salford)

“Criminal record check for all operators and their staff should be mandatory every six months, and enforcement checking conducting frequently” (Public, age 55-64, Bolton)

“Ensures a level playing field across private hire drivers and operators as there are many who currently don’t have to go through the same processes as drivers yet they play an equally as important role especially with regards to having DBS checks. It would also be better for the authority to implement annual enhanced DBS checks, similar to what is used by healthcare professionals - this will help maintain the integrity of drivers and whittle out any drivers who don’t conform to their licence conditions.” (PHV Driver, Bolton)

“Criminal records checks for operators are crucial and should be taken more seriously. Operators have access to sensitive information and making sure that information doesn’t fall in the wrong hands is paramount for the safety of the public.” (Public, age 25-34, Bolton)

A relatively small number (8 members of the public and 8 trade respondents) were in disagreement with the checks on operator staff:

“I see no reason for a DBS check to be mandatory for call handlers. Only drivers need any sort of check.” (Public, age 18-24, location not provided)

“Why should staff in the office be required to have DBS checks. It’s a private business and by law we are allowed to employ anyone who is hard working and will be good on the phones. Is everyone working in hotels or shops have a DBS check. In our society, if one has served their time, then they are allowed to interact with normal society Staff in the office have to adhere to strict data protection laws and GDPR so this is again an extra burden on small businesses with extra costs. Why don’t you check Uber and see who their directors and staff are. They have been charged with data breaches and you have given them operators licence again and again. So, this is a totally draconian measure in our opinion.” (Operator, Rochdale)

“Criminal record checks for staff working in a taxi base, so if there was conviction a long time ago for fighting or ex ex etc. is it fair for them not to get a job as a phone staff.” (Hackney Driver, Bolton)

Some comments expressed concern about the frequency of check and suggested a lack of understanding about the DBS Update Service facilitating frequent checks online simply using the certificate number (without the requirement to apply for a new certificate each time):

“DBS checks every year would be impossible to monitor and control for large firms, no other industry does this.” (Public, age 55-64, Bolton)

“DBS checks every year? This is ridiculous. Even teachers only have 1 DBS throughout their professional career, providing they do not have a break for longer than 3 months. Some schools actually do a 3 yearly DBS, but it is not needed by law or a requirement. Why do you think it’s a good idea for operators to require a yearly DBS?” (Operator, Trafford)

Bury Response:

In total, 7 members of the public made comments on this proposal.

The general public mainly made **general comments (n=7)** and commented on the importance of all operators and staff having **criminal record checks (n=7)**, especially because they hold a lot of private information about passengers.

“All personnel involved should be DBS checked at least, too many in recent times have been able to drive taxis without checks putting the public at great risk. Sometimes with dire consequences, usually women.” (Public, age 55-64)

In total, 4 private hire drivers made comment on this proposal.

Of the very few comments, some drivers supported criminal record checks for operators.

“Criminal record checks for operators and staff” (PHV Driver)

Comments and considerations

Whilst most respondents were supportive, those that weren't seemed to lack understanding of the specific risks within the sector.

There will be additional cost burdens to Operators and their staff to carry out these checks initially, but once conducted an annual DBS Update fee can be utilised to reduce the annual cost to £13 per individual. Given the serious risks identified to children and vulnerable adults, this is considered to be a relatively low cost to mitigate the risk as a responsible employer within the industry.

Whilst it could be considered further risk to impose stricter requirements on GM Operators, driving them to turn to other authorities, this risk is relatively low considering the recommendation in the statutory guidance is for all local authorities to require checks be conducted by their licensed Operators. The rationale for these checks is clearly made and supported in principle by the DfT's latest guidance.

Lead Officers recommendation

To implement the standard as proposed.

LOCAL AUTHORITY STANDARDS

Proposed Standard 1	Current standard
<p>Timescales for applications It is proposed that authorities ensure processes are in place to allow customer licence holders to submit renewal applications up to 8 weeks prior to licence expiry; and to ensure that once any application has been determined, the licence will be issued to the customer within a maximum of 5 working days.</p>	<p>The current standard for Bury is 4 weeks.</p>
<p>Reason for Proposal</p>	
<p>Licensing Authority processes and related timescales can understandably prompt complaints from licence holders when backlogs or delays are encountered within the licensing service. By setting some minimum standards to ensure a better customer service for licence holders and new applicants, authorities will also need to ensure that their relevant services are efficient and adequately resourced to provide value for money.</p>	
<p>Consultation Response</p>	

GM level response:

Very few comments were received about this standard across the board:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Timescales for applications	5	0	13	0	0	0	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Timescale for application should be less than 8 weeks	3	0	4	0	0	0	3
More or no time restrictions for application	0	0	6	0	0	0	0
Time scale needs improvement	2	0	3	0	0	0	0
Base	5	0	13	0	0	0	3

Comments noted that there are other issues related to the application process that can affect adherence to timescales:

Six PHV drivers felt extra time should be allowed due to potential delays outside of their control such as DBS checks.

“Things take an age when waiting for things like DBS checks, medicals etc at no fault of the applicant, I think licences should be granted on long term renewal applicants of good character and in no way should he be suspended from earning a living. But if an applicant has lied about convictions etc his badge should be revoked and the driver be deemed untrustworthy to be a license [sic] holder.” (PHV Driver, Wigan)

Three PHV drivers and two members of the public felt there were issues outside their control that affected the time taken to approve their application which negatively impacted their ability to work.

“The applications are not a problem getting them in to the Licensing department within eight weeks. The problem is the DBS checks coming back in time which is not always the case and if they do not arrive on time the drivers cannot work. This is unacceptable this is our livelihood and cannot sit at home without work and no other income to feed our families. The drivers should be given extensions in these cases.” (PHV Driver, Oldham)

“Timescales got applications is definitely one that needs overhauling. Covid has delayed applications which should never happen as plans should be in place for all eventualities of this stops a drivers from providing for his/her family.” (Public, age not provided, Bolton)

Bury Response:

In total, 1 member of the public made comment on this proposal.

Comments from the public were more general and mixed than specific about a part of the standard.

*“Yet again I totally agree with all these proposals & all in all can only massively improve both private & public hire common frameworks & also to vastly improve for folk such as myself a confidence to use the Taxi services more frequently than I do & feel safe also.”
(Public, age 55-64)*

Themes from private hire drivers

Of the 2 comments, only one PHV driver provided a detailed comment.

“If councils truly want to improve standards, they need consider raising the standards for drivers. This could be achieved through a minimum pricing tariff that all operators must adhere to. It should also be proposed that councils introduce the capping of new drivers’ licences. This could be in line with population. Placing restrictions on the number of drivers would go a long way to improving standards.

New licences could still be available for specific periods that allow the council to target periods that may be hard to provide a service for. Example. A driver wanting a new licence may be given a licence and plate that is usable morning’s 7am to 10am evenings 3pm to 7pm and weekend nights only. This could in time transfer to an unlimited licence.

It should also be a requirement that a badge renewal should be granted on production of a tax return. This may be a self-assessment, but it will ensure that drivers are not working and claiming unwarranted benefits that can give an unfair advantage to certain individuals. Drivers who state that they are not working won’t be granted an automatic renewal and drivers on a waiting list could then be offered the vacant licence.

I understand that some of my suggestions may not be lawfully achievable. It is just an example of things that may be necessary to achieve the kind of standards you require.

I have been involved in the private hire business for 36 years as a driver, a fleet owner & a proprietor. The service levels achieved today are remarkable in comparison with those days when we worked with a telephone and a two-way radio with pen and paper. However, it has to be understood that the level of pay has diminished considerably. This is predominantly due to the increasing costs that haven’t been met with increased fares. This is without doubt due to the amount of people that are providing this service and driving costs to a level that is lower than many individual bus fares.” (PHV Driver)

Comments and considerations

The few comments that were made tended to reference delays with DBS checks, which would be minimised on renewals if drivers register and stay registered to the DBS Update service (DBS checks are online and instant if registered).

There is little risk to authorities in introducing this standard, and in a commercially competitive market, every benefit to outlining a minimum best practice for this element of the administration process to deter applicants seeking out authorities who have invested in efficient business systems and resources to deliver a timely service to customers.

As licence fees should be calculated to cover the reasonable costs of this administration service, these standards are not affected by wider council budget constraints.

Lead Officers recommendation

To implement the standard as proposed.

Proposed Standard 2**An agreed common enforcement approach**

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

Bury Council Current standard

This would be a new requirement for Bury if implemented.

Reason for Proposal

Licence holders often refer officers to the fact that different decisions can be taken by different authorities when it comes to conduct and breach of licence matters. For any of these standards to be meaningful, it is important that they are implemented fairly and consistently both in decisions by officers and Members when reviewing licences at hearings.

Some authorities also take a much more proactive approach to monitoring and ensuring that licence policies and conditions are adhered to in practice, a further disparity also often highlighted by licensees who comment about the lack of frequency of on street checks in some areas compared to others. Risks associated with taxi and private hire licensing are not informed by the size of fleet or size of district. The most common and serious risks (for example drivers or vehicle licence holders allowing unlicensed individuals to drive their vehicle or use their badge) exist regardless of geographical or other factors. Passengers travelling in vehicles licensed by one authority should be able to expect that the same level of proactive checks are conducted if they get in a vehicle licensed by a neighbouring authority.

Consultation ResponseGM level response:

Very few comments were made about the proposed common enforcement approach.

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Common Enforcement Approach	6	2	2	0	0	0	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Different licensing fee for different Local Authorities	3	2	0	0	0	0	0
One fee across the county / General Agreement	0	0	3	1	0	0	2

Licensing fee is very costly, and it should be affordable	2	6	9	0	1	0	1
Base	5	7	12	1	1	0	3

Those that commented, noted the benefits of a standard approach across Greater Manchester:

“Strongly agree. The need for common enforcement is of paramount importance given taxi drivers will operate across the GM boroughs. Councillors of course need training for this, though I would have thought these kind of approvals would be better suited to council officers than political members.” (Public, age 25-34, Salford)

Just one representative and one member of the public expressed concern:

“Enforcement Approach Each district has its own demands and as such some districts have little or no 'out of office enforcement'. How will this be addressed to ensure Manchester drivers are not the only drivers being subjected to full compliance.” (Organisation, Anonymous)

Bury Response:

Comments from the public were more general and mixed than specific about a part of the standard.

“Yet again I totally agree with all these proposals & all in all can only massively improve both private & public hire common frameworks & also to vastly improve for folk such as myself a confidence to use the Taxi services more frequently than I do & feel safe also.” (Public, age 55-64)

Themes from private hire drivers

Of the 2 comments, only one PHV driver provided a detailed comment.

“If councils truly want to improve standards, they need consider raising the standards for drivers. This could be achieved through a minimum pricing tariff that all operators must adhere to. It should also be proposed that councils introduce the capping of new drivers’ licences. This could be in line with population. Placing restrictions on the number of drivers would go a long way to improving standards.

New licences could still be available for specific periods that allow the council to target periods that may be hard to provide a service for. Example. A driver wanting a new licence may be given a licence and plate that is usable morning’s 7am to 10am evenings 3pm to 7pm and weekend nights only. This could in time transfer to an unlimited licence.

It should also be a requirement that a badge renewal should be granted on production of a tax return. This may be a self-assessment, but it will ensure that drivers are not working and claiming unwarranted benefits that can give an unfair advantage to certain individuals. Drivers who state that they are not working won’t be granted an automatic renewal and drivers on a waiting list could then be offered the vacant licence.

I understand that some of my suggestions may not be lawfully achievable. It is just an example of things that may be necessary to achieve the kind of standards you require.

I have been involved in the private hire business for 36 years as a driver, a fleet owner & a proprietor. The service levels achieved today are remarkable in comparison with those days when we worked with a telephone and a two way radio with pen and paper. However it has to be understood that the level of pay has diminished considerably. This is predominantly due to the increasing costs that haven’t been met with increased fares. This is without doubt due to the

amount of people that are providing this service and driving costs to a level that is lower than many individual bus fares.” (PHV Driver)

Comments and considerations

Whilst few comments were received, one highlighted above makes a particularly pertinent point; to ensure the integrity of MLS we need to avoid a scenario where private hire drivers consider it more preferable to choose to be licensed by any particular authority within the conurbation on the basis that they conduct relatively few proactive checks compared to other authorities.

Considering that the level of compliance resource attributed to the licensing regime can be funded through the licence fees and ultimately affects and determines the licence fee, implementing this standard should also help ensure that the fees are more even and comparable across the board.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 3	Bury Council Current standard
<p>A Common Fee Setting Framework It is proposed that a common methodology for setting the costs and calculating the taxi and private hire fees is agreed and adopted</p>	<p>Work is currently on going with all GM Authorities</p>

Reason for Proposal

Alongside standardised administration processes and a common enforcement approach, adopting an agreed common methodology for setting the costs and calculating the licence fees will ensure fairness and parity across all 10 authorities. Currently there are various models in use, and alongside variance in standards, this provides a fairly wide variance in fees currently. It is important to ensure the integrity of the proposed standards work as a whole, and that authorities are consistent in their approach to fees so as not to undermine each other and to deter the very problem we are lobbying government to address.

Consultation Response

GM level response:

A total of 29 comments were made about the proposed common fee setting framework.

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Licensing Fees	5	7	12	1	1	0	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Different licensing fee for different Local Authorities	3	2	0	0	0	0	0
One fee across the county / General Agreement	0	0	3	1	0	0	2
Licensing fee is very costly, and it should be affordable	2	6	9	0	1	0	1
Base	5	7	12	1	1	0	3

A few hackney (n=6) and PHV (n=9) drivers felt the licensing fee is very costly and needed to be made more affordable for drivers.

“Licensing fees should be reduced because mostly all forms are online so less manpower needed to process applications.” (PHV Driver, Bolton)

“Licensing fees are already high for vehicles to be plated in Manchester...that is why a lot of private hire drivers have gone to different councils and got their vehicles plated” (Hackney Driver, Manchester)

A handful of conflicting comments were received with some suggesting licensing fees should be different for different local authorities (2 hackney drivers).

“I don’t agree with licensing fees being the same across Greater Manchester as different areas will have different costs to run these departments, but I think the discount we receive in Wigan for compliant vehicles should stay in place and also the fees should come down as admin is cut through doing more online.” (Hackney Driver, Wigan)

“Licensing fees should be same as they are all over the country, why there is such a big difference! hope someone can bother to look that massive difference!” (PHV Driver, Oldham)

Whereas three PHV drivers and two representatives thought licensing fees should be same across the country.

Bury Response:

In total, 1 member of the public made comment on this proposal.

Comments from the public were more general and mixed than specific about a part of the standard.

“Yet again I totally agree with all these proposals & all in all can only massively improve both private & public hire common frameworks & also to vastly improve for folk such as myself a confidence to use the Taxi services more frequently than I do & feel safe also.” (Public, age 55-64)

Themes from private hire drivers

Of the 2 comments, only one PHV driver provided a detailed comment.

“If councils truly want to improve standards, they need consider raising the standards for drivers. This could be achieved through a minimum pricing tariff that all operators must adhere to. It should also be proposed that councils introduce the capping of new drivers’

licences. This could be in line with population. Placing restrictions on the number of drivers would go a long way to improving standards.

New licences could still be available for specific periods that allow the council to target periods that may be hard to provide a service for. Example. A driver wanting a new licence may be given a licence and plate that is usable morning's 7am to 10am evenings 3pm to 7pm and weekend nights only. This could in time transfer to an unlimited licence.

It should also be a requirement that a badge renewal should be granted on production of a tax return. This may be a self-assessment, but it will ensure that drivers are not working and claiming unwarranted benefits that can give an unfair advantage to certain individuals. Drivers who state that they are not working won't be granted an automatic renewal and drivers on a waiting list could then be offered the vacant licence.

I understand that some of my suggestions may not be lawfully achievable. It is just an example of things that may be necessary to achieve the kind of standards you require.

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Comments and considerations

This proposal is not about having a 'common fee' as this is impossible with different service models having different direct processing costs and overheads; but it is important that the fees are calculated in a fair, consistent and transparent way.

As taxi and private hire licence fees are set on a cost recovery basis, there is no risk to local authority budgets.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 4	Bury Council Current standard
<p>Councillor Training ●</p> <p>Most Councillors already receive training, but this proposal ensures that this is embedded as a consistent standard and confirms that those with responsibility for taxi and private hire licensing, receive relevant training prior to sitting on any hearing panels.</p>	<p>Training has been provided to Members of the LSC by the Licensing Unit Manager/Head of Service. All training and presentations are recorded and shared with members. The Head of Legal Services provides input to any training being organised.</p>
<p>Reason for Proposal</p>	
<p>This proposal seeks to ensure consistency of practice and the application of relevant safe and suitable / conviction policies, as well as a fairer system for licence holders who can be more assured of consistent decisions across the conurbation.</p>	

Consultation Response

GM level response:

Once again, a relatively small number of comments were made about this standard:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Councillor Training	19	1	5	2	0	0	6

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Agreement regarding councillor training	15	1	3	1	0	0	4
Additional subject suggestions for councillor training	2	0	0	1	0	0	1
Customer service provided by the councils needs improvement	3	0	3	2	0	0	1
Base	19	1	5	2	0	0	6

Fifteen members of the public, one hackney and five PHV drivers expressed general agreement with this standard.

“Councillor Training Should be mandatory and also standardised to ensure consistency. Also, useful if Councillors from other areas were involved to avoid any problems with approving or refusing drivers.” (Councillor / Elected official, Stockport)

A comment was received suggesting how the training could be made more useful for councillors.

“The training councillors receive should include training in ‘what would a fair hearing look like’, ‘what would an unfair hearing look like’. Training should not just be focussed on ‘we will train councillors in licensing policy matters they will likely not know about’. Process is important as it is people attending who may need to lose their licence.” (Councillor / Elected official, area not known)

Some additional comments made were:

“Councillor training? great idea. Could we also have child safeguard training and wheelchair access training? I’m fed up of seeing manual wheelchairs, pushed in sideways and not restrained in black cabs. If we had Enforcement, this bad practise may of been reduced.” (Operator, Trafford)

“Training the councillors is a good idea but they should have the right attitude and must treat drivers with respect and value the taxi trade.” (PHV Driver, Oldham)

Bury Response:

In total, 1 member of the public made comment on this proposal.

Comments from the public were more general and mixed than specific about a part of the standard.

*“Yet again I totally agree with all these proposals & all in all can only massively improve both private & public hire common frameworks & also to vastly improve for folk such as myself a confidence to use the Taxi services more frequently than I do & feel safe also.”
(Public, age 55-64)*

Themes from private hire drivers

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Comments and considerations

The few comments that were made supported the proposal and/or made suggestions for other service improvements.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 5	Bury Council Current standard
<p>Delegated powers for Licensing Managers It is proposed that appropriate delegated decision-making powers will be in place for Licensing Managers and Heads of Service to suspend or</p>	<p>We currently have this proposal in Bury. These matters are delegated to the Head of Public Protection/Licensing Unit Manager in</p>

revoke licences on the grounds of public safety when an urgent need arises.

consultation with the Chair of the Licensing and Safety Committee.

Reason for Proposal

There are currently variances in the delegation schemes for suspension and revocation powers across the conurbation, meaning that if an immediate risk is identified with a driver, that driver could find themselves suspended or revoked by a Senior Officer with immediate effect that same day by one authority, but if licensed by another within GM, could wait several days (and therefore continue driving under that authority's licence) for a Committee to be convened to consider the same decision whether to suspend or revoke. This provides an imbalance for public safety and this proposal seeks to address that by ensuring consistency for the travelling public.

Consultation Response

GM level response:

Extremely few comments were made with regards to this proposal:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Appropriate delegated power for Licensing Managers	3	3	7	3	0	0	2

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Disagreement with appropriate delegated powers for Licensing Managers.	1	3	7	2	0	0	0
General Agreement - delegated powers	1	0	0	0	0	0	1
Concern Regarding the abuse of delegated power	1	0	0	2	0	0	1
Base	3	3	7	3	0	0	2

Those comments that were made, expressed concern:

“Revoke licence power must be in hand of committee or licensing cabinet member. At least drivers should have properly investigated before his licence revoked.” (PHV Driver, Rochdale)

“Appropriate delegated powers for Licensing Managers: thorough training and monitoring needed for this to ensure this is not open to abuse.” (Operator, Wigan)

Bury Response:

Comments from the public were more general and mixed than specific about a part of the standard.

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It should also be a requirement that a badge renewal should be granted on production of a tax return. This may be a self-assessment, but it will ensure that drivers are not working and claiming unwarranted benefits that can give an unfair advantage to certain individuals. Drivers who state that they are not working won’t be granted an automatic renewal and drivers on a waiting list could then be offered the vacant licence.

I understand that some of my suggestions may not be lawfully achievable. It is just an example of things that may be necessary to achieve the kind of standards you require.

I have been involved in the private hire business for 36 years as a driver, a fleet owner & a proprietor. The service levels achieved today are remarkable in comparison with those days when we worked with a telephone and a two-way radio with pen and paper. However, it has to be understood that the level of pay has diminished considerably. This is predominantly due to the increasing costs that haven’t been met with increased fares. This is without doubt due to the amount of people that are providing this service and driving costs to a level that is lower than many individual bus fares.” (PHV Driver)

Comments and considerations

Any decisions taken by an appropriate level Officer needs to be reasonable, evidence and risk based and just. All decisions are open to appeal and Officers must be satisfied that any decision made can resist such challenge.

Only very minimal concern was raised in response to this proposal, and it should be noted there is a much more significant risk to the public if a driver who has been identified as posing an immediate risk, is not suspended or revoked in a timely manner.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 6	Bury Council Current standard						
<p>Excellence in Licensing Award It is proposed that a scheme is introduced to allow members of the public to nominate drivers and companies who they wish to be considered for an 'Excellence in Licensing award'.</p>	<p>This would be a new requirement for Bury if implemented</p>						
<p>Reason for Proposal</p>							
<p>Whilst the majority of the proposed standards are rightly concerned with matters of public safety and mitigating identified risks within the industry, this proposal seeks to recognise that the majority of licence holders are compliant, safe and suitable individuals, many of whom take pride in their work and seek to provide a safe, comfortable and quality customer service to their passengers. The scheme seeks to award these individuals and encourage all in the industry to strive to deliver excellence at all times.</p>							
<p>Consultation Response</p>							
<p>Standard</p>	<p>General public</p>	<p>Hackney Drivers</p>	<p>PHV Drivers</p>	<p>PHV Operators</p>	<p>Business</p>	<p>Vehicle Leasing Company</p>	<p>Representatives</p>
<p>Excellence in Licensing Award</p>	<p>27</p>	<p>4</p>	<p>3</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>1</p>
<p><u>GM level response:</u></p>							
<p>Of all the Local Authority Standards, this proposal had the highest number of comments, whilst still remaining low in relativity to the wider consultation.</p>							
<p>This table breaks those comments down thematically across the respondent categories:</p>							
<p>Comment Theme</p>	<p>General Public</p>	<p>Hackney Drivers</p>	<p>PHV Drivers</p>	<p>PHV Operators</p>	<p>Business</p>	<p>Vehicle Leasing Company</p>	<p>Representatives</p>
<p>Concern about the authenticity of the award</p>	<p>8</p>	<p>0</p>	<p>1</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>It is a good Idea to appreciate drivers</p>	<p>14</p>	<p>1</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>1</p>
<p>Doesn't think as a good idea, i.e. waste of time and money</p>	<p>6</p>	<p>3</p>	<p>3</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>Base</p>	<p>27</p>	<p>4</p>	<p>3</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>1</p>
<p>Members of the public commented far more than the trade here, and were generally positive and keen to show appreciation of drivers:</p>							
<p><i>"An excellent approach, and one we very much welcome, it is about time there was some way to publicly reward the drivers or indeed operators for the service they</i></p>							

provide, so anything that encourages such approaches is very highly encouraged and supported.” (Organisation, National Private Hire and Taxi Organisation)

“I think the Excellence in Licensing Award is a really good incentive for hard working and compliment drivers / operators, much like the Best Bar None awards for licensed premises.” (Public, age 35-44, Trafford)

A small number of concerns were expressed as follows:

“The award is a good idea but larger firms such as metro in Bolton only need to ask all their passengers to put them forward and would win every time.” (Public, age 55-64, Bolton)

“An excellence award seems to be one that can so easily be abused, even down to the point where a driver may say, “Vote for me and you get £1.00 off the fare.” Disagree strongly with this suggestion.” (Public, age 65-74, location not provided)

“Excellence in Licensing award. I think this is a BAD idea! A recent innovation at the firm I work for is a star rating and comment from the passenger about the driver. Passengers are leaving 1-star ratings and making crappy comments out of spite for any perceived slight. (differing opinions on Brexit between driver and passenger? This may result in a 1-star rating and "a racist" in the comments option). At the 5-star end of the ratings, drivers may pick up a passenger who happens to be a mate of his or her. The passenger will the lush in the comment option about what a wonderful experience was. If drivers wish to go above and beyond what is expected of them - great, just be humble about it.” (PHV Driver, Wigan)

“I always give good customer service I don't need a meaningless award to make me do it.” (Hackney Driver, Trafford)

Bury Response:

In total, 1 member of the public made comment on this proposal.

Comments from the public were more general and mixed than specific about a part of the standard.

“Yet again I totally agree with all these proposals & all in all can only massively improve both private & public hire common frameworks & also to vastly improve for folk such as myself a confidence to use the Taxi services more frequently than I do & feel safe also.” (Public, age 55-64)

Themes from private hire drivers

Of the 2 comments, only one PHV driver provided a detailed comment.

“If councils truly want to improve standards, they need consider raising the standards for drivers. This could be achieved through a minimum pricing tariff that all operators must adhere to. It should also be proposed that councils introduce the capping of new drivers' licences. This could be in line with population. Placing restrictions on the number of drivers would go a long way to improving standards.

New licences could still be available for specific periods that allow the council to target periods that may be hard to provide a service for. Example. A driver wanting a new licence may be given a licence and plate that is usable morning's 7am to 10am evenings 3pm to 7pm and weekend nights only. This could in time transfer to an unlimited licence.

It should also be a requirement that a badge renewal should be granted on production of a tax return. This may be a self-assessment, but it will ensure that drivers are not working and claiming unwarranted benefits that can give an unfair advantage to certain

individuals. Drivers who state that they are not working won't be granted an automatic renewal and drivers on a waiting list could then be offered the vacant licence.

I understand that some of my suggestions may not be lawfully achievable. It is just an example of things that may be necessary to achieve the kind of standards you require.

I have been involved in the private hire business for 36 years as a driver, a fleet owner & a proprietor. The service levels achieved today are remarkable in comparison with those days when we worked with a telephone and a two-way radio with pen and paper. However, it has to be understood that the level of pay has diminished considerably. This is predominantly due to the increasing costs that haven't been met with increased fares. This is without doubt due to the amount of people that are providing this service and driving costs to a level that is lower than many individual bus fares." (PHV Driver)

Comments and considerations

Whilst the detail of how this scheme would be implemented needs to be developed (including how the scheme would be funded), in principle most of the comments supported the idea, whilst accepting there were some concerns expressed.

Lead Officers recommendation

To provide a further future report on how a scheme would be operated, funded and be seen to be fair and take direction from Members about developing a scheme further.

5. Timescales for Implementation

- 5.1 It should be noted that as this and similar reports are going through District governance contemporaneously, the recommendations are also being outlined to Combined Authority for endorsement at their September meeting.
- 5.2 It is proposed that all the standards recommended for implementation are out in place and operational by of 1st December 2021.

6. Conclusion

- 6.1 The 'golden thread' of licensing is that of public protection. We have seen from the consultation that the public are overwhelmingly in support of the additional safeguards and protection that this project can deliver. As well as the local policy strengthening that minimum licensing standards will bring across Greater Manchester it delivers on the implementation of the statutory standards on safeguarding that the Government have introduced
- 6.2 The vision of Greater Manchester is to continue to work closely together, influence policy change and support the licensed trade by delivering on its promise to provide financial support to move to greener vehicles. This is the start of a journey to continue to deliver excellence in licensing regulation in Greater Manchester. However, we cannot underestimate the challenges the trade continues to face and the balance we must strike in continuing to support the trade whilst safeguarding the public; delivering a licensing regime that offers safe journeys in safe licensed vehicles, driven by safe licensed drivers. We will continue to work with the hackney and private hire trade to provide that ever important support and guidance whilst ensuring that public protection is at the forefront of our considerations.

Community impact / Contribution to the Bury 2030 Strategy

Local Neighbourhoods: The proposals will improve safety standards within the Taxi trade which will increase safety for Bury/GM residents using their services.

Enterprise: The proposals support GM economic growth and will promote and provision and use of local, safer and more consistent GM private hire and hackney carriage trade.

Economic Growth and Inclusion: The implementation of the proposals and improved safety standards will include GM wide promotion of the GM Taxi trade. Public awareness will be increased outlining the benefits following the improved standards and will increasing awareness of the trade and services they provide to the public in Bury/GM.

Equality Impact and considerations:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Opportunity - Improved/co-ordinated safety and standards for hackney carriage and private hire licensing across GM.	Not applicable.
Risk – Licensed drivers/operators may choose to obtain licences outside of GM resulting in loss of income and lower standards.	Continued lobbying of Government to review the issue of out of town (not licensed in GM) drivers and vehicles operating in GM.

	<p>The GM Clean Air Plan exemption will be restricted to those vehicles licensed in GM.</p> <p>Following implementation there will be GM-wide publicity to promote to members of the public the benefits of using GM licensed vehicle.</p>
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Consultation:

A Consultation was undertaken by Aecom on behalf of Transport for Greater Manchester and the ten Greater Manchester Authorities. The consultation took place for an eight-week period between the 8th October 2020 until the 3rd December 2020.

Legal Implications:

The granting of private hire and hackney carriage driver’s licences and private hire operators’ licences is governed by legislation and gives local authorities powers to attach conditions on grant. In addition, the legislative requirements place duties on local authorities granting such licences, to be satisfied applicants are fit and proper and not disqualified due to their immigration status.

The current proposals of common minimum licensing standards will require adoption by the Council. Their application is open to legal challenge either by way of an appeal against the attachment of conditions to a licence or by way judicial review in relation to the overall decision to adopt.

Further reports will be required in due course on a limited number of the proposals and advice will be required as to the appropriate governance route at that time.

Financial Implications:

There are no significant financial costs associated with adopting the common minimum licensing standards for Bury and the work associated with administering and monitoring the scheme will be subsumed within existing resources. Work is ongoing as part of this project to develop and adopt a common fee methodology at which time an assessment will be required as to the financial impact favourable or adverse this may have on existing income budgets.

Report Author and Contact Details:

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Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
GM	Greater Manchester
MLS	Minimum licensing Standards
CCTV	Closed circuit television cameras
PH	Private Hire
DBS	Disclosure and Barring Service
DSA	Driver Standards Agency
DVSA	Driver and Vehicle Standards Agency
EU	European Union
GP	General Practitioner
RHA	Road Haulage Association
HGV	Heavy Goods Vehicle
HSE	Health and Safety Executive
LPHCA	Licensed Private Hire Car Association
ICO	Information Commissions Office
PHV	Private Hire Vehicle
PHO	Private Hire Operator

Licensed Drivers Dress Code

The purpose of the dress code is to set a standard that provides a positive image of the licensed hackney carriage and private hire trade in Greater Manchester, promoting public and driver safety.

Dress Standard

- All clothing worn by those working as private hire or hackney carriage drivers must be in good condition and the driver must keep good standards of personal hygiene.
- As a minimum standard whilst working a licensed driver, males should wear trousers and a shirt/t-shirt or polo shirt which has a full body and short/long sleeves. Knee length shorts are acceptable. Exceptions related to faith or disability are accepted.
- As a minimum standard whilst working as a licensed driver, females should wear trousers, or a knee length skirt or dress, and a shirt/blouse/t-shirt or polo shirt which have a full body and a short/long sleeve. Knee length shorts are also acceptable. Exceptions related to faith or disability are accepted.
- Footwear whilst working as a licensed driver shall fit (i.e. be secure) around the toe and heel.

Examples of unacceptable standard of dress

- Clothing that is not kept in a clean condition, free from holes, rips or other damage.
- Words or graphics on any clothing that is of an offensive or suggestive nature which might offend.
- Sportswear e.g. football/rugby kits including team shirts or beachwear (tracksuits are accepted)
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel.
- The wearing of any hood or any other type of clothing that may obscure the driver's vision or their identity.

Uniforms

The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The Council acknowledges that many private hire and hackney carriage companies do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Council would encourage licensed drivers to support.

PRIVATE HIRE DRIVER CONDITIONS

The licensee shall at all times comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

Definitions

In this licence:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"the Council" means Bury Council

"the Operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Act.

"private hire vehicle" has the same meaning as in Section 80 of the Act.

"the proprietor" has the same meaning as in Section 80 of the Act.

"the meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.

"authorised officer" has the same meaning as in section 80 of the Act.

"licensee" means the person who holds the private hire drivers' licence.

"hirer" means the customer that has made the booking, who could also be the passenger

"passenger" means the person(s) travelling in the booked vehicle. For the avoidance of doubt, all children (including babies) count as individual passengers.

'Sexual Activity' includes but not limited to touching, kissing, inappropriate comments or conversation or propositioning.

"Owner" means a person to whom any lost property belongs to

"Drivers badge" has the same meaning as in Section 80 of the Act.

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, all communication must be to the Council's Licensing Department unless otherwise stated. Reference to the Council's email address means the email address of the Council's Licensing Department.

1. Licence Administration

- 1.1 The licensee shall notify the Council in writing of any change of their address and contact details during the period of the licence within 7 days of such change taking place.
- 1.2 The licensee shall notify the Council in writing within 7 days of commencing work with a private hire operator.
- 1.3 The licensee shall notify the Council in writing within 7 days of any subsequent change of operator.
- 1.4 The licensee shall provide a copy of his private hire driver's licence with the Operator through which the Private Hire Vehicle is being used.
- 1.5 The licensee shall ensure that relevant documentation (including DBS certificate/status, Medical Certificate, and right to work documentation) required by the Council to assess their fit and proper status, is kept up to date and remains 'valid' in line with the Council's policies.
- 1.6 For the duration of the licence, the licensee shall attend (as required) and pay the reasonable administration charge or fee attached to any requirement for training or to produce a relevant certificate (i.e. new medical certificate), assessment, validation check or other administration process.
- 1.7 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

2. Convictions and Suitability Matters

- 2.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following:
 - arrest or criminal investigation,
 - summons,
 - charge,
 - conviction,
 - formal/simple caution,
 - fixed penalty or speed awareness course,
 - criminal court order,
 - criminal behaviour order or anti-social behaviour injunction,
 - domestic violence related order,
 - warning or bind over
 - any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

3 Notifications of Medical Conditions

- 3.1 The licensee shall notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard. Notification must be sent to the Council's email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- 3.2 The licensee shall at any time (or at such intervals as the Council may reasonably require) produce a certificate in the form prescribed by the Council signed by an appropriate Doctor/Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

4 Driver Badge

- 4.1 The licensee shall at all times when driving a private hire vehicle wear the driver's badge issued to them by the Council so that it is plainly and distinctly visible and show it to any passenger(s) if requested.
- 4.2 The badge shall be returned to the Council immediately upon request by an Authorised Officer (i.e. the licence is suspended, revoked or becomes invalid for any reason).
- 4.3 The licensee must wear any lanyard, clip or holder issued to them by the Council.

5 Driver Conduct and Dealing with Passengers

- 5.1 The licensee shall behave and drive in a civil, professional and responsible manner to passengers, other road users, members of the public Council officers and other agencies.
- 5.2 The licensee shall comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensee will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g. heating/ventilation).
- 5.3 The licensee shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at the appointed time and place as required by the operator booking or as instructed by an Authorised Officer.
- 5.4 The licensee shall stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off the engine if required to wait (no idling).
- 5.5 The licensee shall not use the vehicle's horn to attract customer attention. The horn must only be used in an emergency.
- 5.6 The licensee shall comply with the Council's Licensed Drivers Dress Code.
- 5.7 The licensee shall provide reasonable assistance to passengers as required by the hirer (e.g. mobility assistance and loading/unloading luggage). The licensee shall not provide mobility assistance to passengers by physically touching without consent to do so.
- 5.8 The licensee shall ensure that luggage (including shopping and other large objects) are safely and properly secured in the vehicle.
- 5.9 The licensee and passengers are not permitted to smoke in the vehicle. The licensee also must not:
 - a) vape or use an e-cigarette in the vehicle
 - b) drink or eat whilst driving

- c) use any hand held device whilst driving or allow themselves to be distracted in any other way
 - d) display any moving images or have any form of visual display screen fitted to the licensed vehicle other than satellite navigation
 - e) conduct lengthy telephone conversations whilst driving passengers
 - f) play a radio or sound reproducing instrument or equipment in the vehicle (other than for communicating with the operator) without the express permission of the passenger(s)
 - g) cause or permit the noise emitted from any radio or sound reproducing instrument or equipment in the private hire vehicle to cause nuisance or annoyance to any person
- 5.10 The licensee when hired shall, (subject to any directions given by the passenger), take the shortest route bearing in mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken.
- 5.11 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers within, entering or alighting from the vehicle.
- 5.12 The licensee shall report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.
- 5.13 The licensee shall be vigilant regarding vulnerable passengers and safeguarding concerns when carrying out his duties and shall report any concerns immediately or in any event within 24 hours in accordance with Council guidance.
- 5.14 The licensee shall report (on the conclusion of the booking) to the operator any complaints a passenger/member of the public has made to the licensee regarding their conduct or the conduct of other personnel/drivers.
- 5.15 The licensee shall not engage in any sexual related activity in a licensed vehicle, even if consensual.
- 5.16 The licensee shall not, except with the express consent of the hirer/passenger or approved ride share journey, carry any person (other than the hirer/passenger) in the private hire vehicle.
- 5.17 The licensee shall not carry a greater number of passengers than is prescribed on the vehicle licence and shall not allow any unaccompanied child to be carried in the front seat of the vehicle.
- 5.18 The licensee will ensure that the vehicle is clean for passengers and the plate clearly visible at all times he is on control of the vehicle.
- 5.19 The licensee will ensure that he is aware of all the workings and mechanics of the vehicles before undertaking bookings.
- 5.20 The licensee shall report any accidents involving a licensed vehicle they are driving within 72 hours to the Licensing Department and must comply with any requests thereafter by an Authorised Officer.
- 5.21 The licensee shall ensure that a daily vehicle check log has been completed (either by himself or the vehicle proprietor) at the beginning of each shift. The checks to be carried out are as follows:
- lights and indicators
 - tyre condition, pressures and tread
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges

- Licence plates present and fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see
- Door and bonnet stickers on display
- Tariff sheet on display
- Horn in working order

The licensee shall ensure a record of the above information is kept in the vehicle at all times and will ensure the information is available to an Authorised Officer or Police Officer upon request.

6 Assistance Dogs

- 6.1 The Licensee shall carry a disabled passenger's assistance dog with the passenger. The licensee will follow the advice of the passenger as to the exact position and location for the assistance dog to travel, to best suit their needs.
- 6.2 Where the licensee has been granted a medical exemption so as to exempt them from any requirement under the Equality Act 2010; the notice of exemption must be displayed in the vehicle so that it is visible by fixing it in an easily accessible place (for example on the dashboard) or as prescribed by the Council.
- 6.3 The licensee must notify their operator of any medical exemption they hold in relation to the requirements under the Equality Act 2010.

7 Fares

- 7.1 If the vehicle is fitted with a meter the licensee shall ensure it is always visible. The licensee shall ensure it is not cancelled or concealed until the passenger has paid the fare.
- 7.2 The licensee shall ensure a copy of the current fare table is always displayed and visible in the vehicle.
- 7.3 The licensee shall not demand from any passenger a fare in excess of that previously agreed, displayed on a fare card, or if the vehicle is fitted with a meter the fare shown on the face of the taximeter.
- 7.4 The licensee shall, if requested by the passenger, provide a written receipt for the fare paid.

8 Conduct relating to illegally plying or standing for hire

- 8.1 The licensee shall ensure that the passenger(s) entering the vehicle is/are the correct person(s) for whom the vehicle has been pre-booked.
- 8.2 The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:
- a) in high footfall /high visible locations
 - b) outside busy venues/businesses or in close proximity to events
 - c) at the front or back of designated hackney ranks
 - d) in groups or lines that present as a 'rank'
 - e) in contravention of road traffic orders
- 8.3 The licensee shall not while driving or in charge of a private hire vehicle:
- (a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle.

- (b) Cause or allow any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (c) Offer any Private Hire vehicle for immediate public hire (whether the journey was undertaken or not)
- (d) Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator's booking system. For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensee by the operator.

9. Responsibility for lost property

- 9.1 The driver must immediately after the end of every hiring or as soon as is practical thereafter, search the vehicle for any property which may have been accidentally left there.
- 9.2 If any property accidentally left in a private hire vehicle is found by or handed to the licensee then all reasonable steps must be taken to return the property to its rightful owner. If the property cannot be returned to the owner, then the property should be reported to the Operator through whom the passenger booked the vehicle at the earliest opportunity and handed to the Operator as soon as is practical and in any case within 24 hours of the property being found.

PROPOSED PRIVATE HIRE OPERATOR CONDITIONS

The Operator shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

1. Definitions

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976. You can get a copy online.

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means *Bury Council*

"The Operator / PHO" a person who makes provisions for the invitation and acceptance of bookings/hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"District" means the area within the Licensing Authority boundary

Words importing the masculine or feminine gender such as 'his' and 'her' shall include a company and be construed accordingly.

Reference to the Council's email address means the email address for the Council's Licensing Department.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

2. Premises & Equipment

- 2.1 The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions imposed.
- 2.2 The Operator shall provide adequate communication facilities and staff to provide an efficient service to the public using the operator's facilities.
- 2.3 The Operator's premises shall be kept clean and tidy, and adequately heated, ventilated and lit.
- 2.4 The Operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate and comfortable seating.

- 2.5 The Operator's radio/electrical equipment where installed shall be regularly maintained in good working condition and any defects shall be repaired promptly.
- 2.6 The Operator shall at no time cause or permit any audio equipment to be a source of nuisance, annoyance or interference to any other person. In addition, all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.
- 2.7 The Operator shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises and produce the same to an Authorised Officer or Constable on request.
- 2.8 The Operator must display the following at all times, at any premises that the general public have access to and/or on online booking sites and applications:
 - a) A copy of the current Operator licence
 - b) A schedule of fares
 - c) A notice which provides information on how to complain to the Licensing Authority including email and phone number
 - d) A copy of the public liability insurance policy certificate

The above shall be displayed in a prominent position within the relevant premises where it can be easily read; or clearly marked on the relevant online site/app where it can be easily accessed.

- 2.9 If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed at 2.8 above must also be available to view on the relevant web pages or application menu.
- 2.10 The Operator shall not allow their Licensed Operator Premises to be used to conduct business relating to licensees of other non-Greater Manchester local authorities.

3. Booking Fares

- 3.1 When accepting the hiring, the Operator shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.
- 3.2 When accepting the hiring, the Operator shall, if requested by the person making the booking, specify the fare or the rate of the fare for the journey to be undertaken and, in every case, the Operator shall immediately enter all the details of the hiring legibly as required, by Condition 3.3.
- 3.3 The records of hiring accepted by the Operator as required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976, shall contain the following detail:
 - Time and date booking received (using 24-hour clock)
 - Name and contact details (phone number or address) of person making the booking
 - How the booking was made e.g. Telephone/Online etc
 - Time and detailed pick up location
 - Specific destination (the use of the term 'as directed' or similar term should only be used exceptionally).
 - ID of dispatched driver (i.e. name and call sign)

- ID of dispatched vehicle (Licence/fleet number)
- ID of person taking booking (excludes electronic bookings)
- Any special requirements e.g. wheelchair accessible or disability assistance
- Details of any subcontracting to or from another PHO (Inc. any other Operator owned by the Operator subject to these conditions)
- Any fare quoted at time of booking, if requested by the person making the booking.

3.4 The Operator shall not allow drivers to pass a booking on to the Operator on the passenger's behalf and will take all reasonable steps to ensure their drivers are aware that such practice is illegal.

3.5 Where a booking is sub-contracted the customer must be so advised and informed as to the sub-contracted Operator who will be undertaking the booking.

3.6 If a non - *(insert name of Council)* licensed driver and vehicle are being dispatched to fulfil the booking, the Operator must communicate the following message to the person making the booking (whether via telephone, automated booking or booking App) before the booking is made (allowing the requester the opportunity to confirm the booking or not):

The driver and vehicle you are about to book are not licensed by (insert name of Council) to (insert name of Council) standards and (insert name of Council) Council are not empowered to take licensing action in the event of a complaint. Your driver and vehicles are licensed by {insert name of Council} and customers will have to deal with that authority in the event of a complaint.

3.7 The despatch, by an Operator, of a passenger carrying vehicle (PCV) and the use of a public service vehicle (PSV), such as a minibus, is not permitted without the express consent of the hirer.

3.8 Where the hirer is being given the option of one of the above mentioned vehicles being despatched, they should be notified that the driver is subject to different checks than a private hire driver and are not required to have an enhanced DBS check.

3.9 The Operator must advise the authority of the booking system it uses, and advise in writing when the booking system is changed. The operator must demonstrate the operation of the system to an authorised officer upon request. Only the confirmed booking system (whether that be an electronic or manual system) can be used to record journeys taken for and carried out by vehicles licensed by *(insert name of Council)* (or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency).

4. Record Keeping & Responsibility

4.1 The Operator must keep detailed, up to date, records of every driver and vehicle operated by him (whether licensed as private hire or hackney carriage) and no matter which Council licensed the driver/vehicle. The records must include:

- a) Name and home address of the driver
- b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
- c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence and that Licensing Authority that issued it.
- d) Name and home address of the proprietor of every vehicle

- e) A copy of the current vehicle licence including expiry date, the licensing authority that issued it.
- f) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
- g) The vehicle registration number
- h) A list of unique radio/call sign allocated to the driver and vehicle
- i) A copy of the valid insurance in place for the driver and vehicle

4.2 The Operator must ensure that booking records are:

- a) Kept electronically
- b) Are available for immediate inspection by an Authorised Officer or Police Officer
- c) Able to be printed onto paper or downloaded in an electronic format
- d) Continuous and chronological
- e) Not capable of retrospective alteration or amendment
- f) Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records. The name of the person compiling the records must be detailed on the records.
- g) Are clear, intelligible, kept in English and retained for a minimum of 12 months from the date of the last entry or for such other period as required by an Authorised Officer.

4.3 The Operator must retain records for a minimum period of 12 months and make available any GPS data and any voice recording system for inspection upon request by an Authorised Officer or Police Officer.

4.4 The Operator must implement a robust system to ensure that drivers and/or vehicles do not operate when their licence or insurance has expired. This must be documented and approved by an Authorised Officer.

4.5 The Operator must conduct a check of the Council's public register (where it exists) when contracting a driver to carry out bookings.

4.6 The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:

- a) in high footfall / high visible locations
- b) outside busy venues/businesses or in close proximity to large events
- c) at the front or back of designated hackney ranks
- d) in groups or lines that present as a 'rank'
- e) in contravention of road traffic orders

Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.

- 4.7 The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.
- 4.8 The Operator will ensure registration with the Information Commissioner's Office for Data Controller, CCTV and other relevant purposes. Where the Operator is exempt from registration with the Information Commissioner's Office, they will notify the Council within 7 days of the commencement of these conditions.
- 4.9 Where the Operator agrees sub-contracting arrangements with other non-*(insert name of Council)* licensed Operators, it must have due regard for the comparative licensing policies and standards of the relevant licensing authority their partner Operator is subject to, and take steps not to undermine the Council's licensing standards which have been set in the interests of promoting high levels of public safety.

5. Complaints

- 5.1 The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse.
- 5.2 The Operator must notify the Council within 72hrs of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters involving dishonesty or equality.
- 5.3 The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.
- 5.4 The Operator must record every complaint received against its service (against any driver operated by him, including those licensed by other authorities carrying out a sub-contracted booking on the Operator's behalf) and, if unable to resolve the complaint within 7 days (from the date of the complaint) the Operator must provide the complainant with the relevant Licensing Authority contact details within 10 days (from the date of complaint).
- 5.5 Where a complaint not covered by section 5.1 above is received against a driver and it remains unresolved after 7 days (from the date of complaint), the operator must notify the Council within 10 days (from the date of complaint). The Operator is required to provide at the time of notification, the identity of the driver involved, the nature of the complaint/enquiry including the complainant's details.
- 5.6 The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.

6. Convictions and Staff Vetting

6.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

6.2 The Operator must keep up to date records of all individuals working in any capacity (paid or unpaid) and who have access to booking records for the business as follows:

- Full Name
- Address
- Date of Birth
- Contact details (phone and email)
- DBS issue date and certificate number
- Start and finish dates of employment
- Job Title

6.3 The Operator must ensure that all individuals (non-drivers) working in any capacity and have access to booking records (paid or unpaid) have obtained a basic DBS Certificate from the Disclosure and Baring Service before commencing employment. The DBS certificate must be dated within one month before the commencement of employment.

6.4 The Operator must ensure that DBS checks are carried out for all existing relevant staff (as per condition 6.3) within one month of the commencement of these conditions.

- 6.5 The employee should be registered with the DBS Update Service to enable the Operator to conduct regular checks (six monthly as a minimum) of the individual's DBS status.
- 6.6 The Operator must have a policy compatible with the Council's suitability policy or adopt the Council's suitability policy and implement this policy in relation to the recruitment of all staff (paid or unpaid) and the recruitment of ex-offenders. This must be produced upon request.
- 6.7 The Operator must be able to evidence that they have had sight of a basic DBS by maintaining a register. The register should be a 'living document' that maintains records of all those employed for at least 12 months, being the duration of how long booking records are to be kept and allows cross referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 6.8 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

7. Advertisements

The Operator shall not cause or permit to be displayed in, on or from his/her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or includes the words "Taxi" whether in the singular or plural or the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle operated by him/her is a hackney carriage.

All advertisements by the Operator should first be approved by the Council to ensure they comply with conditions and do not breach the Codes of Practice of the Advertising Standards Authority or those of the Portman Group relating to alcohol advertising.

The Operator must not dispatch any vehicle that has been licensed by another Authority, which uses, displays or exhibits any literature, documentation, advertising or which displays any signage associated to the Private Hire Operator or the Council which suggests, indicates, misleads or might lead to a misunderstanding that the vehicle is licensed by this Council.

8. Notifications and Licence Administration

- 8.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 8.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 8.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

9. Duty to Co-operate

- 9.1 The Operator and his/her staff shall co-operate fully with any Local Authority Authorised Officer or Police Officer in respect of any enquiries or investigations carried out relating to drivers or vehicles currently connected to the business or formerly connected to the business.
- 9.2 The operator will provide the Council with details of appropriate members of staff (whether at the base or via telephone) to be contactable during the times of operation (day or night) in relation to compliance/enforcement related matters. Where the aforementioned contact details change, the Operator shall inform the Council of the new contact details within 24 hours.
- 9.3 The Operator shall grant access to the licensed premises to any Local Authority Authorised Officer or Police Officer upon request.

10. Lost Property

- 10.1 The Operator must keep a record of lost property that is handed to him by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description of the property. The log must always be available for inspection by an Authorised Officer or Police Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry.
- 10.2 Any lost property held by the Operator must be stored securely by him for 6 months after it was found.

11. Operator Policies

- 11.1 Operators are required to adopt, implement, review, update as is necessary and submit to the Council the following policies:
- Safeguarding Policy
 - Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints
 - Equality Policy (Equality Act 2010) including disability awareness and the carrying of assistance animals.
 - Data Protection Policy
 - Recruitment / Suitability Policy

12 Training

- 12.1 Operators should ensure that they have attended any licensing training required by the Council within one month of a licence being granted or as otherwise directed by the Council.

- 12.2 The Operator must ensure that training is provided to relevant staff (paid or unpaid) on licensing law, Licensing policy, the policies listed at paragraph 11.1 and how and when to accept bookings. This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a record of the aforementioned training which has been signed by the operator and the member of staff.

Proposed amendments to Operator Conditions

CONDITION	CURRENT WORDING	PROPOSED CHANGE	COMMENT
2.8	<p>The Operator must display the following at their premises at all times:</p> <p>e) A copy of the current Operator licence</p> <p>f) A schedule of fares</p> <p>g) A notice which provides information on how to complain to the Licensing Authority including email and phone number</p> <p>h) A copy of the public liability insurance policy certificate</p> <p>The above shall be displayed in a prominent position, where the public have access and, where it can be easily read.</p>	<p>The Operator must display the following at all times at any premises that the general public have access to and/or on online booking sites and apps:</p> <p>a) A copy of the current Operator licence</p> <p>b) A schedule of fares</p> <p>c) A notice which provides information on how to complain to the Licensing Authority (including email and phone number)</p> <p>d) A copy of the public liability insurance policy certificate</p> <p>The above shall be displayed in a prominent position within a premises, where it can be easily read; or clearly marked on the relevant online site/app where is can be easily accessed.</p>	<p>Made clear that this only applies if have a base that is used to deal with members of the public – and includes requirement to ensure displayed online.</p>
2.10	<p>The Operator shall now allow their Licensed Operator Premises to be used to conduct business relating to another non (<i>insert name of Council</i>) Licensed Operator.</p>	<p>The Operator shall not allow their Licensed Operator Premises to be used to conduct business relating to licensees of other non-Greater Manchester local authorities.</p>	<p>This condition is designed to prevent the undermining of the local licensing regime and public safety</p> <p>It is submitted that the Deregulation Act when drafted, worked to the assumption that all districts outside of London and</p>

			<p>Plymouth were ‘governed by the same legislation’ (Deregulation Act 2015 Guidance notes) – which they are, but this clearly ignores that there is a wide variance in public safety policies, procedures, practice and licence conditions between districts, and there remains a lack of mandatory minimum standards nationally with regards to important safeguarding matters. As such, it is proposed that the condition should remain to protect and uphold local licensing regimes, but has been amended to include all of GM in recognition that following the completion of this first phase of harmonisation by the MLS project, these regimes will not serve to undermine each other.</p>
4.5	<p>The Operator must conduct a check of the Council’s public register before allowing a driver to carry out bookings.</p>	<p>The operator must conduct a check of the Council’s public register (where it exists) when contracting a driver to carry out bookings.</p>	<p>Makes the condition clearer that the requirement is only at the outset of the contractual relationship and acknowledges that this is only possible where the Council provides a public register.</p>
4.6	<p>The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:</p> <p>a) in high footfall / high visible locations</p>	<p>No change, save for adding the word ‘large’ before ‘events’ at point b)</p>	<p>Submission has been fully considered. It is thought that a common sense and practical approach has been taken with regards to defining locations and scenarios in which private hire vehicles are required not to wait when they don’t have a booking so as not to give the impression that they are available for</p>

	<ul style="list-style-type: none"> b) outside busy venues/businesses or in close proximity to events c) at the front or back of designated hackney ranks d) in groups or lines that present as a 'rank' e) in contravention of road traffic orders <p>Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.</p>		<p>immediate hire; not to encourage illegal ply for hire; and not to create unnecessary congestion and unsafe conditions on the highway at busy times/locations. There is no expectation that PHVs should be available 'immediately' and the public should understand that when using a pre-booked vehicle there may reasonably be a wait time (however short) as vehicles cannot just be ready on the street (as Hackneys are) immediately – this would further assist the public's understanding of the two regimes.</p> <p>There is no requirement within this condition for drivers/vehicles to go out of the district or drive a substantial distance away from a location/district centre – it is considered that there are sufficient places to wait close to key locations that are out of general view, or on the edge of district centres and this will prompt operators to consider their own business models and booking demand to determine how many vehicles they reasonably require to plot or wait close to specific locations.</p> <p>This condition is mirrored within the PH Driver conditions and aimed primarily at them to take responsibility for their own behaviour – here we reasonably expect PH Operators to assist in the prevention of such behaviour (which we know is</p>
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			within their gift using their relevant systems).
4.7	The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have employed for this purpose.	The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.	Changed employed to contracted
5.1	The Operator must notify the Council immediately by email (or in any case within 24 hours) of any complaints, police enquiries or notification of convictions involving any driver that is registered to carry out bookings for the operator which relates to matters of a sexual nature, dishonesty, indecency, violence or threats of violence, equality or drugs. The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.	<p>The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse</p> <p>The Operator must notify the Council within 72hrs of any complaint/allegation, police enquiries, or notification of conviction relating to matters involving dishonesty or equality.</p> <p>The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. For clarity, this notification to the Council must take place regardless of whether the Operator has been able to conduct further enquiries itself, or whether or not it ceases any contractual arrangement with the driver.</p>	<p>After further consideration – have amended to just include the most serious safeguarding matters that would be more likely to result in immediate suspension (following relevant investigation) for 24hr reporting to the Council.</p> <p>It is considered appropriate for Operators to notify the Council immediately and agree with the Council how the investigation will proceed from there.</p>

5.4	<p>The Operator must provide a report every six months to the council detailing all complaints received (including against drivers carrying out sub-contracted bookings) and action taken. The report should be provided no later than one month after the end of the reporting period. The Operator must keep all records for at least 12 months.</p>	<p>The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.</p>	<p>Considered submission that as drafted the condition was overly burdensome – have amended so that the records have to be kept (already reflected in other conditions that all complaints should be recorded) and must be available to view – removing requirement for formal report to be provided.</p>
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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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