

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	17th OCTOBER 2019
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

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

2.0 APPEAL TO MAGISTRATES

2.1 Members will recall that a client appeared before Licensing and Safety Panel on 7th March 2019 in respect of his hackney carriage vehicle licence and the decision by the panel was to refuse to renew the Hackney Carriage Vehicle Licence as the vehicle had fallen foul of the Council's Five fault Rule for Hackney Carriage vehicles over 10 years old. This client appealed the decision. The appeal was heard on the 10th September 2019, at Manchester and Salford Magistrates Court. The Magistrates considered the case and decided to dismiss the appeal. The Magistrates awarded the Council £1000 contribution costs.

3.0 **PARTNERSHIP WORKING**

- 3.1 Officers of the Trading Standards and Licensing Service took part in a multi-agency operation on the 25th September 2019. The operation involved Greater Manchester Police, Greater Manchester Fire and Rescue Service, Housing Standards and the Immigration Service. Eight premises were visited. There were issues for the Immigration Service and Greater Manchester Fire. The immigration service found three individuals working in a shop who had no right to work and one individual who was a failed asylum seeker who had absconded. 2620 illicit cigarettes and 1.4 kilogrammes were seized by Trading Standards from one of the off licences visited. Investigations are ongoing.

4.0 **ATTENDANCE REQUESTED TO ATTEND A MEETING**

- 4.1 Following a request by Councillor Daly, the Licensing Unit Manager and the Deputy Licensing Officer attended a meeting at Blackford Bridge Church along with Greater Manchester Police. The meeting consisted of questions relating to taxi related matters, these were answered by Greater Manchester Police and the Licensing Unit Manager. The meeting was attended by a large number of licence holders.

5.0 **TAXI TRADE LIAISON MEETING**

- 5.1 On the 19th September 2019, the Licensing Service held a trade liaison meeting with the Hackney Carriage and Private Hire Trade. All Private Hire Operators were invited, along with trade associations representing Hackney and private hire drivers in Bury.

This was a private meeting to allow full discussion on a range of issues. This included: proposals across Greater Manchester relating to common standards across the Hackney carriage and private hire trade; the proposed GM Clean Air Zone; proposed service improvements in Bury; information regarding Brexit and the EU Settlement Scheme; along with a number of matters put forward by trade reps and individual drivers.

Minutes of the meeting are attached at Appendix 1.

6.0 **COMMON MINIMUM STANDARDS**

- 6.1 Members will be aware of the proposed common minimum standards that were being developed by the Greater Manchester Licensing Network and Transport for Greater Manchester which were due to go out to consultation in autumn of this year. However the following position statement was issued:

In 2018, Greater Manchester's 10 local authorities agreed to collectively develop, finalise and implement a common set of minimum standards for Taxi and Private Hire services licensed in Greater Manchester. The proposed standards have four areas of focus: driver standards, vehicles standards, operator standards and local authority standards.

Greater Manchester Leaders have consistently stated that these standards must align with the Greater Manchester Clean Air Plan proposals and support the requirements to tackle air pollution across the region. The 10 local authorities are awaiting feedback from government on some elements of those proposals, most

notably the funding available to support vehicle upgrades – including taxis and private hire vehicles (PHVs).

With this uncertainty, and the lack of clarity around the Government's intention to legislate for national minimum licensing standards for taxis and PHVs in the future, there will be no consultation on the proposed Greater Manchester common minimum standards this autumn, however we will continue to engage with the trade on the development of both Clean Air Plan and common minimum standards.

Contact Details:

M Bridge
Licensing Unit Manager
3 Knowsley Place
Duke Street
Bury
BL9 0EJ Tel: 0161 253 5209 Email: m.bridge@bury.gov.uk

Appendix 1

Minutes

Hackney Carriage / Private Hire Liaison Meeting 19th September 2019

Attending: Chairman- Councillor Rafiq
Head of Trading Standards & Licensing – Angela Lomax
Licensing Unit Manager - Michael Bridge
Head of Legal Services - Janet Witkowski
Darren Smith – Transport & Workshop Manager Bradley Fold
Deputy Licensing Officer - Laura Jones
Elton Blueline – Raja Mohammed Fiaz Khan
Hackney Carriage Driver Association – Charles Oakes
National Private Hire & Taxi Association – Donna Short
National Private Hire Association – Sham Raja
Bury Drivers Group – Mohammed Ahmed
Private Hire Drivers Association – Adil Sharif
Private Hire Drivers Association – Sajjad Warraich

		Action
01	Councillor Rafiq opened the meeting and thanked everyone for their attendance. He reminded everyone that this was a private meeting and not to be live streamed or recorded. Attendees introduced themselves.	
02	Common Minimum Standards Mr Bridge read out the CMS Consultation Position Statement. This is available to read on Bury Councils website.	
03	Clean Air Unfortunately a representative from Environmental Health or TFGM were unable to attend due to other commitments. Mr Bridge read out an email with an update from TFGM. TFGM have applied for a grant to Government of £28 million across Greater Manchester. No decision has been made on this as yet.	
04	Service Level Agreement SLA is a sub contractual agreement between two services of the Council, it is not a public document and not for consultation. This SLA is an agreement between the testing station and the licensing service in relation to how the business will be run. Attendees were asked for things that they would like to see in the SLA. It already covers such things as service standards, GDPR, staffing, financial accountability, penalties for non-performance, dispute resolution, value for money, market testing, risk assessment, key performance indicator, monitoring report. It sets out what we as the licensing service expect of the testing station and what they expect of us. A request was made for Saturday test appointments. Michael Bridge explained that this had been piloted some years ago and there was no take up. A request was also made for MOT	

		Action
	certificates to be issued, this can be looked at but there may be issues with time and cost.	
04	Bradley Fold Darren Smith advised that Bradley Fold should be open again for mid-November. Contractors are working weekends to try and meet this deadline.	
05	Testing Manual The draft testing manual will be available on the Council website in the next few days for all drivers to see and make any comments on. The manual sets out the details of MOT failures and clarifies such items as scratches and dents. It will run in conjunction with a new failure sheet which will correspond with the manual.	
06	Service Improvement The licensing service have been looking at complaints that have been made and taking onboard things that have been said. The following have been done as a result; <ul style="list-style-type: none"> • Redesigned suspension notice so it is now in plain English • Customer satisfaction survey undertaken at the garage – results very encouraging • Audit of testing facilities at Bolton testing Workshop carried out • Due to complaints about getting through to licensing by telephone we are working with the customer contact centre to streamline how calls will be taken • Additional temporary staff have been employed to cover holidays • Testing manual created to be supplied to the trade for consultation • Options appraisal being considered includes review of other council testing facilities • Drivers have said they are unhappy with the size of the badge that is currently issued. We are in talks with our supplier regarding this. • Discussions with Bolton Council re Right of appeal to Bolton testing station if unhappy with result of a test. • Online booking for appointments system being worked on • Can now book a retest at Bolton over the phone by sending a photo of failure sheet to Licensing by email 	
07	Brexit Angela Lomax attends regular Brexit meetings and brought a few issues to the attention of attendees. There have been rumours of fuel shortages, this is something that the trade may need to prepare for. EU settlement scheme, EU nationals may need to fill in a form to ensure they can stay settled. For anyone who would like more information there is a workshop at the Town Hall at 10am on 1 st October.	
08	Second testing station Mr Oakes asked a question, would Bradley Fold be happy if the Council decided to have a second testing station, would it be difficult for them. Darren Smith stated that he	

		Action
	would be bothered if the standards of the test were to go down. A discussion regarding a second testing station took place. The trade were asked to give the implementation of the testing manual and the re-opening of a new testing station at Bradley Fold a chance.	
09	Councillor Rafiq closed the meeting and thanked everyone for coming.	