

REPORT FOR DECISION

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

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

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

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

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

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

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

It was agreed:

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

2.0 ISSUES

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

3.0 OPTIONS

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

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

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REPORT FOR DECISION

Bury
COUNCIL

**Agenda
Item**

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

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

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

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

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

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

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

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

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

2.0 GM MINIMUM STANDARDS CONSULTATION

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

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

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

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

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

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

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

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

3.0 OPTIONS

3.1 It is recommended, that Members:

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

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

4.0 CONSULTATION

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

5.0 Reasons for Recommendation

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

List of Background Papers:-

Not applicable

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