



Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee Full Council
Meeting date:	16 March 2023 – Licensing and Safety Committee 22 March 2023 – Full Council
Title of report:	Amendments to the Greater Manchester Minimum Licensing Standards for the Hackney Carriage and Private Hire Trade
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report proposes:

- Amendment to the implementation date for the hackney carriage and private hire transitional arrangements in relation to age and emissions standards for existing Bury licensed vehicles.
- Amendment of the implementation date for the written-off vehicle to 1 April 2026 for existing licensed vehicles.
- The removal of the minimum age requirement for new vehicles coming onto fleet for hackney carriages and private hire vehicles.

The existing standards were proposed as part of the Greater Manchester Minimum Licensing Standards project and adopted by Council on the 24 November 2021.

The proposed recommendations in the report acknowledge concerns raised by the taxi trade and the amendments take account of the current economic climate, cost of living crisis and the delayed opening of the Clean Taxi Fund.

Recommendation(s)

It is recommended that the Licensing and Safety Committee considers and adopts the following amendments to the Minimum Licensing Standards and recommends to Full Council that the amendments are approved:

For existing vehicle licence proprietors:

- that the transitional arrangements in relation to age and emissions standards are extended from 1 April 2024 to 1 April 2026 - This will assist hackney carriage and private hire vehicle owners to transition to the new requirements, whilst allowing them the ability to take advantage of the funding support package (Clean Air funding) once it is available. In order to achieve this compliance date, the amended policy will state that from 1 April 2025 a vehicle licence will not be renewed if the vehicle does not meet the above standards.
- the implementation date for the written-off vehicle standards is extended to 1 April 2026. The amendment of to the written off policy is to permit vehicle licence holders who are currently licensed in Bury with a previously written off vehicle prior to the implementation of the Stage 2 of Common Minimum Standards in November 2021 to continue to be able to licence the vehicle until the 1 April 2026. In order to achieve compliance, the amended policy will state that from 1 April 2025 a vehicle licence will not be renewed if the vehicle has been previously written off. There will be no change to Council Policy relating to new vehicle licence applications in relation to this standard.

For new applications for vehicle licences

- the minimum age requirement for new vehicles coming onto fleet is removed for hackney carriages and private hire vehicles - the current policy in relation to hackney carriage and private hire vehicles has a coming on age (new to fleet) as follows:-
 - PHV – under 5 years on to fleet and 10 years off
 - PHV WAV – under 7 years on to fleet and 15 years off
 - Purpose built HVC – under 7 on to fleet and 15 years off

Key Considerations

The primary driver for the implementation of Minimum Licensing Standards (MLS) was to ensure public safety and protection, and to improve vehicle emission standards and support the Clean Air agenda. In addition, by establishing standards around common vehicle specifications, MLS is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester (GM) and their visibility.

The emissions and age compliance date as initially proposed was 1 April 2024 for all existing fleets across GM. This date was proposed on the basis that the Clean Taxi Fund was due to open early 2022, and that the clean air legal directive at the time was for compliance by 2024.

The Government have also issued a new clean air directive which required compliance by no later than 2026. As the funding support package has not yet been agreed and is not likely to be available until Summer 2023 at the earliest, this will adversely affect many vehicle licence holders with non-compliant vehicles who will be unable to replace their vehicles before their licence is due for renewal.

If the date for compliance with emissions standards is extended to 2026, older, more polluting vehicles will be on the fleet for longer. However, those with older vehicles will be able to take advantage of the funding support package once it becomes available to help transition to compliant vehicles. The risk therefore should reduce as more vehicles transition to compliant vehicles between 2023 and 2025.

Without a change to the compliance date for these standards in Bury, a proportion of the fleet will be unable to renew their vehicles licences after April 2023.

Consequently, this will detrimentally affect the livelihood of many drivers, as well as the availability of licensed vehicles for the public in Bury.

The extension to the compliance date will give the trade a longer time period in which to upgrade to compliant vehicles, and the ability to take advantage of the funding support package once it is available.

The removal of the coming on age for hackney carriage and private hire vehicles will allow vehicles to be purchased by the taxi trade up to the maximum age of 10 years from date of registration. This will assist the trade in upgrading their vehicles.

The amendment to the written off policy is to permit vehicle licence holders who are currently licensed in Bury with a previously written off vehicle prior to the implementation of the Stage 2 of Common Minimum Standards in November 2021 to continue to be able to licence the vehicle until the 1 April 2026. In order to achieve compliance with the amended policy it will state that from 1 April 2025 a vehicle licence will not be renewed if the vehicle has been previously written off. There will be no change to Council Policy relating to new vehicle licence applications.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

The changes put forward in this report demonstrate a relaxation of proposed requirements for both hackney carriage and private hire/private hire (WAV) vehicles. This could potentially increase the time it takes for these vehicles to be upgraded for vehicles with less carbon emissions and less tailpipe emissions, however the availability of Clean Air funding will encourage vehicle upgrades.

Equality Impact and considerations:

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.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.

The Equality Impact Assessment (EIA) undertaken for the MLS showed that there were both positive and negative impacts of the proposals. The main positives are that it provides for greater protection for vulnerable people from harm and should also increase the accessibility of the fleet for disabled persons. The contrary issues are that the higher standards may make access to becoming a driver more costly and therefore may reduce the fleet size and therefore mean that there are less taxis available and people may be more tempted to use non licensed vehicles. There are three ways that this impact can be lessened; namely by ensuring that the drivers have adequate time to adjust to the new standards, that access to the GM Clean Taxi Fund support package when it is made available, and also that we publicise the benefits of taking a Bury licensed vehicle.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
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Not Applicable	
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Consultation:

A GM wide public consultation on MLS took place between 8 October and 3 December 2020. A summary of this consultation has previously been provided to members in the report 'Greater Manchester Minimum Licensing Standards for Taxi and Private Hire Stage 1' which was submitted to Council on the 8 September 2021 and Stage 2 was submitted to Council on the 24 November 2021.

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

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.

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.

The policy changes recommended, if agreed by the Council, will be implemented and form the basis on which decisions are made on applications for vehicle licences received by the Council.

Financial Implications:

Revenue and Capital: The Licensing Regime is a self-funded service through the licensing fees. There are no financial implications as a result of this report as the changes do not have any cost implications to the Council.

Report Author and Contact Details:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5208
Email: m.bridge@bury.gov.uk

Background papers:

Stage 2 (Vehicles)

Report and Minutes - Licensing and Safety Committee – 11 November 2021 - <https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=135&MId=3007&Ver=4> -
Report and Minutes – Full Council – 24 November 2021 - <https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=148&MId=3026&Ver=4>

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

Term	Meaning
EIA	Equality Impact Assessment
GM	Greater Manchester
MLS	Minimum Licensing Standards
WAV	Wheelchair Accessible Vehicle