

<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing and Safety Committee Full Council
<b>Meeting date:</b>	19 October 2023 LSC 22 November 2023 Full Council
<b>Title of report:</b>	Proposed Hackney Carriage & Private Hire Policy Revisions following Public Consultation
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### **Executive Summary:**

This report sets out the outcome of the Public Consultation relating to Hackney Carriage and Private Hire Policy revisions.

### **Recommendation(s)**

The Committee is asked to consider the following options:-

1. To adopt the proposals outlined within the report.
2. To refuse to adopt the proposals outlined within the report.
3. To modify any of the proposals as determined by the committee.

In addition, the Committee is asked to provide delegated authority to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the amendment date would be reported at a subsequent Licensing & Safety Committee meeting.

### **BACKGROUND**

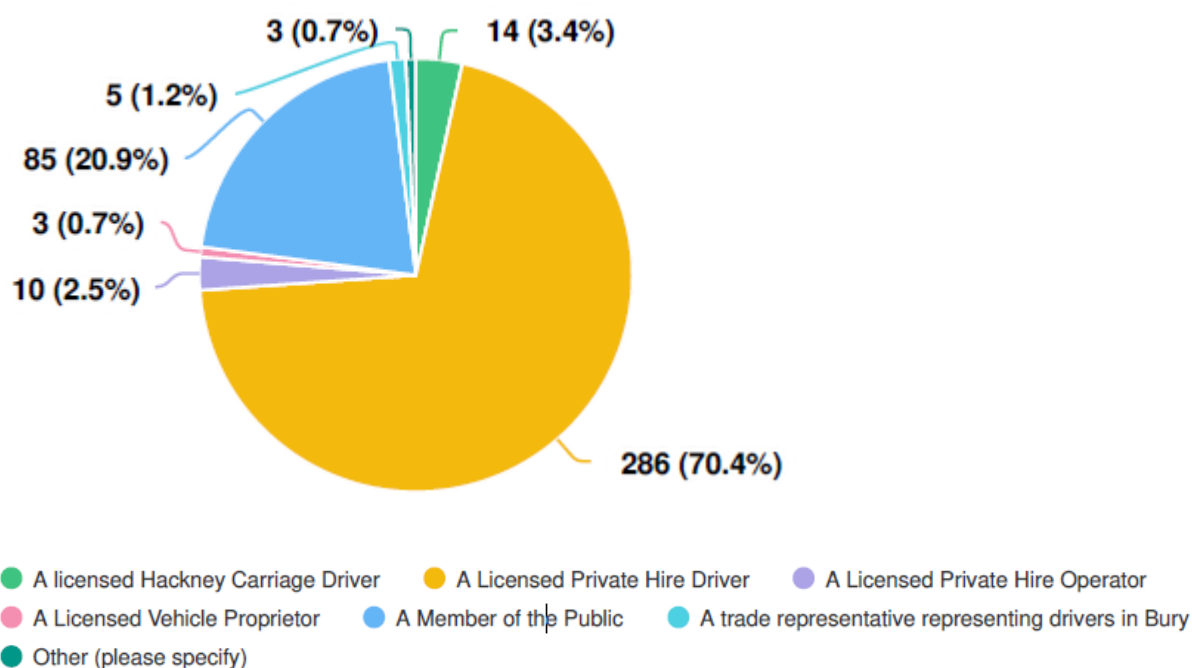
- 1.0 Members will be aware of the report that was considered by this Committee on the 20 July 2023, where members gave their approval for the Licensing

Service to carry out a public consultation in relation to the review of Council Policy in relation to Hackney carriage and Private Hire.

- 1.1 The consultation took place between the 7 August 2023 and the 15 September 2023. The questionnaire was developed and hosted on-line on 'One Community', the council's engagement and consultation portal. Hard copies of the questionnaire were made available on request (none were requested). Emails were also accepted as a response. The survey was promoted on the council's social media platforms, via the one community newsletter and through direct emails to stakeholders.
- 1.2 The Licensing Service discussed the public consultation with trade representatives at the Trade Liaison meeting on the 3 August 2023 to enable them to advise their members of the proposed consultation. It was requested that a dedicated email address was set up for any issues/concerns/difficulties to be communicated to the Licensing Service.
- 1.3 Further to the Trade Liaison meeting, the Licensing Service sent two emails on the 7 August and 30 August 2023 promoting the consultation. The emails were sent to 911 drivers, 30 Private Hire Operators and 5 trade representatives. The Council's Engagement Officer has been promoting and working with the trade groups and the Council promoted the consultation by social media.

## 2.0 Findings of the Consultation

- 2.1 A public consultation took place between 7 August 2023 and 15 September 2023. The consultation was accessed by 1,195 people, with 436 informed participants leading to 405 who were actively engaged with the consultation. The breakdown in participants included licensed drivers from the private hire and hackney carriage trade, licensed private hire operators, licensed vehicle proprietors, members of the public and trade representatives.



- 2.2 Interestingly responses were received with a similar equivalent proportion of licensed divers (in relation to the Bury fleet) that took part in the consultation. Responders identifying themselves as a hackney carriage driver were 13 (92.9%) licensed in Bury (with 1 (7.1%) licensed elsewhere), and participants identifying themselves as a private hire driver were 263 (92.0%) licensed in Bury (with 23 (8.1%) licensed elsewhere).
- 2.3 Only 2 identified participants recoded themselves as a vehicle proprietor (66.7%) licensed in Bury (with 1 (33.3%) licensed elsewhere). The remaining responses were anonymous with responders choosing not to identify themselves.

### **3.0 Consultation Findings Overview**

**3.1** The following table shows the general response to the published proposals showing whether responders agreed or disagreed.

<b>Proposal</b>	<b>Agree</b>	<b>Disagree</b>
Front plates/livery	88%	12%
Mandatory door signs	83%	17%
Driving standards assessment	76%	24%
Knowledge tests	46%	54%
Re-application	91%	9%

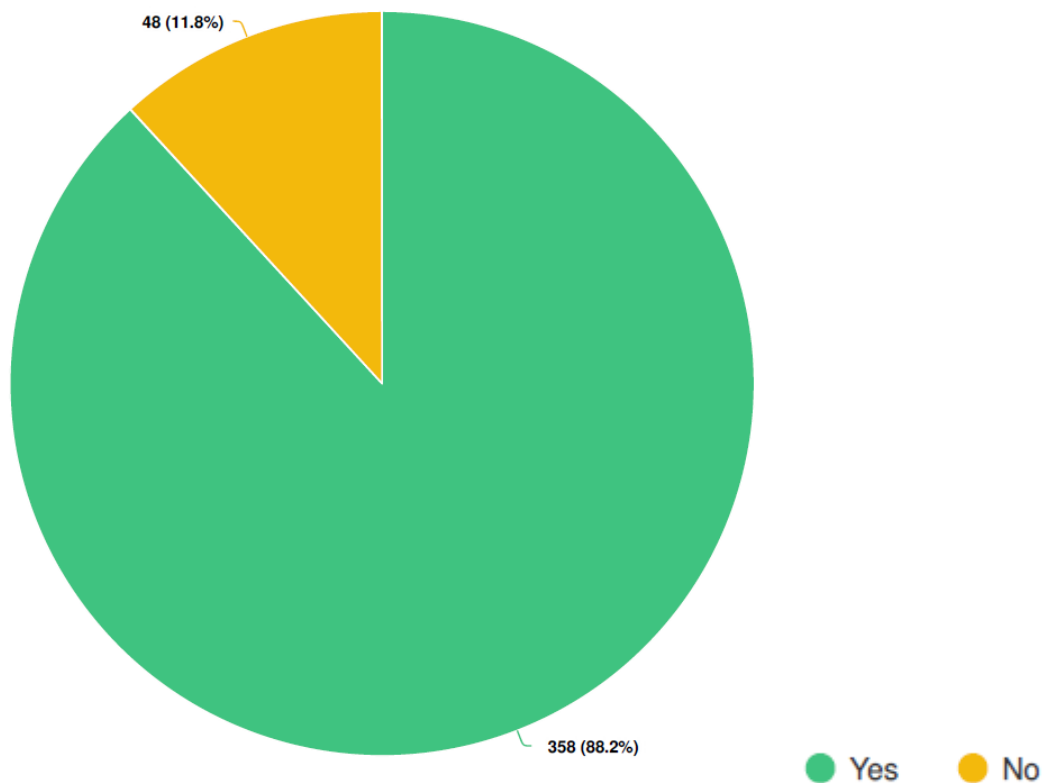
3.2 The largest responses for each proposal have been highlighted in green. The table shows the following:

- 88% of respondents agreed with the proposals regarding front plates and livery.
- 83% agreed with the proposals about mandatory door signs.
- 76% agreed with the proposal around driving standards assessments.
- 54% disagreed with the proposals around knowledge tests, however 46% did agree.
- 91% agreed with the proposals around changes to the re-application process.

### **4.0 Consultation Findings Detail**

4.1.1 **Question:** Do you agree with the proposals above regarding Front Plates/Livery?

Overwhelmingly 358 (88.2%) of participants agreed with proposal 1, with 48 (11.8%) disagreeing.

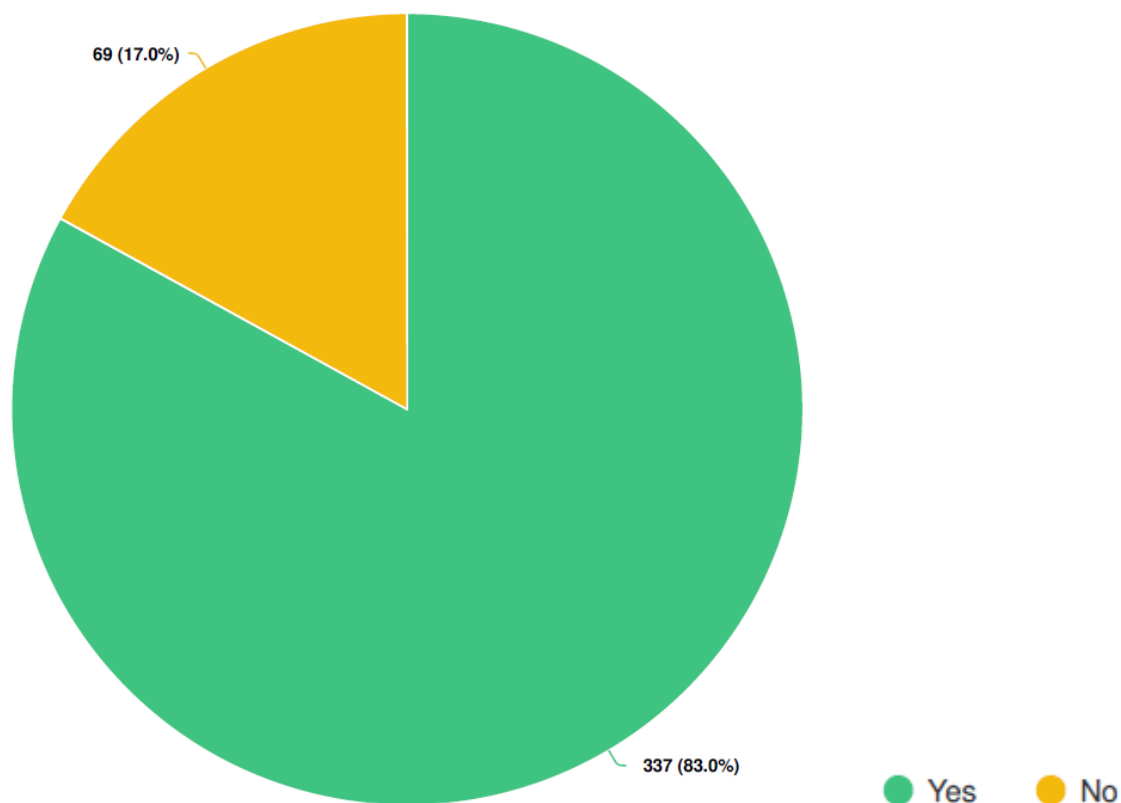


**4.1.2 Rationale:** It is recognised that national guidance, due to be released later this year (2023), is not likely to mandate the need for front plates on licensed vehicles. In addition to this, it is widely known and accepted that many other licensing authorities are no longer imposing this requirement and see no detriment to the visibility and enforcement of licensed vehicles due to this. Furthermore, the Service has listened to concerns of the trade and fears that current arrangements may facilitate targeted anti-social behaviour towards licensed vehicles.

**4.1.3 Recommendation:** Members to approve the removal of the front plate requirement on hackney carriage and private hire vehicles. Members to approve the implementation of a council issued front windscreen vehicle identification sign for hackney carriage and private hire vehicles to be positioned in the bottom passenger side of the front windscreen in a Council issued holder.

**4.2.1 Question: Do you agree with the proposals regarding changes to mandatory door signs?**

Overwhelmingly 306 (75.4%) of participants agreed with proposal 2, with 100 (24.6%) disagreeing.



**4.2.2 Rationale:** The Licensing Service acknowledges the views of the trade through ongoing engagement who believe large door signs contribute to alleged anti-social behaviour and targeting of licensed vehicles. The Licensing Service acknowledge these ongoing concerns but also recognise the importance that door signs play a huge role in identifying a licensed vehicle for customers.

New draft guidance by Department of Transport states licensing authorities should seek to minimise the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator. The guidance further states Licensing authorities should not impose a livery requirement on private hire vehicles.

The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi.

It was proposed that the requirement for the current rear passenger door sticker stating, "Private hire vehicle (not a taxi) The driver can only take passengers who have pre-booked with this company" to be replaced with a new Council issued sticker which is to be displayed on the rear door of a private hire vehicle stating, "Private hire vehicle not insured unless pre booked with operator" (magnetic signage is not permitted)

**4.2.3 Recommendation:** Members to approve the removal the current requirement to display the name of the operator on the front doors, front windscreen, and rear windscreen on private hire vehicles. Members to approve the implementation of an operator window sign, in a council issued window mounted wallet (which can be changed by the licensed driver to advise passengers of the

operator currently being used to fulfil the booking). The window mounted wallet is to be displayed in the bottom passenger side corner of the vehicle windscreen alongside the (new) vehicle identification sign. A window wallet issued by the Council, must be displayed at all times next to the proposed window vehicle identification sticker also displayed in a pouch. The operators name must be clearly legible, printed in a digital format (not handwritten) and must fill the corresponding wallet/holder space.

<p>Current Standard</p>	<p>Bury Council requires all Hackney Carriage and Private Hire vehicles to <b>display front and rear plates.</b></p> <p>In respect of Private hire vehicles, they must display the following as well as the plates:</p> <ul style="list-style-type: none"> <li>• Operator stickers on two front doors.</li> <li>• The name of the operator’s firm on the front windscreen at the top left-hand side, the name of the operator’s firm at the bottom of the back windscreen.</li> <li>• Bury Insurance stickers on two rear doors.</li> <li>• We do not allow any signage to be on magnets.</li> <li>• The operator signage is currently approved and then provided by the Operator.</li> <li>• All signs, including phone numbers and logos, must be between 4cm and 7cm high.</li> </ul> <p>Vehicles must also display the following signs:</p> <ul style="list-style-type: none"> <li>• The name of the operator’s firm on the front windscreen at the top left-hand side.</li> <li>• The name of the operator’s firm at the bottom of the back windscreen.</li> <li>• The name, phone number and logo of the operator’s firm on the two front-door panels.</li> </ul> <p>All signs, including phone numbers and logos, must be between 4cm and 7cm high. New signs must be checked with our Licensing Officer before you use them. You must not display a sign or note saying:</p> <ul style="list-style-type: none"> <li>• Taxi;</li> <li>• Cab; or</li> <li>• For hire</li> </ul>
<p>New Standard</p>	<p>Bury Council requires all Hackney Carriage and Private Hire vehicles to display a rear plate and a front vehicle windscreen vehicle identification sign.</p> <p>In respect of Private hire vehicles, they must display the following as well as the plate:</p>

	<ul style="list-style-type: none"> <li>• An operator window sign, in a council issued window mounted wallet (which can be changed by the licensed driver to advise passengers of the operator currently being used to fulfil the booking). The window mounted wallet is to be displayed in the bottom passenger side of the vehicle windscreen alongside the (new) vehicle identification sign. A window wallet, issued by the Council, must be displayed at all times. The operators name must be clearly legible, printed in a digital format (not handwritten) with operators logo if applicable, and must fill the corresponding wallet/holder space.</li> <li>• A rear passenger door sticker (on each rear door), issued by the Council, stating "Private hire vehicle not insured unless pre booked with operator"</li> <li>• Passenger window signs, issued by the Council, shall be affixed permanently to all passenger windows of the vehicle and are not removed whilst the vehicle is licensed. The window signs must contain plate number, registration number, expiry date and the number of passengers the vehicle is licensed to carry.</li> <li>• We do not allow any signage to be mounted on magnets.</li> <li>• The operator signage in use must be approved by the Council and issued by the Operator.</li> </ul>
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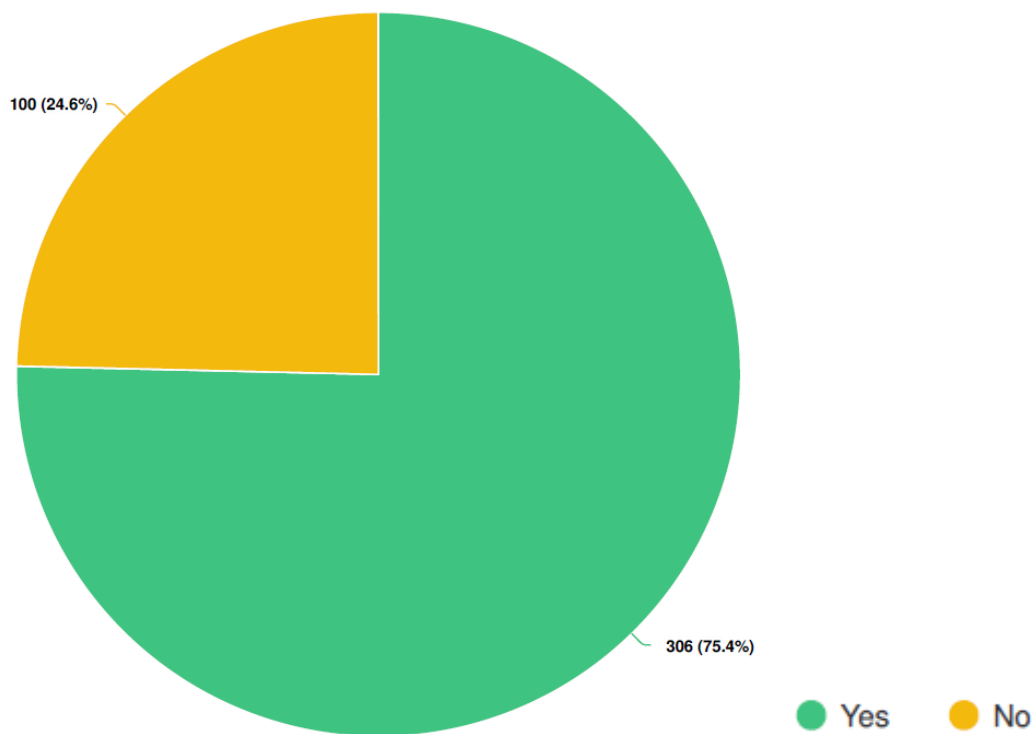
The above standard would come into effect following procurement and availability of relevant peripherals. Once procured, the new standard would be implemented for all new hackney carriage/private hire vehicle licences. Existing vehicle licence holders will transition at their next renewal of their vehicle licence.

Should any existing licence holder wish to transition to the new standards before their renewal date a process will be implemented to enable new peripherals to be purchased at an additional cost and exchanged for their existing front plate and will be required to adopt the new licence conditions for the remainder of their current vehicle licence.

Members are asked to delegate authority to amend the implementation date of this standard to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the amendment date would be reported at a subsequent Licensing & Safety Committee meeting.

**4.3.1 Question: Do you agree with the proposals above regarding Driving Standards Assessment (DSA) – Pre-requisites?**

Overwhelmingly 306 (75.4%) of participants agreed with proposal 2, with 100 (24.6%) disagreeing.



**4.3.2 Rationale:** The Council requires all applicants who wish to become a licensed Hackney Carriage/Private Hire driver in Bury to undertake a driving standards assessment. This assessment is undertaken by qualified driving instructors. The assessment is based on modern driving practices and the standard is set at a level suitable for full driving licence holders. The Licensing Service recognises that applicants must hold a valid driving licence issued by the DVLA. Therefore, comments were sought on the removal of this requirement.

**4.3.3 Recommendation:** Members to approve the modification of the current licensing standards related to Driving Standards Assessment (DSA) – Pre-requisites? as outlined below.

Current Standard	All applicants will need to provide proof that they have passed the practical driving assessment for taxi drivers, issued by either of our approved driver training companies
New Standard	All new driver applications will be required to possess a valid UK Driving Licence

The above standard would come into effect for all new applications for hackney carriage and private hire drivers commencing from 1 January 2024.

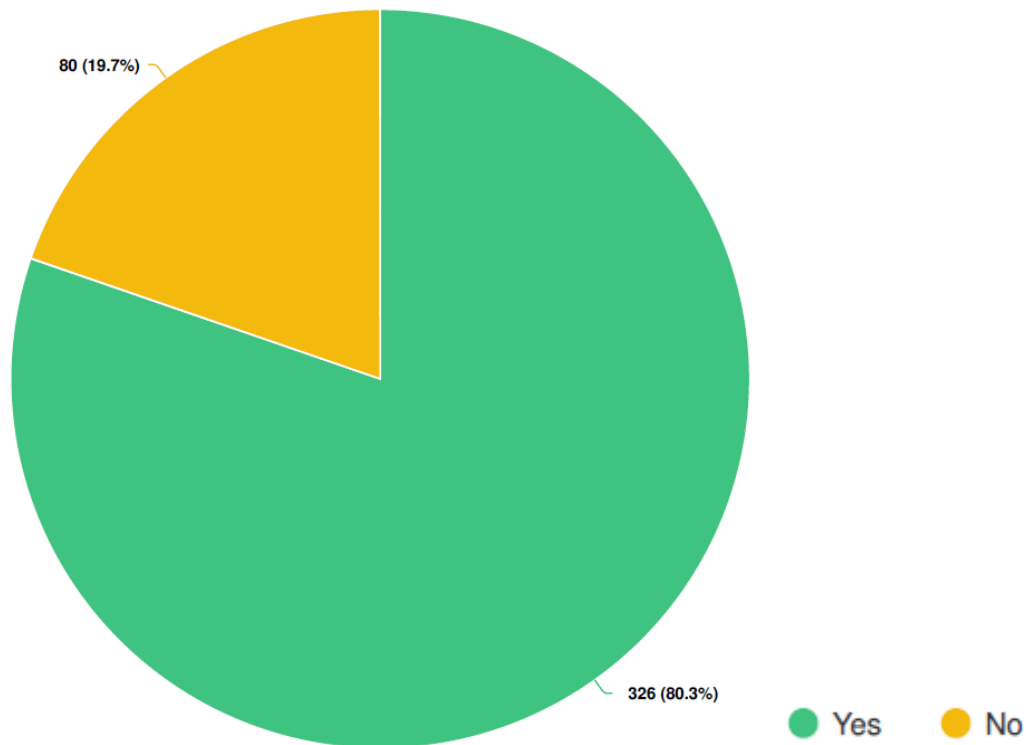
Members are asked to delegate authority to amend the implementation date, if necessary, of this standard to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the implementation date would be reported at a subsequent Licensing & Safety Committee meeting.



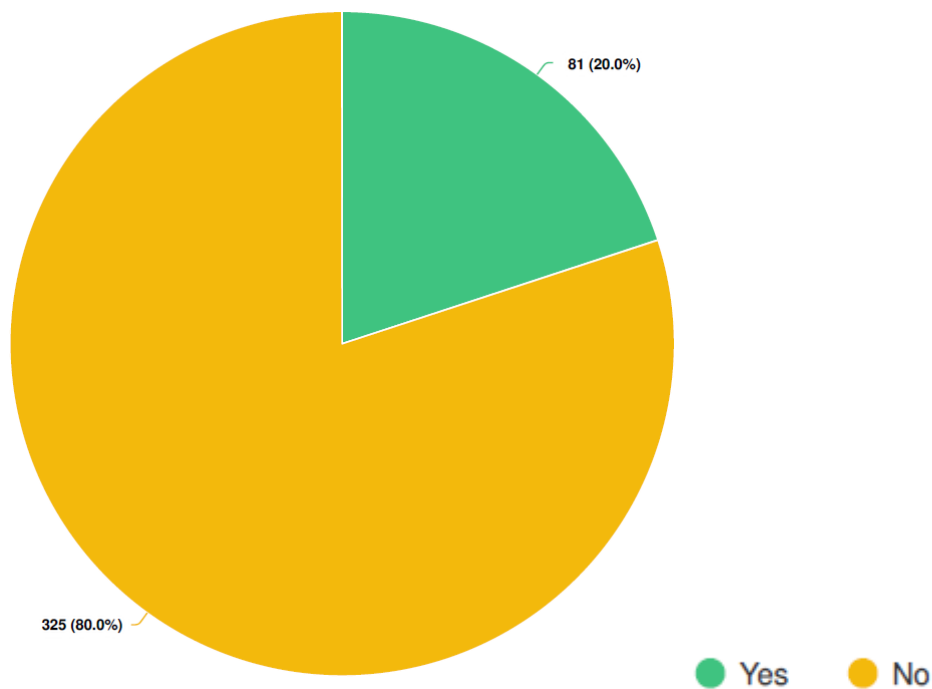
#### 4.4.1 Question: Review on the provision of fire extinguishers and first aid kits

Participants were given two options to consider regarding modifying the provision of fire extinguishers and first aid kits. When asked about Option 1 namely; removal of the mandatory provision for fire extinguisher and first aid kit. Vehicle owners would be strongly encouraged to maintain the provision of a fire extinguisher and first aid kit but will be able to use their own discretion regarding the provision of these items in their vehicle.

Overwhelmingly 326 (80.3%) of participants agreed with the proposal, with 80 (19.7%) disagreeing.



Option 2 (below) sought views on the introduction of mandatory training, in line with recently revised national guidance recommendations, on the use of fire extinguishers (with an additional cost to the licence holder) which brought a definitive response with 325 (80.0%) disagreeing with this option and only 81 (20.0%) agreeing.



Consequently, when responders were asked their preferred option 325 (82.5%) selected Option1 and only 71 (17.5%) selected Option 2.

**4.4.2 Rationale:** Draft revised national guidance now includes more detail around the practicalities of the provision and use of fire extinguishers and first aid kits. The draft new national Guidance recommends Fire Extinguishers only be mandated alongside specific safety training and in the absence of fire safety training fire extinguishers should not be provided.

**4.4.3 Recommendation:** Members approve a revised standards regarding the recommendation not mandating the provision of fire extinguishers and first aid kits in licensed vehicles.

Current Standard	<p>Ensure that any fire extinguisher is in a serviceable condition (where applicable).</p> <p>Ensure that the vehicle has a full and complete first aid kit (check that contents are not out of date)</p>
New Standard	<p>Vehicle owners are encouraged to maintain the provision of a fire extinguisher and first aid kit. Where a first aid kit is provided the licence holder must check that contents are not out of date.</p> <p>Where a fire extinguisher is provided it is advised that licence holders undertake training (to be undertaken privately and independently of Bury Council) on the safe handling and use of fire extinguishers. Licence holders can use their own discretion regarding the provision of these items in their vehicle.</p>

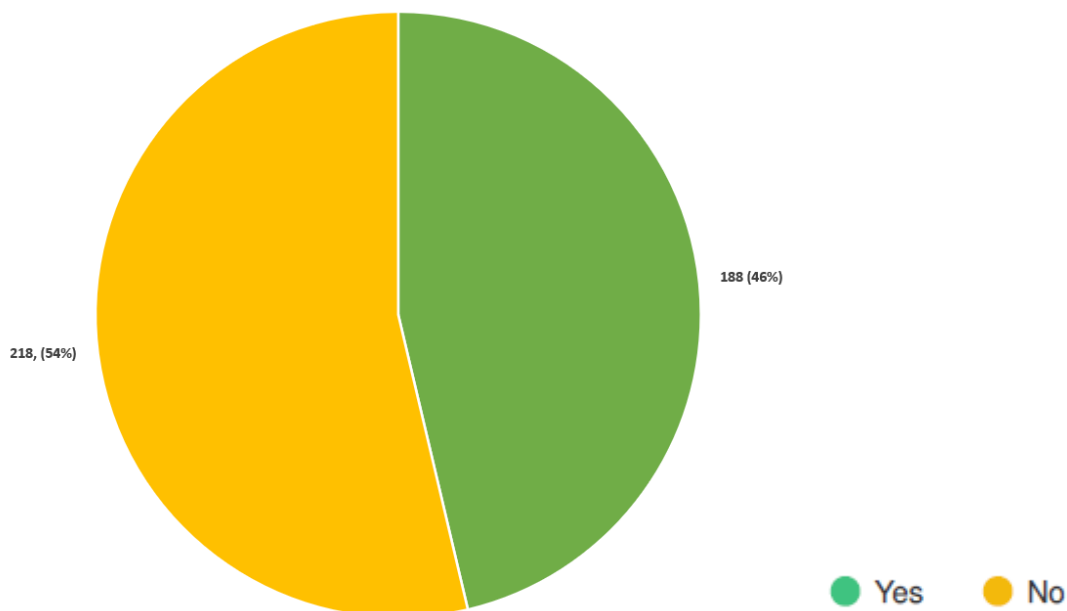
The above standard would come into effect for all new applications for hackney carriage and private hire drivers commencing from 1 January 2024.

Members are asked to delegate authority to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee to revise and amend the vehicle inspection testing manual to reflect the changes in relation to this standard regarding fire extinguisher and first aid kit provision from mandatory to recommended (with suitable training).

Members are also asked to delegate authority to amend the implementation date, if necessary, of this standard to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the implementation date would be reported at a subsequent Licensing & Safety Committee meeting.

#### 4.5.1 Question 5: Knowledge Test – Geographical Element

When asked about changes to the current mandatory requirement to pass a knowledge test 172 (\*42.4%) of responders agreed and 234 (\*57.6%) of participants disagreed. \*However, when drilling into the qualitative data it was noted that 16 of the 234 responders provided comments outlining clear agreement with the proposal to removal of the knowledge test (even though they responded with 'disagree'. The full list of redacted responses and comments can be found in Appendix 1. Therefore, taking these into qualitative responses, adjustments have been made in this report to reflect these changes, therefore amended responses show 188 responders (46.3%) were in agreement with the proposed changes and 218 (53.7%) disagreed with the proposed changes.



4.5.2 **Rationale:** The Licensing Service in view of changes to modern operational practices and increased provision use and availability of GPS equipment a review of the necessity for a geographical knowledge test has been undertaken, and

responders comments on the risk and benefits of removing the requirement for applicants to undergo this part of the test were sought.

The proposal was for the removal of the geographical elements only (a, b, and d). Currently applicants complete a four part knowledge test consisting of the following:

- a) Three locations to be located by the use of a physical map
- b) Road names of where premises are located (15 questions)
- c) Conditions (10 questions)
- d) Journeys by the shortest route between two specific locations (from memory)

A knowledge test would remain a mandatory requirement and be revised to cover other topics in greater depth which are relevant to public safety i.e., licence conditions, safeguarding, road signs etc.

#### **4.5.3 Evaluation and consideration of responses**

The outcome of the responses were balanced with a slight favour towards retaining the current knowledge test in its current form as outlined below.

The licensing service has considered the responses along with challenges posed by a reducing fleet of private hire and hackney carriage drivers and vehicles and reducing numbers licensed locally and therefore subject to our own locally controlled standards.

Responses from 85 members of the public were equally divided and views echoed the those of the trade. 45 (52.9%) responded No (don't agree) with the proposal with (47.1%) responded yes (agree) with the proposal.

A number of written responses were received which are contained within this report in Appendix 2 – 4. A private hire operator (Appendix 2) held a forum with their drivers licensed on their platform and reported agreement with the removal of the geographical element whilst maintain a focus on other issues critical to public safety i.e. licence conditions safeguarding an road signs. A further private hire operator (Appendix 3) with significant numbers of drivers on their platform supported the removal of the geographical element of the knowledge test. A national trade body (Appendix 4) representing significant number of national members also recorded support for the removal of the geographical element.

Conversely there were many comments on both sides of the proposals including those responders who were against the removal of the geographical element of the knowledge test.

#### **4.5.4 Trade Views**

A licensed private hire operator with Bury responded No (don't agree) but left "no comment", a further unidentified private hire operator responded No (don't agree) adding "should be the same and have to take a knowledge test". A further licensed private hire operator licensed in Bury said Yes (agree) adding "Should be made easy for bury drivers who wants become private hire vehicles drivers or hackney carriage drivers". Further licensed private hire operator in Bury

responded Yes (agree) "Everybody uses GPS now and I do not think that knowing roads etc is of any benefit, also the GPS allows for diverted routes in the event of traffic or accident to get to the destination faster for driver and customer", and another also agreed adding ""Geographical knowledge is not required in this current age due to modern tools such as GPS systems. Such systems can now take into account shortest routes and also how to avoid the likes of traffic situations depending on time of day. Also in our business we charge by the hour as opposed the journey so it's a completely different rate system". A further licensed private hire operator in Bury responded in agreement stating XXXX agrees with the council's proposals for the removal of the geographical elements of the knowledge test. GPS and modern technology is now commonplace. "XXXX supports retention of a conditions test and a focus on other issues such as which are critical to public safety i.e., licence conditions, safeguarding, and road signs".

A further licensed private hire operator licensed in Bury responded No (don't agree) stating "I think a bit of knowledge is required" however adding "But it's true that all our drivers rely on satnav".

One vehicle proprietor responded yes (agree) "now a days you have GPS and its is more accurate as it tells you live update about traffic too".

A representative of 60 drivers within and outside of Bury responded yes (agree) adding "the quality of drivers must keep getting better".

A trade body representing only Bury Licensed drivers responded no (don't agree) adding "Drivers must adhere to local routes and should have knowledge of the local routes as keep one eye on ur navigation is a huge distraction when driving in a busy town". Similarly, a vehicle proprietor outside of Bury responded no (don't agree) "This should be removed all together it's outdated and unnecessary all new vehicles and phones are fitted with sat-navs this is made for when people used maps and compasses to get around it's the most unnecessary test I've sat in my entire life"

Statistically the responses around the matter of retaining a knowledge test element in the new application process was balanced with slight preference by the public and trade towards retaining the geographical element of the knowledge test.

The Knowledge test was introduced reflecting the technology at the time which was a reliance on physical maps and practical knowledge of the area. The licensing service is conscious of the rapid development of technology which it is accepted is widely used currently by the private hire trade through the 'data heads' contained in vehicles as well as being readily available on all smart phones via the likes of Google Maps and Apple Maps which include live traffic data which assist drivers to navigate throughout the borough as well as avoiding congestion where possible. The above comments provide evidence that this view is shared by the trade and trade bodies.

Furthermore, the Council is committed to addressing concerns of the trade and members regarding decreasing numbers of licensed drivers in Bury and increasing numbers of licensed vehicles and drivers from 'out of town' areas.

With readily accessible modern technology used by the trade, the licensing service believe that the geographic element of the knowledge test has been effectively rendered unnecessary.

Furthermore, the licensing service is aware that similar changes to knowledge test in a neighbouring GM Authority resulted in a significant number of new applications to become a licensed driver which has reversed the recent downward trend of reducing numbers of locally licensed drivers, and vehicle proprietors. Consequentially this will lead reducing number of licence drivers and vehicle proprietors obtaining licenses from an 'out of town' Local Authority.

The loss of locally controlled licence holders (both drivers and vehicle proprietors) has been to the detriment of the Bury's Licensing service through loss of income and more importantly control.

The proposal to remove the geographical element of the knowledge test will hopefully promote and stimulate the growth and sustainability of Bury's licensed trade and it is anticipated will attract additional applicants who wish to become licensed driver/vehicle proprietor in Bury.

The licensing service is conscious that prior to the consultation there have been concerns expressed by the trade at trade liaison meetings, to licensing officers directly and elected members regarding diminishing numbers within their areas of work and concerns regarding an increasing numbers of out of town licensed drivers and vehicles (who are not under the control of Bury Council in our capacity as a licensing Authority) as well as complaints from members of the public.

Finally, the proposal to remove the geographical element of the knowledge test promotes the Councils 'LET'S do it' strategy especially in the elements of LOCAL and ENTERPRISE which will, in turn, benefit the travelling public and often most vulnerable public in Bury through better, locally controlled, licensed vehicles and drivers.

**4.5.5 Recommendation:** Members approve the removal of the geographical element of the knowledge test as outlined below.

Current Standard	<p><b>Paper A</b></p> <p>This paper asks three questions to demonstrate the ability to use an A to Z. The applicant has to find three given roads or streets in the Bury Official Street Plan and state the page number the location(s) appear on and the name of a street which forms a junction with that street.</p> <ul style="list-style-type: none"><li>• Time for test: up to 10 minutes</li><li>• Please note this paper will not form part of the scored test.</li></ul>
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### **Paper B**

This is made up of 15 questions, each question is worth 1 mark. The applicant is given the name of 15 premises within the borough, such as; pubs, clubs, schools, medical centres or supermarkets and the applicant has to know the name of the road or street they appear on.

- Time for test: up to 10 minutes
- Pass mark: 12 marks (80 percent)

### **Paper C**

This paper asks 10 questions. They could be based on statements which are either True or False or could be questions with multi choice answers of which only one answer is correct. The questions will be based on the terms and conditions of the Hackney Carriage Vehicle and Driver Conditions and bylaws or the Private Hire Drivers and Vehicle Conditions depending on what licence the applicant is applying for.

If a licensed Private Hire Driver subsequently decided to apply for a Hackney Licence, they would have to sit and pass paper C based on the conditions attached to a Hackney Licence.

- Time for test: up to 20 minutes
- Pass mark: 8 marks (80 percent)

### **Paper D**

This paper asks 10 questions, each worth 1 mark. Without the use of an A to Z, the applicant is required to know the names of the roads or streets they would take and the turns they would take on the shortest route by distance between two given locations. If you are asked a question concerning a destination outside the borough, such as Manchester Airport, the start point for such out of the borough destination will always be from the large roundabout on Bury New Road above junction 17 of the M60 motorway.

- Time for test: up to 50 minutes
- Pass mark: 8 marks (80 percent)
- Test result: we will contact all applicants by telephone to inform them of the test result within 7 days of the test.

In addition to the above, before a drivers licence is issued to an applicant for a Hackney Carriage Drivers licence who has passed the above knowledge test, they have to demonstrate how to safely load and properly secure a wheel chair into a Hackney Carriage vehicle with the use of the wheelchair ramps, for example.

	This demonstration will normally take place at 4pm on a Wednesday afternoon, unless otherwise arranged with the Licensing Staff, on the Knowsley Street Car Park. It will be up to the applicant to arrange the provision of a Hackney Carriage for this purpose.
New Standard	<p>The removal of the geographical elements only (a, b, and d) as outlined below.</p> <p>a) Three locations to be located by the use of a physical map</p> <p>b) Road names of where premises are located (15 questions)</p> <p>c) Conditions (10 questions)</p> <p>d) Journeys by the shortest route between two specific locations (from memory)</p> <p>A knowledge test will remain a mandatory requirement and be revised and enhanced to cover other topics in greater depth which are relevant to public safety i.e., licence conditions, safeguarding, road signs etc.</p>

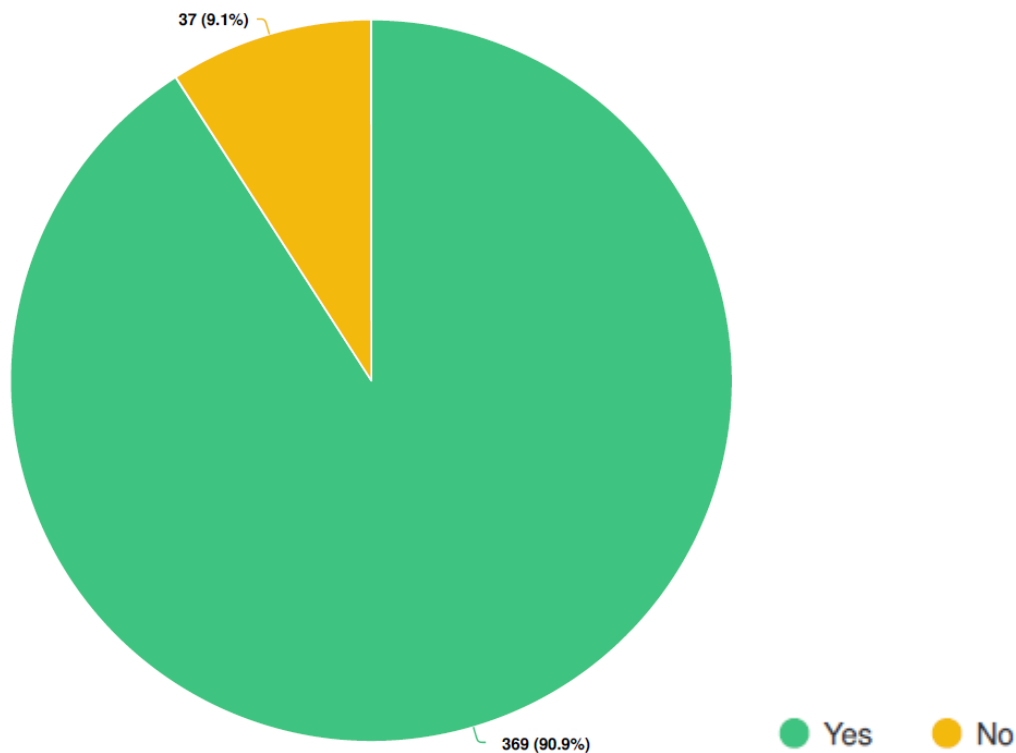
The above standard would come into effect for all new applications from 1 January 2024.

Members are asked to delegate authority to amend the implementation date of this standard (if required) to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. The implementation date would be reported at a subsequent Licensing & Safety Committee meeting.

**4.6.1 Question 6:** proposals above regarding Re-application (breaks in licence for any reason)

When asked about proposal regarding re-application (following breaks in licence for any reason) 369 (90.9%) responders agreed and only 37 (9.1%) participants disagreed.





**4.6.2 Rationale:** The Licensing Service understand where drivers can demonstrate they have previously completed and possess the following criteria below, they will be able to be relicensed following a break in their licence of no longer than six months (of their hackney carriage/private hire driver licence).

**4.6.3 Recommendation:** Members approve the new standard as outlined relating to re-application.

Current Standard	Currently there is no standard in relation Re-application (breaks in Licence for any reason)
New Standard	<p>Driver (applicants) will be able to be relicensed following a break in their licence of no longer than six months (of their hackney carriage/private hire driver licence) where applicants can demonstrate ALL of the following criteria: -</p> <ul style="list-style-type: none"> <li>• The driver/applicant has previously sat the written Knowledge test and passed there is no requirement to resit, however if the driver has not sat the written knowledge test they will be expected to complete the knowledge test before the licence is granted;</li> <li>• The driver/applicant has completed all the pre-requisites required by the Council i.e., Safeguarding training, driving assessment (<i>subject to removal under this consultation</i>) and the communication and numeracy skills assessment (If applicable);</li> <li>• The driver/applicant has undertaken a group 2 Medical within the last 4 months;</li> </ul>

	<ul style="list-style-type: none"> <li>• The driver/applicant has previously undertaken an enhanced DBS which was within 6 months of the date of issue of the certificate or if the driver has an Enhanced DBS Certificate registered with the DBS update service;</li> <li>• The Licensing Service are provided the right to place an application for a Hackney Carriage/Private Hire Drivers licence before the Licensing and Safety Committee if they deem it appropriate.</li> </ul>
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The above standard would come into effect for all new applications from 1 January 2024.

Members are asked to delegate authority to amend the implementation date of this standard (if required) to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. The implementation date would be reported at a subsequent Licensing & Safety Committee meeting.

## **5.0 Conclusion and Recommendation Summary**

5.1 Bury needs to strike the right balance between fulfilling its duty to ensure greater public safety whilst responding to the changing nature of the hackney carriage and private hire industry. The reality is that where any local authorities take a more stringent line on any of these policy areas, it is likely to result in continued reductions in drivers and vehicles licensed by that authority, and in Bury that means leaving even less control and influence over the safety standards of the fleet working within our Authority area.

5.2 The Committee is asked to review the findings of the report and to give consideration to the following options:-

- To adopt the proposals outlined within the report
- To refuse to adopt the proposals outlined within the report.
- To modify any of the proposals as determined by the committee

In addition, the Committee is asked to provide delegated authority to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the amendment date would be reported at a subsequent Licensing & Safety Committee meeting.

5.3 The Licensing Service are requesting the delegation to the Head of Public Protection in conjunction with the Chair of this Committee, to determine the implementation schedule and dates of these standards to enable to enable the most efficient and effective processing time. This will alleviate the need for further reports on implementation timescales. However, the Licensing Service will include in the Operational Report any decisions relating to the implementation timescales.

## **6.0 Amendment to Vehicle Conditions**

- 6.1 Current existing vehicle licence conditions are included in this report for reference in Appendix 5 (Hackney Carriage) & Appendix 6 (Private Hire). These conditions require amendment to reflect the above changes as outlined in this report and approved by this committee.
- 6.2 The new modified hackney carriage vehicle licence conditions are listed in Appendix 7, and the new modified private hire vehicle licence conditions listed in Appendix 8 will be applied to all new and renewal vehicle applications from a date of implementation which is to be delegated to the Head of Public Protection in consultation with the Chair of Licensing & Safety Committee. This is to enable the procurement of new vehicle signage for the supply to the trade.
- 6.3 The licensing service has sought legal advice regarding these proposals which are summarised below: -

*In respect of any new conditions prior to the amendment of policy, the vehicle licence will be subject to the conditions applicable to the licence till the expiration date of that licence. The Licensing Service cannot change conditions during the course of a licence as it would be acting contrary to the licensing authority's duty under section 6 of the Human Rights Act as it would be acting incompatible to the licence holder's right under Article 7 of the European Convention of Human Rights*

*Laws cannot be applied retrospectively and where changes are made, they cannot be backdated in order to be enforced. The legal basis the fact that existing licence holders would not have been aware of the changes, and it would be unfair and a violation of the licensee's right under Article 7 of the Convention. Any policy changes are effective and enforced from the date of commencement and not before the date of commencement.*

- 6.4 Therefore, the proposed changes to vehicle licence conditions including livery as outlined in this report would be applied to all new applications and on renewal for all existing vehicle licences.

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### **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.

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### **Community impact / Contribution to the Bury 2030 Strategy**

The decisions in this report continue to support the objectives in Burys Lets do it Strategy by encouraging and enabling a licensed fleet of drivers, vehicles, and operators, that are safe, greener, skilled and provide a professional level of service to residents and visitors.

The proposals in the report seek to encourage new applications as well as encourage existing licence holders to remain licensed with Bury. This in turn will enable Bury to retain levels of control and influence over local licence holders and support growth and place making in Bury as a place destination to live, visit, and work.

The report seeks to balance these objectives against the desire to support the licensed trade to remain viable and assist in their continued recovery from the impacts of the pandemic and make Bury licensed drivers and vehicles the preferred travel option for passengers.

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**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 undertook an EIA as part of this policy review process. The assessment looked at the proposed Hackney Carriage / Private Hire Vehicles and Private Hire Operators changes to determine whether any amendments to address equality impacts are required to ensure the Licensing Authority fulfil its duties under Equalities Act 2010. The EIA has been reviewed and updated following the consultation findings analysis and is included in Appendix 9.

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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Failure to approve the above conditions will increase the potential risk of licence holders obtaining licenses from authorities outside of Bury, outside of our local control.

The reduction in local licence holders has a financial impact with reduced income through loss of renewals of existing licences due to licence shopping and increased out of town licensed vehicles in Bury.

It is anticipated that following the approval of the above proposed changes, the revised standards will attract new applications for individuals wishing to become licensed in Bury and attract licence holders currently licensed elsewhere to return to locally controlled Bury Licensing Service.

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**Consultation:**

A public consultation was undertaken between 29 March 2023 to 17 September 2023.

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**Legal Implications:**

Under sections 47(1) and 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any such conditions to the grant of a hackney carriage or private hire vehicle licence as it considers to be reasonably necessary. Any person aggrieved by any conditions attached to their licence may appeal to the magistrates' court.

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**Financial Implications:**

The cost of the licensing function is funded through the fees and charges levied by the Council. Reduction in licensed drivers, vehicles and operators has a corresponding financial implication due to reduced revenue and loss of economies of scale of this statutory function. This proposal will consult on changes that should increase retention and new applications and therefore prevent a loss of income.

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**Report Author and Contact Details:**

Mr M Bridge  
**Licensing Office**

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Duke Street  
Bury  
Telephone No: 0161 253 5208  
Email: m.bridge@bury.gov.uk

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**Background papers:**

None

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

Term	Meaning
EIA	Equality Impact Assessment
GM	Greater Manchester
HCV	Hackney Carriage Vehicle
PHV	Private Hire Vehicle

## Appendix 1 Full Response Data (Redacted)



Taxi\_Private\_Hire\_Li  
censing\_Consultatic

## **Appendix Two**

### **Private Hire Operator 1**

XXXX

14 September 2023

BY EMAIL: [licensingconsultation@bury.gov.uk](mailto:licensingconsultation@bury.gov.uk)

Dear Licensing Team

RE: Bury Council Taxi and Private Hire Licensing Consultation

I write to you in relation to the taxi and private hire licensing policy consultation published by Bury Council.

I have set out below XXXX's response to the relevant proposals as a licensed private hire operator in Bury in this letter and in response to the online survey. In support of our response, XXXX held a driver forum with Bury licensed Drivers in Manchester on 24 August 2023 which was attended by 20 drivers.

#### **1. Livery**

XXXX agrees with Bury Council's proposal and this is supported by many of its drivers. Front plates are being phased out across many licensing authorities. Our drivers tell us that front plates make their vehicles a target for anti-social behaviour. We support the introduction of mandatory council door issued signage, and the replacement of a front plate with a small sticker on the passenger side corner of the windscreen. We also support the removal from consideration of the requirement for a bonnet sticker.

#### **2. Driving Standards Assessment (DSA) – Pre-requisites**

XXXX agrees with this proposal. Possession of a DVLA (or recognised licence) should be sufficient to demonstrate that the driver meets driving standards. In our forum with drivers on this topic, drivers agreed that the separate assessment was not necessary.

#### **3. First Aid Kits / Fire Extinguishers**

##### **Option 1**

XXXX supports Option 1. The provision of a fire extinguisher and first aid kit should be optional for the driver. In a forum session with Bury licensed XXXX drivers, experienced drivers of 25 years or more said they had never needed to use either the extinguisher or first aid kit. Some drivers highlighted that the extinguisher could also be used as a weapon against them. Drivers also said they did not feel comfortable having a first aid kit or fire extinguisher in the vehicle and would prefer to enlist professional help in an emergency. We believe that drivers should not be expected to firefight and should instead call 999 and await the Fire Service. We agree with the National Fire Chief's Council that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers. Drivers also highlighted that the presence of a first aid kit could give passengers or the public a false expectation of



*what drivers were able to do in an emergency situation. We do not support option 2 for the reasons listed above, and because of the high costs borne by the driver.*

#### *4. Mandatory Door Signs*

*XXXX agrees with this proposal to remove large door signs and instead have the name of the Operator or logo in the windscreen, which can be removed to advise passengers of the current Operator the driver is engaged by.*

*Several Licensing Authorities in Greater Manchester, including Oldham and Manchester City, have opted to introduce similar requirements. This change is aligned with the Department for Transport Best Practice Guidance. Consistent council issued signage will reassure passengers in Bury they are entering into a licensed Private Hire vehicle.*

*To assist passengers with identifying the vehicle they have booked, Operators should be required to provide the passenger with the vehicle's number plate/registration mark and the vehicle specifications, such as colour, make and model and information about the driver at the point of booking.*

*XXXX believes the current operator signage unfairly restricts and fetters a driver's ability to work for multiple operators. This effectively reduces choice for passengers. Restricting a driver's ability to work for multiple operators places additional constraints on the supply of vehicles to the public, as the vehicle availability is constrained to bookings through one operator rather than across the trade. This can present both safety concerns and service provision concerns, particularly for passengers seeking a journey whilst out in the evening or at night.*

*The DfT Best Practice Guidance published in 2022 notes that licensing authorities should not impose signage requirements that 'effectively ties a vehicle or driver into an exclusive relationship with an operator' (8.45). The Best Practice Guidance recommendation is clear that local authorities should remove operator signage from licensed private hire vehicles and does not identify any related safety concerns.*

*During a recent driver forum, feedback from XXXX's drivers in Bury was that large operator signage has restricted their ability to work for multiple operators, and this reduces Operator competitiveness.*

*Drivers also agree that operator signage enables private hire vehicles to be identified and for the drivers to be subjected to bullying, harassment, and vehicle damage. Drivers believe this is particularly prevalent where they choose to work with app-based operators who have more recently entered a market, and feel their safety can be compromised.*

#### *5. Knowledge Test – Geographical Element*

*XXXX agrees with the council's proposals for the removal of the geographical elements of the knowledge test. GPS and modern technology is now commonplace. XXXX supports retention of a conditions test and a focus on other issues such as which are critical to public safety i.e., licence conditions, safeguarding, and road signs, etc.*

#### *6. Re-application (breaks in licence for any reason)*

*XXXX agrees with this proposal. Given the ongoing cost of living crisis, it is essential to ensure that drivers are able to quickly return to Private hire work following a break. This is a positive item from the council that XXXX supports. In forums, drivers said they appreciated the flexibility that Bury Council was showing with this approach. Drivers also said they would be interested to know whether this reapplication would carry a lower fee than full relicensing costs. XXXX understands that if a new policy is adopted as a result of the consultation, it is likely a review of all licences in issue will follow and that licence holders will be given time to meet the new requirements.*

*XXXX appreciates this consideration and requests that Bury Council communicate its finding and expected timeline for implementation through its usual channels, including via email directly to operators as well as the trade.*

*If you have any questions about the comments we have raised, please do not hesitate to contact me or my colleague XXXX.*

*Yours sincerely,*

*XXXX*

*XXXX*

## **Appendix Three**

### **Private Hire Operator 2**

XXX

*Friday 15 September 2023*

*Response to Bury City Council Draft Taxi Licensing Policy Consultation*

*Submitted by email to [licensingconsultation@bury.gov.uk](mailto:licensingconsultation@bury.gov.uk)*

*Dear Sir/Madam,*

*Thank you for the opportunity to respond to the consultation on proposals to update Bury's Taxi and Private Hire Licensing Policy. Below we have set out our responses to specific proposals as a Private Hire Operator that has been licensed and operating in Bury since 2015.*

*About XXXX XXXX operates in almost 60 towns and cities across the UK, connecting over 90,000 licensed private hire vehicle (PHV) drivers with five million customers – supporting the shift towards more shared and sustainable transport. In September 2022 we launched XXXXI in the UK, which makes intercity trains, coaches and nationwide car rentals available to book on the app, alongside the existing options of PHV, e-bikes, e-scooters and XXXX Boat by Thames Clipper.*

*We have also set out our ambition to be a fully electric platform across the UK by 2030, with 100% of drivers on the app transitioning to electric vehicles.*

*To date, XXXX is the only major PHV operator in the UK to treat drivers as 'workers', despite a Supreme Court ruling providing clarity on how workers should apply in the sector. This means drivers on the XXXX app receive holiday pay, access to a pension plan, and are guaranteed at least the National Living Wage (with actual earnings often significantly higher), whilst maintaining the total flexibility over if, when and for how long they work – something which drivers consistently tell us they value.*

#### *Front Plates/Livery*

*XXXX supports the removal of the front plate on licensed vehicles to be replaced with a window sticker to be displayed in the top passenger side corner of the vehicle windscreen.*

#### *Driving Standards Assessment (DSA) – Pre-requisites*

*XXXX supports the removal of the Driving Standards Assessment (DSA) and the replacement of this requirement with a new acceptance criteria of the possession of a valid UK Driving Licence.*

#### *First Aid Kits / Fire Extinguishers*

*XXXX supports option 1 that will seek the removal of First Aid Kits and Fire Extinguishers as mandatory but will encourage owners to maintain their provision, and where their use will be at the driver's own discretion.*

#### *Mandatory Door Signs*

*XXXX supports the proposal regarding mandatory Door Signs and for drivers to have a council issued sticker displayed on the private hire vehicle. Additionally XXXX supports removing the current requirement to display the name of the operator on multiple panels of the car.*

*Many drivers choose to drive with multiple app-based operators in order to maximise their earnings. We know from our conversations with drivers, alongside feedback from our recognised union, XXXX, that giving drivers the flexibility to access work through multiple operators opens up opportunities for additional work such as school transfers and has a positive impact on their overall income. For example, a school transfer driver may have high demand during term time but struggle to find the same level of demand with their current operator during school holiday periods. By having non-affiliated and universal signage, drivers are able to ensure that their income stream is consistent when demand fluctuates across operators.*

*Knowledge Test – Geographical Element*

*XXXX supports the removal of the Geographical Elements of the Knowledge test.*

*Re-application (breaks in licence for any reason)*

*XXXX supports the proposed changes in relation to a re-application process of a driver who has had a break in their licence of no longer than six months.*

*Thank you for inviting XXXX to comment on these proposals. We would very much welcome the opportunity to discuss any points further.*

*Kind regards.*

*XXXX*

*XXXX, UK*

## **Appendix 4**

### **Trade Body**

XXXX

*North West and Irish Region*

*Professional Drivers*

*Response to Bury Council Consultation*

#### *Introduction*

*XXXX are a national general trade union, with over 600,000 members who are either users or workers within the transport sector across the UK. This response comes from XXXX North West and Irish Region where we have around 90,000 members who are comprised of many different industries including those who drive buses, taxis, private hire vehicles and ambulances or who work in road freight and distribution.*

*Overall, XXXX recognises the important role a safety policy provides but is clear in its belief that a policy must be inclusive of the protections afforded to Taxi and Private Hire drivers. Bury has chosen to ignore the relevance of including a policy in respect of such protections. Further commentary in this iniquity will be included within our conclusion in this document.*

#### *Questions:*

##### *2.1 Front Plate/Livery*

*XXXX agree to a complete removal of bonnet stickers and Front Plate. We agree to the Front Plate being replaced by a Window sticker (Subject to the design being agreed), which is to be displayed in the top passenger side corner of the windscreen screen. Bonnet stickers, Front plates and Operator stickers contribute to anti-social behaviour and targeting of licenced vehicles. XXXX Is keen to see these eliminated.*

##### *2.2 Do you agree with the proposals regarding Driving Standards Assessment (DSA) – Pre-requisites Hire Drivers?*

*XXXX agree with the removal of a DSA test for all UK licence holders.*

##### *2.3 First Aid Kits and Fire Extinguishers*

*XXXX agree with option 1 - where mandating the provision of these two items will be removed. Vehicle owners will be strongly encouraged to maintain the provision of a fire extinguisher and first aid kit but will be able to use their own discretion regarding the provision of these items in their vehicle. It is clear that the existing format there is a safety issue to drivers. Additionally, drivers do not have the prerequisite training in first aid or firefighting.*

##### *2.4 Mandatory Door Signs*

*The removal of Operator livery is essential. XXXX support the introduction of a small new sticker to go on the rear doors stating: PRIVATE HIRE VEHICLE NOT INSURED*

*UNLESS PRE-BOOKED WITH OPERATOR An alternative to this could be: PRIVATE HIRE VEHICLE PRE-BOOKED JOURNEYS ONLY. XXXX do not support the idea of an operator window sign in any format. There are numerous ways for passengers to identify the driver is correct from VIN to App advisory (This is of greater assistance to sight impaired users.) also code words can be agreed to confirm the driver is legitimate.*

### *2.5 Knowledge Test – Geographical Element*

*XXXX support the proposal to remove sections A, B and D of the test. All drivers are now using GPS equipment. But we would like to see in the revised knowledge test some sort of communication or a basic English test to make sure the applicant can communicate clearly. Additionally, part of the test should include a module to see if the applicant can use a navigation device. It may also be a value to consider drivers use an independent guidance device (Via Handset or inbuilt) to avoid loss of connectivity when journeys are undertaken. All GPS devices to be held by a cradle or similar device for accident prevention purposes.*

### *2.6 Re-application (breaks in licence for any reason)*

*We agree with the proposal where a driver can demonstrate they have previously completed and possess the criteria they will be able to re licence following a break in their licence of no longer than nine months.*

### *CCTV*

*XXXX believe that non mandatory cabin facing cameras create safety for both passenger and driver alike and that allowing installations subject to information commissioner guidelines would be a value to all parties including licensing officers for the purposes of investigation. We are at a loss to understand why Bury Council would not include this in their consultation, where it is prevalent throughout the UK in Hackney and Private Hire vehicles. An agreed list of appropriate providers could be created that could fit the guidelines agreed on by a working party.*

### *Conclusion*

*XXXX recognise the requirement for passenger safety and safeguarding but are disappointed to find the questions do not recognise driver protections and safety or speak to driver health or mental health issues that drivers face. Understandably XXXX urgently seeks a minimum standard of behaviour for operators to adhere to towards drivers as well as improved campaigns that recognise the inherent risks that drivers face daily from verbal & physical abuse to theft and false allegations. XXXX now formally request that Bury Council put out a survey to learn and adapt the outcome in to create a set of standards and protections for drivers.*

*This response has been produced on behalf of XXXX North West and Irish Region.  
XXXX Regional representative XXXX National Lead XXXX*

## Appendix 5 Existing Hackney Carriage Vehicle Licence Conditions



Existing HCV  
Conditions Nov 21.c

## Appendix 6 – Existing Private Hire Vehicle Licence Conditions



Existing PHV  
conditions May 202:



## **Appendix 7 – Proposed Amended Hackney Carriage Vehicle Licence Conditions**



Amended Hackney  
Carriage Vehicle Lice

## Appendix 8 – Proposed Amended Private Hire Vehicle Licence Conditions



Amended Private  
Hire Vehicle Licence

## Appendix 9 – Updated Equality Impact Assessment



EIA - Changes in  
Standards Revision 1