

TRAFFORD COUNCIL

Report to: Executive

Date: 27 September 2021

Report for: Decision

Report of: Executive Member for Environmental and Regulatory Services

Report Title

Greater Manchester Minimum Licensing Standards for Taxi and Private Hire Stage 1

Summary

To set out the proposed Greater Manchester Minimum Licensing Standards for Taxi and Private Hire. This report represents Stage One of the Standards which relate to Drivers, Operators and Local Authorities. Stage Two relates to Vehicles and these proposals will be reported to Executive in October. This report sets out the responses to the recent public and trade consultation for Stage One, and outlines the proposed standards, policies and procedures which will be considered by Council on 13th October 2021.

Recommendations

It is recommended that the Executive:

1. Note the feedback from the recent public and trade consultation on the proposed Greater Manchester Minimum Licensing Standards for Taxi and Private Hire
2. Recommend to Council that Enhanced Criminal Record checks are undertaken as per Driver Standard 1 in table A of this report.
3. Recommend to Council that Medical Checks are undertaken as per Driver Standard 2 in table A of this report

4. Recommend to Council that assessments of English proficiency are undertaken as per Driver Standard 4 in table A of this report.
5. Recommend to Council that driver proficiency tests are implemented as per Driver Standard 5 in table A of this report
6. Recommend to Council that driver training is undertaken as per Driver Standard 6 in table A of this report.
7. Recommend to Council that it approves the Licensed Drivers Dress Code, at Appendix 1.
8. Recommend to Council that it approves the Private Hire Driver Conditions Policy at Appendix 2.
9. Note that a further report on alcohol and drug testing for taxi drivers will be forthcoming in 2022.
10. Recommend to Council that it approves the Private Hire Operator Conditions Policy at Appendix 3 and notes the Appendix 4 proposed amendments to Operator Conditions
11. Recommend to Council that Enhanced Criminal Record checks for Operators and their staff are undertaken as per Operator Standard 2 in table B of this report.
12. Recommend to Council to adopt the timescales for applications as per Local Authority Standard 1 in Table C of this report.
13. Recommend to Council to approve the development of a common enforcement approach as per Local Authority Standard 2 in Table C of this report.
14. Recommend to Council to agree to adopt a common methodology for setting the costs and calculating the taxi and private hire fees as per Local Authority Standard 3 in Table C of this report.
15. Recommend to Council to delegate decision making powers as per Local Authority Standard 5 in Table C of this report.
16. Recommend to Council that the implementation dates, for standards, policies and procedures contained within this report, be delegated to the Corporate Director of Place in consultation with the Executive Member for Environment and Regulatory Services with consideration of the need to communicate

changes to the trade and ensure that processes are in place to ensure the robust implementation of the standards.

17. Note the Equalities Impact Assessment, as set out at Appendix 8.

Contact person for access to background papers and further information:

Name: Adrian Fisher
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Background Papers: None

Relationship to Policy Framework/Corporate Priorities	The Greater Manchester Minimum Licensing Standards for Taxi and Private Hire aligns closely with our priorities on Health & Well-being and Green & Connected Places.
Relationship to GM Policy or Strategy Framework	The Greater Manchester Minimum Licensing Standards for Taxi and Private Hire is a GM wide initiative, led by the Greater Manchester Licensing Managers Network on behalf of the ten districts.
Financial	Revenue and Capital: The Licensing Regime is a self-funded service. Any additional resource implications will be addressed through the annual fee review.
Legal Implications:	The policy changes recommended, if agreed by the Council, will be implemented and form the basis on which decisions are made on applications received by the Council.
Equality/Diversity Implications	Equality Impact Assessment is given as Appendix 8. The impacts identified in the assessment are addressed in section 6.3 of this report.

Sustainability Implications	None as a consequence of this report
Carbon Reduction	The Greater Manchester Minimum Licensing Standards will improve vehicle emission standards in the context of the Clean Air and the decarbonisation agendas; and encourage the shift to electric vehicles.
Resource Implications e.g., Staffing / ICT / Assets	There are no implications for ICT and Assets as a consequence of this report. The staff time implications have been identified and processes will be amended. If additional resources are required then the costs will be recouped from the license fees.
Risk Management Implications	Risk to delivery of the interventions detailed within the new policies and procedures will be monitored and updated as required.
Health & Wellbeing Implications	The basic rationale of the MLS is that it will improve standards of safety for the travelling public
Health and Safety Implications	As set out above the new standards have public safety as a core objective.

1. Background

- 1.1 There are over 1440 licenced private hire and hackney carriage drivers, over 840 private vehicle licenses, 117 hackney carriage licenses and 25 operators in Trafford. An efficient and safe taxi service has a significant contribution to the well-being and economy of Trafford. Minimum Licensing Standards for Greater Manchester (MLS) raises the profile of the service across the region and aims to encourage the trust and appreciation of GM registered taxis.
- 1.2 This report outlines the final recommendations for the Standards for Drivers, Operators and Local Authorities at Stage 1 of the project. These same standards will be considered by all ten of the Greater Manchester Authorities. The standards have been subject to extensive public and trade consultation in 2020.
- 1.3 The recommendations were finalised following GM Licensing Managers considering all the consultation feedback both at a GM and district level and further to additional discussions held during consultation summary briefings presented at district level to Members and trade representatives at the end of June 2021. Additional detailed discussions also took place with Members of

District Licensing Committees to help officers finalise a set of recommended Standards at Stage 1.

2 Introduction

- 2.1 Around 2,000 hackney vehicles, approximately 11,500 private hire vehicles and upwards of 18,600 drivers are currently licensed across the ten Greater Manchester Authorities. Whilst there are many similarities in terms of policy standards and licence conditions, there are also significant differences, particularly when it comes to policies relating to the licensing of vehicles, the calculation of licensing fees and the approach to proactive compliance.
- 2.2 In 2018, Greater Manchester's ten local authorities agreed to collectively develop, approve and implement a common set of minimum licensing standards (MLS) for taxi and private hire services.
- 2.3 At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations. In addition, by establishing standards around common livery and colour, MLS is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester and their visibility.
- 2.4 This approach stands to benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire services grows and will contribute directly to better air quality and lower carbon emissions. By establishing and implementing Greater Manchester-wide minimum licensing standards, we can help to ensure that all residents and visitors see these services as safe and reliable, and preferable to those not licensed by Greater Manchester local authorities.
- 2.5 Ultimately the collaborative approach that the MLS represents will help achieve the vision of a strong, professional and healthy taxi and private hire sector providing safe and high quality services to residents and visitors across the whole of Greater Manchester. This vision sees Taxis and Private Hire as a crucial part of the overall transport offer that can consistently deliver safe and high-quality services for the public. The proposed MLS, together with funding from the GM Clean Air Plan, will help deliver improved safety, customer focus, higher environmental standards and accessibility.
- 2.6 This collaborative approach seeks to establish a basic and common minimum in key areas, whilst allowing Districts to exceed these minimums where they consider this to be appropriate. As licensing is a local authority regulatory function, the Standards have been devised by the GM Licensing Managers Network who work in partnership across Greater Manchester to drive innovation, partnership and change agendas.

- 2.7 MLS is also related to other key Greater Manchester priorities, most notably the GM Clean Air Plan and decarbonisation strategies, hence TfGM has been supporting the development of MLS ensuring it complements wider objectives.
- 2.8 Local reform through MLS can deliver real improvements across Greater Manchester, but the growth of out-of-area operation undermines local licensing, and causes real concern that vehicles and drivers licensed outside our conurbation (but carrying Greater Manchester residents and visitors) may not be regulated to the high standards we expect. In this regard, it is important to recognise that Government reform of taxi and private hire legislation and regulation is urgently required. Further work to press the case to Ministers for reform is a key part of the overall approach.

3.0 **Minimum Licensing Standards**

- 3.1 The GM MLS were ready to be consulted on when the Department for Transport published statutory guidance for taxi and private hire licensing authorities in July 2020. The MLS project has had regard to that guidance, which largely mirrors what is already proposed across GM, and reference is made in the report where appropriate.
- 3.2 It should be noted however that the statutory guidance firmly highlights the past failings of licensing regimes in putting public safety at the forefront of their policies and procedures.
- 3.3 Taxis and Private Hire services are unique in the potential opportunity and risks they present to the travelling public. In no other mode of public transport are passengers as vulnerable or at risk to those who have mal-intent; risks that are increased for children and vulnerable adults. The sector itself is vulnerable to being used for criminal activity such as child sexual exploitation, county lines and other drug dealing/money laundering activity.
- 3.4 The Casey Report (2015) made it clear that weak and ineffective arrangements for taxi and private hire licensing had left children and the public at risk. The statutory guidance asks authorities to have due regard to reviewing its policies thoroughly and considering good practice in the implementation of robust standards that address the safeguarding of the public and the potential impact of failings in this area. It is with public safety in mind as our primary duty as Licensing Authorities that the MLS are proposed.

3.5 Overall, the GM approach looks to provide:

- the public with safe, visible, accessible and high-quality hackney and private hire services
- the hackney and private hire trades with clarity over what the required standards will be over the long term, and through the GM Clean Air Plan, with unprecedented investment to help renew the fleet
- local authorities with the continued regulatory role in relation to driver, vehicle and operator licensing whilst retaining scope to exceed the MLS as agreed locally by elected members

3.6 The MLS are divided into four distinct sections as follows:

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

Licensed vehicles; including vehicle emissions, vehicle ages, common vehicle colour and livery, vehicle testing, CCTV, Executive Hire and vehicle design common licence conditions (this is subject to a separate report on this agenda)

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

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

3.7 Due to the breadth of proposals to be considered by Members, this report seeks to provide Members with detailed consultation feedback and recommendations on the Drivers, Operator and Local Authority Standard elements at Stage 1. A Stage 2 report outlining the proposed Vehicle Standard recommendations will be provided to the Executive in the October.

4 The Consultation

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

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

The split of respondents was as follows:¹

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

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

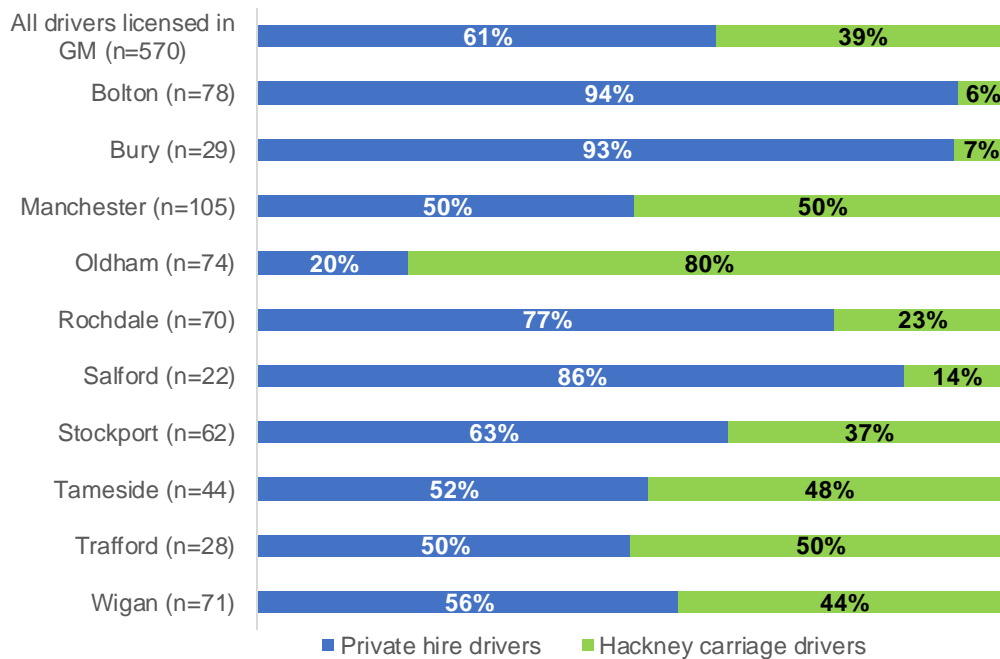
4.3 For a full breakdown of demographics and to view the complete GM consultation report please visit www.gmtaxistandards.com

4.4 The response breakdown for Trafford was as follows:

Respondent Category	Questionnaire *	Letter / email	Total	%
General public	83	0	83	70%
Hackney drivers	14	0	14	12%
Private hire vehicle drivers	14	0	14	12%
Private hire operators	5	0	5	4%
Vehicle leasing companies	1	0	1	1%
Businesses	1	0	1	1%
Representatives	0	0	0	0%
Base	118	0	118	100%

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

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



4.6 As Members will see, the response rates were generally low across the board, particularly from members of the trades. This isn't uncommon compared to Officers reflections on previous engagement with the trade. At a GM level, there are enough responses to draw conclusions, however, the number of responses in some sub-groups at district level is small and as such, the data should be treated with caution.

4.7 Across GM there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefing sessions were held for representatives at GM level in MLS and clean air. There were also twenty five briefing sessions for all trade sectors affected by clean air and at local level a number of local briefings were held and various communication methods used to notify all affected that consultation was underway including emails, newsletters and contact via operator bases.

4.8 It should be noted that the findings of the in-depth interviews and focus groups have been included alongside the findings from the questionnaire, expanding on the findings to provide deeper insight and examples in commentary form. The in-depth interviews enabled those who may be specifically impacted to provide additional detail and specific examples e.g. from a specific business sector.

4.9 The Consultation questionnaire asked for views on each section of the standard proposals; Drivers; Vehicles; Operators and Local Authorities. Within each section, respondents were asked two questions:

1. To what extent do you agree or disagree with the proposed minimum licensing standards for [*Drivers/Vehicles/Operators/Local Authorities*] in Greater Manchester?
2. Please use this space to provide any comments relating to the proposals for the minimum licensed standards for [*Drivers/Vehicles/Operators/Local Authorities*]

For question 1 on each section, response options were:

- strongly agree
- agree
- neither agree or disagree
- disagree
- strongly disagree
- don't know

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

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

5 Summary of Findings

- 5.1 The following paragraphs provide summaries of the consultation responses at a GM level. District specific comments and feedback on individual standards are included with appendices 5, 6 and 7 to the report.

5.2 Driver Standards (Appendix 5)

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

5.3 Operator Standards (Appendix 6)

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

5.4 Local Authority Standards (Appendix 7)

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

6 Evaluation of proposals and reasons for recommendations

6.1 Appendices 5,6, and 7 provides further qualitative feedback and officer recommendations for each proposed standard. The detail of the proposals, current Trafford Standards, consultation feedback on the proposals at both a Greater Manchester and Trafford level and consideration of that feedback are given in the attached Appendices, Appendix 5 Driver Standards; Appendix 6 Operator Standards and Appendix 7 Local Authority Standards.

6.2 Each proposed standard is set out in individual tables below:

Any standard that is contained within the Department for Transport's Statutory Guidance is highlighted with an asterisk*. Some standards are already applied in Trafford, such as Councillor Training so they do not form part of the recommendations of this report.

Table A Driver Standards

Standard 1*	It is proposed that all drivers will be required to undertake an enhanced disclosure check through the DBS to
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<p>Enhanced Criminal Record Check</p>	<p>include barred lists (such as details of unspent convictions and police cautions). Drivers must also register to the DBS Update Service and maintain that registration to enable the licensing authority to routinely check for new information every 6 months as a minimum. NB. If a licence has not been issued within 6 months of a DBS certificate issue date, then a further enhanced DBS will be required (unless the applicant is registered with the Update Service)</p> <p>It is proposed that officers will reflect and engage with government further on the requirement for certificates of good conduct overseas and prepare a further report if necessary.</p>
<p>Standard 2 Medical Examinations</p>	<ul style="list-style-type: none"> • Group 2 medical examinations are used to check drivers are medically fit to drive [the same examinations as applied by the Driver and Vehicle Standards Agency (DVSA) for lorry and bus drivers] • That the medical assessment is conducted by a registered GP or registered Doctor who has reviewed the applicant and has access to their full medical history • That the medical certificate is no more than 4 months old on the date the licence is granted • Medical certificates are required minimally (unless otherwise directed by a medical professional) on first application; and every 5 years thereafter until the age of 65 when it is required annually
<p>Standard 3 Knowledge Test</p>	<p>To retain the existing Trafford knowledge test</p>
<p>Standard 4 English Language Test</p>	<p>It is proposed that new drivers undertake an assessment to ensure they are able to communicate in spoken English and in writing to a standard that is required to fulfil their duties, including in emergency and challenging situations.</p> <p>Whilst the standard is not specified further and will be for authorities to determine, the expectation is that that all authorities have a test requirement that can demonstrate the ability to communicate effectively to:</p> <ul style="list-style-type: none"> - Establish the passenger(s) destination and provide answers to common passenger queries or requests - Be able to provide customers with correct change

	<ul style="list-style-type: none"> - Be able to provide a legibly written receipt upon request - We currently require all drivers to achieve English Language Speaker of Other Languages, ESOL to level 3, so our current standard covers the proposed MLS standard.
Standard 5 Driving Proficiency Tests	<p>It is proposed that all new drivers will be required to pass a taxi/private hire on-road assessment with a GM approved supplier, and to require this standard to be met in respect of reviews of licences as appropriate.</p> <p>To consider the implementation for all existing drivers at a later date.</p>
Standard 6 Driving Training*	<p>It is proposed that all authorities require drivers to undertake training in the following areas as a minimum:</p> <ul style="list-style-type: none"> - Safeguarding - Child Sexual Exploitation - Human Trafficking and County Lines - Disability and dementia awareness - Licensing Law
Standard 7 Dress Code	<p>It is proposed that a dress code is introduced to promote an improved and positive image of the licensed trade across the region. The recommended code is attached as Appendix 1</p>
Standard 8 Drug and Alcohol Testing	<p>It is proposed that a policy is developed to introduce testing for drivers based on complaints or intelligence received.</p>
Standard 9 Private Hire Driver Licence Conditions	<p>A set of proposed licence conditions for Private Hire Drivers are set out at Appendix 2. The conditions cover a comprehensive set of expectations with regards to driver behaviour, including customer service and requirements on reporting.</p>

Table B Operator Standards

Standard 1 Private Hire Operator Licence Conditions	<p>A set of proposed licence conditions for Private Hire Operators are set out at Appendix 3. The conditions set out expectation and responsibilities with regards to how records should be kept in relation to booking, vehicle and drivers working for their company.</p>
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<p>Standard 2 Criminal Record Checks for Operators and Staff*</p>	<p>To introduce a condition on the Operator licence requiring operators and their staff (paid or unpaid) who have access to bookings to be DBS checked annually to ensure that only safe and suitable people have access to operator records</p>
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Table C Local Authorities

<p>Standard 1 Timescales for applications</p>	<p>It is proposed that authorities ensure processes are in place to allow customer licence holders to submit renewal applications up to 8 weeks prior to licence expiry; and to ensure that once any application has been determined, the licence will be issued to the customer within a maximum of 5 working days.</p>
<p>Standard 2 An agreed common enforcement approach</p>	<p>It is proposed that a common enforcement approach is developed and adopted to ensure that standards are adhered to in practice.</p>
<p>Standard 3 A Common Fee Setting Framework</p>	<p>It is proposed that a common methodology for setting the costs and calculating the taxi and private hire fees is agreed and adopted</p>
<p>Standard 4 Councillor Training*</p>	<p>We already provide training for Councillors.</p>
<p>Standard 5 Delegated powers for Licensing Managers</p>	<p>It is proposed that appropriate delegated decision making powers will be in place for the Regulatory Services Manager or Head of Regulatory Services to suspend or revoke licences on the grounds of</p>

	public safety when an urgent need arises.
Standard 6 Excellence in Licensing Award	It is proposed to reflect on how a scheme would be operated, funded and be seen to be fair and take direction from Members about developing a scheme further.

The Equality Impact Assessment (EIA) showed that there were both positive and negative impacts of the proposals. The main positives are that the standards provide 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 two ways that this impact can be lessened; namely by ensuring that the drivers have adequate time to adjust to the new standards and also that we publicise the benefits of taking a Trafford licensed vehicle.

7 Timescales for Implementation

- 7.1 It is recommended that the Executive recommend to Council that in regards to the implementation dates for standards, policies and procedures that these are delegated to the Corporate Director of Place in consultation with the Executive Member for Environment and Regulatory Services with consideration of the need to communicate changes to the trade and ensure that processes are in place to ensure the robust implementation of the standards.

8 Conclusion

- 8.1 The 'golden thread' of licensing is that of public protection. We have seen from the consultation that the public are overwhelmingly in support of the additional safeguards and protection this project can deliver. As well as the local policy strengthening that minimum licensing standards will bring across Greater Manchester, it delivers on the implementation of the statutory standards on safeguarding that the Government have introduced.
- 8.2 The vision of Greater Manchester is to continue to work closely together, influence policy change and support the licensed trade by delivering on its promise to provide financial support to move to greener vehicles. This is the start of a journey to continue to deliver excellence in licensing regulation in Greater Manchester. However, we cannot underestimate the challenges the trade continues to face and our continued support for them, and the public, in

delivering safe journeys in safe licensed vehicles, driven by safe licensed drivers is essential. We will continue to work with the hackney and private hire trade to provide that ever important support and guidance whilst ensuring that public protection is at the forefront of our considerations.

9 NEXT STEPS

- 9.1 That the Executive recommend that Council approves the standards as detailed within this report.

10 OPTIONS

- 10.1 The Council could decide to not implement the MLS. This would mean that the opportunities for a safer taxi service in Trafford, which are outlined in the report, are missed.

11 REASONS FOR RECOMMENDATIONS

- 11.1 The primary driver for this work was to ensure public safety and protection, and to improve vehicle emission standards in the context of the Clean Air and the decarbonisation agendas. 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 and their visibility.
- 11.2 The adoption of these policies stands to benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire sector grows; they will also contribute directly to better air quality and lower carbon emissions. By establishing and implementing Greater Manchester-wide minimum licensing standards, we can help to ensure that all residents and visitors see these services as safe and reliable, and preferable to those not licensed by Greater Manchester local authorities.

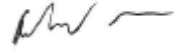
Key Decision (as defined in the Constitution): Yes

If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance PC

Legal Officer Clearance SL

CORPORATEDIRECTOR'S SIGNATURE

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To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.