

# Public Document Pack



**TRAFFORD  
COUNCIL**

## **AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE**

**Date: Thursday, 17 September 2020**

**Time: 4.00 pm**

**Place: This will be a “virtual” meeting held on Zoom.**

**A link to the virtual meeting can be found below:**

**<https://www.youtube.com/channel/UCjwblOW5x0NSe38sgFU8bKg>**

<b>A G E N D A</b>	<b>PART I</b>	<b>Pages</b>
1.	<b>ATTENDANCES</b>  To note attendances, including Officers and any apologies for absence.	
2.	<b>MINUTES</b>  To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 25 <sup>th</sup> June 2020.	1 - 4
3.	<b>COVID-19 LICENSING TEAM SERVICE PLAN - PHASE 3</b>  To consider a report of the Head of Regulatory Services.	5 - 14
4.	<b>UPDATE ON THE GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING; AND THE TRAFFORD HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY</b>  To note a report of the Head of Regulatory Services.	15 - 22
5.	<b>URGENT BUSINESS (IF ANY)</b>  Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of	

urgency.

**6. EXCLUSION RESOLUTION (REMAINING ITEMS)**

Motion (Which may be amended as Members think fit):

That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

**7. URGENT BUSINESS (IF ANY)**

**PART II**

**SARA TODD**

Chief Executive

Membership of the Committee

Councillors A. Duffield (Chair), D. Jarman (Vice-Chair), B. Brotherton, D. Bunting, D. Butt, C.H. Churchill, S. Taylor, S. Thomas and M.J. Welton.

Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Governance Officer

Tel: 0161 912 4221

Email: [natalie.owen@trafford.gov.uk](mailto:natalie.owen@trafford.gov.uk)

This agenda was issued on **Wednesday, 9 September 2020** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

## **PUBLIC PROTECTION SUB-COMMITTEE**

**25 JUNE 2020**

### **PRESENT**

Councillor A. Duffield (in the Chair).

Councillors D. Jarman (Vice-Chair), B. Brotherton, D. Butt, S. Taylor, S. Thomas and M.J. Welton

### In attendance

J. Boyle	Licensing Team Leader,
G. Levy	Regulatory Service Mgr (Trading Standards & Licensing),
E. Sharples	Solicitor,
N. Owen	Governance Officer.

### **APOLOGIES**

Apologies for absence were received from Councillors D. Bunting and C.H. Churchill

### **36. MINUTES**

RESOLVED: That the minutes of the meeting held on 23<sup>rd</sup> January 2020 and 21<sup>st</sup> February 2020 be approved as a correct record and signed by the Chair.

### **37. APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE - TOTTIES, THE CAUSEWAY, ALTRINCHAM, WA14 1DF**

The Head of Public Protection submitted a report requesting Members to consider an application for the renewal of a Sex Establishment Licence for Totties, The Causeway, Altrincham, WA14 1DF. Representations were made by Mr. R. Dodd, Designated Premises Supervisor.

RESOLVED: That the renewal of the Sex Establishment Licence for Totties be granted.

### **38. COVID-19 LICENSING TEAM SERVICE PLAN - NEXT PHASE**

The Head of Regulatory Services submitted a report requesting Members to consider the proposed operational/policy changes needed to continue the delivery of the taxi licensing aspects of the Licensing Service during the coronavirus pandemic from 1<sup>st</sup> July 2020.

The Sub-Committee were informed that the first phase emergency plan covering the months of April, May and June had been approved under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder.

**Public Protection Sub-Committee**  
**25 June 2020**

The Sub-Committee were asked to approve the proposed operational/policy changes for the second phase.

RESOLVED: That the following proposals be approved:-

<b>Proposal</b>	<b>Details</b>	<b>Change Type</b>
1	It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring after the 1 <sup>st</sup> July 2020 be processed as renewals via an on-line renewal form on the Council's website. Drivers will be required to pay the renewal application fee and then upload electronic copies of all required documents; including a medical signed by the driver's own doctor (where required) and confirmation that the driver has completed an on-line DBS Check Form (where required)	Policy
2	A medical certificate signed by the driver's own doctor will be required in the first instance. However, it is proposed that where a driver is unable to provide a medical certificate because of the current Covid 19 restrictions; the driver may complete the on-line medical self –certification form which will be valid until the 31 <sup>st</sup> December 2020. After this date the driver will be required to provide a satisfactory medical certificate signed by his own doctor.	Policy
3	It is proposed that drivers who are due a DBS check between the 1 <sup>st</sup> July 2020 and the 31 <sup>st</sup> December 2020 be required to complete an on-line DBS Check form prior to renewal of their hackney carriage/private hire driver's licence. In advance of the 31 <sup>st</sup> December date this will be reviewed to determine the position from the 1 <sup>st</sup> January 2021.	Operational
4	It is proposed to continue to suspend all stages of the new driver application process until the 30 <sup>th</sup> September 2020. In advance of that date this will be reviewed to determine the position from the 1 <sup>st</sup> October 2020.	Operational
5	It is proposed that all Hackney Carriage and Private Hire Vehicle Licences expiring after the 1 <sup>st</sup> July 2020 be processed as renewals via an on-line renewal form on the Council's website. Owners	Policy

**Public Protection Sub-Committee  
25 June 2020**

	will be required to pay the renewal application fee and then upload electronic copies of all required documents. All applications for new vehicle licences; transfers and replacement vehicles will be processed in a similar way via an on-line form from the 1 <sup>st</sup> July 2020.	
6	It is proposed that on each day of the week Monday to Thursday a Licensing Officer will attend the Town Hall to print off driver badges and vehicle identification plates required in respect of renewed, new or replacement driver and vehicle licenses and these will be sent to applicants by a secure postal delivery service. This process to be reviewed after three months.	Operational
7	It is proposed that where the MOT of a licensed vehicle is due to expire in July, August, September 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30 <sup>th</sup> September 2020. This position will be reviewed in advance of 30 <sup>th</sup> September 2020 to determine future arrangements in respect of MOTs.	Policy

**39. EXCLUSION RESOLUTION (REMAINING ITEMS)**

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

**40. TRAFFORD PRIVATE HIRE DRIVER - CONSIDERATION OF A SERIOUS COMPLAINT AGAINST DRIVER**

The Head of Regulatory Services submitted a report requesting Members to consider a serious complaint regarding a Private Hire driver.

The driver attended the meeting to enable members to give the matter their full consideration.

The driver gave his version of the circumstances and answered questions from members of the Sub-Committee.

RESOLVED: That Mr. R. S’s Private Hire driver’s licence be revoked.

he meeting commenced at 4.20 pm and finished at 5.49 pm

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## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 17<sup>th</sup> September 2020  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

**COVID-19 LICENSING TEAM SERVICE PLAN – PHASE 3**

### Summary

**A report that details the proposed operational/policy changes needed to the requirements in respect of MOTs and to confirm no changes to the Council's position on the New Driver Application Process from the 1<sup>st</sup> October 2020.**

**This follows the first phase emergency action plan which covered the months of April, May and June and which was approved on the 9<sup>th</sup> April 2020 under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder; and**

**The Phase 2 emergency action plan which was approved by the Public Protection Sub-Committee on the 25<sup>th</sup> June 2020 – see attached report at Appendix A.**

### Recommendation(s)

**It is recommended that the following proposals be approved:**

<b>Proposal</b>	<b>Details</b>	<b>Change Type</b>
1	It is proposed to continue to suspend all stages of the new driver application process until the 31 <sup>st</sup> December 2020. In advance of that date this will be reviewed to determine the position from the 1 <sup>st</sup> January 2021.	Operational
2	It is proposed that the Licensing Reception desk remains closed and Licensing Officers continue to attend the Town Hall only as required to print off driver badges and vehicle identification plates in respect of renewed, new or replacement driver and vehicle licenses. Hard copies to be sent to	Operational

	applicants by a secure postal delivery service. This process to be reviewed after three months.	
3	It is proposed that where the six monthly MOT on a licensed vehicle; or any extension granted to an MOT is due to expire on or after the 30 <sup>th</sup> September 2020 - the vehicle owner be required to provide an MOT certificate with no advisories. A new MOT certificate to be provided every six months in line with the Council's policy on the expiry dates of compliance certificates.	Policy

Contact person for access to background papers and further information:

Name: Joanne Boyle  
Extension: 4129

## 1.0 Introduction

- 1.1 The Council continues to require staff to work from home wherever possible.
- 1.2 This has required some operational/policy changes to the way that applications have been processed to facilitate home working and the expected demand for licences.
- 1.3 On the 9<sup>th</sup> April 2020 the first phase emergency action plan which covered the months of April, May and June was approved under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder.
- 1.4 A Phase 2 emergency action plan was approved by the Public Protection Sub-Committee on the 25<sup>th</sup> June 2020 – see attached report at Appendix A. The report referred to a number of changes which were to be reviewed before the 30<sup>th</sup> September 2020.
- 1.5 This report now seeks approval for proposed operational/policy changes needed to the requirements for MOTs and to confirm the current position in respect of the New Taxi Driver Application Process.

### Driver (New Applications)

- 1.6 The Licensing Team has been dealing with a large backlog of new driver applicants. At the time of lockdown all individuals on the waiting list had been contacted and offered the opportunity to book onto the knowledge test which is the first stage of the application process. Since that last invitation was issued there have been an additional 328 expressions of interest logged on the Council's website from individuals wanting to apply for a licence. It is likely that this number will increase as lockdown is relaxed and the Government's furlough scheme ends.
- 1.7 In accordance with the Government's guidance on social distancing it was felt appropriate that all scheduled knowledge tests be cancelled. Those who were scheduled to attend a test were notified by email. It was also felt that by not



processing new applications this would potentially be of some support to the existing trade who have been significantly impacted by the crisis.

- 1.8 The new driver application process involves five stages: Stage 1 Knowledge Test; Stage 2 Documents Check and DBS Application; Stage 3 – Induction Course; Stage 4 Determination; Stage 5 Issue badges and licences. At each stage of the current process there is either a requirement for face-to-face interaction or access to equipment to produce badges.
- 1.9 Therefore, approval is sought to continue the suspension of all stages of the new driver application process until the 31<sup>st</sup> December 2020; to allow sufficient time for the existing trade to start to recover and to allow for further relaxations in respect of the social distancing rules to be introduced. Work is also currently underway to develop and implement alternative options for delivering key stages of the application process remotely, particularly in respect of the knowledge test and induction course (**Proposal 1**).

#### Hardcopy Badges and Vehicle Identification Plates

- 1.10 It is proposed that the Licensing Reception desk remains closed and Licensing Officers continue to attend the Town Hall only as required to print off driver badges and vehicle identification plates in respect of renewed, new or replacement vehicle licences and renewed driver licences. Hard copies to be sent to applicants by a secure postal delivery service. This process to be reviewed after three months (**Proposal 2**).

#### MOT Certificates

- 1.11 In April the Government relaxed the rules on MOTs stating that any MOT expiring after the 30<sup>th</sup> March 2020 was extended for six months. It was agreed as part of the interim measures taken in April that where the MOT of a licensed vehicle was due to expire in April, May, June 2020 there was no requirement to produce an MOT to the Licensing Team and that this applied until at least 30<sup>th</sup> September 2020.
- 1.12 The Government recently announced that MOTs expiring between 30<sup>th</sup> March and 31<sup>st</sup> July would be automatically extended for six months. **Example:** if a vehicle's MOT was due to expire on 3 April 2020 this will automatically be extended to 3 October 2020.
- 1.13 Officers have reviewed the situation, including the increased availability of MOT testing services, and whilst there is a wish to support the trade at this difficult time, the Council has a duty to ensure that all vehicles it licenses are safe. The Council also wishes to ensure that its historically high vehicle standards are maintained. Therefore, it is proposed that where the six monthly MOT on a licensed vehicle; or any extension granted to an MOT is due to expire on or after the 30<sup>th</sup> September 2020 - the vehicle owner be required to provide an MOT certificate with no advisories. A new MOT certificate to be provided every six months in line with the Council's policy on the expiry dates of compliance certificates (**Proposal 3**).

# APPENDIX A

## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 25<sup>th</sup> June 2020  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

**COVID-19 LICENSING TEAM SERVICE PLAN – NEXT PHASE**

### Summary

A report that details the proposed operational/policy changes needed to continue the delivery of the taxi licensing aspects of the Licensing Service during the coronavirus pandemic from the 1<sup>st</sup> July 2020.

This follows the first phase emergency action plan which covered the months of April, May and June and which was approved on the 9<sup>th</sup> April 2020 under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder.

### Recommendation(s)

**It is recommended that the following proposals be approved:**

<b>Proposal</b>	<b>Details</b>	<b>Change Type</b>
1	It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring after the 1 <sup>st</sup> July 2020 be processed as renewals via an on-line renewal form on the Council's website. Drivers will be required to pay the renewal application fee and then upload electronic copies of all required documents; including a medical signed by the driver's own doctor (where required) and confirmation that the driver has completed an on-line DBS Check Form (where required)	Policy
2	A medical certificate signed by the driver's own doctor will be required in the first instance. However, it is proposed that where a driver is unable to provide a medical certificate because of the current Covid 19 restrictions; the driver may complete the on-line medical self –certification	Policy

	form which will be valid until the 31 <sup>st</sup> December 2020. After this date the driver will be required to provide a satisfactory medical certificate signed by his own doctor.	
3	It is proposed that drivers who are due a DBS check between the 1 <sup>st</sup> July 2020 and the 31 <sup>st</sup> December 2020 be required to complete an on-line DBS Check form prior to renewal of their hackney carriage/private hire driver's licence. In advance of the 31 <sup>st</sup> December date this will be reviewed to determine the position from the 1 <sup>st</sup> January 2021.	Operational
4	It is proposed to continue to suspend all stages of the new driver application process until the 30 <sup>th</sup> September 2020. In advance of that date this will be reviewed to determine the position from the 1 <sup>st</sup> October 2020.	Operational
5	It is proposed that all Hackney Carriage and Private Hire Vehicle Licences expiring after the 1 <sup>st</sup> July 2020 be processed as renewals via an on-line renewal form on the Council's website. Owners will be required to pay the renewal application fee and then upload electronic copies of all required documents. All applications for new vehicle licences; transfers and replacement vehicles will be processed in a similar way via an on-line form from the 1 <sup>st</sup> July 2020.	Policy
6	It is proposed that on each day of the week Monday to Thursday a Licensing Officer will attend the Town Hall to print off driver badges and vehicle identification plates required in respect of renewed, new or replacement driver and vehicle licenses and these will be sent to applicants by a secure postal delivery service. This process to be reviewed after three months.	Operational
7	It is proposed that where the MOT of a licensed vehicle is due to expire in July, August, September 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30 <sup>th</sup> September 2020. This position will be reviewed in advance of 30 <sup>th</sup> September 2020 to determine future arrangements in respect of MOTs.	Policy

Contact person for access to background papers and further information:

Name: Joanne Boyle  
Extension: 4129

## **1.0 Introduction**

- 1.1 In line with Government guidance to businesses on Coronavirus (COVID-19) the Council has instructed all staff to work from home wherever possible. Consequently, from the 23<sup>rd</sup> March 2020 the Licensing Team has been working from home.
- 1.2 This required some operational/policy changes to the way that applications were processed to facilitate home working and the expected demand for licences.
- 1.3 On the 9<sup>th</sup> April 2020 the first phase emergency action plan which covered the months of April, May and June was approved under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder. See Appendix A
- 1.4 This report now seeks approval for proposed operational/policy changes needed to continue the delivery of the taxi licensing aspects of the Licensing Service from the 1<sup>st</sup> July 2020.

## **2.0 Premises Licences & Others**

- 2.1 The following application processes have moved online: licensed premises etc./ gambling premises etc./ charitable collections/ second hand dealers/ scrap metal dealers/ sex establishments/ marriage approvals.
- 2.2 The transition to online working in respect of these types of applications has been relatively straightforward as the majority were already received electronically either fully or in part. Payments can also be facilitated electronically or over the telephone. It is felt that these processes can be managed with little disruption provided staff numbers remain at the current level.
- 2.3 Where objections are raised against premises licence applications which would require consideration by the Licensing Sub-Committee, hearings will continue to be held in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which includes the ability to hold remote hearings, hold hearings as and when the Local Authority determines but to also alter the frequency, move or cancel meetings.

## **3.0 Taxis and Private Hire Licences**

In an attempt to return to business as usual as far as is possible, but with a more efficient and streamlined approach, it is proposed that application processes be permanently moved on-line with remote submission of forms and copies of relevant documents.

### Driver (Renewal Applications)

- 3.1 It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring after the 1<sup>st</sup> July 2020 be processed as renewals via an on-line renewal form on the Council's website. Drivers will be required to pay the renewal application fee and then upload electronic copies of all required documents; including a medical signed

by the driver's own doctor (where required) and confirmation that the driver has completed an on-line DBS Check Form (where required) **(Proposal 1)**.

- 3.2 In order to facilitate the processing of on-line applications a number of changes are required to the current application procedures.

#### Medical Checks

- 3.3 Drivers are still experiencing difficulty accessing their GP surgeries in the current crisis. It is proposed that in the first instance drivers be asked to provide a medical certificate signed by their own doctor; however, where the driver is unable to provide this they may complete the on-line medical self –certification form which will be valid until the 31<sup>st</sup> December 2020. After this date the driver will be required to provide a satisfactory medical certificate signed by his own doctor **(Proposal 2)**.

#### DBS Checks

- 3.4 The previous procedure required drivers to complete a hardcopy unique DBS application form. Officers would verify the driver's details by checking original documents at a face-to-face appointment and the form was then posted to the DBS. The DBS certificate could take several weeks to be issued and so it was policy to renew the driver's licence without having seen the latest certificate. It has not been possible to carry out these checks manually. The Licensing Team have been successfully using an on-line solution which allows drivers to deal remotely with a third party company to acquire their DBS. There is a small additional cost of £8.00, to the driver but in the majority of cases the DBS is produced in a much shorter time. Therefore, it is proposed that drivers who are due a DBS check between the 1<sup>st</sup> July 2020 and the 31<sup>st</sup> December 2020 be required to complete an on-line DBS Check form prior to renewal of their hackney carriage/private hire driver's licence. In advance of that date this will be reviewed to determine the position from the 1<sup>st</sup> January 2021**(Proposal 3)**.

#### Procurement Implications

- 3.5 The value of the concession contract to the Service Provider for the duration of the extended period is £1 560.00. In accordance with the Contract Procedure Rules (CPRs) in the Council's Constitution a contract with a value between £0-- £4999 for the procurement of goods, services and concessions can be awarded based on a single quotation. The Service Provider has given a Quotation of £8 per check and multiplying that rate with the number of checks it would yield a contract price of no more than £4999.00.
- 3.6 It should be noted that this is not a contract for the procurement of services within the meaning of the Public Procurement Regulations 2015. This will be subject to a service concession agreement. A service concession is a contract in which the commissioner of the services does not pay the contract price to the Service Provider. In a service concession, which this is, the Service Provider uses the subject matter of the contract to get payment. In this case, the taxi drivers who use the online service provided by the Service Provider pay a DBS check fee, part of which the Service Provider uses as the contract price. The Council does not pay anything. Its contractual obligation is limited to providing an opportunity, through the commission, for the Service Provider to use the subject matter of the contract.

### Driver (New Applications)

- 3.7 The Licensing Team has been dealing with a large backlog of new driver applicants. At the time of lockdown all individuals on the waiting list had been contacted and offered the opportunity to book onto the knowledge test which is the first stage of the application process. Since that last invitation was issued there have been an additional 328 expressions of interest logged on the Council's website from individuals wanting to apply for a licence. It is likely that this number will increase as lockdown is relaxed and the Government's furlough scheme ends.
- 3.8 In accordance with the Government's guidance on social distancing it was felt appropriate that all scheduled knowledge tests be cancelled. Those who were scheduled to attend a test were notified by email. It was also felt that by not processing new applications this would potentially be of some support to the existing trade who have been significantly impacted by the crisis.
- 3.9 The new driver application process involves five stages: Stage 1 Knowledge Test; Stage 2 Documents Check and DBS Application; Stage 3 – Induction Course; Stage 4 Determination; Stage 5 Issue badges and licences. At each stage of the current process there is either a requirement for face-to-face interaction or access to equipment to produce badges.
- 3.10 Therefore, approval is sought to continue the suspension of all stages of the new driver application process until the 30<sup>th</sup> September 2020; to allow sufficient time for the existing trade to start to recover and to allow for further relaxations in respect of the social distancing rules to be introduced. This will also allow time for officers to explore delivering the process remotely, particularly in respect of the knowledge test and induction course (**Proposal 4**).

### Vehicle (New & Renewal Applications)

- 3.11 It is proposed that all Hackney Carriage and Private Hire Vehicle Licences expiring after the 1<sup>st</sup> July 2020 be processed as renewals via an on-line renewal form on the Council's website. Owners will be required to pay online the renewal application fee and then upload electronic copies of all required documents. All applications for new vehicle licences; transfers and replacement vehicles will be processed in a similar way via an on-line form from the 1<sup>st</sup> July 2020 (**Proposal 5**).

### Hardcopy Badges and Vehicle Identification Plates

- 3.12 It is proposed that on each day of the week Monday to Thursday a Licensing Officer will attend the Town Hall to deal with administrative matters including printing off driver badges and vehicle identification plates required in respect of renewed, new or replacement driver and vehicle licences. These will then be sent to applicants via a secure postal delivery service. This will be reviewed after three months to determine the effectiveness and security of the process (**Proposal 6**).

### MOT Certificates

- 3.13 The Government has relaxed the rules on MOTs stating that any MOT expiring after the 30<sup>th</sup> March 2020 is extended for six months. It was agreed as part of the interim measures taken in April that where the MOT of a licensed vehicle was due to expire in April, May, June 2020 there was no requirement to produce an MOT to the Licensing Team and that this applied until at least 30<sup>th</sup> September 2020. The

suspension of the requirement for MOTs is on-going with no end date. This would mean that if an MOT expires in May/June/July it is auto extended for 6 months until November/December/January. Whilst there is a wish to support the trade at this difficult time, there is still a requirement for local authorities to ensure that licensed vehicles are safe and there would be a desire to review this position sooner. Therefore, it is proposed to require that where the MOT of a licensed vehicle is due to expire in July, August, September 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30<sup>th</sup> September 2020. This position will be reviewed in advance of the 30<sup>th</sup> September 2020 to determine future arrangements in respect of MOTs. **(Proposal 7).**

#### **4.0 ALTERNATIVE OPTIONS**

4.1 Before arriving at the proposal outlined above an alternative option was also considered with respect to driver and vehicle renewals.

#### **4.2 Continue with Temporary Extensions to Vehicle and Driver Licences**

Consideration was given to this option, which would in effect be a repeat of the approach taken in the April 2020 report. On balance it was felt that because the Licensing Team has largely adapted service provision to the realities of the lockdown it is now in a better position to service these renewals as they become due. By doing this it will maintain these licence holders within their regular renewal cycle rather than adding to a significant future spike in demand which would occur if further applications to extend were granted.

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## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 17<sup>th</sup> September 2020  
**Report for:** Noting  
**Report of:** Head of Regulatory Services

### Report Title

**UPDATE ON THE GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING; AND THE TRAFFORD HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

### Summary

This report has been prepared to update members on the current proposals to: introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators across Greater Manchester; and at the same time introduce a comprehensive Hackney Carriage and Private Hire Licensing Policy for Trafford.

The Sub-Committee may recall that it considered a report on the 20<sup>th</sup> June 2019 which sought agreement to Trafford Council taking part in the Greater Manchester Minimum Standards consultation. It also considered a request to consult on Trafford's own Hackney Carriage and Private Hire Policy. The Sub-Committee approved the requests and the consultations were due to commence on the 16<sup>th</sup> August 2019.

The consultation did not go ahead at that time due to a delay in the decision on the funding support proposals. It is now proposed that the consultation will take place from early October 2020 for a period of 8 weeks.

### Recommendation(s)

**That the report be noted.**

Contact person for access to background papers and further information:

Name: Joanne Boyle  
Contact: joanne.boyle@trafford.gov.uk

## 1. BACKGROUND

- 1.1 The ten Greater Manchester Councils have been working together to develop a set of common minimum licensing standards (MLS) for the taxi and private hire industry. The result is a set of minimum standards developed to create a single vision for licensed drivers, operators and vehicles in the future which also supports the GM Clean Air Plan (GM CAP).
- 1.2 In the beginning the primary purpose for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air Plan and the decarbonisation agendas are now also major considerations. GM Authorities have been directed by Government to introduce a Category C charging clean air zone (CAZ). This includes daily charges for buses, taxis and private hire vehicles (PHVs), LGVs, HGVs, coaches and minibuses that do not meet certain emissions standards. There are 4 categories of CAZ (categories A-D), and taxi and private hire vehicles are included in all categories.
- 1.3 It was felt that this collaborative approach could benefit drivers and the trade more widely as public confidence in a well-regulated and locally licensed taxi and private hire service grows, and will contribute directly to better air quality and lower carbon emissions. It is hoped that by establishing and implementing Greater Manchester-wide minimum licensing standards, it will 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.
- 1.4 The MLS seeks to establish a basic and common minimum in 4 key areas: drivers, vehicles, operators and local authority standards, whilst allowing each Authority to exceed these minimums where they consider this to be appropriate.
- 1.5 Public consultation is required on both the MLS and the GM CAP; and in the case of Trafford specifically, consultation is also required on its own comprehensive Hackney Carriage and Private Hire Licensing Policy.
- 1.6 The Sub-Committee may recall that it considered a report on the 20<sup>th</sup> June 2019 which sought agreement to Trafford Council taking part in the Greater Manchester Minimum Standards consultation. It also considered a request to consult on Trafford's own Hackney Carriage and Private Hire Policy. The Sub-Committee approved the requests and the consultations were due to commence on the 16<sup>th</sup> August 2019. A copy of the report is attached at **Appendix A**.
- 1.7 Given the time that has elapsed since the Sub-Committee's previous decision on this matter, it was felt appropriate to update the Sub-Committee on the current position.

## 2. CONSULTATION

### MLS and Clean Air Plan

- 2.1 The consultation did not go ahead in August 2019 due to a delay in the decision on the funding support proposals. It is now proposed that consultation on the MLS and Clean Air Plan will take place from early October 2020 for a period of 8 weeks, subject to agreement by the Executive at its meeting on the 28<sup>th</sup> September 2020.
- 2.2 Given the overlap of proposed MLS vehicle age and emission standards with the Clean Air plan agenda, it was felt that there was a need for parallel consultations to be undertaken for

MLS and GM CAP so that charging, funding, and licensing policy positions are coherent and joined-up.

- 2.3 GM understand that, like many parts of the economy, and in particular the transport sector, the taxi and private hire trade have been severely impacted by Covid-19, lockdown and the effects of social distancing policies. Therefore, the CAP and MLS consultations will include questions designed to elicit a fuller and more informed understanding of the wider effects of COVID-19 on the economic health and sustainability of the taxi and private hire trades.
- 2.4 TfGM will host the GM minimum standards consultation on behalf of all GM Licensing Authorities and will procure an outside agency to do the analysis of responses. The GMLO Group has requested that 10 separate reports be provided by TfGM to show local responses.

### **Trafford Hackney Carriage and Private Hire Licensing Policy**

- 2.5 Trafford has reviewed all its current taxi licensing policies and procedures and has consolidated them into one document which incorporates the GM minimum standards.
- 2.6 The Trafford Licensing Policy is intrinsically linked to the MLS and so it is proposed that a separate 8 week consultation will start from the beginning of October 2020 in parallel with the consultation on the Clean Air Plan and GM Minimum Licensing Standards. The consultation document will be published on the Council's website and promoted via social media.
- 2.7 A further report will be compiled for Members once the consultation processes have been concluded and the consultation response data will be shared with Members.

## **3. STAUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

- 3.1 In July 2020 the Department for Transport finally published its long awaited statutory guidance on Taxi and Private Hire Vehicle Standards. Whilst the standards focus on protecting children and vulnerable adults, the document states that all passengers will benefit from the recommendations contained within it; and refers to the general view that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 3.2 The MLS and Trafford's Licensing Policy have been reviewed following the publication of the Standards and have been slightly amended in line with its recommendations.

## **4. EQUALITY IMPACT ASSESSMENT**

- 4.1 An Equality Impact Assessment will be completed for both the MLS and Trafford Hackney Carriage and Private Hire Licensing Policy and issued alongside the consultation documents.

## **5. Recommendation**

- 5.1 That the report be noted.

# APPENDIX A

## TRAFFORD COUNCIL

**Report to:** The Public Protection Sub-Committee  
**Date:** 20<sup>th</sup> June 2019  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

**GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING AND THE TRAFFORD LICENSING POLICY**

### Summary

To provide members with details of proposals to introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators licensed by Licensing Authorities across Greater Manchester.

To provide members with details of proposals to consult across GM on the proposed GM minimum standards.

The report also provides members with details of proposals to introduce a new Licensing Policy for Trafford.

### Recommendation(s)

It is recommended, that the Public Protection Sub Committee:

- Note the contents of the report; and
- Note the proposal to support TfGM in the administration of a consultation process on proposed GM Minimum Standards; and
- Approve the proposal to administer a consultation process on a new Licensing Policy for Trafford.

### Contact person for access to background papers and further information:

Name: Joanne Boyle  
Extension: 4129

Background Papers

None

## **1.0 BACKGROUND**

- 1.1 Changes to Hackney Carriage and Private Hire regulation, new technology and business models, and an outmoded legislative framework have all contributed to the current situation where the Taxi and PH trade is becoming increasingly problematic and difficult to regulate.
- 1.2 The key issues are around public safety, out-of-area operation, vehicle standards, poor air quality and congestion, particularly in specific city centre locations. The proposed approach looks to encourage consistently high standards for Hackney Carriage and Private Hire services in Greater Manchester, to encourage Government to pursue regulatory reform to ensure high safety standards, and to contribute to the vision of an improved integrated transport system for GM.
- 1.3 As a result of the recommendations made by the Department for Transport's (DfT) Task and Finish Group on 'Taxi and Private Hire Vehicle Licensing: a safer and more robust system' and in order to deal with the challenges set out above, GM's licensing authorities have agreed to adopt a two-track approach, and TfGM is supporting GM Licensing Authorities in this work.
  - 1.3.1 Firstly GM's licensing authorities have agreed to collectively develop a common set of minimum standards for Private Hire Vehicles and Hackney Carriages licensed by Licensing Authorities across Greater Manchester. GM Licensing Authorities have been working closely with Transport for Greater Manchester (TfGM) on proposals around minimum standards.
  - 1.3.2 Secondly, GMCA, TfGM and GM Licensing Authorities are working with other city-regions and local authorities to urge Government to take appropriate action to reform the legislative and regulatory framework to ensure it is fit for purpose.
- 1.4 The next step in respect of 1.3.1 is for TfGM to consult, on behalf of all GM Licensing Authorities, on the proposed GM minimum standards, as further detailed in this report below.
- 1.5 Trafford is currently drafting a new Licensing Policy. It is proposed that Trafford will introduce a new Licensing Policy which, once the GM minimum standards consultation has concluded and an agreed set of common standards have been agreed, will incorporate the new GM minimum standards.
  - 1.5.1 It is proposed that Trafford will administer a consultation process, subject to the GM consultation process, on the new Licensing Policy for Trafford as detailed in this report below.

## **2.0 GM MINIMUM STANDARDS CONSULTATION**

- 2.1 The GM Licensing Officers Group (GMLO Group) has identified the four key areas where common standards are required, namely: drivers, vehicles, operators and licensing authority standards.
- 2.2 The GMLO Group is currently developing a set of minimum standards for Hackney Carriage and Private Hire licensing and enforcement that can be incorporated within each Licensing Authorities own licensing policies.
- 2.3 The proposed minimum standards relate to the four key areas identified by GMLO Group and aim to raise standards across GM with a view to a more consistent approach to taxi licensing across the region.

- 2.4 A consultation on the proposed GM minimum standards will commence on the 16<sup>th</sup> August 2019. The proposed consultation process timescales will coincide with the start of the consultation on the Clean Air proposals.
- 2.5 TfGM will host the GM minimum standards consultation on behalf of all GM Licensing Authorities and will procure an outside agency to do the analysis of responses. The GMLO Group has requested that 10 separate reports be provided by TfGM to show local responses.
- 2.6 Trafford is fully supportive of the proposed minimum standards as it will lead to an improvement in our current standards in several areas e.g. the re-introduction of a taxi driver knowledge test; higher medical requirements.
- 2.7 It is proposed that Trafford support TfGM in its administration of the consultation process.
- 2.8 A further report will be compiled for Members once the TfGM consultation process has concluded and consultation response data will be shared with Members.

### **3.0 TRAFFORD'S LICENSING POLICY**

- 3.1 Trafford is currently reviewing all of its licensing policies and procedures with the aim of consolidating the existing documents, updating content and to incorporate the GM minimum standards, once they are agreed.
- 3.2 It is proposed that Trafford will administer a consultation process on its new Licensing Policy. The policy document will be consulted on separately but at the same time as the GM minimum standards consultation undertaken by TfGM.
- 3.3 A further report will be compiled for members once the policy consultation is concluded and the consultation response date will be shared with Members.
- 3.4 Members will be asked to consider the consultation response and the new Licensing Policy for Trafford, incorporating the approved minimum standards, and to recommend the policy to Council, if agreed.

### **4.0 Other Options**

#### **4.1 Proposal to consult on GM Minimum Standards**

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

#### **4.2 Proposal to consult on Trafford Licensing Policy**

The only alternative option is for the Council to adopt a Licensing Policy without consulting all those who may be affected by it. Whilst this in itself would not prevent the Council from carrying out its statutory taxi licensing functions, it would open up the possibility of legal challenges being made; and could affect the weight given to the policy in the event of appeals against decisions of officers or the Licensing Committee.

### **5.0 Consultation**

- 5.1 The consultation requirements are as set out in this report.

## **6.0 Reasons for Recommendation**

- 6.1 By agreeing to support consultation on GM Minimum Standards the Council is showing its commitment to working together with the other GM Authorities to achieve a single vision of consistently high standards for licensed vehicles, drivers and operators across Greater Manchester.
- 6.2 By agreeing to a consultation exercise on the proposed Trafford Licensing Policy the Council is showing its willingness to engage in an open and transparent way with the public, businesses and the hackney carriage and private hire trades on the development of the Policy.

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