

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 17th 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 20th 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 16th 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:

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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 20th 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 16th 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 28th 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: 20th 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:

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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 16th 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.