

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 29th June 2023
Report for: Decision
Report of: Head of Public Protection

Report Title

ADOPTION OF A TAXI AND PRIVATE HIRE LICENSING POLICY – PERMISSION TO CONSULT

Summary

The Council, as the Licensing Authority under the Town Police Clause Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, has responsibility for the licensing of Hackney Carriages and Private Hire vehicles, drivers and operators within its district.

In July 2020 the Department for Transport published its Statutory Taxi and Private Hire Vehicle Standards. In the Standards the Department recommended that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire licensing.

Officers have prepared a draft policy which brings together all the Council's current policies and procedures into one document; including all the policies and conditions in respect of the Greater Manchester Minimum Licensing Standards which were adopted by the Council in 2021.

The report proposes a new overarching Taxi and Private Hire Licensing Policy; and requests permission to consult on the proposals.

Recommendation(s)

It is recommended that the Sub-Committee:

- Notes the proposed new Taxi and Private Hire Licensing Policy and approves the proposal to carry out a consultation exercise for a period of 8 weeks, to begin on the 6th July 2023 (or as soon as possible thereafter).
- Notes that following the 8 weeks' consultation period, any responses will be reviewed and a further report be taken to Full Council for determination.

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1. **BACKGROUND**

- 1.1 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.
- 1.2 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 were also major considerations.
- 1.3 This collaborative approach sought to establish a basic and common minimum in key areas, whilst allowing Districts to exceed these minimums where they considered this to be appropriate. As licensing is a local authority regulatory function, the standards were devised by the Greater Manchester (GM) Licensing Managers Network.
- 1.4 The GM MLS was ready to be consulted on when the Department for Transport published statutory guidance for taxi and private hire licensing authorities in July 2020. In the Standards the Department recommended that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. The Department went on to state that when formulating a taxi and private hire policy, the primary and overriding objective must be to protect the public
- 1.5 The proposed MLS had regard to the recommendations in that guidance, which largely mirrored what was already proposed across GM.
- 1.6 A GM wide public consultation took place between 8 October and 3 December 2020 on the MLS proposals. In Trafford an additional consultation exercise was undertaken on a proposed overarching Taxi and Private Hire Licensing Policy incorporating the MLS.
- 1.7 Due to the breadth of the proposals, following the consultation it was decided that the MLS should be reported to Full Council in two stages; and that the decision on an overarching Taxi and Private Hire Licensing Policy be deferred until all the MLS recommendations had been approved and implemented.
- 1.8 On the 13th October 2021 the Council approved the Stage 1 recommendations on the Driver, Operator and Local Authority Standards and on the 24th November 2021 it approved the Stage 2 recommendations on Vehicle Standards.
- 1.9 Officers have now prepared an amended policy which brings together all the Council's current policies and procedures into one document. The intention is to consult on the current policies and procedures, excluding the policies and conditions in respect of the Greater Manchester Minimum Licensing Standards which were adopted by the Council in 2021.
- 1.10 The purpose of the policy is to explain how the Council undertakes its functions when licensing hackney carriage and private hire vehicles. The primary focus being on safeguarding and public protection, particularly, the protection of children and vulnerable adults in accordance with the recommendations of the Statutory Guidance.

- 1.11 The policy explains the process for applying for licences; what checks we will carry out and how we will determine applications including the checking of criminal records, requiring medical reports for drivers and checking their right to work. It explains how we will manage a Local Area Knowledge Test for new drivers; assess standards of English speaking and listening; and conduct induction training for all new drivers covering topics of equality, safeguarding, modern slavery and compliance with licence conditions. The policy also explains how we will enforce against non-compliance with licence conditions by way of an internal Penalty Points System and when we will refer matters to the Public Protection Sub-Committee for consideration.
- 1.12 The policy will provide guidance to applicants; licence holders and members of the public on the Council's taxi and private hire policies and procedures; and will assist officers and Members when determining licence applications.

2. CONSULTATION

- 2.1 Although there is no statutory requirement for the Council to consult on the policy, it is considered best practice and gives those affected time to read the policy and consider what steps they may need to take to comply. It also gives opportunity for comments to be made on how the policy could be improved.
- 2.2 The Council consulted on a proposed Taxi and Private Hire Policy in October 2020 at the same time as the MLS consultation exercise. All the responses received from both consultations related to the proposals in the MLS and were ultimately considered by the Council when it adopted the MLS in 2021. Therefore, it is not intended to consult again on those elements of the MLS which were adopted in 2021 and which are highlighted red in the policy document.
- 2.3 However, given that the other elements of the proposed Taxi and Private Hire Policy were not adopted; and that in the intervening time there have been amendments to the procedures, it is proposed to consult on the other updated elements of the policy document.
- 2.4 Permission is therefore sought to consult on the proposed policy for a period of 8 weeks, to begin on the 6th July 2023 (or as soon as possible thereafter). Any responses to be reviewed and a further report taken to Full Council for determination.

3. RECOMMENDATIONS

3.1 It is recommended that the Sub-Committee:

- 3.1.1 Notes the proposed new Taxi and Private Hire Licensing Policy and approves the proposal to carry out a consultation exercise for a period of 8 weeks, to begin on the 6th July 2023 (or as soon as possible thereafter).
- 3.1.2 Notes that following the 8 weeks' consultation period, any responses will be reviewed and a further report be taken to Full Council for determination.