

Report to Planning and Licensing Committee



Date of Meeting	2 September
Portfolio	Cabinet Member for Climate Change and Sustainability
Report Author	Nicola Rogers
Public/Private Document	Public

GM Minimum Licensing Standards for Taxi and Private Hire - Stage 1  
recommendations report

Executive Summary

## 1. Background

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.

- 1.8 Local reform through MLS can deliver real improvements across Greater Manchester, but the growth of out-of-area operation undermines local licensing, and is a cause for 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.

## 2 Minimum Licensing Standards

- 2.1 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 for that guidance, which largely mirrors what is already proposed across GM, and reference is made in the report where appropriate.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 It is with public safety in mind as our primary duty as Licensing Authorities that the MLS are proposed.
- 2.6 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

- 2.7 The MLS are divided into four distinct sections as follows:
- 2.8 Licensed Drivers; including criminal records checks, medical examinations, local knowledge test, English language requirements, driver training including driving proficiency and common licence conditions.
- 2.9 Licensed vehicles; including vehicle emissions, vehicle ages, common vehicle colour and livery, vehicle testing, CCTV, Executive Hire and vehicle design common licence conditions
- 2.10 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.
- 2.11 Local Authority Standards: including application deadlines and targets, GM Enforcement Policy, Licensing Fee Framework, annual councillor training requirements and Officer delegations.
- 2.12 Due to the breadth of proposals to be considered by Members, and the complexity of the vehicle standards (and their link to the Clean Air Plan), this report seeks to provide Members with detailed consultation feedback and officer recommendations on the Drivers, Operator and Local Authority Standard elements at Stage 1.
- 2.13 A Stage 2 report outlining the proposed Vehicle Standard recommendations will be provided in the autumn.

### 3 Link to the Clean Air Plan

- 3.1 An important element of the overall approach is to provide clarity and long term certainty for vehicle owners, so that they are able to plan the upgrade of their vehicles in a way that meets and contributes positively to GM's Air Quality, Carbon and other environmental obligations.
- 3.2 This will also help ensure that applicants to the Clean Taxi Fund, secured as part of the GM Clean Air Plan, will have a clear understanding of what locally licensed vehicle requirements will be over the longer term, for example in terms of emissions, age and other criteria, so they can determine the best use of the available funds given their specific circumstances. Note that only those vehicle owners who have licensed their vehicle with one of the GM local licensing authorities will be eligible for Clean Taxi Funds to support upgrade.
- 3.3 As noted above a further report will be prepared outlining final proposals for vehicle standards, as part of Stage Two of the MLS.

## Recommendation

- 4.1 Note the detail of and reasons for the proposed standards for licensed drivers, licensed private hire operators and local authorities.
- 4.2 Note the consultation responses received at both GM and Rochdale level.
- 4.3 Note the comments and considerations for each standard in response to the consultation responses received.
- 4.4 Note and recommend that Cabinet on 21 September 2021 approve the officer's recommendations for each of the standards for licensed drivers, licensed private hire operators and local authorities.
- 4.5 Note and recommend that Cabinet on 21 September 2021 approve the implementation of the standards for licensed drivers, licensed private hire operators and local authorities with a live date of 1 December 2021

## Reason for Recommendation

- 5.1 The Department for Transport published Statutory guidance for taxi and private hire licensing authorities in July 2020. This Statutory guidance firmly highlights the past failings of licensing regimes in putting public safety at the forefront of their policies and procedures.
- 5.2 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.
- 5.3 GM local authorities have a great history of collaborative working and strive for consistency of approach to regulatory matters. The introduction of consistent minimum standards ensures that the travelling public across the GM conurbation are protected equally irrespective as to which GM local authority issues the taxi or private hire licence.

## Key Points for Consideration

## 6 The Consultation;

6.1 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

6.2 The split of respondents was as follows:<sup>1</sup>

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%
<b>Base</b>	<b>1,634</b>	<b>47</b>	<b>1,681</b>	<b>100%</b>

6.3 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

6.4 For a full breakdown of demographics and to view the complete GM consultation report please visit [www.gmtaxistandards.com](http://www.gmtaxistandards.com)

6.5 The response breakdown for Rochdale BC was as follows:

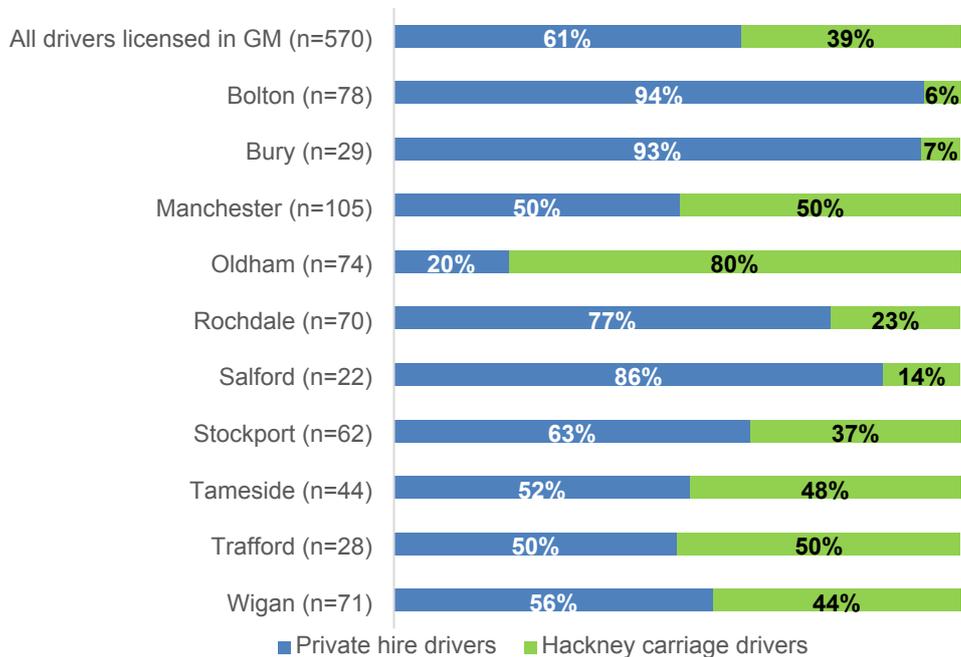
Respondent Category	Questionnaire	Letter / email	Total	%
General Public	73	0	73	50%
Hackney Drivers	15	1	16	11%
Private Hire Vehicle Drivers	54	0	54	37%
Private Hire Operators	3	0	3	2%
Vehicle Leasing companies	0	0	0	0%
Businesses	1	0	1	1%
Organisations	0	0	0	0%
Elected Representatives	0	0	0	0%

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<sup>1</sup> Two respondents did not complete the 'respondent type' question.

Base	146	1	147	100%
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6.6 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:



6.7 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.

6.8 Across GM there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefings 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.

6.9 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.

6.10 The Consultation questionnaire asked for views on each section of 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:

- 6.11
- strongly agree
  - agree
  - neither agree or disagree
  - disagree
  - strongly disagree
  - don't know

6.12 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.

6.13 Copies of the Consultation Questionnaire and accompanying information booklet are available at [www.gmtaxistandards.com](http://www.gmtaxistandards.com)

6.13 Summary of Consultation responses:

7 The following paragraphs provide a brief summary of the consultation responses at a GM level.

7.1

#### Driver Standards

- 7.2
- 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.

#### Vehicle Standards

- 7.3
- High level of agreement from members of the public (88%)
  - Greater overall level of disagreement from Trade (Hackney 69% and PH 63%)
  - Trade mostly commented on age policy proposals; disagreeing
  - Concerns raised about the charging infrastructure for electric vehicles
  - Public liked the proposal of CCTV but concerns raised by the Trade with regards to cost and data privacy
  - Comments and disagreement across trade and public with regards to colour policy proposals

### Private Hire Operator Standards

- 7.4
- Much broader agreement across both members of the public (94% agreed) and Trade (Hackney 67% and PH 65%)
  - Main comments were in support of 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

### Local Authority Standards

- 7.5
- 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

- 7.6
- Further detail for each Standard is provided in tables contained in Appendix 1 for Driver Standards, Appendix 2 for Private Hire Operator Standards and Appendix 3 for Local Authority Standards.

The table for each Standards details;

- 7.7
- the proposed Standard and the rationale for the proposal
  - the current standard in district
  - feedback and comments made in the consultation in relation to the specific standard (both at a GM and local level),
  - outline of relevant points, considerations and risks in response to the consultation
  - Officer recommendation for that proposed standard.

### Timescales for Implementation

- 8
- 8.1
- It should be noted that as this and similar reports are going through District governance contemporaneously, the recommendations are also being outlined to Combined Authority for endorsement at their September meeting.

- 8.2
- It is proposed that all the standards that are recommended to be implemented, are done so by 30<sup>th</sup> November 2021 for a go live date of 1<sup>st</sup> December 2021.

### Conclusion

- 9
- 9.1
- 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 these minimum licensing standards can deliver. As well as the local policy strengthening that minimum licensing standards will bring across Greater Manchester, the standards also deliver the implementation of the statutory standards on safeguarding that the Government have now introduced.

- 9.2 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 the balance we must strike in continuing to support the trade whilst safeguarding the public; delivering a licensing regime that offers safe journeys in safe licensed vehicles, driven by safe licensed drivers. 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.

#### Alternatives Considered

- 9.3 None, as alternatives to the GM minimum licencing standards undermines the vision as stated in paragraph 9.2 above.

### Costs and Budget Summary

- 10.1 All taxi and private hire licensing charges are levied on a full cost recovery basis. Any decrease / increase in percentage on the uplift of fees and charges are approved by budget setting Council for adoption.
- 10.2 Work is ongoing to develop a consistent fee formula however it is very likely that other GM districts are taking into account similar considerations for the setting of their fees and charges, albeit the fees and charges will not be identical.

### Risk and Policy Implications

- 11.1 Taxi and private hire licensing is a statutory function delivered by the Licensing Team within the Public Protection Service.
- 11.2 Local Authorities are expected to follow Government guidance when issued regarding the delivery of statutory functions. The minimum licensing standards delivers implementation of the recent guidance regarding safeguarding measures required by Local Authorities.
- 11.3 An Equalities Impact Assessment has been conducted and this is included in Appendix 8.

### Consultation

- 12.1 Extensive consultation was conducted during October to December 2020. The summary of responses are detailed in paragraphs 7.1 to 7.7.
- 12.2 The detail of responses are provided in Appendices 1 to 3 inclusive.

Background Papers	Place of Inspection
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8. None	
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<b>For Further Information Contact:</b>	Nicola Rogers, Tel: 01706 924124, <a href="mailto:nicola.rogers@rochdale.gov.uk">nicola.rogers@rochdale.gov.uk</a>
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