

NOTICE OF MEETING

MEETING	LICENSING COMMITTEE
DATE:	TUESDAY 16 JUNE 2009
TIME:	9.30 am
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Alex Daynes Telephone: 01733 452268 e-mail address gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>8 June 2009</i>

AGENDA

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Minutes of a meeting of the Licensing Committee held at the Bourges/Viersen Room - Town Hall
on 10 March 2009

MEMBERS PRESENT:

Councillors H Newton (Chairman), P Thacker (Vice-Chairman), R Dobbs, P Hiller, N Khan, D Morley, B Saltmarsh and P Kreling

ALSO PRESENT:

Mr S A Majid

OFFICERS PRESENT:

Adrian Day, Licensing Manager
Ian Robinson, Regulatory Officer, Taxi Enforcement
Ken Gray, Principal Licensing Officer
Amy Brown, Solicitor
Alex Daynes, Senior Governance Officer

1. Apologies

Apologies were received from Councillors Lowndes and North.

2. Declarations of Interest

Councillor Khan declared a prejudicial interest in item 4 on the agenda.

3. Minutes of the previous meeting

The minutes of the meeting held on 24 June 2008 were agreed as an accurate record with the following amendment; Councillor Saltmarsh should be marked as 'present'.

4. Changes in the Licensing Conditions for Hackney Carriage and Private Hire Vehicle Licences

Councillor Khan left the meeting as he had declared a prejudicial interest in this item.

The Committee received a report from the Regulatory Officer and was asked to approve the four recommendations relating to additional conditions on taxi licences concerning CCTV provision, NVQ qualifications for new and existing drivers and door signage relating to the status of the taxi and insurance implications. The Regulatory Officer highlighted incidents of violence towards drivers and the subsequent fall in attacks and incidences of abuse experienced by other authorities who had CCTV installed.

The Regulatory Officer advised the committee that public confidence and the image of the trade would improve if the NVQ qualification was taken as well as drivers' abilities to cope with troublesome passengers.

Mr Majid, a representative of the trade, spoke against the application. Although Mr Majid admitted that there were incidents of violence and abuse directed at drivers, he did not agree that the installation of CCTV would help. Mr Majid stated that drivers had previously had to wait for several hours for Police to arrive at an incident and even then were not fully helpful in resolving the matter and taking action against the accused. Mr Majid claimed that most attacks happened outside the vehicle and would therefore, not be captured by the CCTV system. The cost of the CCTV was also a deterrent to drivers and not all drivers felt the need to have CCTV as they did not feel particularly threatened or at risk; therefore, CCTV should not be mandatory for all drivers.

Regarding the NVQ qualification, Mr Majid raised issues about the number of complaints received compared to the number of journeys provided (44 complaints and approximately 2 million journeys a year). Mr Majid questioned the relevance of the syllabus for the NVQ stating that much of it could not be taught and more consultation with the trade would be needed to deliver a meaningful, relevant and acceptable syllabus for drivers in Peterborough. Mr Majid claimed that little on the syllabus would be of use to existing, experienced drivers.

The Committee posed questions to Mr Majid about passenger - not just driver – safety and the cost implications of the CCTV system.

The objector, Mr Majid and the Regulatory Officer summed up their cases.

All parties and the public left the committee room while Members debated the application and made their decision.

RESOLVED: (unanimously) to accept all the recommendations proposed by the Regulatory Officer contained in the report.

REASONS FOR THE DECISION: Members of the Licensing Committee had received representations from the Licensing Officer of Peterborough City Council as well as Mr Majid, a representative of the trade. Both parties provided the committee with well reasoned arguments on the subject at hand. Members gave careful consideration to all representations received and reached the following conclusion:

To implement all recommendations put forward by the Regulatory Officer.

In reaching this decision, Members had utmost regard for the safety of the trade - who they recognise do a very valuable job - as well as the passengers they carry.

Finally, Members were keen to ensure that the NVQ course was of value to drivers and passengers and therefore requested that the Taxi Licensing Officers present an update report to them in 12 months time.

CHAIRMAN
9.30 - 11.30 am

LICENSING COMMITTEE	AGENDA ITEM No. 4
16 JUNE 2009	PUBLIC REPORT

Contact Officer(s):	Adrian Day, Licensing Manager Ken Gray, Principal Taxi Licensing Officer	Tel: 454437 Tel: 453406
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SUMMARY OF COMMITTEE HEARINGS HELD UNDER THE PREVIOUS COMMITTEE STRUCTURE

1. PURPOSE AND REASON FOR REPORT

The purpose of the report is for information purposes only, summarising committee hearings and meetings held by the Licensing Committee under the previous committee structure. The report will offer new members of the committee an insight in to the various issues involved when considering a licence application or when considering proposed changes in miscellaneous conditions.

The report will also act as a refresher for existing members of the committee who may have not been present at particular committee hearings.

2. PREVIOUS HEARINGS HELD

2.1 Hearing Date: 24 June 2008

Trader: Mr Karayilan, Munchies, Bretton Way, Peterborough.

Application Type: Appeal against the refusal of a Street Trading Application Local Government (Miscellaneous Provisions) Act 1982

Summary: Previously a similar application by the same applicant under the name of Mr Ceylan was refused by the Licensing Committee at a hearing on 20 November 2007. This was following objections received from Ward Councillors, members of the public and local businesses. On this occasion the committee's decision was to refuse the application on the grounds of the applicant's previous trading history and the number of complaints received by the Local Authority.

The new application for a Street Trading Consent was submitted by a MR Karayilan (formally Mr Ceylan) to trade on Bretton Way adjacent to the Roadways House. After consultation and considering the previous trading history and the high number of objections received by the authority from local residents and businesses the Head of Environmental & Public Protection Services using his delegated powers refused to grant the consent. The applicant used his right of appeal to have the application determined by the Licensing Committee. Local residents had raised a number of objections, and local businesses had concerns relating to parking issues. The Principal Licensing Officer also highlighted issues with the applicants trading issues.

Committee Decision: Members did not think it fit to grant a Street Trading Consent to Mr Ceylan for the following reasons:

1. Bretton is a developing area with a number of trading outlets and the Committee did not feel that there was a need for an extra outlet.
2. Road safety issues relating to the application site.
3. The previous trading history of the applicant at that site.

2.2 Meeting Date: 10 March 2009

Summary: At the Licensing Committee held on 10 March 2009 the Committee were asked to consider a report by the Taxi Licensing Department. The report outlined the proposal of additional mandatory conditions to be attached to Hackney Carriage and Private Hire Vehicle Licences as issued under the Local Government (Miscellaneous Provisions) Act 1976.

Background: Since the winter of 2006 there have been a number of high profile attacks on Peterborough drivers. Drivers have been stabbed, robbed at knifepoint and one gentleman left in Addenbrookes with life threatening injuries. As a result the trade demanded that the council and police should address the driver safety issue. Following the trade request the Taxi Issues Group was formed. The group included representatives from Police, council, Councillors, members of the taxi/private hire trade, Peterborough Mediation, Peterborough Racial Equality Commission. After a number of meetings the only way the group felt we could improve driver safety was to make CCTV and the NVQ course in Road Passenger Transport compulsory requirements of licence.

A number of crimes also listed the driver as the offender; these crimes include serious assaults (physical and sexual), threats and kidnapping.

Committee Decision:

The introduction of a further requirement of fitness to be attached to the grant of a licence to including the wording, **“All new applicants , upon applying for a Hackney Carriage or Private Hire Driver’s Licence, undertake the NVQ level 2 Course, “Road Passenger Vehicle Driving” with a training provider who meets the specification laid down by the authority.** New Applicants would initially be issued a six month licence, and on completion of the course the licence would then be extended to the full year at no additional charge.

That all existing licensed hackney carriage and private hire drivers undertake and successfully complete the NVQ level 2 Course, “Road Passenger Vehicle Driving” with a training provider who meets the specification laid down by the authority in Appendix D, before a designated deadline, dated two years from the Licensing Committee’s decision.

The introduction of a requirement that all vehicles licensed by Peterborough City Council as Hackney Carriage or Private Hire vehicle should be, as a condition attached to the grant of licence, fitted with a CCTV system of a type and specification laid down by the authority in Appendix C, before a designated deadline, dated 2 years from the Licensing Committee decision and that all new vehicles and replacement vehicles are fitted with the CCTV system prior to being licensed. The additional vehicle licence conditions to read:

“The vehicle shall be fitted with a fully functional CCTV system of a type meeting the system requirements set out in the CCTV Specification Criteria.”

“The CCTV system shall be kept in proper working order, serviced as appropriate and the vehicle will be made available to allow authorised officers access to download footage.”