

NOTICE OF MEETING

MEETING	LICENSING COMMITTEE
DATE:	TUESDAY 13 APRIL 2010
TIME:	9.30 am
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>1 April 2010</i>

AGENDA

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 16 JUNE 2009**

Present: Councillor Dobbs (Chair), Thacker (Vice Chair), Nawaz, Newton, Swift,
and Saltmarsh

Officers in attendance: Adrian Day, Licensing Manager
Ian Robinson, Regulatory Officer
Amy Brown, Solicitor
Gemma George, Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Winslade.

2. Declarations of Interest and Whipping Declarations

Councillor Nawaz declared a non-prejudicial interest and informed the Committee that his son in law was employed as a taxi driver.

There were no whipping declarations.

3. Minutes of the Meeting held on 10 March 2009

The minutes of the meeting held 10 March 2009 were approved as an accurate and true record.

4. Summary of Committee Hearings Held Under the Previous Committee Structure

The Committee received a report which summarised the Committee meetings and hearings held by the Licensing Committee under the previous Committee structure.

Insight into the various issues involved when considering a licence application or when considering proposed changes in miscellaneous conditions were highlighted to the Committee.

Members were advised of two hearings which had been held over the previous year, these included:

- An appeal against the refusal of a Street Trading Application Local Government (Miscellaneous Provisions) Act 1982.
- The proposal of additional mandatory conditions to be attached to Hackney Carriage and Private Hire Vehicle Licenses as issued under the Local Government (Miscellaneous Provisions) Act 1976.

A brief verbal summary was given to the Committee on each hearing and Members were invited to comment on the reports. No further issues were highlighted for discussion.

The meeting closed at 10.00 am.

Chairman

LICENSING COMMITTEE	AGENDA ITEM No. 4
13 APRIL 2010	PUBLIC REPORT

Cabinet Member responsible:	Cllr Hiller, Cabinet Member for Neighbourhoods Housing and Community Development	
Contact Officer(s):	Ian Robinson, Regulatory Officer Adrian Day, licensing Manager Peter Gell, Section Head Business Regulation	Tel. 453541 Tel. 453406 Tel. 453429

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

R E C O M M E N D A T I O N S	
FROM : Taxi Enforcement Office Regulatory Officer, Ian Robinson	Deadline date : N/A
<p>1. To revisit the Licensing Committee's decision of the 10 March 2009 in relation to the following:</p> <p>(a) the introduction of a further specification of fitness to be attached to the grant of a licence requiring new and existing hackney carriage and private hire drivers to undertake specified NVQ and VRQ qualifications.</p> <p>(b) The introduction of a new compulsory standardised and permanently affixed (not magnetic backed) door stickers to be applied to the rear passenger doors (nearside and offside) of all private hire vehicles and the amendment of Condition 2(c) of the Private Hire Vehicle Conditions to read:</p> <p style="padding-left: 40px;">“The vehicle to display on the rear passenger doors, door stickers reading “Private Hire Vehicle – Insurance Invalid Unless Pre-Booked with Operator”, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle and that the words Taxi or Cab are not featured. Those vehicles solely used for corporate or airport work may be eligible for an exemption from the requirement to display the signage. Each case must be submitted in writing and will be decided on its own merits. ”</p> <p>2. In considering the above, to take the following action:</p> <p>(a) Revoke the 10 March 2009 decision concerning the mandatory completion of the NVQ /VRQ qualifications and remove the specification criteria; and</p> <p>(b) Re-affirm the decision with regard to mandatory door signs and approve amendment of licensing condition 2(c), incorporating the exemption.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Licensing Committee by the Taxi Enforcement Office on the instruction of the Head of Service.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The minutes relating to the original March 2009 Licensing Committee decision and the original report can be found in **Appendix B**.

2.2 NVQ and VRQ Requirements

Since the Licensing Committee decision last March, NVQ / VRQ training providers have found it increasingly difficult to obtain funding to allow courses to run. As a consequence, the cost of the course would have to be independently funded by drivers. It has also been evident that there are variations in content and delivery of the NVQ and VRQ between the different providers. In summary, as a result of the inconsistencies and funding difficulties it is recommended that this requirement is withdrawn.

2.3 Door Signs

The requirement for a mandatory condition relating to door signs continues to remain valid and necessary for the reasons more particularly described at paragraph 6 below. For this reason it is recommended that the Licensing Committee reaffirm their original decision of 10 March 2009.

Since 10 March 2009 there have been ongoing negotiations with the trade and third parties around the implementation of the NVQ/VRQ and CCTV requirements. In consequence of this, notice has not yet been given of the decision enabling it to be brought into effect. For this reason and as a matter of good practice the Licensing Committee is respectfully requested to re-visit the proposal and confirm that its imposition remains necessary by affirming the original decision.

- 2.4 Sections 47(1), 48 (2), 51 (2) of the Local Government (Miscellaneous Provisions) Act allows that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary (see **Appendix C**).
- 2.5 This report is for the Committee to consider under its Terms of Reference No. 2.5.1.1(a) "*hackney carriage and private hire vehicle licensing*" and 2.5.1.4 namely "*To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council*".

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. N.V.Q.

- 4.1 Since March 2009 various training providers have run a number of courses with 359 drivers having successfully completed them. The courses on the whole have been

well received and those undertaking them have gained valuable transferable skills. Unfortunately, the Government's Train 2 Gain scheme has proved to be a victim of its own success. The offer of free training has been readily accepted across the U.K.; to such extent that the demand has created a massive overspend. As a result the Government has frozen funding and future funding is looking doubtful. Training Providers cannot ensure that they will be able to obtain sufficient funds in the future for them to run regular courses. If left as a mandatory requirement of fitness the cost of undertaking the course would fall to the driver. The cost of the course differs between providers, but ranges between £700 - £1200.

4.2 Additional to the funding issues, and as previously mentioned in paragraph 2.1, we have become aware of inconsistencies between the way in which the courses are being taught and in some instances the contents of them. These inconsistencies have to some extent undermined the reliance that can be placed on the course in determining fitness on the basis that different standards of knowledge and practice have been achieved. Consequently, if completion of the course was to remain a requirement these issues would need to be addressed. In addition, the Licensing Office is limited in its ability to intervene beyond the specification criteria in view of the fact that the training arrangements are made directly between the driver and the course provider. If drivers were required to undertake training with specified providers a procurement exercise would undoubtedly be required. Again, because of the funding issues there is limited scope or commercial viability for this at the present time.

4.3 In conclusion, although the Taxi Enforcement Office still believes in recognised driver training, the funding issue has caused considerable difficulty for members of the trade trying to sign up to a course. This lack of funding, coupled with the variations in training offered by the different training providers, has made the implementation of the mandatory requirement extremely difficult and in the current economic climate it is unreasonable to expect the trade to pay up to £1200 for the course. For these reasons we feel that the requirement to complete the course should be revoked.

5. DOOR SIGNAGE

5.1 As detailed in the original report presented to the March Licensing Committee, regular inspections have highlighted that there is no standard of door signs within the trade. Some signs display the words "Private Hire Only" in extremely small lettering, therefore making it extremely difficult to read. Licensing conditions state the lettering must be at least 2" tall. Some, despite licensing conditions, make no mention to the fact that they are private hire vehicles, some have no signage whatsoever. Some state they were displaying magnetic signage, which has since been stolen, fallen off, or blown off in high winds. The non-standard or missing signage is a public safety issue and creates an environment which could allow a bogus, unlicensed, unchecked driver to pick up the public. The Taxi Enforcement Office firmly believes it is necessary in the interests of public safety and education to proceed with permanently affixed standardised signage.

5.2 One Authority (Basingstoke) was subject to an appeal after imposing a condition requiring permanent signs informing the public of the need to pre-book private hire vehicles. The district judge, hearing the case in his reasoning said, to protect the public, it was reasonably necessary. The judge placed public safety in front of personal issues, which included any damage to the vehicle that may be caused upon removal of the sign. This appeal decision was further appealed against and it was determined that the condition to make signs permanently attached to vehicles was

reasonably necessary in the interests of public safety (court report attached in **Appendix D**).

- 5.3 All the necessary signage required for initial issue has been purchased from the Taxi Licensing budget and one company has already opted to display the signage on their vehicles.
- 5.4 The Taxi Enforcement Office accepts that some private hire vehicles are solely used for airport or executive purposes. This was highlighted during the initial consultation, where some companies have stated that the display of signage could affect this aspect of their business. It therefore acknowledges that it may be appropriate to offer an exemption to certain individually identified vehicles, on the proviso that assurances are made that the vehicle would not be used for the normal, run of the mill private hire work. Anyone operating a vehicle purely for corporate or airport work will be permitted to submit a request for exemption. Each case will be judged on its own merits and once granted an exemption the vehicle can not be used for any other private hire work.
- 5.5 Benchmarking against other Authorities has shown that many have adopted the use of similar door signage; most have opted for permanently affixed signs. The information received and attached to the report concerns 35 local authorities; 20 Authorities require permanent signage, 11 allow magnetic door signs, six Authorities are looking to amend their conditions requiring permanent signage after concerns over public safety following incidents involving magnetic signage.

6. CONSULTATION

- 6.1 All the initial consultation documentation is included in **Appendix A**. Trade representatives at the Taxi Forum have been fully updated.

7. ANTICIPATED OUTCOMES

- 7.1 It is anticipated that Members of the Licensing Committee will approve the proposed withdrawal of the NVQ condition and re-affirm their original decision concerning door signage in order to amend the conditions attached to Hackney Carriage and Private Hire vehicle licenses issued by Peterborough City Council.

8. REASONS FOR RECOMMENDATIONS

- 8.1 The funding issues have caused difficulties for drivers trying to obtain the NVQ course. At this stage the government has frozen or limited funding making it impossible for the training providers to enrol drivers for future courses. If the NVQ remains a mandatory requirement of fitness, the driver / new applicant would have to pay for the training themselves.
- 8.2 The door signage will increase public education, i.e. ensuring consistent and uniform signage, therefore further reducing the risk of private hire drivers unlawfully plying for hire and the public being carried uninsured, as a result. This will further reduce the risk of unlicensed, bogus vehicles operating as taxis in the Peterborough area.

9. ALTERNATIVE OPTIONS CONSIDERED

9.1 N.V.Q. Course – The committee may decide that they wish to proceed with the NVQ condition as previously decided during the March Licensing Committee.

9.2 Door Signage - There are two alternative options:

- To reject the report and continue to operate under the current conditions or;
- Allow the signage to be magnetic backed rather than permanently affixed.

If option 2 is preferred it is likely we would encounter similar problems to those being currently encountered now i.e. signage not being displayed.

10. IMPLICATIONS

10.1 LEGAL: Peterborough City Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which provides the mechanism for taxi, private hire, driver and operator licensing. In particular, it allows Local Authorities to attach such conditions as it considers reasonably necessary to those licences.

Members of the Trade and public were widely consulted on the proposed inclusion of the conditions recommended to and approved by the Licensing Committee on 10 March 2009. Ongoing consultation has occurred with the Trade since the Committee's Decision via the Trade Forum.

The conditions have not yet been brought into effect as the statutorily required Notice was not given. This it is understood was in consequence of ongoing discussions with the Trade and third parties surrounding funding issues. In order for the condition relating to door signs to be brought into effect Notice must now be given. As a matter of good practice and due to the passage of time the Committee is requested to revisit and endorse the original decision in this respect and also to amend the record with regard to the NVQ/VRQ specification.

Any person aggrieved by conditions imposed on a licence granted to them has a right of appeal to the Magistrates Court.

10.2 FINANCIAL There was an initial cost incurred by the Taxi Enforcement Office of approximately £330.00 to purchase sufficient door signs for the initial issue. Any subsequent replacements will be at the vehicle owner's expense.

11. BACKGROUND DOCUMENTS

- Sections 47(1), 48(2) & 51(2) Local Government (Miscellaneous Provisions) Act 1976 (attached).
- Department for Transport – Taxi and Private Hire Licensing – Best Practice Guide.
- Peterborough City Council Private Hire Vehicle Licence Conditions (Condition 2c).
- Basingstoke and Dean Borough Council judgements.

12. APPENDICES

Appendix A – Consultation documents

Appendix B – Minutes from Committee Meeting 2009 and original Committee Report

Appendix C – Sections 48 & 51 Local Government (Miscellaneous Provisions) Act 1976

Appendix D – Basingstoke Judgement

Notes of a Meeting of the Hackney Carriage and Private Hire Forum held on
Tuesday 21st October 2008

Present: Councillor Wayne Fitzgerald (WF), PC Naseer Qureshi (NQ), Amran Masood (AM), Mohammed Idris (MI), Mohammed Shoyib (MS), Julia Potkins (JP), Roy McMaster (RM), Alastair Hayden (AH)

Officers: Peter Gell (PG), Ken Gray (KG), Ian Robinson (IR), John Goodwin (JG), Annette Griggs

Agenda Item	Issues	Action
1. Apologise for absence.	Adrian Day, Sarah Ellis.	
2. Minutes of meeting held 9 th July 2008.	PG chaired the meeting and it was resolved that the minutes of the last meeting were an accurate record.	
3. Julia Potkins – School Crossing Patrol Officer.	JP reported an increase in the number of drivers who fail to stop at crossings. JP distributed safety packs and leaflets to the drivers present and demonstrated the crossing procedure. JP advised that £1000.00 fine and 3 penalty points can be issued for a breach.	
4. Update CCTV in hackney carriage/private hire.	<p>Leaflets to be sent out to all operators with the minutes.</p> <p>IR explained that we are still working with Xtron with regards to CCTV. One private hire vehicle has been fitted with a demo unit, the current cost being £499 for private hire and £699 for hackney carriage. The trade will speak to other drivers regarding mandatory fitting.</p> <p>MS questioned if the council would consider instalments to pay for CCTV. PG advised that the council would look at funding options.</p> <p>KG advised that LTI were asked years ago to have CCTV fitted as standard to PCO approved vehicles. RM stated that Mercedes would consider looking at this feature as being installed at point of production.</p> <p>WF asked about the cost of the system and installation, the motion sensor and queried why the cost of the system had increased. KG stated that representatives from Xtron will be invited to attend the next forum to answer any queries.</p> <p>PG personally thanked AM for his attendance at recent meetings.</p>	AG
5. Update training.	<p>KG stated that ABA training had visited all companies but had a negative response. No cost involved for the drivers just their time and commitment. KG confirmed that consideration is being given to all new drivers being required as a condition of licence to attend the training as from 2009 and current drivers needing to attend the course within a 2 year period.</p> <p>AM commented that the older drivers may feel that they do not need</p>	

	<p>the training.</p> <p>WF stated that customers do not know how long a driver has been in the trade, however if the training was publicised people would feel more confident. Positive action is required from the drivers.</p> <p>KG explained the training is for three hours 1 day a week over an 11 week period. Assessors go out with the drivers and no one actually fails, though drivers may be knocked back. KG will await feedback from drivers at the next forum and then a report will be prepared for committee.</p>	
6. Poplar Avenue – misuse by taxi drivers.	<p>KG confirmed that he has had reports of vehicles reversing up the one way system in Poplar Avenue.</p> <p>AM acknowledged that he is aware that drivers do this but it is not just taxi drivers.</p>	
7. Parking services – Broadway, Fitzwilliam Street.	<p>PG confirmed that this project is still going ahead, the funding is there and has gone out to tender but still no date set for completion.</p> <p>KG advised that Peter Tebb (traffic manager) will be invited to the next forum meeting.</p> <p>KG reminded drivers that they must not park in the loading bays in Broadway.</p>	
8. Vehicle testing – the way forward.	<p>JG asked the trade for their views on vehicle testing and to get feedback from other drivers on how they wish testing to proceed i.e.; extended hours.</p> <p>PG confirmed this is an opportunity for the drivers to have an input and suggested that information is collated and a meeting is held to discuss the possibilities.</p>	
9. Mercedes-Benz London approved hackney carriage.	<p>RM gave a presentation on the Mercedes-Benz which is now a PCO approved vehicle. RM explained that this vehicle has the following :-</p> <ul style="list-style-type: none"> • provides space for the passengers and drivers • high standard of safety features • refinement • lower running costs <p>The vehicle costs £35K which is less than the gold model TX4. Conders have expressed an interest in the vehicle franchise and any part exchange should not be a problem.</p> <p>AM was asked if there had been any problems with the vehicle and RM confirmed that the step has been raised as there was a slight issue with it hitting speed bumps.</p>	

	PG stated it was good for the city to have some competition.	
0. Any other business and formal record of time.	<p><u>Door stickers</u></p> <p>IR confirmed that he had been advised by legal to increase the consultation with the trade. However happy that the report is a public safety issue and will be put before the committee.</p> <p><u>Asda rank</u></p> <p>It was questioned whether there could be a rank for hackneys at Asda. KG confirmed that this is not possible as it is private property.</p> <p><u>Enforcement</u></p> <p>AM stated that more enforcement is required for the city centre as private hire drivers are flagging. IR confirmed that it is not just city centre problems but are also dealing with unlicensed drivers and school transport work.</p>	
11. Date of next meeting.	The date of the next meeting is Monday 19 th January 2009 at 2pm in the Forli room.	

Notes of a Meeting of the Hackney Carriage and Private Hire Forum held on
Wednesday 9th July 2008

Present: Amran Masood (AM), Mohammed Shoyib (MS), Councillor Wayne Fitzgerald (WF)

Officers: Peter Gell (PG), Ken Gray (KG), Ian Robinson (IR), John Goodwin (JG), Annette Griggs

Agenda Item	Issues	Action
1. Apologies for Absence.	<p>Mohammed Idris.</p> <p>Peter Gell chaired the meeting and thanked Councillor Wayne Fitzgerald, new cabinet member, for attending.</p>	
2. Minutes of meeting held 28 th April 2008.	<p><u>Item 3</u></p> <p>KG provided Go Skills with a list of all the operators but drivers have had no contact from them.</p> <p><u>Item 4</u></p> <p>PG confirmed that work on Fitzwilliam Street will be carried out as soon as statutory limits allow. KG thanked WF for his intervention for the temporary parking in Broadway, but stressed that this is not an official rank and members of the public are entitled to park there also.</p> <p>WF reiterated the need to reduce the number of complaints from the public regarding parking in loading bays, double yellow lines and leaving engines running. WF stated that the rank outside Liquid nightclub is constantly obstructed by members of the public parking there.</p> <p>PG confirmed that parking officers carry out enforcement but not on a regular basis.</p> <p>WF also enquired about taxis ranking up outside Solstice and KG confirmed that this is a night time rank.</p> <p><u>Item 6</u></p> <p>PG stressed that commitment is needed from drivers regarding reducing CO2 emissions.</p> <p><u>Item 8</u></p> <p>IR advised that the refunds for the CCTV system are being issued.</p> <p><u>Item 10</u></p> <p>IR confirmed that the Polish shops had been visited and posters have been issued to them outlining the difference between private hire and hackney carriage vehicles. This will now be monitored.</p>	

<p>3. Fare increase update.</p>	<p>KG confirmed that the fare increase was advertised in the ET on 5/7/08 and providing there are no objections priority will be given to seal meters in hackney carriage vehicles with effect from 21/7/07. Conders garage will calibrate meters for a charge of £10.00 which will be donated to the childrens ward at PDH. KG confirmed that the soiling charge cannot be enforced by licensing officers as it is a civil matter.</p> <p>KG thanked Amran Masood for attending an interview on Radio Cambridgeshire.</p> <p>AM stated that Aftab would also seal meters and would donate the money to Kidney dialysis research.</p>	
<p>4. Mercedes Benz Vito.</p>	<p>KG confirmed that the Mercedes- Benz Vito has been approved by the PCO (Public Carriage Office) in London.</p> <p>AM asked about the Peugeot E7 challenge and KG stated that it still did not fit the conditions of fitness and therefore did not have PCO approval.</p>	
<p>5. Driver of the year.</p>	<p>JG confirmed that Tariq Mahboob won the Driver of the year award.</p> <p>KG stated that he was sorry that this would be the last one, however if drivers have any other initiatives please inform taxi enforcement.</p> <p>AM agreed to talk to the other drivers.</p>	
<p>6. Parking in disabled bays.</p>	<p>KG had received a complaint from a member of the public stating that private hire vehicles are parking in the disabled bays at Serpentine Green. KG asked that drivers respect disabled bays at all times.</p>	
<p>7. Sounding horn.</p>	<p>KG informed members that he regularly receives complaints from the public regarding the sounding of horns. Handouts were given to the representatives and all companies will receive a copy with the minutes. KG advised that the call back system is the solution.</p>	
<p>8. Any other business and formal record of time.</p>	<p><u>Door stickers</u></p> <p>IR confirmed that the report for the door stickers has been prepared and should be presented before the licencing committee in August.</p> <p>KG advised that these stickers would be placed on the rear 2 doors of the vehicle and penalty points will be issued if this is abused.</p>	

	<p><u>Plates</u></p> <p>AM asked if there would be a freeze on plates.</p> <p>KG explained that a survey would have to be carried out and this could cost in the region of £20,000 - £30,000. If this was to be undertaken the cost would have to be funded by the hackney carriage drivers.</p> <p><u>Appeal</u></p> <p>KG confirmed that the recent appeal (plying for hire) of Mohammed Kabir was successfully defended in the Magistrates Court and licensing officers will continue to prosecute drivers who ply for hire.</p>	
<p>9. Date of next meeting.</p>	<p>The date of the next meeting is Tuesday 21st October 2008 in the Forli room.</p>	

Notes of a Meeting of the Hackney Carriage and Private Hire Forum held on
Monday 28th April 2008

Present: PC Greg Irvine (GI), PC Naseer Qureshi (NQ), Rob Saunders (RS),
Mohammed Idris (MI), Amran Masood (AM), Mohammed Shoyib (MS),
Councillor Graham Murphy (GM), Jenna Hiley (JH) & Clare Sharman (CS)

Officers: Peter Gell (PG), Ken Gray (KG), Ian Robinson (IR), John Goodwin (JG),
Annette Griggs & Chloe Walker.

Agenda Item	Issues	Action
1. Apologies for Absence.	Omar Taj-Eddine, Peter Tebb.	
2. Minutes of meeting held 30 th January 2008.	PG chaired the meeting and it was resolved that the minutes of the last meeting were an accurate record.	
3. Presentation A.B.A.driver training.	<p>A presentation was given by Roger Silvers and Bill Shirley of Go Skills. The aim of the project is for Go Skills to work with the industry to identify ways of achieving consistency of skills and skills development of taxi and private hire drivers. This involves an eleven week programme with workshops at various times of the day. When successfully completed drivers are put forward for the NVQ and BTEC certificates. The Government introduced 'train to gain' to assist with the funding so there is no cost to the drivers, operators or the local authority.</p> <p>KG will provide Go Skills with a list of all operators.</p>	KG
4. Update Fitzwilliam Street.	<p>Rob Saunders (Parking Services Manager) confirmed that the works for Fitzwilliam Street are committed for this financial year to link in with the bollards in Long Causeway.</p> <p>KG stressed that the funding has been identified, however he is aware of the frustrations of the trade and will try to get a confirmed starting date.</p> <p>GM explained that as a result of the Public Realm strategy the works had been delayed, they will however be carried out in tandem with another project and this could be as late as October.</p> <p>AM stated that he felt that the drivers were being forgotten as these discussions started taking place nearly two years ago. He also stated that extra spaces had been promised for Park Road but these have not been provided.</p> <p>GM emphasised that the city is expanding so there is no need for drivers to sit on the city centre ranks. Drivers are advised to look and identify ranks outside the City Centre in the townships.</p> <p>PG confirmed that the trade have been asked before for ideas as to where extra ranks should be, however no suggestions have been</p>	

	<p>received.</p> <p>RS stated he realises the problems in Fitzwilliam Street but asked that taxi drivers do not block the disabled bays at the Library and the entrance to the Bull Hotel.</p>	
5. Hate crime reporting.	<p>PC Qureshi and Clare Sharman discussed the issues of reporting hate crime. Drivers are encouraged to report all incidents on either 0845 456 4564 or 0800 138 1625, however in an emergency dial 999. The importance of reporting these incidents was stressed as every report received is acted upon.</p> <p>Leaflets have been sent to all companies and further leaflets were distributed at the meeting.</p>	
6. Climate change.	<p>Jenna Hiley (Climate Change Officer) discussed the issues of CO2 production and it was agreed that leaflets would be issued to drivers.</p>	
7. Proposed door signs – private hire.	<p>IR showed members the door stickers which will have been made up with one change of 'pre-booked' rather than 'booked'.</p> <p>KG confirmed that displaying door stickers should be made a condition of the licence and penalty points would be issued if these were not displayed. Once approved by Licensing Committee they will be distributed to all private hire vehicles.</p>	
8. Update CCTV.	<p>IR explained that he was not getting anywhere with Ikabs and it was agreed that other systems would still be looked at. IR confirmed that no drivers will be out of pocket as Peterborough City Council will cover the cost which any drivers incur for the removal.</p>	
9. Driver of the year applications.	<p>JG explained that this will be the third year for the driver of the year and the least number of drivers have applied. It was agreed that it was not viable to continue with this award in the future.</p>	
10. Any other business and formal record of time.	<p>A discussion took place regarding a fare increase and it was decided that a steering group would be set up with the four members of the forum and 1 driver from the tesco rank and 1 from the Railway station rank.</p> <p>IR advised members that there have been problems with some of the Polish community advertising airport runs. A Polish colleague has translated the adverts and information posters have been produced in order to advise the drivers that they could be prosecuted if they continue. The shop owners will be spoken to along with the advertisers.</p>	IR
11. Date of next meeting	<p>The date of the next meeting is Wednesday 9th July 2008 at 2pm in the Forli room.</p>	

Notes of a Meeting of the Hackney Carriage and Private Hire Forum held on
Tuesday 24th July 2007

Present: Inspector Mike Sampson (IMS), Amran Masood (AM), Mohammed Shoyib (MS), Mohammed Idris (MI)

Officers: Peter Gell (PG), Ken Gray (KG), Ian Robinson (IR), John Goodwin (JG) and Annette Griggs

Agenda Item	Issues	Action
1. Apologies for absence.	Apologies were received from Omar Taj-Eddine.	
2. Welcome new members and introductions.	PG chaired the meeting and welcomed the new members of the Forum.	
3. Aims of the Forum.	PG explained the aims of the Forum and stated that it is not a decision making body. Reports can be given to Licensing Committee from the Forum in order to seek changes in policy. KG stated that the Forum gives the members an opportunity to speak and suggest ideas.	
4. Minutes of meeting 1/2/07.	<p>KG explained that the office is still receiving calls from members of the public regarding drivers using mobile phones (item 3) and a serious view will be taken against drivers who have been issued with points on their DVLA licence. IMS confirmed that hands free kits are allowed.</p> <p>KG confirmed that the plans for Fitzwilliam Street (item 4) had been drawn up and could be viewed at the office. The current cost is £78,000.00, however ways will be looked at to try to reduce the cost. PG advised that the work could possibly take place in February 2008 depending on funding.</p> <p>KG stated that he was disappointed with the attendance for the driver safety demonstration (item 5) at Gladstone Park as over 800 invitations were sent out and only about 50 drivers turned up.</p>	
5. Adoption of the Constitution.	KG explained that the constitution was drawn up by the previous members. KG brought to the new members' attention the paragraph regarding attendance. Forum members agreed to retain this.	
6. Peugeot E7.	KG stated that a new application had been received to accept the Peugeot E7. A report is being prepared which will be presented to the Licensing Committee on 11 th September 2007 at 9.30 a.m in the Bourges/Viersen room. This is a public meeting and a decision will be made by Members as to whether the Peugeot E7 will be allowed. KG stated that he will need notification in writing if anyone wants to speak at the meeting.	

<p>Door stickers for private hire</p>	<p>IR stated that additional stickers are being looked at for private hire vehicles in order to protect and educate the public. Suggestions welcomed from members.</p> <p>KG confirmed that if they are approved then it would be made a condition of the licence. KG stated that with the possibility of a mixed fleet of hackney vehicles the stickers should make it less confusing for the public and reduce "flagging".</p>	
<p>8. Commission for racial equality</p>	<p>Emma Siami from the Commission for Racial Equality advised that discussions had taken place between PCC and local police regarding the driver attacks last Christmas. The main aim is to protect taxi drivers and create good race relations. Steps need to be taken to increase drivers safety ie; cctv, call-back system, pre-paying and reporting of racial incidents.</p> <p>IR confirmed that driver personal safety leaflets are issued to new drivers on issue of their badge. The leaflet gives advice on how to avoid situations and personal safety.</p> <p>IMS stated that the attacks are not necessarily racially motivated. Taxis are mobile cash points and over the Xmas period drivers are carrying more money than normal.</p> <p>AM stated that the police seem slow to react to incidents and drivers need educating on how to deal with different situations.</p> <p>PG stated that there seems to be confusion within the trade as to what the police can and can't do. Asked forum members to make a list of questions, these would be feedback to the police and answers obtained which could be communicated to the trade.</p> <p>KG asked IMS if he could produce a report for the next meeting regarding bilking. IMS agreed and asked drivers to provide information regarding problems they may have with the police.</p>	<p>IMS</p>
<p>9. Driver of the year update.</p>	<p>JG stated that Driver of the Year award for the second year will take place on 23rd September 2007 and 6 drivers have got through to the final. Forum members thought it was a good idea and KG confirmed that whilst funding is there then this will continue on an annual basis.</p>	
<p>10. Update convictions.</p>	<p>KG confirmed that since July 2006 there have been 8 licences revoked, 8 refused and 3 pending a decision. 4 drivers are due in court shortly for plying for hire. KG stated that neighbouring authorities are notified of convicted drivers to assist them and also their names are published in the "knowledge".</p> <p>AM stated that enforcement is needed every weekend to stop "flagging".</p> <p>KG confirmed that enforcement is carried out regularly, however the taxi trade in Peterborough is family lead and with co-operation from the companies and the community, flagging could be stopped overnight.</p>	

<p>11. CCTV in vehicles.</p>	<p>Gary Jarvis from Xtron UK gave a presentation regarding CCTV in Hackney Carriages. The system which is already fitted in Hackney Carriage vehicle plate 35 was demonstrated to forum members. The cost complete with an advertising screen and a 2 year warranty is £99.00 plus VAT fully fitted. It has a fully encrypted video which can only be viewed by police or licensing officers. Major benefits of having CCTV fitted are that it will increase protection for the drivers and reduce insurance premiums. Screens for private hire are currently being looked at.</p> <p>One Company King Cars has recently purchased 5 screens for their drivers' protection and their approach to the health and safety of their drivers should be applauded.</p>	
<p>12. Any other business.</p>	<p>KG advised that at the next meeting MOT and badge fees will be discussed as requested by AM.</p>	
<p>13. Date of next meeting.</p>	<p>The date of the next meeting is Tuesday 30th October 2007 at 2pm in the Forli Room.</p>	

Notes of a Meeting of the Hackney Carriage and Private Hire Forum held on
Wednesday 30th January 2008

Present: Omar Taj-Eddine (OTE), Mohammed Shoyib (MS), Councillor Harry Newton (HN), PC Greg Irvine (GI) and PC Naseer Qureshi (NQ).

Officers: Peter Gell (PG), Ken Gray (KG), Ian Robinson (IR), John Goodwin (JG) & Annette Griggs

Agenda Item	Issues	Action
1. Apologies for absence.	Amran Masood, Mohammed Idris and Councillor Graham Murphy.	
2. Minutes of meeting 30 th October 2007.	<p><u>Item 3</u> - KG confirmed that a walkabout with a representative from Capita Symonds took place on 21st January 2007. A new taxi rank to replace the existing bus station will be located facing north at the junction of Westgate and Lincoln Road. Clarification is required as to the number of spaces there will be.</p> <p><u>Item 4</u> - KG advised that the Fitzwilliam Street alterations have been delayed and will not now start until June 2008 taking approximately 2-3 weeks.</p> <p><u>Item 6</u> - OTE confirmed that no feedback had been received from the trade regarding the fee increase, however the trade would like to increase the fares. KG advised that he would require a formal request in writing from the trade.</p> <p><u>Item 7</u> – OTE confirmed that the Forum wish to stay as they are with no additional members.</p> <p><u>Item 8 – (2 year badges)</u> - KG confirmed that having checked with other local authorities the majority are now staying with or moving towards a 1 year licence as it is easier to keep a checks on unreported convictions.</p> <p>KG advised that he will be arranging a visit to the LTI factory in Coventry during early spring. Drivers will be able to speak to the technicians regarding any problems. MS stated that he had heard rumours regarding the re-launching of the new metro-cab.</p> <p><u>Minimum age of drivers</u> - KG stated that according to DFT guidelines there is no minimum age and if the age limit is restricted this could be challenged on Human Rights.</p> <p><u>Plate closure</u> - The trade agreed to leave as it is at present.</p>	<p align="center">KG</p>

<p>.. Carrying children safely in Hackney carriage & private hire vehicles.</p>	<p>Claire George (Road Safety Officer) and Beverly Jones (Road Safety Team Manager) gave a presentation on passenger safety. Posters regarding the carrying of children in private hire/hackney carriage vehicles will be provided for the vehicles and also distributed to the offices. GI stated that not all police officers are aware of the responsibility towards children in private hire/hackney carriages and would also welcome some posters.</p>	<p>CG/BJ</p>
<p>4. Annual renewals 2008/09.</p>	<p>KG advised that the August renewals will be sent out 1/4/08 and new photos will be issued this year. If the forms are not received by 31/8/08 then a new application will have to be completed.</p>	
<p>5. Standard of new applicants.</p>	<p>KG stated that the standard of new applicants are dropping. Proprietors have a duty to ensure that applicants can read and write and although companies have received letters regarding this there has been little effect.</p>	
<p>6. Vehicles leaving engines running whilst stationary.</p>	<p>PG stated that a letter had been received from a member of the public regarding taxis leaving their engines running. PG understood that vehicles need to be warm for the drivers and passengers during the cold weather. PG asked for a pledge from drivers to support the City environmentally and to get drivers to cut vehicle emission where possible.</p> <p>OTE stated that drivers have common sense and would not leave their engines running unnecessarily as this costs money.</p> <p>MS agreed he would speak to the trade regarding this.</p> <p>PG thanked him and explained that this would show the public that drivers and Peterborough City Council act as responsibly as possible.</p> <p>KG stated that emissions for TX vehicles are of a high standard.</p>	
<p>7. Update CCTV cameras.</p>	<p>IR explained that Xtron is an excellent system but has had problems with lkabs obtaining advertising. There is a possibility of Xtron using a slightly different system where adverts are put on remotely and across the board, however a decision would not be made until late February 2008.</p> <p>KG confirmed that if any systems which are already installed and have to be removed Peterborough City Council would pay the fee so no drivers will loose out financially.</p> <p>PG suggested contacting Caroline Parsons (Head of Communications) regarding advertising.</p>	

8. Driver of the year 2008	JG confirmed that Driver of the Years forms will be sent out shortly to all licensed drivers and will need to be returned at the end of March. This year drivers will be asked to use their own vehicles.	
9. Smoking in vehicle – financial penalty.	KG informed members that licensing officers now have the power to issue fixed penalty notices for smoking. The penalty is £30 if paid within 15 days and £50 for over 30 days.	
10. Any other business and formal record of time.	<p>KG thanked the trade for their support transporting OAP's to the Salvation Army on Christmas day. This received a mention in the local press and also in two national magazines.</p> <p>IR asked members if they could feed information back to the trade regarding window tints. These are not acceptable, unless they are supplied and fitted as standard by the manufactures, and will be refused at stage 1 inspection.</p> <p>KG informed members that new legislation will be adopted by Peterborough City Council allowing parking tickets to be issued by CCTV evidence and advised drivers to be aware of obstructing and parking illegally.</p> <p>GI discussed the issues regarding 2 recent assaults on taxi drivers in the Westwood area. The situation is not helped when other taxi drivers arrive at the scene as this causes problems for the police. Some vehicles attended with passengers on board, customer's safety is paramount in these situations. Investigations are continuing in the Westwood area using unmarked vehicles. GI stressed that the police need to be informed if drivers are boycotting certain areas. KG stressed that drivers need to stay inside the vehicle for their protection and dial 999 and not use the 786 call.</p> <p>MS asked about the door stickers for private hire which had been discussed at a previous meeting. KG explained that he was waiting for feedback from the trade. MS and OTE said they were happy for what was previously discussed to be used.</p> <p>The meeting concluded at 3.55pm.</p>	
11. Date of next meeting.	The date of the next meeting is Monday 28 th April 2008 at 2pm in the Forli room.	

[Home Page](#) > [Business](#) > [Licences and street trading](#) > [Taxis and Private Hire](#)

Taxis and Private Hire

The Licensing Section, part of the Environment and Public Protection Services department is responsible for the regulation of the Hackney Carriage and Private Hire Vehicle trades within Peterborough.

In order to ensure that vehicles are safe and suitable for the purpose, the Council has set down minimum standards for vehicle specifications and regular mechanical inspections are carried out. Where a taxi meter is fitted to the vehicle, this is also tested for accuracy. Checks are made to ensure that the appropriate insurance is in place and that vehicles have a Compliance Certificate.

The drivers of hackney carriages and private hire vehicles are also licensed by the Council. They are subject to a check with the Criminal Records Bureau and an annual Police National Computer (PNC) check for the safety of the travelling public.

Peterborough City Council requires them to undergo a medical, reading, writing, driving and knowledge of Peterborough checks before they are granted a licence.

Drivers are also subject to a certificate of good conduct if they have worked or been resident overseas in the last five years.

City Of Peterborough Local Government (Miscellaneous Provisions) Act 1976 - Proposed change in Licensing Conditions.

Notice is hereby given that the Council of the City of Peterborough in exercise of its powers under sections 47(1), 48(2) & 51(2) L.G.M.P. Act 1976 propose to change licensing conditions relating to Hackney Carriage/Private Hire vehicles and drivers, requiring the mandatory fitting of an approved C.C.T.V. system in each licensed vehicle and that all drivers are required to undertake the N.V.Q. Course "Road Passenger Vehicle Driving" within a two year period from the date of Licensing Committee decision. The proposed changes are required to improve the safety of the travelling public and driver.

The C.C.T.V. system will be of a type and specification approved by the authority. The system is fully encrypted and protected against unauthorised access and footage of any specific incident will only be accessible to and downloaded by Cambridgeshire Constabulary.

The proposed N.V.Q. Course will provide the driver with valuable skills in customer service, dealing with conflict, dealing with emergencies, passenger transport legislation, recognising disabilities and impairments and providing sensitive assistance, technology and equipment to support transporting people with disabilities, hazard and risk awareness and licensing legislation.

If any person should wish to lodge any comment or objection to the proposed change in licensing conditions please submit in writing, no later than 18th February 2009 to the Taxi Enforcement Office, The Bungalow, Bridge House, Peterborough PE1 1HU. Any objection or comment received will be considered by Members of the Licensing Committee when they convene to consider this matter and prior to any final decision being made.

Find out more about taxis and private hire vehicles by following these links:

- [Taxi Ranks](#)
- [Taxi Fares](#)
- [Drivers](#)
- [Frequently Asked Questions](#)
- [Private Hire Operators](#)

PASSENGER INFORMATION

This is a **TAXI** (Hackney Carriage)

These are **PRIVATE HIRE** cars

It can be hailed in the street, picked up from a taxi rank or booked in advance.

They can only be booked in advance.

YOUR JOURNEY IS NOT INSURED UNLESS IT IS BOOKED IN ADVANCE

pep Peterborough Enabling Partnership
www.peterborough.gov.uk

Our Ref:



Tuesday, 27 January 2009

**Observations from Police in respect of taxi issues -
training, CCTV and private hire door signs**

I am Superintendent 968 Gary Ridgway of Cambridgeshire Police, Deputy Commander, Northern Basic Command unit (Peterborough). This report submitted for the attention of Peterborough taxi and private hire licensing committee.

I have specific responsibility for chairing the Tension Monitoring Group, responsible for fast time response to community tension issues in our city and am the senior crime and operations officer for the division responsible for major crime and critical incidents.

Hackney and Private hire drivers are vulnerable as victims of crime and of being subject to malicious allegations that can be of a sexual nature. That being said, we have to accept that a minority of drivers let down the others by displaying disproportionate levels of aggression to customers and by making inappropriate sexual advances to female customers (particularly those worse the wear through alcohol).

Incidents involving hackney and private hire drivers can, from experience, lead to significant rises in community tension as many drivers are from minority groups. It is essential, therefore, that drivers have trust and confidence in Police and the wider partnership.

Local Police officers have received guidance in the last six months in respect of dealing with offences where taxi drivers are victims of crime. Specifically where drivers have been seriously assaulted, significant resources have been dedicated to the enquiry and in the main this has led to a positive result.

We have approximately ten offences a month where drivers are victims of crime and the majority of these involve persons making off without payment or refusing to pay. It is, in my opinion, these core offences that often lead to frustration. Some officers may perceive that drivers want the police to act as 'debt collectors' and that when arrests are made, drivers don't make themselves available to give statements which leads to wasted police time. This is balanced by officers needing to understand that drivers have a living to make and that they may struggle to be as available as Police would ideally want. We have similar issues with some retail premises in respect of shoplifting and the answer lies with continuing dialogue and the proposals subject of this report.

Door Signs on private Hire vehicles

The most important issue from a Police perspective is the need to protect potential female victims from serious sexual assault by getting in to cars purporting to be private hire vehicles. In the last six months we have had a small number of instances in Peterborough where men have tried to entice women into their vehicle by claiming to be taxis. Thankfully we have not, to our knowledge, had serious sexual offences as a result but it is, in my view, essential that the public are educated to never get into a vehicle that is not a hackney or pre booked. Sadly in recent years we have had a sexually motivated murder in Cambridgeshire where the offender is believed to have employed exactly that tactic to entice his victim into his vehicle.

CCTV

The provision of CCTV (ideally with audio recording capability), accessible only to Police and the parent company would make an immense contribution towards driver and passenger safety, increasing confidence of drivers and customers leading no doubt to an increase in business for hackney/private hire companies.

The issue for me can be summarised in the following points:

1. There is a high public expectation that police will robustly investigate serious sexual and other allegations involving violence, and to be investigated for such an offence (particularly if one is innocent) can be a hugely traumatic event in an individuals' life. The Police have very clear standard operating procedures and use of CCTV in our own premises to ensure that officers and staff are protected. It is not a slight on the drivers to accept that allegations are made and that CCTV would undoubtedly be a significant tool for Police in quickly investigating such matters. This has the potential to lead to a quicker resolution and less distress for drivers. It is important that CCTV evidence is credible and for that reason essential that drivers cannot access the product to ensure confidence in what is produced.
2. On occasions where drivers allege aggressive behaviour by customers or a refusal to pay, it is much easier for Police to take action with CCTV footage. If there are instances where drivers feel Police officers have failed to act appropriately to their concerns, it is also much easier to challenge Police after the event (I would, for instance, welcome such discussions at the taxi forum which would support transparency and confidence). It really is worth drawing a comparison with shoplifting offences where it is routine business for Police to identify offenders from CCTV and deal with them post event. This would overcome some of the difficulties with managing police/driver expectations at the scene.
3. Violence and abuse (particularly if racial in nature) against drivers should not be tolerated and Police do commit to investigating these offences. CCTV evidence raises the likelihood of convictions significantly and CCTV evidence in court is a powerful tool for sentencing. Experience demonstrates that some individuals worse the wear through drink who behave aggressively towards drivers, are often of previous good character and instances that were extremely distressing for

drivers can be presented as little more than 'high spirits' by defence teams in court. CCTV would prevent much of this type of unfair representation of the facts.

NVQ training

Drivers, unfortunately, inevitably sometimes face aggression and drunkenness. I draw a comparison with licensed door-staff, Police community support officers and Police officers. No one, I suggest, would ever consider it appropriate to employ those individuals without giving them appropriate training in conflict resolution and resolving challenging situations. Police know that without appropriate training we would have an increase in officers being hurt and a break down in our relationship with the public. I would suggest it is no different for drivers.

Superintendent Gary Ridgway
Peterborough Police Deputy Commander

Telephone: 01733 453406
Facsimile: 01733 453404
E-Mail: ian.robinson@peterborough.gov.uk
Please ask for: Ian Robinson
Our Ref:
Your Ref:

To whom it may concern

Taxi Enforcement Office
Bridge House
Town Bridge
Peterborough
PE1 1HU

Telephone 01733 747474
Minicom 01733 452421

10th November 2008

Proposed change to Private Hire Vehicle Licensing Conditions – Door Signs

Following a recommendation received from representatives of the Taxi and Private Hire Forum, a report has been prepared and will be presented to the Licensing Committee requesting a change to the current private hire vehicle licensing conditions.

The report requests that condition 2(c) should be amended to read: "The vehicle to display on the rear passenger doors "Private Hire Vehicle – Insurance Invalid Unless Pre-booked with Operator" door stickers, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the operator employing the vehicle, and that the words "Taxi" or "Cab" are not featured."

If any person wishes to object to the proposed change, they are requested to supply details of their objection in writing to the Taxi Enforcement Office, no later than the 10th December 2008.

Yours sincerely

Ken Gray
Licensing Enforcement Officer

Mr B Holland
Barrys Private Hire



Thursday 27th November 2008

Dear Mr Robinson

I have recently been contacted by the Taxi Enforcement Office regarding signage on my private hire vehicle and was asked to put my comments in writing to you.

As the owner of a small one vehicle business, I feel that it is not necessary for me to have signage on my vehicle. I only carry out airport and seaport work, as my customers are people going on holiday and corporate account work. I do not do local pickups for people going to pubs, clubs, shopping etc.

As it is, contact numbers for my business are my mobiles and personal home phone and on numerous occasions my family are disturbed in the early hours of the morning, by people wanting to be picked up from the local pubs and we have to explain that this is not a service that we offer.

During the day, when I am at my busiest, my vehicle is parked outside my home address. I am very concerned that if I was to be forced to have signage on my vehicle, this would mean an increase in phone calls at all hours of the day.

I understand that the enforcement office is trying to make it easier for the public to identify private hire vehicles, but in my case it will not be of any benefit.

Should you wish to discuss this matter further, please do not hesitate in contacting me.

Yours Sincerely

Mr B Holland
Barrys Private Hire

A2B Euro Cars Ltd

29 London Road Peterborough PE2 8AN
Tel 01733 566666 / 569999

17th November, 2008.
Ref. New Door Signage

To Taxi Enforcement

Following your letter sent out to all Private Hire Companies and drivers I would like to know a few more details.

How would the proposed door signs be designed?
Will there be a small sticker on each rear door or is this lettering to be subject to the same rules as the signs on the front doors of a Private Hire Cars.
For what reason is this rule being proposed?
How soon would this change need to be implemented?
Who is going to pay for the cost of replacing the current door signs we have already printed?

If the wording is to follow the same rules as the front door (2" lettering) then this could be very detrimental to all Private Hire Drivers.

No one would want the words INSURANCE INVALID printed on the side of there vehicle no matter what capacity it was there for.

If the city council and taxi enforcement wish to distinguish a Private Hire Car from other cars on the road why not!!!

Put a large roof sign on top of every Private Hire vehicle saying Private hire only.
Stop driver from using magnetic door signs that can easily be removed.
Put sighs inside all vehicles showing the difference between Private Hire and Hackney Cabs.
Put the Yellow Private Hire Plate on both the front and the rear of the vehicle.

All company owners are aware of the problems Taxi Enforcement face with Private Hire Drivers trying to apply for hire on the streets. Maybe its time the city council look at why the general public prefer to use a private hire vehicle to travel home in at the end of a night out rather than use a hackney cab that is parked right outside the pub or night club they have just walked out of.

A2B Euro Cars Ltd would be like request permission to put roof signs on all of their Private Hire Cars.

Yours Sincerely,

Nigel Clipston
Operations Manager
A2B Euro Cars Ltd

A2B Euro Cars Ltd is the parent company for Euro Cabs, A2B Cars, DAD Cars, Rainbow Cars.
Company Head Office 29 London Road Fletton Peterborough PE2 8AN
Telephone 01733 566666 Fax 01733 563223 a2beurocarsltd@btconnect.com
Registration No. 5230081 VAT No. 854 9262 93

POSH CARZ LIMITED

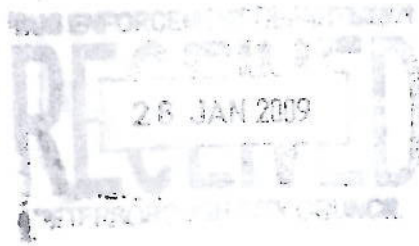
Company Reg No 4759265 incorporating

HEREWARD EXECUTIVE CARS & ENROUTE

7 Fengate
Peterborough
PE1 5BA
Tel 01733 315551
email: kevin@poshcarz.co.uk

28 January 2009

Mr Ken Gray
Taxi Enforcement Officer
Peterborough City Council
Bridge House
Town Bridge
Peterborough
PE1 1HB



Dear Ken

I would be grateful if you could bring the following point up at the next Hackney Carriage and Private Hire Forum meeting:

I understand there is a new motion being put forward that private hire vehicles display large door plates stating that the vehicles are for private hire only and that they must be pre-booked. I totally agree that the public should be made aware of the rules for private hire vehicles and should be protected from drivers working illegally in the City.


We run a fleet of executive vehicles which although classed as private hire vehicles they work in a different way in that the jobs are all booked at least a day in advance and they are all 'long run' jobs, mainly to airports. The passengers are mostly business clients several of whom are CEO's or similar of large companies. These clients pay a premium for an executive car, not only for comfort but also for safety reasons. Travelling in a car with door stickers will draw attention to these high profile passengers which could actually compromise their safety.

My request is that, if this motion is passed, our executive vehicles be exempt from exhibiting these door plates. In East Northamptonshire the council have a policy where executive cars can apply to have a 'discrete' plate which is a small tax disc size badge displayed in the windscreen rather than a plate to the rear. We have already lost business to a company using these badges and fear we may lose more in the future with this new legislation.

I very much hope the committee will understand my reasoning and pass a favourable decision to my request.

Many thanks for your help.

Yours sincerely



Kevin Crighton
Company Director

THE NATIONAL PRIVATE HIRE ASSOCIATION



8 Silver Street, Bury, Lancashire BL9 0EX. Tel: 0161-280 2800 Fax: 0161-280 7787 Email: npha@btconnect.com

13 February 2009

To the Chief Hackney Carriage/Private Hire Licensing Officer:
All Licensing Authorities - England and Wales

Dear Colleague

As General Secretary of the National Private Hire Association and Editor of the national trade newspaper Private Hire and Taxi Monthly I receive many comments, articles and questions from our member companies and licensing officers regarding training and qualifications within our industry.

As there has been much controversy in the trade lately regarding the 'buying of qualifications', the number of training companies offering 'inducements' and the increasing number of training providers who have little knowledge of the trade now entering the market to take advantage of the generous funding, we felt that it would be beneficial to all concerned if we circulated some updated information with respect to the current position on industry training.

This letter outlines the journey so far, government funding, the facts regarding the training and assessment and the preferred route of the NPHA in raising the skills in our industry to Level 2 and beyond.

The Journey so far

In 2003 the NPHA initiated the first Government approved qualification for our industry; this required the setting up of a separate company with industry and training experts to develop a bespoke qualification for our industry at level 2. This would place the Taxi and Private Hire industry at the same level as other passenger transport providers such as bus and coach.

The qualification chosen was a vocationally related qualification (VRQ) as it provided the training inputs, the knowledge and understanding necessary for taxi and private hire drivers to carry out their work to a high standard, and finally external assessment was chosen so that necessary rigour was established especially in areas of safety and regulatory knowledge. The awarding body selected for the VRQ qualification was Edexcel, who are the largest awarding body in the UK and the provider of the respected BTEC range of vocational qualifications; and who provide an on-line examination service with a random selection of questions from a data bank of over 700 questions, to ensure a totally professional examination process.

As there was no history of qualifications in our industry, the NPHA promoted the idea of providing all new centres and candidates with all the support materials necessary to ensure

These monetary sums can attract training companies that have little knowledge of the passenger transport industry but every intention of accruing the maximum income for the least possible effort. Many complaints are from training companies who are doing the BTEC/NVQ as recommended in this letter, being undermined by companies who have little knowledge of our industry but are using an NVQ model without the BTEC practical training, the all-important regulations or any external assessment.

Continuing on this theme, one of the questions we are asked most frequently by licensing managers when discussing potential training is: "Where is the nearest training centre for candidates from our area? Where can we send them to gain these qualifications?"

Therefore we thought it would be appropriate to send you a list of the current training centres that are accredited by Edexcel to deliver the BTEC and NVQ.

We wish to highlight the fact that 15 new training centres have gained centre approval since the beginning of the year, and more of these accredited centres are opening on a regular basis. If you need an update on the centre list, please contact us at any time.

If your licensing authority is considering to mandate these qualifications here are some pointers. VRQs are not funded by Train to Gain so the BTEC and other VRQs can be mandated without fear of losing funding. NVQs on the other hand are funded by Train to Gain and mandating these qualifications will lose the funding. Therefore the way forward may be to consider mandating the BTEC or other VRQ with encouragement to the trade to undertake the NVQ. This encouragement could take the form of rewarding successful candidates by:-

- giving existing drivers who have a low skill base sufficient time to acquire the Skills for Life/BTEC/NVQ (e.g 1-3 years)
- providing school and Social Services contracts and selected benefits only to BTEC/NVQ qualified drivers; this is becoming the chosen route for contract tender by many local authorities
- 'selected benefits' could include a reduced licence fee, as has happened in Oldham for their highest standard of operators
- extending the licensing period from 1 year to 3 years for BTEC/NVQ qualified drivers
- providing special badges for qualified drivers so that the travelling public is aware that the council has a policy of 'customer first' and they are travelling with a 'trained driver'

The obvious advantage for local authorities that wish to encourage drivers to take these qualifications – or indeed licensing authorities that wish to mandate a VRQ – is that there is no cost whatsoever to the local authority, as the training is provided externally. And as this training is funded, it doesn't cost the drivers anything either.

The National Association's approach

The NPHA's policy is quite clear: we want the best possible outcome – and thus income – for our drivers; we therefore recommend that all new drivers and existing drivers complete the BTEC or other VRQ followed by an NVQ. This gives the driver the confidence that the training has been completed before the assessment process begins.

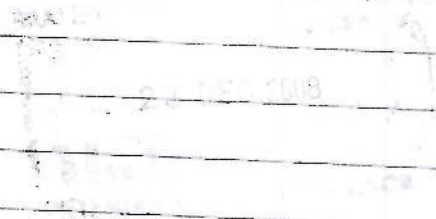
MOHAMMED QADIR

To Mr Robinson

Regarding to your proposals of compulsory NVQ course and cctv system I like say that I couldn't agree more on the latter as driver/passenger safety is very important and if it does become compulsory it should be funded by either the council the Government or the European union as for the NVQ course it should be optional for current drivers and compulsory for future drivers. I look forward to hearing from you and I like to wish a merry Christmas and a happy new year

Thank you

Mohammed Qadir



R.7






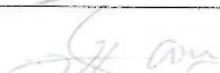









"We the undersigned strongly object to Peterborough City Council's proposal of compulsory CCTV camera's and NVQ course. We strongly feel that taxi enforcement office should meet our representatives to find a common ground".

<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
ABID HUSSAIN	3588	A. Hussain
ABDUL REHMAN	700	A. Rehman
TARIQ MAHBOOB	53	T. Mahboob
BASHARAT MAHBOOB	57	B. Mahboob
M. SAIED	97	M. Saied
B. RIZWAN	170	B. Rizwan
A. JARAL	56	A. Jaral
AAMER SADDIQUE	254	A. Saddique
FAISAL REHMAN	389	F. Rehman
SAJID MAHMOOD	82	S. Mahmood
ASHFAQ ALAM	184	A. Alam
HASSAN AQLIAD	380	H. Aqliad
MUHAMMAD MAZZAM		M. Mazzam
Mohammed. Adrees	353	M. Adrees
AMJAB H		A. H

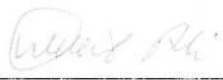




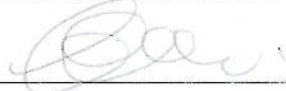

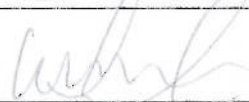





"We the undersigned strongly object to Peterborough City Council's proposal of compulsory CCTV camera's and NVO course. We strongly feel that taxi enforcement office should meet our representatives to find a common ground".

<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>	
ALI MUSSAIN	287		63
SHIRAZ HAIDEV	46	S CRAZ	04
ANSAR ALI	4		18
IRFAN KHALIL	879		06
NICOL CLIPSTON			69
SHABIR KHAN	49		14
EL BEKERY REDWAN		El Bekery	26
DURTY LAMEN	343	A. Lamby	31
AMIR NAVEED	145	Amir	66
KUNAN MUGEL	256	K MUGEL	40
SHABBAR KHAN	49	Shabbar Khan	14
MUMTAZ AHMAD	414	Mumtaz Ahmad	19
MAHMOOD HUSSAIN	928	M. Hussain	39
ZAMRIN YHACANFAR	756		
SHERAZ SAWAZ	415	Shera	51

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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>	<u>CAR NUMBER</u>
KHALID FAROOQ	757		
WAQAS AHMAD CHANVY	512		03
AZHAR IQBAL	62		59
ALLAH DITTA	173H		15
MOHAMMAD JUMAIL	946		15
SHAHID HUSSAIN	832		46
MOHAMMED TAUSSEF	158		9
NAVEED NAZAM	631		60
ABBAS KADIR	802		12
HARDIPAL SINGH	423		44
BASHARAT ALI	855		71
TARIQ HUSSAIN	09		
Kamel Mowalchi	634		42
FAHIR SAEED	188		33
NOOR WAZIR	385		8

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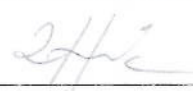

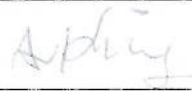





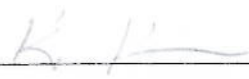
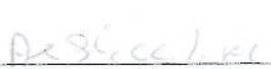



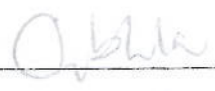

<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
WAGAR ALI	874	
MAHMOOD LATIF	540	M. Latif
MOHAMMAD IKHLAS	131	
RAJA ASHAQ AHMED	242	
SHAREEL AHMED	839	
AMJID HUSSAIN	936	
SURINDER SINGH		
IMRAN KHAN	007	
KAMRAN FADIL	349	
ABDUL SHOAB	267	
MOHAMMAD NADEEM	846	
MUHAMMAD ZUBAIR ASHRAF	116	
ZULFIQAR AHMAD	217	
SAJJAD HUSSAIN	694	S. HUSSAIN
YASAR MUSAHAL		

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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
Azur Hussain	442	A Hussain
Zulqar Ahmed	296	ZULQAR AHMED
SH. SADIQ		[Signature]
M.U. GHAZI	44	[Signature]
M.K. SAKHI	616	[Signature]
M. HAMIR	123	[Signature]
M. NAZEEM	476	
M. HUSSAIN	716	M Hussain
M. YASIN	329	Mk
HUSSNAIN ALI	914	[Signature]
Amjad Ali	932	Amjad Ali
G ALI MIRZA	080	[Signature]
Imran ALI Mirza	081	[Signature]
S. MAHMOOD	699	[Signature]















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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
Zahid Hussain	543	
MUHAMMAD AURFAN	718	
A. KHUCCIE	190	
SADIQ MUHAMMAD	200	
BASHIR ALI		
MASUD RAHAFI	5349	
ZULFAR AHMED	11296	
K. MUHAMMAD		
KHADIM HUSSAIN		
A. MAHMOOD	198	
SALIM HUSSAIN		
MUHAMMAD U ANWAR	408	
TANVIR MALIK	351	
MUHAMMAD AKHTAR	337	
M. AZEEM	404	

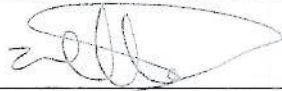
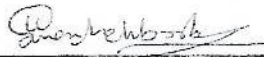







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Name	Badge Number	Signature
S.A. MASIA	478	
M. HASSAN		M. Hassan
Khalid MAHAMAD	137	
M. GHAZALAN	463	m. ghaf
SHAMUKAT. AU	341	S.H.
M. Sabir Khan	769	
A. AZIZ	925	
A SAUD	339	A Saud
M. LATIF	-	
A-BAAKOR	>	A.A.
A - RAZAK	138	
M. SHAWID	211	M. Shaid
S. MOUNTAZIH	553	
B. DINARI	557	B. Dinari
O TAJ EDDINE	530	











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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
MAHBOOB AHMED	12	
WAHEED JAVED	422	
FATEH ALAM	818	
SADAF ALI	824	
ZAHEER RAFIQ	368	
ARSHAD MEHMOOD	32	
MOHAMMED RAZAQ	109	
R.C. BIGLEY	31	
ABDUL JABBAR	574	
GULRAZ AHMED	384	
M. SARIB	407	
M. FAROOQ	744	
M PATEL	H522	
M. TARIO	212	

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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
ZAHRAH IHTIKHAR	625	
Noman Mozammil	656	Noman
USMAN MEHBOOB DAR	38	
COLIN COX	725	
S. D. Masel.	534	
M. MUNSHI	77	M. Munshi
FAROOQ SABIR	101	
RULDAD KHAN	524	
AMJAD HOSSAIN	333	
KAMRAAN QURAISHY	639	
MOHAMMED NAEEM	755	
MOHAMMED SHAHZAD	290	M. Shahzad
MOHAMMED RAMZAN	93	M. Ramzan


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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
AZIZ-UR-REHMAN	88	
SHABIR MUSSAWI	509	
ABDUL-HAMID	47	
MUHAMMAD ISHAK BURESH	315	
ARTIONF YOUNUS	164	
MUNAWAR SHAH	361	Munawar Hussain Shah
HAZIB-UR-REHMAN	188	
M. NAIIB	147	M. Naib
AFTAB AHMAD	293	
L. QURTY	343	
MUMTAZ AHMAD	414	
ZIA. SAKLITW	568	





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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
Ibrar Azam	90	I. Azam
MR SAJWAL MOHAMMAD	463	Sajwal
ISMAT RAJA	876	[Signature]
I. HUSSAIN	683	[Signature]
M. USMAN	680	[Signature]
M. Haniffa	397	[Signature]
Lewin SERRITELLA	156	[Signature]
M. RAZAQ		[Signature]
TB. KHATRIA	195 HIC	TB Kataria
SHAZAD MALIK	469 HIC	[Signature]
ABID HUSSAIN	206	Abid Hussain
SHAFIQ AHMED	298	S. Ahmed

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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
MOHAMMAD JABAR	292 H	M. 
P. Khadi	36 H	P. Khadi
A MAHMOOD	438	A Mahmood
I. AHMED	660	I. Ahmed
J-AZIZ	226 H	J. Aziz
M. SAJID	146	M. Sajid
R. Mohammed	39 H	R. Mohammed
M. RAMZAN	593	M. Ramzan
K. HIYAT	240	K. Hiyat
S. AHMED	839	S. Ahmed

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<u>Name</u>	<u>Badge Number</u>	<u>Signature</u>
MOHAMMED IDRIS	328	
AZIZ MOHAMMED	300	
KEITH SIMPLE	75	
Tahir masjid	76	

Peterborough City Council Taxi Enforcement Office

Proposed new door signs – Other local authorities

Authority	Permanent signs	Magnetic signs	In process of adopting Permanent signs	Comments
Aylesbury Vale	Y			Require all PHVs to have door signs affixed (sticky type) except discreet plated vehicles. Trade were not happy initially but comply. If they do not comply the vehicles are suspended until compliance is gained.
Basildon	Y			Basildon hackneys are white with an orange bonnet and boot. They have insisted on their own door stickers for a number of years stating "Basildon District Council – Private Hire this vehicle must be pre-booked". Initially they allowed the PHVs to display magnetic signs, which proved to be difficult as they were forever losing them or having them stolen. They supplied 400 magnetic stickers to PHV drivers (at driver's expense) in 2 years. As a result of the 400 missing signs they identified a safety issue with potential "for a sexual predator to steal the door stickers put them on his Mondeo and trawl for a lone female." The adoption of the permanent sticker was easily adopted as Basingstoke had successfully won an appeals where the judge found in the authority's favour on the grounds of public safety.
Basingstoke	Y			On the grounds of public safety Basingstoke insist on permanent door stickers. The decision was appealed by certain members of the trade, who requested magnetic door signs in the Magistrates and Crown Court. The Crown Court Judge found in the authority's favour.
Blackpool	Y			No comments.
Blaenau Gwent	Y			Require adhesive door signs as a mandatory condition.
Crawley	Y			Require adhesive door signs and under no circumstances will they accept magnetic signs in the interests of public safety.
Eastleigh	Y			Require "No Booking – No Ride" stickers. Black lettering on light coloured cars, white lettering on dark vehicles.
East Staffs			Y	Currently consulting on a range of issues including signage. They are currently in consultation with the trade.

Gwynedd	Y			Insist on adhesive door stickers as they had problems with magnetic signs falling off etc. They use MOGO stickers which do not damage the paintwork when taken off.
Kirklees	Y			Insist on permanently affixed door signs. The trade were opposed to it and try to disguise magnetic signs to look permanent and enforcement is necessary. Some drivers have obtained magnetic panels sprayed the colour of the vehicle which they use to cover signage when the vehicle is "not working".
Leeds	Y			Have permanent door livery on all PHV (a condition of licence). The signs are highly reflective with in-built holographic properties to protect against any attempt to counterfeit. The licence number of the vehicle is included and the sign is tamperproof so it can only be used once. If the sign is placed on a magnet or removed without authorisation it is dealt with by a suspension.
Lichfield	Y			Require permanently affixed adhesive stickers. Case law states PHV is always a PHV so no legitimate reason to remove them.
Milton Keynes	Y		Y	All PHV (except certain plate exempt vehicles) have to display a door sign stating "This vehicle must be pre-booked via an operator" and "Private Hire". The signs can be magnetic or permanently affixed. Any drivers breaching the conditions initially were dealt with and they now comply.
Oxford	Y			No comments
Plymouth	Y		Y	Plymouth currently require "Private Hire" above the PHV number and "Advanced bookings only" below. They have now changed the sign which comes into force in Nov 08 and will state "Plymouth City Council", "Insurance invalid if not pre-booked" and "pre-booked only" surrounding the PHV number.
Preston	Y			Issue adhesive plates which affix to the rear doors, which must be displayed on the upper half panel. The plates show Operator details, PHV number and "must be pre-booked". No door sign is a fail on their vehicle test. The reason for adopting permanent signage: Customers can better identify which vehicle they have booked, Licensing Office can readily identify the firm in the event of a complaint. Anyone unlawfully playing is clearly in a vehicle displaying "pre-booked only." The vehicle's plate number can be viewed from the side and rear.
Rochdale	Y			The vehicle must at all times have displayed on both front doors a permanently fixed vinyl door sign. Prior to this they allowed magnetic signs, however due to regular incidents of signs not being displayed they changed conditions to permanently affixed signs.
Rossendale	Y			All vehicles have adhesive door signs at a cost to the trade of £10.00 per pair, first set free. We have found this is a good way for the public to recognise them as licensed vehicles.

Salisbury	Y	Y	Y	Y	Introduced our own sign in '94. Corporate sign yellow background/green lettering. Can be permanently affixed or mounted on magnets.
Sevenoaks				Y	Sevenoaks cover two licensing areas (Sevenoaks and Tunbridge Wells Borough Council) They are currently in the process of introducing compulsory signage.
South Beds	Y	Y			Have introduced door signs stating, "Advance Bookings Only To Validate Insurance" Despite the advice from Licensing the authority require permanently affixed or magnetic signs. It is still early days and the department are monitoring. If it appears that they are getting problems from magnetic signage they intend to return the issue to committee requesting permanent only.
South Ribble	Y				Permanent door signs introduced 6 years ago. At first there was some resistance, because a few drivers thought the adhesive would damage vehicle paintwork but it is now readily accepted.
South Northants	Y	Y			Similar wording to ours. 18" x 9" signs which are initially supplied free of charge. If magnets are required they are supplied at £20.00 pair. Introduced 2 years old with no objections from the operators but a few grumbles from drivers. Enforcement issue penalty points for failure to display. 12 Points in a 12 month period guarantees an appearance before the committee.
Stevenage				Y	Currently allow the companies to supply signage but have just sent out new policies and conditions for consultation that will require permanently affixed Stevenage Borough Council door signs including the PHY licence number to be permanently affixed to the vehicles. Their current signs are magnetic and are frequently missing from the vehicles or modified to remove "pre-booked / advanced booking only" portions of the sign.
Swindon	Y				Introduced their own signage in 2007. Signs are produced by Lalpac, have the borough logo, plate number and state "insurance invalid if not pre-booked". Three signs displayed in windscreen and two rear passenger windows.
Chorley	Y				Chorley Council stopped insisting on door stickers about 10 years ago following complaints of damage to paintwork. However they have just introduced door signs which have the vehicle's licence number on them. The trade have asked to have magnetic signs but they are going to committee to change the testing rules so that door signs are part of the test. If the vehicle is not fitted with door signs it will not pass the test.
Warrington	?				Issue their own signs "Private Hire Vehicle - Not pre-booked? = No insurance = No ride!
Luton		Y			Luton allow fixed or magnetic signs but are looking to move to adhesive signs as the drivers are abusing the condition.
NE		Y		Y	Currently implementing a new policy. Conditions changed to read "Self-adhesive....."

Derbyshire					signs stating advanced bookings only must be applied permanently to the vehicle (no magnetics). Signs also contain plate number and council logo.
North Tyneside		Y	Y	Y	Supply free adhesive door signs but permit magnetic backings. They have experienced a certain degree of non-compliance which have been followed up with "5 day notices" requiring vehicles to be presented to the office to be checked over, this has some deterrent as it causes proprietors to be put out but they believe 15 – 20 % of the 1200 fleet are still operating without stickers. Steps are being taken to amend licensing conditions, removing the magnetic concession as a result of the Basingstoke decision.
Sandwell		Y	Y	Y	Tried to insist on self-adhesive signs in 2005 and were challenged by 12 Operators who were assisted by the National Private Hire Association. They withdrew the court case and agreed out of court to allow magnetics. However following the Basingstoke case in 2007 they have notified the trade that the decision will be revisited during a full scale review of policy.
Torbay		Y			Torbay accept magnetic door signs but are experiencing problems enforcing the many PHVs driving around without door signs. They wish to introduce permanent signage.
York		Y			All PHVs must display door signs with the name of the company and "private hire vehicle – pre-booked only" in 2" lettering. All signs must be approved by the Licensing Office.
Worthing	Y				Introduced door plates 1/01/08 and adding them as each licence is renewed. Sign is A4 includes the logo, licence number and "advance booking only". Situated on rear doors near the door handle. They experienced some resistance initially, some requesting magnetic signs. After explaining reasons "magnetics come off to easily, no expiry date or registration number, could get lost and/or used by a pirate." and confiscating some magnetic signs that crept in, the message got through.
Wyre		Y			Wyre have door stickers and have been in place 14 years. Allow magnetic and permanent. They are experiencing problems with signs flying off and being stolen by kids and put onto other vehicles.



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 have 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 are keen to ensure that the NVQ course is of value to drivers and passengers and therefore request 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
10 March 2009	PUBLIC REPORT

Cabinet Member responsible:	Cllr Fitzgerald	
Contact Officer(s):	Ian Robinson, Regulatory Officer	Tel. 453541
	Ken Gray, Principal Licensing Enforcement Officer	Tel. 453406
	Peter Gell, Section Head Business Regulation	Tel. 453429

Changes in the licensing conditions for Hackney Carriage and Private Hire vehicle licences.

RECOMMENDATIONS	
FROM : Taxi Enforcement Office Regulatory Officer Ian Robinson	Deadline date :
That the Licensing Committee approves:	
<ol style="list-style-type: none"> 1. The introduction of a further requirement of fitness to be attached to the grant of a licence to include 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. 2. 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. 3. The introduction of a requirement that all vehicles licensed by Peterborough City Council as a Hackney Carriage or Private Hire vehicle should be, as a condition attached to the grant of a 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’s 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.” 4. The introduction of new compulsory standardised permanently affixed (not magnetic backed) door stickers to be applied to the rear passenger doors (nearside and offside) of all private hire vehicles and the amendment of Condition 2 (c) of the Private Hire Vehicle Conditions to read: “The vehicle to display on the rear passenger doors, “Private Hire Vehicle – Insurance Invalid Unless Pre-booked With Operator”, door stickers, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle, and that words “Taxi” or “Cab” are not featured. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following a referral from the Taxi Enforcement Office.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Since the winter of 2006 there have been a number of high profile attacks on Peterborough drivers, with some assaults being of a serious nature. These assaults include life threatening injuries, stabbings, robbery, hit across the head with weapons and attempts made to steal their vehicles. In the first seven months of 2008 there were 87 reported incidents involving our licensed drivers, 80% of these recorded the driver as the victim and on average there are 10 reported incidents each month. The industry also suffers from customers making off without payment and racial abuse, most of which are not reported as they appreciate that it is often one person's word against another. These incidents have been widely reported in local and national news, with some criticism directed towards the authority from members of the trade demanding that PCC address the issue of driver safety. A number of crimes also record the Taxi / Private Hire driver as the offender; these crimes include kidnapping and sexual assault. The proposed introduction of CCTV and the NVQ Course will undoubtedly combat most of these issues, therefore increasing driver and passenger safety.
- 2.2 In October 2006 the Department for Transport stated in their best practice guidance (Appendix F) that there is an advantage in encouraging drivers to obtain a nationally recognised vocational qualification for the taxi and private hire trades. They suggest the syllabus should cover customer care, conflict resolution, handling emergencies and how best to meet the needs of people with disabilities and other sections of the community. The chairman of the National Private Hire Association had given his support for the need for driver training to a recognised level. There is clearly a growing impetus for councils to introduce some type of training for hackney and private hire drivers.
- 2.3 The Government, through "GoSkills" (the Sector Skills Council for Passenger Transport) is keen to introduce training to the passenger transport sector. GoSkills is committed to the development of workers in all industries within the passenger transport sector. GoSkills was contracted by the Department of Transport to investigate ways in which the skills and learning initiatives in the hackney and private hire industry could be more widely available. A report (Appendix F) was commissioned by GoSkills and produced by Roger J. Silvers MA, LL.M. It reviewed the underpinning legislation and provided an evaluation into gaps in the skills and workforce development and how these may be addressed to achieve an improved quality of service, raise the profile and professionalism of the taxi trade, attract more people to enter and remain in the industry and ensure the sustainability of the industry.
- 2.4 In addition we have received a number of complaints concerning the way that elderly and disabled people are treated and transported by the hackney and private hire drivers. In particular, complaints indicated that people in wheelchairs have been placed in hackney carriages without access ramps being used, wheelchairs have not been secured correctly and some disabled passengers allege they have been refused access to hackney carriages. Although our Hackney drivers are given instruction on the subject of loading and unloading a wheelchair, the additional training will supplement and improve the driver's knowledge and understanding of the needs of various disability groups. The Disabled Persons Transport Advisory Committee, in their 2003 Good Practice Guide, emphasised the need for driver training for taxi drivers dealing with disabled people. The NVQ course deals with these issues.
- 2.5 In response to a number of incidents against our licensed drivers, Cambridgeshire Police set up a monthly Taxi Issues Meeting. The Taxi Issues Group was chaired by Cambridgeshire Constabulary and was also attended by Councillors Wayne Fitzgerald and Fazal Mahmood,

Peterborough Mediation, Peterborough Racial Equality Commission, representatives from the hackney and private hire trade and city council officers. After a number of meetings two options were proposed; the need to amend licensing conditions to make CCTV and to introduce the NVQ course as a mandatory requirement of a licence (minutes included within Appendix A).

- 2.6 It is a priority of the Licensing Authority that the public should be able to easily identify and feel safe whilst using licensed private hire vehicles in the city. The Authority has a duty to ensure that private hire vehicles are properly regulated, easily distinguished from hackney carriages and readily identifiable. A private hire vehicle can only be booked by contacting a private hire operator in advance. It cannot ply for hire by 'cruising' the streets or waiting on a rank. The authority's regular test purchase operations prove that some private hire drivers are willing to unlawfully ply for hire and the public are largely unaware of the insurance issues in getting into a private hire vehicle without an advanced booking.
- 2.7 Current best practice guidance on taxi and private hire vehicle licensing from the Department of Transport (Appendix F) states that, "Members of the public can often confuse Private Hire vehicles with taxis, failing to realise that Private Hire vehicles are not available for immediate hire, not insured for that purpose and that the driver cannot be hailed. It is of the utmost importance to distinguish between the two types of vehicle". The DoT Taxi and Private Hire Licensing – Best Practice Guidance, published 7th November 2006, stipulates that a licence condition which requires a sign of a specified size and shape, which identifies the operator (with telephone number for bookings) and local licensing authority, which also has some words such as "pre-booked only" seems to be the best practice.
- 2.8 Sections 47(1), 48 (2), 51 (2) of the Local Government (Miscellaneous Provisions) Act allows that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary (see Appendix F).
- 3. **This report is for the Committee to consider under its Terms of Reference No. 2.5.1.1a) "*hackney carriage and private hire vehicle licensing*" and 2.5.1.4 namely "*To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council*".**

4. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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5. MAIN REPORT

- 5.1 The Taxi / Private Hire business is a very different one from most occupations and there is a real and definite risk to the personal safety of each and every driver. We have had two drivers seriously injured in the last six months, one severely beaten over the head with a metal object during a violent disturbance, the other stabbed three times during a robbery. Most surveys list the trade as one of the most dangerous occupations and over recent years we have experienced a rise in reported incidents in the Peterborough area. Risks are heightened because it is commonly known that drivers work alone, often at night. Drivers pick up and drop off customers in isolated areas and known trouble spots. The public perceive that they are always carrying cash and they deal with strangers, some of whom can be aggressive and/or drunk. Driving Taxis and Private Hire vehicles for a living is an important job and provides a valuable service to the public. Our licensed drivers, by virtue of their licence, are granted access to convey the public, some of whom are extremely vulnerable by virtue of their age, disability or lone drunken females returning home after a night out. The authority also relies heavily on the trade to carry out School and Social Services Contracts.

- 5.2 Passengers have a right to expect to reach their destinations safely and to be driven there by a professional driver. Drivers also have the right to expect that the person travelling in their vehicle will pay for the service and not behave in an abusive manner towards them.
- 5.3 In 2008 the Taxi Enforcement Office had received 44 complaints from members of the public. Complaints ranged from over charging, abusive behaviour, theft, disability discrimination issues, inappropriate suggestive comments, dangerous driving and using mobile phones whilst conveying passengers. It is anticipated and in fact proven in other authorities that the introduction of the training and CCTV will reduce these incidents. The introduction of the new door sign will be an aide to the Taxi Enforcement Office with regards to promoting awareness of illegal activity to the public and would create a deterrent factor for vehicles purporting to be licensed (bogus cabs) when they are not.
- 5.4 It has become apparent from regular inspections that there is no standard of door signs within the trade, some door signs have the words "Private Hire" in extremely small lettering and are therefore difficult to read. Some, despite licensing conditions, make no mention to "Private Hire". Some drivers have been stopped and their vehicles have not displayed any signage. Some drivers found not displaying signage have stated in their defence that the magnetic signage had been stolen, fallen off or blown off in high winds.

6. N.V.Q.

- 6.1 The general consensus locally and nationally is that the image and professionalism of the Hackney and Private Hire industry needs to be improved and that skills development, based on national standards, should be implemented in order to achieve consistency and to provide national recognition; as with any other work place qualification. The poor image of the trade and the trade being deemed to be low skilled, can cause difficulties when trying to attract the right applicant and retain staff. Many problems experienced by our drivers occur simply because drivers do not have the necessary skills in customer service and conflict resolution. The introduction of a NVQ Course will undoubtedly address the issues of customer service, conflict resolution, hazard awareness and personal safety. Whereas other modes of passenger transport legislation exists, requiring minimum skill levels for drivers, no such legislation exists for hackney or private hire drivers. As already stated, many organisations are advising the need for driver training.
- 6.2 The proposed NVQ Course in Road Passenger Vehicle Driving will be run by a training provider which meets the specification laid down by the Authority (currently A.B.A. Training and Worldwide Travel Training) and using the GoSkills recommended training delivery model. Both providers are utilising trainers from a road transport/taxi background and both have experience in training this industry.
- 6.3 There are many training providers in the industry offering similar courses but, there are varying degrees of quality. Some providers run the course as a distant package, allowing students to take workbooks away to complete, which could allow misconduct. Some providers have little knowledge of the trade and offer a course which is not tailored to the industry and therefore are offering a more basic syllabus and appear to be in the market purely to capitalise on available funding.
- 6.4 Bryan Rowland, General Secretary of the National Private Hire Association, echoes the above in the letter included within the consultation section (Appendix B). It is therefore advisable that we only allow training providers who fulfil the specification laid down by the authority (specification listed in Appendix D). The qualification gained is recognised nationally and has been written specifically by the Passenger Transport industry. The course is recognised by many other authorities and the skills obtained are transferable. The training is usually over a 10 – 13 week period; part on the job assessment and part classroom based. Each workshop lasts around 3 hours and the trainer will take busy working times into account. The training can be arranged at various times of the day, including the evening if there is sufficient demand. At this stage the only requirement from the driver is their time and commitment. The cost of the course is currently funded by "Train to Gain". This funding is in

place until the end of July 2015 and GoSkills anticipate the funding will continue. If funding is not in place in the future, then the future cost of undertaking the NVQ course will be at the driver's expense. At this stage the course costs between £500 - £700 depending on training provider.

6.5 The NVQ syllabus includes:

- Communication and positive working relationships,
- developing and maintaining good customer service,
- dealing with and resolving difficult situations,
- conflict resolution,
- passenger transport legislation
- discrimination in the context of passenger transport,
- duties and responsibilities in offering a non-discriminatory passenger transport service,
- recognising disabilities and impairments,
- providing sensitive assistance for users of passenger transport,
- technology and equipment to support transporting people with disabilities,
- examining health and safety in relation to operating a taxi/private hire vehicle,
- hazards and risk awareness,
- how to respond to accidents and emergencies,
- safe maintenance and operation of vehicles,
- obligations of the licensed driver with regards to luggage and parcels,
- safe lifting and carrying,
- licensing legislation for hackney and private hire,
- obligations of licensed drivers/operators to the local authority,
- dealing with lost property,
- Responsibilities of the driver in relation to the transportation of dangerous goods.

6.6 It is anticipated that many drivers may be fearful of returning to learning, having been out of the learning environment for many years. Other authorities have initially experienced similar problems and negativity from some members of the trade, who held the view "They have been driving for many years, so what can anybody teach them." These difficulties were easily overcome and the course proceeded successfully.

6.7 Voluntary programmes run by other authorities have been unsuccessful to a degree, attracting those with a positive, professional outlook and not reaching the drivers who would benefit the most from participating in a training programme.

6.8 Another barrier to engaging drivers would be cost. This is both the direct cost for drivers who were, in the main, self-employed and had to pay for any training and the indirect potential financial loss incurred when the driver would be off the road whilst undertaking training. In order to combat the cost issues, we will obtain funding for the NVQ from "Train To Gain" and the training provider is confident that courses can be run at various times during the day, including the possibility of evening courses and working around known busy periods to minimise problems for the driver.

6.9 The trainer's experience indicates that if drivers allow 3 hours per week, either being assessed, attending workshops or collecting evidence they will easily obtain the qualification within the 10 - 15 week time frame. In addition, assessors will make a convenient appointment to undertake assessments.

6.10 Some of our Operators have willingly and enthusiastically embraced the idea of recognised qualifications to enhance their business. A-2-B Eurocars and Ash School Transport have already undertaken NVQ training and Royal, Peterborough Cars, King Cars and Diamond Cars have now spoken to the training provider to arrange training for their staff before any decision has been made as to whether it should be a condition of the licence.

7. C.C.T.V.

- 7.1 The authority is currently running a small pilot programme where CCTV has been fitted to two hackney carriages and one private hire vehicle. We have received very positive feedback from the drivers who state they have noticed a marked reduction in incidents. The introduction of CCTV in taxis in other licensing areas has seen a marked reduction in offences against the driver and in complaints against the driver, therefore increasing driver and public safety.
- 7.2 We initially attempted to provide a free CCTV system to our licensed drivers, funded by the sale of advertising. Unfortunately, the agency involved was unable to sell the necessary adverts to fund the equipment and the scheme failed. In addition we have attempted to obtain funding from various government and community safety sources and unfortunately were unsuccessful. Approximately 6 years ago, funding was obtained to subsidise the drivers' purchase of a CCTV system. However, there was no uptake from the trade to adopt this.
- 7.3 The CCTV system currently fitted to the three vehicles is supplied by Xtron UK and fulfils the requirements of the authority (Appendix C). The system is fully encrypted and secure, so only authorised personnel, namely the Police or supplier, can access the stored images. The images are recorded to a hard drive, which are then overwritten after a 12 day period. The system is guaranteed for two years, but can be extended and the life of the system is estimated to be 5 years but can be upgraded.
- 7.4 The Xtron system was one of the many CCTV systems demonstrated to the trade at the Gladstone Park Driver Safety Day. It was identified that all possible CCTV suppliers who had contacted our office, or who were advertising in trade publications or on the internet, were invited to attend the Driver Safety Day and demonstrate their product.
- 7.5 All systems demonstrated were viewed by members of the trade, Councillors, Police Community Safety Officers and council managers/directors connected to the Environmental and Public Protection Department. All parties gave preference for the Xtron system, stating it was their preferred solution, identifying the overlay mirror as a must.
- 7.6 The system was then approved at the Taxi and Private Hire Forum and finally demonstrated to the trade and Forum when fitted to the pilot vehicles. As a result the Xtron system was identified, preferred and recommended by the trade, Councillors, Council Officers and Police Officers as the most suitable system.
- 7.7 Superintendent Ridgeway of Cambridgeshire Constabulary stated; "The Police feel that it is essential for evidential reasons that only they or the parent company of a CCTV system can access any recordings from CCTV systems. Pragmatically, a range of systems would in reality mean that Police Officers would have less access (through training gaps, de-skilling or unfamiliarity) leading to a less than effective response to the needs of victims and the investigative process." It is therefore suggested that we limit the types of CCTV systems fitted to prevent logistical problems for the Police (Appendix B).
- 7.8 The system would be fitted at the vehicle owner's expense and currently costs £679.00 for Hackney Carriage (two camera system) and £479.00 for Private Hire (single camera). A two camera system is necessary for hackneys to provide full coverage due to the rear facing seats. Should a system need removing and re-fitting in another vehicle the labour cost would be £115.00. There would be no charge to the driver for the downloading of images.
- 7.9 In a bid to assist the trade we have also approached Condors, the LTI Dealership and One80 (the converter of the New Mercedes Hackney) to establish if they could supply new and used vehicles already fitted with the approved system as part of their sales package. Both organisations were willing to proceed and they are currently liaising with the CCTV supplier to ascertain if it is feasible.
- 7.10 The council has also approached the CCTV suppliers to arrange a finance package to assist the trade and allow them to pay in instalments.

- 7.11 Cambridgeshire Constabulary and the Taxi Issues Group request and advocate that the authority changes licensing conditions making CCTV a mandatory requirement of a licence. Both have viewed and approved the Xtron system.

8. DOOR SIGNAGE

- 8.1 Two door signs will be supplied by the Authority to each vehicle at a cost of £0.33 each, initially costing the Authority £330.00 and will be funded from the 2009 – 2010 taxi licensing budget. If replacement signage is required this will be at the vehicle owner's expense. It is proposed that the new signage should be permanently affixed to the vehicle and that magnetic backed signage is not permitted (see alternative options).
- 8.2 The initial request for these signs originated from the trade and has received the backing from all the current elected members of the trade currently serving on the Taxi and Private Hire Driver's Forum.
- 8.3 The introduction of the new sign will be an aide to the Taxi Enforcement Office with regards to promoting awareness of illegal activity to the public and would create a deterrent factor for vehicles purporting to be licensed (bogus cabs) when they are not (example of proposed signage Appendix E).

9. CONSULTATION

- 9.1 During consultation with the trade on the 14th November 2008 regarding the proposed changes for CCTV and the NVQ qualification, letters were sent to all the registered owners of Hackney Carriages, all Private Hire Operators and all elected trade members of the Taxi & Private Hire Forum. The matter was also put before the Taxi and Private Hire Forum (minutes attached) on the 21st October 2008 and the trade representatives agreed to seek the trade's views regarding the mandatory fitting of CCTV. Elected Trade Representative, Amran Masood, submitted a letter (attached) on the 15th December 2008, expressing the trade's views.
- 9.2 During the following Forum on the 19th January 2009 (minutes attached) we provided a full update to the representatives of the trade. The Forum confirmed that the letter from Amran Masood reflected the views of the trade. On this date, the Forum was also advised that the cut off date for comments and objections would be the 18th February 2009.
- 9.3 There is opposition from members of the trade as indicated in the attached letters and signed objection received following the consultation exercise. The trade have elected Mr Sajad Ali Majid to act as a spokesman and request he is given the opportunity to speak during the Licensing Committee Meeting.
- 9.4 A detailed response from Superintendent Ridgway of Cambridgeshire Constabulary is included with the report along with a response from Sara Thompson, Team Manager of the council's Passenger Transport Operations and a detailed response from Bryan Rowland, General Secretary for the National Private Hire Association.
- 9.5 The story was reported twice in the Peterborough Evening Telegraph. In addition a consultation advert (copy attached) was placed in the Evening Telegraph on the 21st January 2009 outlining the proposed change to licensing conditions and requesting comments or objections by the 18th February 2009. The proposal was also advertised on the council website (print enclosed).
- 9.6 The Taxi Issues Group was instrumental in requesting the introduction of the proposed change in Licensing Conditions. The Group consisted of members from the trade (elected members of the forum and private hire company owners), Police, Peterborough Mediation,

Peterborough Racial Equality Commission, Community safety, Councillors and Council Officers.

- 9.7 The door signage proposal was discussed at the Private Hire Forum on the 24th July 2007, 28th April 2008 and 9th July 2008. Letters concerning the proposed compulsory door signage were displayed in the Taxi Enforcement Office reception and sent to all 43 licensed Private Hire Operators on the 10th November 2008; only three responses were received (see Appendix B).
- 9.8 Benchmarking against other Authorities has shown that many have adopted the use of similar door signage; most have opted for permanently affixed signs. The information received and attached to the report concerns 35 local authorities; 20 Authorities require permanent signage, 11 allow magnetic door signs, six Authorities are looking to amend their conditions requiring permanent signage after concerns over public safety following incidents involving magnetic signage.
- 9.9 One Authority (Basingstoke) was subject to an appeal after imposing a condition requiring permanent signs informing the public of the need to pre-book private hire vehicles. The district judge, hearing the case in his reasoning said, to protect the public, it was reasonably necessary. The judge placed public safety in front of personal issues, which included any damage to the vehicle that may be caused upon removal of the sign. This appeal decision was further appealed against and it was determined that the condition to make signs permanently attached to vehicles was reasonably necessary in the interests of public safety (court report attached in Appendix B).
- 9.10 It has been found that much of the trade is in favour of the N.V.Q. course with a number of companies having already completed the NVQ and three companies are in the process of signing up for the course before any decision has been made regarding the proposed change in licensing conditions. Other authorities have already introduced the NVQ and have experienced reluctance from the trade, who were anxious at returning to learning, concerned about language difficulties, the cost and time involved (please see paragraphs 6.4, 6.5 and 6.7).

10. ANTICIPATED OUTCOMES

It is anticipated that Members of the Licensing Committee will approve the recommendations in order to amend the conditions attached to Hackney Carriage and Private Hire vehicle licenses issued by Peterborough City Council.

11. REASONS FOR RECOMMENDATIONS

- 11.1 The Taxi Enforcement Office and Members of the Taxi Issues Group recommend the change in conditions in order to increase driver and public safety, to allow the driver to develop the skills to assist them in dealing with conflict, emergencies and anticipating the needs of various disability groups (a full list of course contents is included at paragraph 6.4).
- 11.2 The door signage will increase public education, i.e. ensuring consistent and uniform signage, therefore further reducing the risk of private hire drivers unlawfully plying for hire and the public being carried, uninsured, as a result. This will further reduce the risk of unlicensed, bogus vehicles operating as taxis in the Peterborough area.

12. ALTERNATIVE OPTIONS CONSIDERED

- 12.1 N.V.Q. Course - It was initially considered whether the training should be restricted to new applicants only, as requested by some members of the trade. However as the introduction of the course is intended to improve driver and passenger safety and most victims of violence

to date have been older, more experienced members of the trade, we feel all_drivers would benefit.

- 12.2 CCTV - Initially it was considered allowing CCTV to be fitted voluntary. However, as the introduction of the condition is intended to improve driver and passenger safety, it was felt that all vehicles should have CCTV fitted.
- 12.3 Funding was initially applied for to assist the trade but this was unsuccessful as most funding sources believed the money would be better spent elsewhere and supplying funds to what is essentially a private business would set a dangerous precedent.
- 12.4 Attempts were also made to fund CCTV through the sale of advertising displayed on screens within the licensed vehicle but the scheme failed as the agency involved could not generate the advertising sales.
- 12.5 Door Signage - There are two alternative options:
- To reject the report and continue to operate under the current conditions or;
 - Allow the signage to be magnetic backed rather than permanently affixed.

If option 2 is preferred it is likely we would encounter similar problems to those being currently encountered now i.e. signage not being displayed.

13. IMPLICATIONS

- 13.1 Financial – There would be no cost incurred by the authority or the tax payer regarding CCTV and the NVQ. Applicants for, and holders of, Hackney Carriage and Private Hire driver's licences will be required to meet the cost of the CCTV and NVQ course. At this point in time the NVQ will be fully funded by "Train to Gain" until 2015 and most training providers envisage the funding will continue after this date.
- 13.2 There would be an initial cost incurred by the Taxi Enforcement Office of approximately £330.00 to purchase sufficient door signs for the initial issue. Any subsequent replacements will be at the vehicle owner's expense.

14. BACKGROUND DOCUMENTS

- Sections 47(1), 48(2) & 51(2) Local Government (Miscellaneous Provisions) Act 1976 (attached).
- Department for Transport – Taxi and Private Hire Licensing – Best Practice Guide.
- Disabled Persons Transport Advisory Committee Good Practice Guide.
- *Skills Development in the Hackney Carriage & Private Hire Vehicle Industry – Report produced by Roger J. Silvers.*
- Peterborough City Council Private Hire Vehicle Licence Conditions (Condition 2c).
- Basingstoke and Dean Borough Council judgements.

15. IMPLICATIONS ASSESSMENT

as at September 2003

Cross-Service Implications

The proposals affect the council's Passenger Transport Operations (PTO). This department is responsible for providing home to school transport. As noted in paragraph 9.4 Sara Thompson was consulted with and she has provided a letter of support (see Appendix B). The letter also indicates that, if the mandatory requirements are obtained, the PTO department will review the Passenger Transport Services Conditions of Contract to include the provision of CCTV and NVQ trained drivers for all transport services.

Risk Assessment

No risk assessment issues.

Community Implications

Peterborough Racial Equality Commission was involved in the Taxi Issues Group who requested the change in licensing conditions. The NVQ syllabus, as detailed in paragraph 6.5 covers the needs and requirements of various disabled groups, which can only benefit disabled users. From a community safety point of view, training in customer service, dealing with emergencies, conflict resolution, coupled with CCTV and clearer door signage can only increase public safety, therefore a benefit to the whole community.

Consultees

NVQ & CCTV:

The Taxi and Private Hire trade.

The Taxi and Private Hire Forum.

Article published in the Peterborough Evening Telegraph for attention of public.

Advert placed in the Peterborough Evening Telegraph.

Notification placed on council website.

Superintendent Gary Ridgeway, Cambridgeshire Constabulary.

Sara Thompson, Passenger Transport Operations, Peterborough City Council.

Taxi Issues Group (Group includes Police, Councillors, Peterborough Mediation, Peterborough Racial Equality Commission, Taxi Enforcement and trade representatives).

Door Signage:

The Taxi and Private Hire Forum.

The Private Hire trade.

Superintendent Gary Ridgeway, Cambridgeshire Constabulary.

16. Appendices:

Appendix A – Taxi Forum and Taxi Issues Meeting Minutes

Appendix B – Consultation documents

Appendix C – Specification for C.C.T.V.

Appendix D – Specification for N.V.Q.

Appendix E – Example of proposed door signage

Appendix F – Background Documents

48 Licensing of private hire vehicles

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [F1Part VI of the Road Traffic Act 1988],

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

51 Licensing of drivers of private hire vehicles

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a)

unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b)

[F1to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.]

F2(1A).....

[F3(1)For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of section 99A(1) [F4or section 109(1)] of that Act to drive in Great Britain a motor car.]

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.



Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

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October 2006

Introduction

1. This Guidance is issued with the aim of assisting those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. The Guidance follows the publication in November 2003 by the Office of Fair Trading of a market study of the regulation of taxis and PHVs in the UK. One of the recommendations of that study was that the Department for Transport (DfT) should produce guidance on best practice for the local licensing authorities concerned. The Guidance is issued in fulfilment of that recommendation.
3. However, it will be appreciated that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
4. The Department consulted on a draft version of the guidance in the autumn of 2005. We are grateful for all the views expressed on that draft. A summary of the consultation responses and our reaction to them is available on the DfT web-site. Some respondents to the consultation draft felt that the document should be made more prescriptive whilst others felt that the draft struck the right balance in this respect. Taxi and private hire vehicle legislation makes it clear that it is primarily for local licensing authorities to make decisions on the matters covered in this guidance. Furthermore, it is right that local circumstances and requirements are taken into account in making these decisions in each licensing area. So we have in general resisted the calls for the guidance to be more prescriptive. The key purpose of the guidance remains, as proposed in the draft version, to assist local decision-making by setting out the main considerations authorities might wish to take into account in reaching the right balance between costs and benefits in determining the licensing policies for their area.

The Role of Taxis and PHVs

5. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around Â£3 billion on taxi and PHV journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.

6. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 63-66).

The Role of Licensing: Policy Justification

7. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest - and can, indeed, have safety implications.

8. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

9. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs - financial or otherwise - imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

Scope of the Guidance

10. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

Consultation at the Local Level

11. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

Accessibility

12. Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people (which includes - but is not limited to - people who need to travel in a wheelchair).

13. Licensing authorities will know that the Department has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed guidance.

14. Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

Existing duties under the Disability Discrimination Act 1995 (DDA)

15. Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to Â£1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

16. Enforcement of the duties is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

Duties under the DDA , as amended by the Disability Discrimination Act 2005

17. The Disability Discrimination Act 2005 amended the DDA 1995 to enable the Government to lift the exemption in Part 3 of that Act for operators of transport vehicles. The amendment allowed for the exemption to be lifted for different services, at different times and to different extents. Regulations have been made to lift the exemption in relation to vehicles used to provide public transport services, including taxis and PHVs, as well as for vehicle hire services and breakdown services. These Regulations come into force on 4 December 2006 and will effectively apply certain duties in Part 3 of the DDA 1995 to providers of transport services who provide such services through the use of specified vehicles. In order to meet these new duties, licensing authorities will be required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services. The Disability Rights Commission (DRC) has produced a Code of Practice to explain the new Part 3 duties for the transport industry. This is on the DRC's website at www.drc-gb.org. The Code is a supplement to, and should be read in conjunction with, the Code of Practice for Part 3 of the Act: Rights of Access to Services and Premises, which is also on the website. An example of responding to these new duties would be providing - for use in informing passengers - Braille cards to those drivers exempted from the duty to carry prescribed assistance dogs.

Vehicles

Specification of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, www.homeoffice.gov.uk (and see for instance, www.crimereduction.gov.uk/cctv/cctvminisite4.htm).

Vehicle Identification

24. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- **a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.** The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- **a licence condition which requires a sign on the vehicle in a specified form.** This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a

roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

25. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted, bearing in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set.

Stretched Limousines

26. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Consistent with this view licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department is currently revising its guidance on the licensing arrangements for stretched limousines.

27. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations).

28. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise (contact details on www.vosa.gov.uk/vosacorp/contactus/vosalocations/vosaenforcementoffices.htm).

Quantity Restrictions of Taxi Licences outside London

29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the

Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Taxi Fares

36. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

37. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

38. There is a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

Drivers

Duration of Licences

39. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Under this new guidance the police are requested to notify the appropriate local licensing authority of convictions and other relevant information when it comes to their attention that an individual is working as a Taxi or PHV driver. (Further details are contained in Home Office Circular 6/2006. Further information can be obtained from the Criminal Records Section, Safeguarding Vulnerable Persons Team, Police Leadership and Powers Unit, Home Office, Fourth Floor, Peel Building, 2 Marsham Street, London SW1P 4DF; e-mail Robin.Manson@homeoffice.gsi.gov.uk)

40. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

41. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department take the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

Criminal Record Checks

42. A criminal record check is an important safety measure and is widely required. Taxi and PHV drivers can be subject to an Enhanced Disclosure through the Criminal Records Bureau; this level of disclosure includes details of spent convictions and police cautions. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to

achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

43. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

44. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

Medical Criteria

45. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards - applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries); the position is summarised at Annex B to the Guidance. In the light of the latest guidance from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

46. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

47. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Other training

48. There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* can guide and support licensing authorities through its regional network of Business Advisers. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

Topographical Knowledge

49. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

50. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations.

PHV Operators

51. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

52. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; the Home Office during 2006/07 will be undertaking a new feasibility study in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

53. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. That will, for example, enable police checks to be made if any mishap should befall a passenger and may also be of use to licensing authorities in enforcement enquiries. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

54. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

55. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Enforcement

56. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police.

57. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise.

58. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

59. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

Taxi Zones

60. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

61. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

62. It should be noted that the Government intends to make a Regulatory Reform Order which will remove the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. It is intended that the RRO should be introduced for Parliamentary scrutiny during 2006.

Flexible Transport Services

63. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas - though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

64. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for

example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

65. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs - advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis - immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity.

66. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' (available from dft@twoten.press.net). The document itself can be accessed at: www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_504004.hcsp.

Local Transport Plans

67. The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance was published in December 2004 asking for a provisional LTP by 29 July 2005 and a final one by 31 March 2006. LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. Authorities report each year on their delivery of policies and programmes in Annual Progress Reports.

68. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to make to the LTP process. The key policy themes for such services could be availability and accessibility. LTP input could include statements of policy on:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

69. There should also be a statement of changes in policy since the last LTP and changes that are intended. It would be useful to provide statistics of changes in the number of licences for vehicles, drivers and operators, so that trends in availability can be identified.

Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
 - Do you receive representations about taxi availability?
 - What is the level of service currently available to consumers (including other public transport modes)?

Annex B: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

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IN THE CROWN COURT
AT WINCHESTER
(APPEALS)

APPEAL NUMBER U20070006/20070007

The Law Courts
Winchester
Hampshire
SO23 9EL

Friday, 27th April 2007

Before:

HIS HONOUR JUDGE BARNETT
(And a Bench of Justices)

BASINGSTOKE AND DEAN BOROUGH COUNCIL RESPONDENT

-v-

JOHN GREENHOUGH
And
ANDREW JOHN MULLEY APPELLANTS

MR P SAVILL appeared on behalf of the Respondent

MR P MADDOX appeared on behalf of the Appellants

APPROVED JUDGMENT
(For Revision)
(11.57 am to 12.14 pm)

Tape Transcript of Mendip-Wordwave Partnership
(Official Shorthand Writers to the Court)
5 Chinon Court, Lower Moor Way, Tiverton, Devon, EX16 6SS
Tel : 01884 259580 Fax: 01884 250235

APPROVED JUDGMENT

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JUDGE BARNETT: This is an appeal by two Appellants Andrew Mulley and John Greenhough who trade as Oak View Station Cars, and we have taken the two appeals together for that reason. They are appealing the decision of District Judge Bawington-Brown made on 6th December 2006 when the Learned District Judge dismissed their appeal, which was originally against conditions attached to the private hire vehicle licences requiring the display of permanent signage.

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The background to this case very shortly is as follows, that the Basingstoke and Dean Borough Council, who are the Respondents to this appeal, are the Local Authority who are responsible with regard to their Licensing Department, to the licensing of not only hackney carriages but also private hire vehicles, and the Appellants, as I have said, are in partnership and run a firm which operates a fleet of such private hire vehicles, and the position legally is that such vehicles have to be licensed by the Local Authority under the Local Government Miscellaneous Provisions Act 1976, and indeed all these vehicles the subject of the Appellants' firm are. But under section 48 of that Act, sub section (2):

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"A District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary, including conditions requiring the display of signs on vehicles to which the licence relates",

I quote the relevant part of the sub section.

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And the issue in this case is really this, the Council have decided after consultation - and indeed I should say no point is taken on the lack of consultation by the Appellants in this - that all private hire vehicles should display a sign setting out the Basingstoke and Dean crest in large blue letters the fact that it is a licensed private hire vehicle, and in larger letters on a distinctive yellow background the words, "No booking no ride".

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The point of insisting that such notices are displayed – and they should be displayed we are told on both sides of the vehicle, generally speaking on the doors, the front doors. of each vehicle – the point of the insistence of that condition is to avoid any confusion between private hire vehicles and hackney cabs, but also, much more to the point, between licensed private hire vehicles and those unlicensed which may well be run by unscrupulous persons who take the opportunity of picking up passengers possibly in a sense of inebriation or under the influence of drugs against whom they can commit various offences, whether of a sexual nature or not.

As far as that topic is concerned, that lies very much at the heart of the rationale of this case, that there must be an element of protecting the public so that the public know, firstly, that the vehicle is a licensed private hire vehicle and has been monitored and so licensed by a Local Authority; secondly, that such a vehicle cannot be hailed in the same way as a hackney cab can and there must be a booking in fact through the office.

Now that misapprehension, and indeed the risk to the public, has indeed been a factor in the Basingstoke scene. Featuring in the evidence in this case has been a nightclub called Liquid outside which a number of people congregate and it is accepted by both sides in this appeal that in the past there have been difficulties both with the misapprehension by the public of what sort of vehicle it was, whether they could hail it or not, and in particular with the use of vehicles by, as I have said, the unprincipled or unscrupulous operator who takes advantage, and indeed one such allegation of indecent assault I think culminated from the incident, one such incident has been drawn to our attention.

But it is worthy of note it is common ground between the Appellants and the Respondents that there is a need for such signs and the Respondents do not quarrel with the wording and indeed the presentation of the sign. Both Mr Greenhough, who gave evidence, confirmed that such signs were needed, and indeed did Mr Mulley who gave evidence today

A that safety of the passenger is a proper consideration; indeed he was adamant that he agreed
with that aspect.

B Now we have to consider in the basis of this appeal, as I have said, whether the
condition that there should be permanent signs – in other words vinyl signs of which we have
an example – which are permanently affixed to the side of the vehicle, is reasonably necessary
as opposed to what is suggested by the Appellants would amply meet the conditions and that
C is the magnetic signs. And the Appellants case – and this is obviously the case of both of
them -- is that the magnetic signs would be adequate and therefore as far as what is reasonably
necessary would meet that requirement, because obviously they would contain the same
information, and the advantage to the Appellants would be that the magnetic signs could be
D removed. That means that a vehicle that was used not just for the private hire but also for
private purposes could be taken out of the controlled area, the signs removed, could be taken
abroad, taken to Ireland – we have been given an example by Mr Greenhough – it would not
attract attention in the same way that Mr Mulley tells us his car did, and indeed was
E vandalised in another part of the country where he was mistaken for a football supporter, and
also they say that the removal of magnetic signs, apart from obviously being easier, does not
cause damage to their vehicles.

F There is a further point that is made particularly by Mr Greenhough and that is that the
inability to remove the signs means that when the car is parked outside his private home – he
lives we have heard in Hartley Wintney, a village near Fleet – he and his wife will not be
bothered by callers in the early hours of the morning who think that his car is for hire at that
G moment.

H Well we can appreciate that is an inconvenience but I think Mr Greenhough accepts it
does not happen every night and indeed as far as Hartley Wintney is concerned, although as I

A signs do fall off or blow off, and so that is the state of the evidence as far as the signs are
concerned.

B We have listened carefully, as I have indicated, both to Mr Greenhough and today to
Mr Mulley and, as I have said, we are sympathetic to the personal pleas, we understand well
the sentiments expressed by particularly Mr Greenhough that he does not see why the
C Basingstoke Council should treat private hire drivers like children, there should be a degree of
trust and responsibility given to them, and therefore, he argues, and Mr Mulley agrees with
this argument, the drivers should be allowed to use magnetic signs and be trusted to replace
the signs as and when so required.

D Against these facts there is the legal background, which I think is summarised in the
case of Benson and Boyce of which we have regard, of which we have a transcript in our
papers. This was a case heard on 20th January 1997 in the Queen's Bench Division Crown
Office List, and the essence of that case was when and whether a private hire vehicle ever
E ceased to be a private hire vehicle, and the decision, judgment given, in that case by Manse, J,
as he then was, was this, that as far as under section 80 of the Local Government
Miscellaneous Provisions Act 1976, to which I have already referred, the wording provided
F for hire related to the nature of the vehicle as opposed to the nature of the activity. That
means that the vehicle once licensed for private hire remained such a vehicle regardless
whether, as in this case, it was being driven not for hire for a private hire enterprise, and it
followed from that, because this case arose out of a prosecution, that the Local Authority, the
prosecution, did not have to prove an actual hiring over the vehicle in question in order to
G obtain a conviction, in other words again underlining the principle which we have very much
in the background that a private hire vehicle once licensed remains such and cannot in effect
be used or driven by anybody other than a licensed driver.

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A have said it is near Fleet, we take the view that the interference with his personal life is comparatively infrequent, but it is a consideration that we take into account.

B As against that the Respondents, the Council, through their officer Mrs Cannon, whose evidence we found measured and punctuated with a degree of understanding and common sense, which is refreshing to find in a Local Authority officer, she says that with regard to the magnetic strip approach firstly they will often come off either in the wind or through natural usage, or indeed they will be forgotten to be put on if they are taken off, and therefore there is an appreciable risk that a number of the licensed vehicles in what she refers to understandably C as the Basingstoke fleet, meaning those that are of course subject to the licence control of the Council, will be in a condition where they are not displaying this important notice, which as I have said all agree should be displayed, and therefore there will be a lack of control, there will D therefore be the possibility of the risk to the public, and there will be the need to police and enforce the provisions which of course will be draining upon the resources of the Council, which is a proper consideration in our view.

E We have also heard from Mrs Jodie O'Connor who is a private hire company operator running and she being a partner in Elite Cars, and her evidence to some extent is anecdotal but we take into account in this respect, that she tells us that prior to the imposition of the signs F there was the confusion, as I have set out, with regard to the nature of the car and the nature of the booking, once the signs had been introduced and indeed the permanent stickers applied, that improved considerably. As far as she is concerned she had no problem with the permanence of the sign, she told us, and we accept, the sign can be removed with hot water G and a hair dryer, but it is not designed to be removed frequently, and indeed she gave us an example I think of one driver, Mr Hickey, in cross-examination who had been using a magnetic sign and has now changed it. She confirmed what Mrs Cannon said, that magnetic

A That, as I say, we put into the consideration by way of background, but essentially
what we have to consider is what I hope I have now set out clearly, and that is the question of
B what is reasonably necessary in all the circumstances. As I have said, we are sympathetic to
the Appellants in the personal difficulties and inconveniences that they say they have suffered,
but when those are weighed against the important considerations – which they accept are
C important – the important considerations of public safety and the good and proper monitoring
of private hire vehicles generally by the Basingstoke and Dean Borough Council we find on
the balance of probabilities, which is the appropriate test in this case, that it is reasonably
D necessary to insist upon permanent display of signs by permanently affixed signs, in other
words the vinyl sign, that is not in our view unreasonable or unnecessary, to put it the other
way about, and that the balance tips firmly in favour of the Respondents and in those
E circumstances for the reasons that I have set out we have no alternative but to dismiss the
appeals in this case and the original order of the Council is upheld.

(12.14 pm)

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We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

Signed : Mendip-Wordwave Partnership

2 MAR 2007

Between

ANDREW MULLEY & JOHN GREENOUGH t/a OAKVIEW STATION KARS Appellants
(Oakview)

And

BASINGSTOKE & DEAN BOROUGH COUNCIL Respondent (the council)

This matter concerns appeals by Oakview :

- a) against a condition imposed by the council upon the grant or renewal of private hire vehicle (phv) licences requiring that permanent signs informing the public of the need to pre-book phvs
- b) the suspension of a phv licence for one of Oakview's vehicles deemed by the council to be in an unfit condition
- c) the suspension of a phv licence for one of Oakview's vehicles seen by an officer of the council to be in contravention of a) above and in respect of which vehicle failed to be brought to the council's offices for an inspection

And an appeal by Mr. Radbourne as per a) above.

There were also notices of appeal filed by T.Kyle, G. Michaels and E. Morgan. Mr. Morgan's appeal was withdrawn, his licence having expired; Mr. Michael surrendered his on the 30th October 2006 and Mr. Kyle's appeal pre-dates the renewal of his licence on which the condition referred to will appear. Neither party attended and their appeals are therefore treated as abandoned.

Although Mr. Radbourne's appeal is technically out of time, since the council failed, as they are required by S.300 (3) of the Public Health Act 1936, to advise Mr. Radbourne of the period of time within which he must file his appeal, and since his appeal relates to the substantive issue indicated above, it matters not to the extent that the substantive issue must be decided in any event. At this point I do not need, therefore, to determine the status of his appeal.

In this case both sides served and filed extensive bundles of evidence and skeleton arguments, which I have read in advance of the hearing. On the 4th & 5th of December, I heard oral evidence from:

- 1) Mrs. Cannon (the Licensing Manager)
- 2) Andrew Wake (a Licensing Officer)
- 3) Michael Lyons (West Sussex Borough Council) and
- 4) Alan Craft (Head of EH, Licensing & parking)

On behalf of the council, and:

- 1) John Greenaugh (Oakview)
- 2) Zainool Ebrahim (phv holder from Crawley)
- 3) Malcolm Haycox (car body painter & repairer)
- 4) Andrew Mulley (Oakview)
- 5) Ian Bowers (phv holder – Alpha cars) and
- 6) I. Radbourne (appellant)

On behalf of the appellants.

Submissions were made by both Mr. Maddox for Oakview and Mr. Savill for the council.

The granting of licences for phvs is regulated by the Local Government (Miscellaneous Provisions) Act 1976. S.48 deals specifically with phv licences, S48 (2) enables the imposition of conditions upon the grant of a licence which are reasonably necessary. Specific mention is made in this sub-section of a requirement to display or the prohibition of signs.

The notices the subject of these appeals are designed to introduce a degree of uniformity by carrying both the message at the heart of this requirement and the council's logo and name. The message is "NO BOOKING NO RIDE". The purpose is to enable members of the public (mops) to distinguish phvs both from Hackney carriages (which may be hailed) and unlicensed or bogus taxi drivers. The objective stated by the council is the protection and education of the public. Protection both from being carried in a vehicle which is not insured to carry fare paying passengers, and protection from assault by bogus drivers.

There is no dispute that the notices are reasonably necessary, the issue is whether it is reasonably necessary for them to be permanently attached to the vehicles.

The appellants complain, inter alia, that:

- 1) Permanent signs encourage mop to approach them when they are not working and present difficulties in this regard
- 2) They are prevented from using the vehicle in accordance with S75 (1) (c), (cc) and (d) (ii) without signage
- 3) The requirement offends Article 1 of the 1st protocol of the convention on Human Rights, and consequently S.6 of the HRA 1998, since, in addition to (1), upon removal, for whatever reason, damage is caused
- 4) In any event, the signs can be removed under the right conditions by thieves or unscrupulous drivers
- 5) The council's objective can be achieved by the use of temporary signs applied when a driver is working
- 6) There is no evidence to suggest that the public are concerned about the type of vehicle that takes them home e.g. from a late night at the pub or nightclub – they just want to get home, and
- 7) The consultation process undertaken by the council was inadequate and fails to demonstrate therefore "reasonable necessity"

In response, the council say that:

- 1) Benson & Boyce establishes that a phv is a phv at all times and for all purposes, must be driven by a phv licence holder at all times and therefore should be easily identifiable as such
- 2) S.75 (1) (c), (cc) and (d) (ii) do not apply to licensed vehicles – they are sections enabling any vehicle other than a phv to be used for certain types of work without the need for a phv
- 3) Benson & Boyce applies and the balance of interests weighs most heavily in favour of protecting the public. High mileage and the use of a vehicle for phv work more substantially affect its re-sale value than marks left by signage, added to which, many phvs have their own permanent signage indicating, as do Oakview the name and other details of their company
- 4) The right conditions require the application of heat; otherwise the signs will be damaged and thus not re-usable. It is unlikely that these signs could be removed under the right conditions without a very high likelihood of detection
- 5) Evidence of vehicles seen without the required signage is sufficiently frequent to negate this complaint
- 6) The council has a duty to protect the public from foreseeable harm
- 7) Consultation was carried out and the trade continue to be invited to air their grievances.

The appellant's bundle includes the case of Sardar –v- Watford BC, which, in turn, sets out the criteria for effective consultation extracted from the Court of Appeal case of R-v-North & East Devon. Of those four criteria, the first appears to have been met, and, from reading the summary of the responses, despite the fact that copies of the questionnaire are no longer available, the second has probably been met. The third was most certainly not met – an attendee at the September Council meeting complains that only one week was allowed for responses and that part of that week was a bank holiday. It is difficult to say the extent to which the fourth criterion was addressed, if at all. The minutes refer to the Director of Planning's report when recording the committee's decision but not the questionnaires or the summary thereof, nor the oral representations made by representatives of the trade. What may have been overwhelmingly persuasive is paragraph 3.3 of the Director's report:-

“There have been instances in other Boroughs where passengers have been the subject of serious physical assaults as a result of getting into unlicensed vehicles presuming them to be legitimate private hires (copies of relevant news coverage have been placed in the group rooms for members inspection, headed “News Coverage on Bogus Taxi Drivers”). More locally, officers receive regular reports of the public trying to access people’s private cars at night when waiting for friends or relatives on the assumption that they are private hire vehicles.”

It is agreed that the lack of adherence to the consultation process is not fatal to the council’s case but, say the appellants, this factor fails to support their need to demonstrate “reasonable necessity”.

It is regrettable that the council failed in this regard. It is equally regrettable that the minutes of the council’s meetings do not indicate the degree to which or the fact that, before resolutions are made, interested parties views, where they do not accord with those of the committee or the reporting officer, have been considered and, where this applies, why they have been rejected.

I do not accept, as has been suggested, that the council have picked on certain phv holders out of malice. It is clear from the evidence that Oakview have been determined to challenge the authority of the council – and not simply by bringing these appeals. Of 37 vehicles between 28th June 2006 and the 9th September 2006, seen without their stickers, 27 were Oakview vehicles and Mrs Cannon observed Mr. Michaels twice in June without his stickers.

Between 22nd September 2005 and 16th March 2006, 61 allegations were made of phv drivers plying for hire, thus exposing the public to the risk of being carried in an uninsured vehicle. In October of 2005 the police contacted Mrs Cannon about an indecent assault carried out in October when two females had entered an unmarked vehicle masquerading as a phv at Festival Place – the main shopping area in Basingstoke. The driver was apprehended after he again visited Festival Place and was spotted by Mr. Wake.

Mrs. Cannon told the court that 94% of phv holders have fully complied with the council’s requirement to affix prescribed permanent stickers.

I conclude that these issues as balanced against the points raised by the appellants are sufficient to support the council’s contention that it is reasonably necessary to introduce permanent signage to achieve their legitimate objective of protecting the public. It goes without saying that their efforts to educate the public should continue as should their demonstrated willingness to listen to the trade about future proposals.

In relation to Mr. Mulley’s and Mr. Greenaugh’s appeals against suspensions, I have already commented on their attitude to the council. Mr. Mulley only has himself to blame for failing to take in the vehicle the subject of the suspension for failure to display signs. He ignored Mr. Wake’s letter. So far as the damaged vehicle is concerned, it matters not whether the door could not be opened because the driver had the wrong key or due to damage. The fact is that it could not be opened. I found Mr. Mulley’s attitude to be belligerent. I found that Mr Greenaugh demonstrated a lack of due regard for issues of personal safety of the public showing more concern about potential damage to his vehicles and personal inconvenience. In any event, I preferred the evidence of Mr. Wake.

I dismiss all of the appeals.

Mr. Radbourne’s appeal would have failed for the reason’s I have set out above.

Judge Babington-Browne (DJ/MC)
Andover Magistrates’ Court
6th December 2006.

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