

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 16 FEBRUARY 2012**

Present: Councillors Dobbs (Chairman), Benton (Vice Chairman), Peach, Todd, Simons, Miners, Saltmarsh, Ash and Murphy

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

1. Apologies for Absence

Apologies for absence were received from Councillors Allen, Khan and Shearman.

Councillor Murphy was in attendance as a nominated substitute for Councillor Khan for the duration of the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 15 December 2011

The minutes of the meeting held on 15 December 2011 were approved as a true and accurate record.

The Chairman advised that there had been requests received for speakers to be allowed to address the Committee with regards to both items. Committee approval was required and the Committee agreed to allow the speakers.

4. Private Hire Licensing – Smart Cars

The Committee received a report following a referral from the Licensing Department, Taxi Enforcement.

The report requested Members to determine whether to vary the licensing conditions to permit the licensing of single passenger “Fortwo” Smart Cars. This was in response to a request received from a licensed operator to amend current vehicle licensing requirements to facilitate the licensing of a “Fortwo” Smart Car as a private hire vehicle.

The licensed operator, trading under the name of Green Leaf Cars, was committed to being Peterborough’s first truly environmental friendly private hire company and at the current time, two Toyota Prius Hybrids were in operation. Due to his strong environmental credentials and strong customer service, the operator had experienced a large amount of interest in his firm and a sharp rise in bookings. As a result, he wished to expand his business in order to meet demand. The operator wished to expand his fleet to include a diesel version of the single passenger “Fortwo” Smart Car.

The Committee was advised that, as it currently stood, the operator would be prevented from licensing the Smart Car as the vehicle requirements stated:

1(b) No vehicle shall be licensed unless it is a standard car with a minimum of four doors; and

1(c) The cubic capacity of the engine is not less than 1300cc.

The Licensing Department did not wish to remove the requirements outlined above, as they served to ensure the private hire fleet provided a level of comfort and safety to all passengers. It was anticipated that if approved, the Committee would approve the "Fortwo" Smart Car as a separate tier within private hire licensing and that the specific model of vehicle be named within the private hire vehicle requirements, listing it as an exception to the requirements outlined above.

The Committee was provided with an overview of the Smart Car, and it was stated that high levels of passenger comfort were found inside and there was a generous amount of space in terms of head and leg room. The safety credentials of the vehicle were outlined, as were the vehicles environmental credentials. Dependent on the model, the engine would either be an 800cc (turbo diesel) or 900cc (petrol). The Committee was advised that it could permit the licensing of the diesel version only if it so wished.

A quality impact assessment had been undertaken and checks had been conducted with other authorities who currently licensed Smart Cars and it was acknowledged that the car could not carry a passenger sitting in a wheelchair, however it was to be noted that the vast majority of saloon cars in operation could not carry passengers sitting in wheelchairs either. The vehicle could however store a wheelchair in the boot and there was plenty of room in the front of the vehicle to accommodate a passenger requiring an assistance dog.

The vehicle would be required to be booked in advance and therefore it would be for the operator to highlight to the customer whether the Smart Car would be appropriate for the customers needs. It was however recognised that some passengers would not wish to sit directly next to the driver, and again it was anticipated that if the Smart Car was to be used, this would be addressed with the customer by the operator at the time of booking.

Consultation had been undertaken and three responses had been received and were outlined in full in the committee report. Two of the responses had been received from trade members and one from a customer via the Peterborough Disability Forum.

Members were invited to discuss the recommendations and comments and responses to questions included:

- There had been a slight delay in the application and this had been due to a number of issues with the equality impact assessment. These issues had been looked into extensively and a benchmarking exercise had also been undertaken alongside other authorities who licensed the Smart Cars. This had all contributed to the delay;
- There were five other local authorities which licensed Smart Cars due to their environmental credentials;
- The recommendation was worded as such so as not to remove the four door requirement. The Smart Car would be acceptable as a three door vehicle as it was a single passenger car;
- There were no guidelines or legislation in place to demand what a private hire company charged for its services;
- If Committee were minded to approve the proposals, an additional condition could be placed onto the operators license which would stipulate that they check with each customer as to whether a Smart Car was appropriate for their requirements;

- The National Travel Survey had been referenced and it was highlighted that around 40% of journeys were single passenger journeys;
- The vehicle had been subject to vigorous safety tests and had an NCAP4 rating. Many of the vehicles on the city's fleet were not tested to this level;
- All of the cars licensed by the operator were exempt from road tax;
- The size of the car would assist with parking issues.

Mr Brian Gascoyne, from the Peterborough Hackney Drivers Federation, addressed the Committee and responded to questions from Members. In summary, the concerns highlighted included:

- The green credentials of the vehicle were not doubted, however it was not an appropriate vehicle for city centre running;
- Concerns were around driver safety, particularly with the passenger sitting next to the driver;
- Four seater vehicles were preferable, with passengers seated in the back;
- A person with a wheelchair could not take luggage also, as there would not be enough room in the boot;
- Devout Muslims would not be able to drive the vehicle if there was a guide dog sitting in the front of the vehicle;
- The licensing of a single seater car could cause problems in the evenings with the car being booked to carry one passenger and more passengers actually being present at the pick up.

Mr Tod Howard, the operator from Green Leaf Cars, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- The safety of the drivers was paramount and therefore when taking bookings, obtaining as much detail as possible from the customer would be vital to ensuring the correct vehicle was sent;
- The Smart Car would not be used frequently in the evenings, it would be used to supplement the Prius cars and would mainly be used during the day;
- The operation had many corporate customers, and they would be made aware that the vehicle was a Smart Car upon booking. This would be the case with all other bookings;
- Green Leaf cars had been in operation for nine months;
- The car had extremely good access for getting in and out of the vehicle and the seats sat higher up in the cars also.

Members voted on the recommendations as outlined in the committee report.

RESOLVED:

The Committee:

1. Considered a variation of private hire vehicle requirements to permit the licensing of the single passenger "Fortwo" Smart Car as a private hire vehicle; and
2. Approved the amendment of the aforesaid private hire vehicle requirements 1(b) and 1(c) to read:

**1(b) No vehicle shall be licensed unless it is a standard car with a minimum of four doors, or a "Fortwo" Smart Car.
(Sports saloons, drop head coupes, convertibles, touring cars, left hand drive cars or London type taxi-cabs will not be accepted).**

1(c) The cubic capacity of the engine is not less than 1300cc, unless the vehicle in question is a “Fortwo” Smart Car.

Reasons for the decision:

The Council’s research, drawn from the National Travel Survey had suggested that depending on the time of day, 40% of journeys were single person trips. The operator was committed to providing a more environmentally friendly private hire service and had already licensed two hybrid Toyota Prius cars and on discovering the miles per gallon and carbon emission statistics relating to the Smart Car was interested in providing one of these vehicles as an option for single travellers.

The Council’s strategic priorities included the desire to create the UK’s environment capital. That being the case, the request to license the Smart Car was strengthened by the information laid down in the committee report, coupled with the vehicle’s strong environmental qualifications i.e. that many of the components were made from renewable raw materials and 100% recycled plastic.

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

The Committee received a report detailing a number of recommendations relating to the Council’s Vehicle Age Policy in relation to Hackney Carriage and Private Hire Vehicles.

The report requested Members to determine a number of requests which had been received from both the Peterborough Private Hire Drivers Association and the Peterborough Hackney Carriage Drivers Federation to amend the Council’s vehicle age restrictions. These related to the lower age limit, this being the maximum age of a vehicle when it was first licensed, and the upper age limit when a vehicle was considered no longer eligible to be licensed.

A recommendation had also been put forward by Officers that the Committee considered a revision of the current six monthly testing frequency. Currently this commenced when the vehicle reached the age of five years and an extension to six years was proposed.

The Council had adopted its policy on age restrictions many years ago and was considered to have some of the most stringent of conditions in comparison to many neighbouring authorities. Since the original age restrictions were adopted, both technology and build quality of vehicles had moved on producing a higher quality of vehicles which were designed to last longer, and in turn support the worlds sustainable resources. Many manufacturers were now offering five and seven year warranties as standard on vehicles which indicated confidence in quality of build. Technology in relation to body work and painting processes had also developed in recent years meaning that the life expectancy of a vehicle in relation to rust and corrosion had greatly increased due to these advances.

Maintenance was a key factor with any vehicle and it was good practice for all commercial vehicles to be part of a planned preventative maintenance programme where all vehicles were routinely serviced to ensure safety and quality. The Council expected this level of commitment from drivers and it was highlighted that the 12 monthly and six monthly tests carried out by the testing centres were to confirm a level of safety and quality, rather than to highlight to any maintenance work needing to be undertaken.

Councillor Mohammed Nadeem addressed the Committee and in summary the issues highlighted included:

- In the first instance, Councillor Nadeem wished to declare that his brother held a taxi badge;
- It was good to see Officers and the taxi associations working closely together and that they were in agreement over the recommendations;
- The report was balanced and well constructed and had been produced after a thorough consultation process;
- Councillor Nadeem urged the Committee to accept the recommendations as outlined in the report;
- The implementations of the recommendations would benefit both the trade and members of the public.

Mr Brian Gascoyne, from Peterborough Hackney Drivers Federation, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- The Hackney Federation did not wish the lower age limit to be extended for a number of reasons one being that the newer vehicles on the market had better green credentials;
- With regards to the top age limit, the Federation were in agreement aside from one point on the 12 year test, in that if the vehicle was found to have a fault, the operator should be given seven days to correct this prior to de-licensing.

Mr Shaheed Mohammed, representing the Peterborough Private Hire Drivers Association, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- Surveys had been carried out within the trade as to what the Association could do for them and the Vehicle Age Policy had come out as something the drivers wanted to be addressed;
- Drivers were finding it difficult to manage within the trade, due to price rises in petrol etc;
- A number of drivers operated in different locations due to the stringent conditions in Peterborough;
- Having older vehicles would encourage drivers to maintain them to a higher standard.

Members were invited to discuss the recommendations and comments and responses to questions included:

- There were a handful of rogue operators who did need to be educated with regards to maintenance of their vehicles;
- The monitoring of vehicles regularly failing tests would be undertaken and owners would be assisted with maintenance plans in order to ensure there vehicles were kept up to standard;
- The condition of the vehicles was more important than the vehicles age;
- Peterborough had one of the strictest licensing policies in the Eastern Region;
- An emissions based licensing fee had been explored, however benefits of this would be difficult to measure and it would have been a costly exercise;
- Vehicles registered as Hackney or Private Hire all had to be tested, and if a vehicle was found to be clocked it would be de-licensed;
- There was a higher level of Private Hire Vehicles that had been de-licensed in comparison to Hackney Vehicles in Peterborough. There had never been a situation when the plate had not been re-instated.

Members voted on the recommendations as outlined in the committee report.

RESOLVED:

The Committee approved:

1. The extension of the upper age limit for which Hackney Carriage Vehicles could be licensed from 12 years to 15 years;
2. The extension of the upper age limit for which Private Hire Vehicles could be licensed from 8 years to 10 years;
3. The Extension of the time at which 6 monthly testing commenced from 5 years to 6 years; and
4. Approved the extension of the lower age limit for which Private Hire Vehicles could first be licensed from 3 to 6 years.

Reasons for the decision:

The Hackney Carriage Federation and the Private Hire Association had demonstrated that they were committed and focussed to improving not only their own areas of the business but also in developing the level of service that met the requirements of the city.

With the down turn in the economic climate and the ever increasing costs of fuel together with the inflated cost of insurance premiums, drivers were looking at ways to survive. Both Hackney Carriage and Private Hire vehicles provided a service that had a key role to play in the economic growth of the city and in the plans to make Peterborough a destination centre.

7.00pm – 8.35pm
Chairman