

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 DECEMBER 2016**

Members Present: Councillors Ayres (Chairman), Hiller, Allen, Fuller, Brown, Saltmarsh, Amjad Iqbal and Azher Iqbal

Officers Present: Peter Gell, Head of Regulatory Services
Terri Martin, Regulatory Officer
Kerry Leishman, Licensing & Business Manager
Colin Miles, Litigation Lawyer
Karen S Dunleavy, Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Nawaz and Davidson. Councillor Brown was in attendance as a substitute for Councillor Nawaz.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting Held on:

3.1 19 November 2015

The minutes of the meeting held on 19 November 2015, were approved as a true and accurate record.

3.2 18 December 2015

The minutes of the meeting held on 18 December 2015, were approved as a true and accurate record.

4. PROPOSED TAXI POLICY

The Committee received a report, which sought the Committee's views and direction on the proposal to develop an overarching draft policy for consultation for taxi and private hire vehicles.

The Regulatory Officer presented the report and made the following key points:

- The taxi legislation did not require the Local Authority (LA) to operate an overarching taxi/private hire policy;
- The Committee were being requested to consider eight elements of guidance to incorporate into the taxi/private hire policy; and
- A consultation would be launched once the proposed taxi/private hire policy was drafted.

The Head of Regulatory Services, Regulatory Officer and Licensing & Development Manager responded to questions and comments in relation to Hackney Carriage Vehicles (HCV) and Private Hire Vehicles (PHV) age limits and critical failures within the draft policy. In summary responses included:

- There was currently age restriction for both HCV and PHV including an age that vehicles could enter the license trade, which had been set by a virtue of the age restricted conditions. There was also a maximum age at which a vehicle could not be licensed any further;
- There was a decision made at Licensing Committee in 2012 to introduce a critical failure option for both HCV and PHV, which entailed a test on the mechanical operation;
- A HCV that was over 12 years old would be de-licensed if the mechanical test had been subject to critical failure;
- The introduction for all four proposed options for vehicle age limits and critical failures could be included within the proposed policy if Members wished;
- There was no incentive offered through the taxi licensing fee in regards to emissions to encourage the use of environmentally friendly vehicles, as the LA cannot charge taxi license applicants a varied fee;
- The Department for Transport (DfT) recommend several different checks and up to four within a year. Any PHV or HCV after the age of six years old would require a maintenance check every six months;
- Dual fuel had a longer life span and was a more attractive incentive for drivers; as the vehicle could be on the road for 20 years and Members commented that careful consideration should be given over the length of time the vehicle could potentially operate as a taxi;
- Hackney Carriages were designed to operate over a longer mileage span and PCC were trying to find a balance with the options in terms of what was available through the market for lower emission vehicles;
- Amey the LA contractors would undertake the vehicle testing for HCV and PHV vehicles; and
- The Hackney Carriage TX model was due for release in 2018.

In considering the options in regards to vehicle age limits and critical failures for the draft policies, Members:

- Commented that it was important to ensure that the LA maintained a level of good quality HCV and PHV that were fit for purpose for operation in the Peterborough area and to develop a hybrid option to incorporate both option two and four in relation to the suspension of low emission vehicles and a retest requirement;
- Wished to retain the current age restrictions for the vehicles in order to maintain mechanically sound HCV and PHV; and
- Commented that an extra five year life span seemed too high to agree for low emission vehicles and that this option should only apply to purpose built low emission HCV and PHV vehicles, however the Committee could reconsider the options following the consultation of the draft policy.

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to Hackney Carriage Driver (HCD) and Private Hire tests. In summary responses included:

- There was a fee charged for HCD and driving tests which was in line with the Driving Standards Agency (DSA) and external supplier fees;
- The LA's preference would be for HCD and PHD to train with external driving instructors;
- Officers did not feel that satellite navigation systems in the HCD and PHD vehicles should be used in the test;
- Uber cars were required to adhere to the same licensing LA conditions as PHD companies and drivers;

- The DSA would apply driving tests applicable to HCD and PHD and a tender process would be conducted to find a company that would provide a service to meet the demand; and
- Some Members commented that a satellite navigation should be considered as an option for the HCD and PHD test, whereas some Members were not in favour of its inclusion.

Members commented on the group two medical standard and were supportive of the recommendation as outlined in 8.1 of the report.

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to the proposed PH operator complaints process. In summary responses included:

- The LA would not hold any power to make PH operators pay compensation for complaints;
- The LA would need to know about any issues of serious PHD complaints and the police would also need to respond;
- The LA would need to be informed as to the fitness standards of a PHD and details of the requirements were covered in 12 (f) and 12(e) of the report;
- There had been no ability within legislation for the LA to set the pricing of PH fares;
- The LA would not hold any influence over employment rights for PH companies;
- The standards over how customer service information should be displayed in the PHVs would be covered in the taxi policy;
- The PH operator would be required to display information to allow complainants to take further action over a complaint if they were dissatisfied with the outcome of the original one;
- The LA would not undertake an investigation of general complaints of PH drivers unless there had been a child protection or safeguarding issue apparent within the complaint or if the complainant was unsatisfied with the actions of the operator to resolve; and
- Paragraph 12(d) within the report outlined a requirement for the PH operator to display complaint details. However, PHDs which had been subcontracted from a different LA area would not be required to display the information.

In considering the options in regards to the proposed PH operator complaints process Members commented that:

- There had been no need for the LA to be responsible for complaints and that the reporting route should be to the PH operator; and
- Section 12 (a) to (f) within the report was sound and should be incorporated within the taxi policy.

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to the requirement for display of information for HCDs and PHDs for the draft taxi policy. In summary responses included:

- The LA could not exclude a HCD and PHD that been subcontracted to from outside of the authority. It was up to each LA to implement their own taxi standards and policies for HCD and PHD operators to meet. Customers using a subcontracted HCD or PHD would be required to rely on locating the diver number and licence details in the usual way; and

- Once the taxi policy had been drafted the LA would liaise with other LA officers over the consultation as part of a joined up approach to taxi standards.

8:12pm. At this point the Committee took a short break.

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to introduced waiting areas for PHVs within the draft policies. In summary responses included:

- Further confirmation would be provided within the consultation document with regards to the boundary names for car parks to be introduced as waiting areas for PHV;
- It was preferred by the LA to have designated waiting areas outside the City Centre and the authority were exploring incentives to encourage PHDs to wait in a convenient area to reduce the travel involved in PH bookings; and
- The PHDs would not be liable to pay parking fees if they were to use a car park as a waiting area, however, should pay a fee if they were parking in the car park.

The Head of Regulatory Services, Regulatory Officer and Licensing Development Officer responded to questions and comments in relation to the model byelaws hackney carriages for the draft policies. In summary the response included:

- Modern DfT vehicle conditions which were out of date were being revised.

RESOLVED that the Licensing Committee:

Determined the following eight hackney carriage and private hire matters, in order to incorporate proposals into a consultation on a draft taxi policy, subject to the inclusion of the agreed options:

- i) Vehicle ages and critical failure (section 6):

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| Option 1 | The status quo should not be retained; |
| Option 2 | If a vehicle has a critical failure at the appointed age, suspend the vehicle, rather than de-licence, and allow for a retest within 30 days; |
| Option 3 | Not to remove the age restrictions so that vehicles can be licensed for unlimited duration so long as they pass mechanical tests, with ability for retest within 30 days for critical failures; |
| Option 4 | Extend the age limit for an extra five years for purpose built low emission vehicles, for each type, so that a purpose built low emission hackney could be licensed up to 20 years and a purpose built low emission private hire up to 15 years old. |
| Option 5 | A suspension must be applied if a purpose built low emission vehicle has a critical failure on a mechanical inspection and allow for a retest within 30 days. |

- ii) To amend the current driving test requirements (section 7) to retain driving tests for hackney carriage and private hire drivers but use an external provider;
- iii) To replace the Local Authority's current health check with a group 2 health check for all drivers (private hire and hackney carriage) at application and three year renewal (section 8);
- iv) To introduce a requirement for operators to have a complaints procedure and to retain records of complaints (section 9) thereby replacing the current

section 12 of the private hire operator's licence conditions with 12 (a) to (f) as detailed in 9.6 of the report:

12 (a) Operators must have a complaints procedure and policy in place which must be freely available to all customers. The policy and procedure must as a minimum include and document the following matters:

- (i) the way in which customers can complain, including the operators business name and telephone number,
- (ii) when the complaint was made (date and time),
- (iii) who made the complaint,
- (iv) the nature of the complaint,
- (v) when the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt),
- (vi) the resolution offered by the operator, and
- (vii) that the complainant may further their complaint to the licensing department if they remain unsatisfied with the operators resolution.

12 (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer;

12(c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted;

12(d) All vehicles utilised by the operator (except where subcontracted to another operator) must clearly display the following information in a conspicuous unobscured place, which can be easily read by a passenger travelling in the rear and front of the vehicle, the business name of the operator, the following text 'Please call (insert telephone number) should you have a complaint about your journey', subject to the amendment detailed in item v);

12(e) Operators must monitor complaints to see if there are any trends, or if they relate to particular drivers or vehicles. Where a trend is apparent, appropriate action must be taken by the operator to address the issue; and

12(f) If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.

v) To introduce a requirement to display required information within vehicles (section 10), thereby amending the current private hire operator conditions to:

12(d) All vehicles utilised by the operator (except where the booking is subcontracted to another operator) must clearly display the following information in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle:

- The business name of the operator;
- The following text 'Please call (insert telephone number) should you have a complaint about your journey';

- The vehicle registration number; and
- The vehicle licence plate number.

And to include the following condition to the private hire drivers licence conditions:

Prior to accepting any bookings, the PH driver must ensure that his driver's badge number and photo (hereafter referred to as the part two notice), is displayed in the vehicle in a conspicuous unobstructed way to enable a person in the front or back of the vehicle to read it.

- vi) To introduce a three stage trigger point system for all drivers (section 11);
- vii) To introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre (section 12) (subject to two directors approval);
and
- viii) To consult and adopt DfT model bye laws (conditions applicable to hackney carriage drivers) (section 13).

The Committee also agreed for the formulation of the draft taxi policy and for the policy to go to consultation.

Chairman
7.00pm – 8.26pm