

LICENSING COMMITTEE	AGENDA ITEM No. 4
13 FEBRUARY 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste	
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CHANGES IN THE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

OPTIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date : n/a
<p>The Committee is requested to approve one of the following options:</p> <ol style="list-style-type: none"> 1. Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station instead of the existing requirement for an MOT exemption test to be carried out by the councils contracted test centre. 2. Introduce the requirement to have a standard MOT test carried out by only VOSA authorised MOT testing stations which are members of the councils "vehicle testing centre scheme" (yet to be implemented) instead of the existing requirement for an MOT exemption test to be carried out by the councils contracted test centre. 3. Retain the current requirement to have an MOT exemption test carried out by the councils contracted test centre and utilise the contract framework already in place with Amey (formerly known as Enterprise). 	

1. ORIGIN OF REPORT

- 1.1 This report is of a result of a 12 week consultation in relation to the review of the council's Hackney Carriage and Private Hire Vehicle licensing policy.
- 1.2 There is a need for officers to review the Hackney Carriage and Private Hire Licensing Policy in order to ensure that it remains appropriate and fit for purpose.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Following the approval from the licensing committee on 21st January 2013, a 12 week consultation in relation to the Hackney Carriage and Private Hire Vehicle Licensing Policy a full consultation was launched. The consultation was launched on 1st February 2013 with an end date of 25th April 2013.
- 2.2 The purpose of the consultation was to seek responses from all stakeholders who have an interest in or may be affected by the Hackney Carriage and Private Hire Policy. A copy of the relevant part of the consultation document is attached at (Appendix 1)
- 2.3 A list of consultee's can be found at (Appendix 2).

- 2.4 It should be noted that although the consultation covered many areas of Hackney Carriage and Private Hire Licensing for the purposes of this report the licensing committee are asked to consider only vehicle testing for Hackney Carriage and Private Hire Vehicles. Therefore only responses relating to this area have been included. The other areas of the consultation will be included in further reports to the committee at a later date.
- 2.5 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for any policy to be appropriate and up to date and fit for purpose.
- 2.5 Following the committee's decision the outcome will form part of the Peterborough City Council's Taxi and Private Hire Licensing Policy and Guidance document.
- 2.6 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3 (a) "To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely", "hackney carriage and private hire vehicle licensing".

3. **TIMESCALE**

Is this a Major Policy Item /Statutory Plan?	No
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4. **BACKGROUND INFORMATION**

- 4.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.
- 4.2 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.3 Peterborough City Council has various individual policies relating to Hackney Carriage and Private Hire Licensing many of which have remained unchanged for many years. Some of the aspects of licensing have been reviewed recently such as the vehicle age policy and the testing requirements for new driver applications. Also the conditions of fitness relating to Hackney Carriage Vehicles have been amended recently approving certain models of the Peugeot E7 as being suitable to be licensed as Hackney Carriage Vehicles.
- 4.4 There are currently 185 Hackney Carriage and 500 Private Hire vehicles licensed Peterborough. All vehicles are currently required to pass the MOT exemption test prior to being licensed, and then on an annual basis at the time of the renewal of the vehicle licence. On reaching 6 years of age from the date of first registration as indicated on the V5 document the vehicle is required to be tested every 6 months.
- 4.5 The MOT exemption test covers additional items including, the spare tyre, wheelchair ramp where appropriate, airbag lights, first aid kit, fire extinguisher, reversing lights and the fare card.
- 4.6 As part of the current vehicle licence renewal process reminder packs are sent out to vehicle licence holders 1 month in advance of the renewal date. Licence holders are advised to contact the taxi licensing team in order to make an appointment for the vehicle to attend one of the two designated testing stations in order for the MOT exemption test to be carried out. Once the vehicle has successfully passed its test the driver is advised to make an appointment to attend Bayard Place to have the new vehicle licence plate fitted.
- 4.7 For purposes of the consultation we asked stakeholders to consider 3 possible options for the future of Hackney Carriage and Private Hire Vehicle testing. The existing testing

arrangements had proved to be cumbersome and non-efficient for the trade and the council.

5. OPTION 1

5.1 Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station instead of the existing requirement for an MOT exemption test to be carried out by the councils contracted test centre.

5.2 Listed below are the **advantages** for this option as identified through the consultation process and taking in to consideration the relevant responses received.

1. Will simplify current arrangements and partially reduce the administrative burden on both the driver and the council.
2. Will help to reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable contact with the council.
3. Will contribute to a more cost effective service freeing up resources enabling enforcement issues to be dealt with in a more timely fashion.
4. Encourage competition and therefore generate a more competitive pricing structure and market place.
5. Will provide flexibility for drivers offering an increased availability of test appointments.

5.3 Listed below are the **disadvantages** for this option as identified through the consultation process and taking in to consideration the relevant responses received.

1. The council will not have access to analytical data in regards to MOT failures in order to identify where specific vehicles fail tests frequently.
2. The standard of the vehicle testing may vary depending on the testing centre visited, also there could be a commercial benefit for scrupulous garages to fail vehicles if they gained from carrying out the repairs.
3. Additional vehicle test requirements that are currently subject to testing under the councils MOT exemption test regime are not tested as part of a standard VOSA MOT test requirements; these items whilst not being considered crucial to the mechanical safety of the vehicle, for safety purposes are deemed appropriate for passenger and driver safety. They include the certification of the fire extinguisher, first aid kit, fare card, and the safety testing of the wheelchair ramp or tail lift where appropriate.
4. The driver will still need to attend Bayard Place to have the new licence plate fitted, so this will not reduce the number of visits for the driver. This could be resolved if the new plate was sent to the driver via post, this is an area that would need to be explored.
5. Where there are concerns with a vehicle not specifically relating to the mechanical test currently these are fed back to the council, this would most probably not take place if this option was adopted.
6. With current arrangement using 2 authorised testing centres where a serious issue is identified at the testing of the vehicle the licence plate is removed. If this option is adopted there would be no way of controlling this, and there may be the possibility of vehicles with serious issues remaining in service.

6. OPTION 2

6.1 Introduce the requirement to have a standard MOT test carried out by only VOSA authorised MOT testing stations which are members of the councils "vehicle testing centre scheme" (yet to be implemented) instead of the existing requirement for an MOT exemption test to be carried out by the councils contracted test centre.

6.2 Listed below are the **advantages** for this option as identified through the consultation process and taking in to consideration the relevant responses received.

1. Will simplify current arrangements and partially reduce the administrative burden on both the driver and the council.

2. Will help to reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable contact with the council.
3. Will somewhat contribute to a more cost effective service freeing up resources enabling enforcement issues to be dealt with in a more timely fashion.
4. Encourage competition and therefore generate a more competitive pricing structure and market place.
5. Will provide flexibility for drivers offering an increased availability of test appointments.
6. The council will still have access to analytical data in regards to MOT failures in order to identify where specific vehicles fail tests frequently.
7. Additional vehicle test requirements that are currently subject to testing under the councils MOT exemption test regime will continue to be tested and monitored.

6.3 Listed below are the **disadvantages** for this option as identified through the consultation process and taking in to consideration the relevant responses received.

1. Whilst this option may simplify the current arrangements and partially reduce the administrative burden on both the driver and the council it will introduce an additional pressure on resources.
2. There will be a requirement to identify and implement testing centres and manage the testing scheme effectively to ensure compliance and purpose. This will create an additional enforcement and administrative pressures on the department, resulting in the need for additional resources.
3. The council's budget report for the new financial year has stated a saving of £70k must be made within the licensing team. In effect this can only be achieved by restructures and staff reductions, hence additional staffing capacity will be required to implement and manage the scheme.
4. The driver will still need to attend Bayard Place to have the new licence plate fitted, so this will not reduce the number of visits for the driver. This could be resolved if the new plate was sent to the driver via post, this is an area that would need to be explored.

7. OPTION 3

7.1 Retain the current requirement to have an MOT exemption test carried out by the councils contracted test centre and utilise the contract framework already in place with Amey (formerly known as Enterprise).

7.2 Listed below are the **advantages** for this option as identified through the consultation process and taking in to consideration the relevant responses received.

1. The council will continue to have access to analytical data in regards to MOT failures in order to identify where specific vehicles fail tests frequently.
2. Additional vehicle test requirements that are currently subject to testing under the councils MOT exemption test regime will remain in place. They include the certification of the fire extinguisher, first aid kit, fare card, and the safety testing of the wheelchair ramp and tail lift where appropriate.
3. As part of their consultation response Enterprise has offered additional services, discussions have taken place and the following advantages are available as follows:
 - a. Enterprise will arrange the booking of tests direct with the driver, which will reduce the burden on the licensing team, enabling redistribution of the relevant resources to concentrate on increased enforcement.
 - b. Will refer any overflow testing to Unity direct.
 - c. Develop a process where Enterprise will fit the new vehicle licence plate, this will eliminate the need for the vehicle to return to Bayard Place to have this done. Hence reducing the inconvenience caused to the driver and reducing the burden on the licensing team.
 - d. Increased testing availability Monday to Friday 7am to 6pm.
 - e. Electronic transfer of pass sheets so no need for the driver to present to Bayard Place.
4. This would reduce the interactions for the trade as the test and licence plate fitting

would be carried out in one visit, reducing the inconvenience caused by having to attend 2 appointments.

5. Continue to remove vehicle licence plate where serious issues have been identified.
6. Report relevant vehicle condition issues to the licensing team as appropriate.

7.3 Listed below are the **disadvantages** for this option as identified through the consultation process and taking in to consideration the relevant responses received.

1. There will be an increased fee charged to the council for each test to cover the additional services offered by this option, however we are confident that this can be absorbed by the associated savings in resources.
2. There is no potential for reduction in test fees for the trade as testing would not be open to the wider market.

8. CONSULTATION RESPONSES

8.1 The consultation was launched on 1st February 2013 for a 12 week period, ending on 25th April 2013. A public notice was published in the Peterborough Telegraph on Thursday 31 January 2013. A copy is attached at (Appendix 3).

8.2 A log of the responses received in relation to Hackney Carriage and Private Hire Vehicle testing is attached at (Appendix 4).

8.3 All responses received in relation Hackney Carriage and Private Hire Vehicle testing have been collated and are attached at (Appendix 5).

8.4 A detailed response to the consultation was submitted by Mr Ian Robinson Regulatory Officer (Peterborough City Council). It should be noted that the comments mentioned within this response are the personal opinions of the officer, not those of the service or department. Therefore this response must be treated as a response from an individual and not be considered in anyway as an officer recommendation.

9. CONSIDERATIONS

9.1 In considering the options to review the vehicle testing arrangements for Hackney Carriage and Private Hire Vehicles the committee should regard the following information.

9.2 The committee should consider the implications, risks and consequences of amending the vehicle testing arrangements in particular any related to safety.

10. RISKS

10.1 Any risks identified have been documented in paragraphs 5.3, 6.3 and 7.3 of this report.

11. ANTICIPATED OUTCOMES

11.1 The Licensing Committee to make decision and this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

12. REASONS FOR RECOMMENDATIONS

- To comply with statutory requirements regarding the regular review of licensing policies.
- To consider the request received from Allied Vehicles Ltd to review the policy.
- To ensure that the policies and procedures continue to be fit for purpose.

13. ALTERNATIVE OPTIONS CONSIDERED

- Retain the status quo.

14. IMPLICATIONS

- 14.1 Financial – There are costs associated with undertaking a public consultation exercise, however there are also costs associated where a policy is challenged due to it not being fit for purpose.
- 14.2 Legal – Legal support has been provided by the council's legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation. Some advice has also been provided by counsel.

15. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
The Local Government (Miscellaneous Provisions) Act 1976
The Town and Police Clauses Act 1847
Equality Act 2010