

LICENSING COMMITTEE

THURSDAY 15 DECEMBER 2011
7.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

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| 1. | Apologies for Absence | |
| 2. | Declarations of Interest | |
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| 4. | Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licences | 7 - 16 |

Committee Members:

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

Substitutes: Councillors Kreling, Swift and Shearman

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 17 NOVEMBER 2011**

Present: Councillor Benton (Vice Chairman), Allen, Peach, Todd, Simons,
Kreling, Saltmarsh, Swift and Khan

Officers in attendance: Darren Dolby, Regulatory Officer
Colin Miles, Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Dobbs and Councillor Miners.

Councillor Kreling and Councillor Swift were in attendance as substitutes.

2. Declarations of Interest

Councillor Todd declared that she was the Ward Councillor for the location of the proposed trading pitch in Newark Road, but that she did not have a personal or prejudicial interest.

Councillor Khan declared that he was the Ward Councillor for the location of the proposed trading pitch in Laxton Square, but that he did not have a personal or prejudicial interest.

3. Minutes of the Meeting held on 21 July 2011

The minutes of the meeting held on 21 July 2011 were approved as a true and accurate record.

4. Appeal against Refusal to Renew a Street Trading Consent

The Regulatory Officer addressed the Committee and advised that the appeal was from Mr Serkan Gokmen, the applicant, against the refusal to renew a street trading consent. The appeal was for the Committee to reverse the decision of the Licensing Authority not to renew a street trading consent in Laxton Square, Peterborough.

The report detailed the background to the appeal and the completed application for a renewal of a street trading consent was attached at Appendix A. Mr Gokmen had applied to renew an existing consent for the hours of 11.00pm to 6.00am, on Fridays and Saturdays only.

Members were advised that Laxton Square had been consented for trading for the proposed hours for at least the past seven years.

The appeal letter received from Mr Gokmen was attached at Appendix B to the committee report. Mr Gokmen stated that he believed the decision not to renew the consent had come out of the blue, as he had not been notified of any reports of anti-social behaviour in the vicinity, by either the police or the Council, as a direct result of the trading unit being placed on Laxton Square. Members were further informed that the letter of representation from Cambridgeshire Constabulary, against the granting of a consent, was attached to the committee report at Appendix C. This representation had been submitted due to the number of incidents of anti-social behaviour and violence in the area.

Since the street trading consent had not been renewed, the Regulatory Officer advised that work would be undertaken with Mr Gokmen in order to find a suitable alternative trading location for him. An application for a pitch in Cattle Market Road, had initially been identified, however this had been rejected after representation had been made by Cambridgeshire Constabulary.

The Regulatory Officer requested that the decision of the Licensing Authority be upheld.

The Applicant addressed the Committee and responded to questions from Members. The main issues in respect of his appeal were highlighted, these included:

- Mr Gokmen had purchased the caravan unit nine months ago for a substantial sum of money
- There had been no trouble outside the caravan unit during the last nine months
- The caravan had CCTV and there were doormen located on the door of Mr Gokmen's premises, City Kebabs
- Mr Gokmen had received no warning letters notifying him that he could possibly lose his licence
- Mr Gokmen had worked alongside the police and he believed that he had built up a good working relationship with them
- Two members of staff had lost their jobs
- A caravan had been situated on the same spot for the past twelve years. Mr Gokmen had only owned the caravan for nine months before losing his licence. This did not seem fair
- There did tend to be trouble in the area but this was due to the pubs and clubs and the amount of alcohol consumed
- The licenses of the pubs and clubs should also be taken away or they should be made to close earlier. They caused the majority of the issues in the area
- If the pubs and clubs closed at 2.00am, Mr Gokmen would close his premises at 3.00am
- Mr Gokmen always called the police when he witnessed any anti-social behaviour or violence
- The police had suggested that the implementation of doormen would be a good idea and this advice had been taken on board
- Four additional cameras had been installed, one of which was located outside of the shop
- Mr Gokmen was losing, on average, £2k per week due to the loss of the food van
- The seating area in Laxton Square did tend to attract people who had been drinking all night, this in turn did cause issues in the area

PC Grahame Robinson, the Licensing Officer, Northern Division, addressed the Committee and responded to questions from Members. The main concerns were highlighted, these included:

- The venue was the only late night licensed refreshment venue within the vicinity of the licensed premises in the area
- At the end of the night, people tended to converge and congregate at City Kebab, Laxton Square
- This congregation created a choke point and increased anti-social behaviour
- Mr and Mrs Gokmen had both been very co-operative and door staff, CCTV and Citylink Radio had all been implemented
- Ways of reducing crime and disorder in the vicinity had been discussed
- From the 1 October 2010 to 14 October 2011, there had been 74 reported incidents to the police in the area. There had only been two reported incidents since 14 October 2011 to the present time
- This decrease showed that the removal of the food van had impacted on crime and disorder
- Since the removal of the food van, the area had been calmer, with fewer people congregating
- People were now walking to further venues
- The Gokmen's had been very co-operative and there was nothing personal held against them, it was simply in relation to the removal of the van to in order to improve the incidents of crime and disorder
- Mr Gokmen had not had his licence removed, it had expired

Following questions from Members, the Regulatory Officer summed up the case for the Licensing Department and it was requested that the decision of the Local Authority be upheld.

Following summing up by the Applicant and PC Grahame Robinson, both parties and the press and public left the committee room while Members debated the application and made their decision.

RESOLVED: (7 for, 2 against)

The Committee agreed to uphold the refusal to renew a street trading consent.

Reasons for the decision:

1. The number of people congregating in Laxton Square late at night, and in turn creating a bottle neck, had decreased since the removal of the licence.
2. The number of reported incidents of crime and disorder in the area had decreased since the removal of the licence.

5. Appeal against Refusal to Grant a Street Trading Consent

The Regulatory Officer addressed the Committee and advised that the appeal was from Mr James McLay, the applicant, against the refusal to grant a street trading consent. The appeal was for the Committee to reverse the decision of the Licensing Authority not to grant a street trading consent in the car park of Unipart, situated in Newark Road, Peterborough.

The report detailed the background to the appeal and the completed application, including landowners consent, for the grant of a street trading consent was attached at Appendix A. Mr McLay had applied to be consented between the hours of 6.00am and 11.00pm from Monday to Friday.

Members were advised that there had not been a street trading consent granted at this location previously.

Mr Peter Tebb, the Peterborough City Council Network Team Manager had submitted an objection to the application, on the grounds of road safety, and this was attached at Appendix D to the committee report.

The appeal letter received from Mr McLay was attached at Appendix C to the committee report. Mr McLay stated that he believed the decision not to grant the consent was wrong and he disputed the fact that there would be an increase to the risk of road safety in the area.

The Regulatory Officer advised that he had visited the site on a number of occasions prior to the refusal of the application, and whilst he had not witnessed any instances of parking that could lead to issues around road safety, the visits had never been for a considerable period of time. However, since the refusal of the application, the Regulatory Officer had visited once again and had subsequently witnessed an incident of road obstruction.

Members were advised that Mr McLay did have an up to date street trading consent for a pitch located at Fourth Drove and he would still be entitled to trade at this location.

The Regulatory Officer requested that the decision of the Licensing Authority be upheld.

The Applicant addressed the Committee and responded to questions from Members. The main issues in respect of his appeal were highlighted, these included:

- Mr McLay had been made redundant three years ago and on numerous occasions since
- Mr McLay had looked for training options through the Job Centre, however they had not been able to offer him anything suitable
- Mr McLay had purchased his burger van and had the opportunity to move to Unipart
- The first week he was located there, he had had a complaint made against him
- Not all of the vans and lorries located on the road used Mr McLay's burger van
- There were no parking restrictions on the road i.e. yellow lines
- Mr McLay had placed a sign on his van requesting patrons to not park directly next to, or opposite, the van

Mr Peter Tebb, Peterborough City Council Network Team Manager, addressed the Committee and responded to questions from Members. The main concerns were highlighted, these included:

- The parking near to the location by larger vehicles such as articulated lorries and fixed rigid lorries
- Cars and the smaller vans would most likely use Unipart's car park and would therefore not cause an issue
- The drivers of the larger vehicles would most likely park near to the burger van to save walking, there was no space to fit a large vehicle without overhanging the entrance to one of the units, or being so tight up against an entrance that it decreased visibility for drivers wishing to pull out onto the road
- The entrance off Newark Road, closest to where the burger van was situated, was located within 15 metres from the roundabout
- There was concern with regards to the safe flow of traffic at the junction
- The implementation of double yellow lines on one side of the road would not deter large vehicles from parking on the other side of the road
- Mr Tebb had witnessed a large vehicle parking opposite the burger van, near to the junction and this one vehicle had caused problems with the safe flow of traffic entering and exiting the roundabout

Following questions from Members, the Regulatory Officer summed up the case for the Licensing Department and it was requested that the decision of the Licensing Authority be upheld.

Following summing up by the Applicant and Mr Peter Tebb, Peterborough City Council's Network Manager, both parties and the press and public left the committee room while Members debated the application and made their decision.

RESOLVED: (Unanimous)

The Committee agreed to grant the street trading consent as applied for.

Reasons for the decision:

The Committee was satisfied that granting a consent to trade hot food in the car park of Unipart, Newark Road, Peterborough, would not lead to continued, or an increase in, road safety issues in the area.

7.00pm – 8.10pm
Chairman

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LICENSING COMMITTEE	AGENDA ITEM No. 4
15 DECEMBER 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Licensing Manager - Adrian Day Strategic Regulatory Services Manager - Peter Gell	Tel. 454437 Tel. 453429

CHANGES IN THE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

RECOMMENDATIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date : N/A
<p>The Committee is requested to approve the following recommendations relating to the Council's Vehicle Age Policy in relation to Hackney Carriage and Private Hire Vehicles:</p> <ol style="list-style-type: none"> 1) To extend the upper age limit for which Hackney Carriage Vehicles can be licensed from 12 years to 15 Years; 2) To extend the upper age limit for which Private Hire Vehicles can be licensed from 8 years to 10 years; 3) To extend the time at which 6 monthly testing commences from 5 years to 6 years; and 4) The Committee is also asked to consider a request from the Peterborough Private Hire Drivers Association to extend the lower age limit for which Private Hire Vehicles can first be licensed from 3 years to 5 years. 	

1. PURPOSE OF REPORT

- 1.1 Members are asked to consider requests 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 relate to the lower age limit this being the maximum age of a vehicle when it is first licensed, and the upper age limit when a vehicle is considered no longer eligible to be licensed.
- 1.2 Officers would also like to recommend that the Committee considers a revision of the current 6 monthly testing frequency insofar as the frequency of 6 monthly testing commences when the age of a vehicle reaches 6 years (currently this commences when the age of a vehicle 5 years).
- 1.3 The tables below show the current situation in relation to the vehicle age restrictions and also the changes requested:

Current Situation

	Hackney Carriage	Private Hire
Maximum age at time of first being licensed	3 years	3 years
Maximum age limit for a vehicle	12 years	8 years

Requested Changes

	Hackney Carriage	Private Hire
Maximum age at time of first being licensed	3 years *	6 years
Maximum age limit for a vehicle	15 years	10 years

*It should be noted that the Peterborough Hackney Drivers Federation have expressed that they do not want to raise the lower age limit of when a vehicle can first be licensed as they feel that this may cause an increase in the number of vehicles licensed. This is covered in more detail later in this report.

2. BACKGROUND INFORMATION

- 2.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles, when it comes to age restrictions and the testing of vehicles some council have decided not to set any restrictions at all, whereas others have decided to have very stringent restrictions, with others adopting restrictions somewhere between both extremes. The reasoning behind setting any restriction is to put measures in place to in order to achieve the required level of mechanical safety and that the interior and exterior of the vehicle is of a standard that is expected.
- 2.2 Peterborough City Council adopted its policy on age restrictions many years ago and is considered to have some of the most stringent of conditions where compared to many of its neighbouring authorities. Since the original age restrictions were adopted both technology and build quality of vehicles has moved on producing a higher quality of vehicles which are designed to last longer, and in turn supports the worlds sustainable resources. Many manufacturers are now offering 5 and 7 year warranties as standard on vehicles which would indicate confidence in quality of build. Technology in relation to body work and painting processes have also developed in recent years meaning that the life expectancy of a vehicle in relation to rust and corrosion has greatly increased due to these advances.
- 2.3 Maintenance is a key factor with any vehicle and good practice for all commercial vehicles is to be part of a planned preventative maintenance programme where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and it should be noted that the 12 monthly and 6 monthly tests carried out by the testing centres are to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.
- 2.4 Both the Peterborough Hackney Carriage Federation and the Peterborough Private Hire Drivers Association have spoken on many occasions regarding the possibilities of amending the council's age restriction policy. Both the Hackney Carriage and Private Hire trades have different requirements due to the way they operate in accordance with legislation and therefore have different opinions insofar as a blanket decision or restriction is not always relevant, suitable or appropriate to apply to both Hackney and Private Hire licenses.
- 2.5 With the down turn in the economic climate and the ever increasing costs of fuel together with the inflated cost of insurance premiums drivers are looking at ways to survive. We must appreciate that both Hackney Carriage and Private Hire vehicles provide a service to the city, a service that has to play a key role in the economic growth of the city and the plans to make the City of Peterborough a destination centre.

3. REQUEST FROM THE PETERBOROUGH HACKNEY CARRIAGE FEDERATION

- 3.1 The Peterborough Hackney Carriage Federation has requested that the council review its vehicle age policy in relation to the upper age restriction this current sets the maximum age limit of a Hackney Carriage at 12 years. The federation have requested that the upper age limit is raised to 15 years, as indicated by the Public Carriage Office guidelines.

- 3.2 The reason for the request is to allow vehicles that are still in a good mechanical condition, meet safety requirements, and have a good interior / exterior to remain in service for an additional 3 years. It has been indicated that this will also encourage drivers to maintain vehicles to a higher standard as the money spent on maintaining the vehicles of an older age can be more justified and cost effective.
- 3.3 It should be noted that the Hackney Trade are not in favour of any changes in the lower age restrictions for either Hackney or Private Hire in relation to the lower age restriction of a vehicle when it is first licensed. Instead they feel that this should remain at 3 years for both Hackney and Private Hire. The reason for this is that they believe this would encourage an increase in the market place of the number of vehicles licensed to operate.
- 3.4 A representative from the Peterborough Hackney Carriage Federation has been asked to attend the committee meeting to discuss the federation's requests in detail and concerns relating to the possible changes in the lower age restrictions an email outlining the reasons for the federation's requests and highlighting their concerns can be seen at **Appendix A**.

4. REQUEST FROM THE PETERBOROUGH PRIVATE HIRE DRIVERS ASSOCIATION

- 4.1 The Peterborough Private Hire Drivers Association has requested that the council review its vehicle age policy in relation to the upper age restriction this currently sets the maximum age limit of a Private Hire Vehicle to 8 years. The association has requested that the upper age limit is raised to 10 years. The association have also requested that the lower age restriction or the maximum age of a vehicle when first licensed be increased from its current 3 years to 6 years.
- 4.2 The reason for the request is to allow vehicles that are still in a good mechanical condition, meet safety requirements, and have a good interior / exterior to remain in service for an additional 2 years. It has been indicated that this will also encourage drivers to maintain vehicles to a higher standard as the money spent on maintaining the vehicles of an older age can be more justified and cost effective.
- 4.3 The reason for the request to increase the lower age restriction is to enable drivers to invest in more executive type vehicles such as Audi, Mercedes, and BMW's at a suitable entry point in the marketplace. It is also to allow the drivers to become more empowered and purchase their own vehicles and work for themselves instead of working for some of the larger private hire companies where they are expected to work long hours for a minimum income.
- 4.4 A representative from the Peterborough Private Hire Drivers Association has been asked to attend the committee meeting to discuss the association's requests in detail and concerns relating to the possible changes in the lower age restrictions an email outlining the reasons for the association's requests can be seen at **Appendix B**.

5. OFFICER COMMENTS

- 5.1 The principles relating the requests from the trade have been discussed with the Peter Gell Regulatory Services Manager, Adrian Chapman Head of Neighbourhoods and Cllr Peter Hiller Cabinet Member for Neighbourhoods, Housing and Business and they have agreed in principal that the requests should be presented to the Licensing Committee in order for them to consider all relevant information for the purpose of making a decision.
- 5.2 It is very apparent that the manufacturing processes have improved over the years where companies have been tasked with not only guaranteeing increased build quality along with increased longevity of vehicles. From an environmental aspect it is very important to consider sustainable resources and our carbon footprint. It can be seen as a benefit environment to increase the life span of vehicles rather than insisting that a perfectly serviceable vehicle is de-licensed.

- 5.3 It should be noted that the Hackney Carriage is a purpose built vehicle and according to the Public Carriage Office guidelines is expected to be serviceable for at least 15 years from manufacture.
- 5.4 If the committee approves the recommendation to extend the upper age restrictions as requested the licensing department will implement specific criteria if a vehicle fails its 6 monthly test starting from the commencement of the extended period (from year 8 for Private Hire, and year 12 for Hackney Carriages). Where a failure occurs in this period if it relates to the areas as indicated on the attached test sheet at **Appendix C**. The vehicle will be immediately de-licensed and will no longer be regarded as suitable for service. The type of failure is what should consider as being major and would indicate that regular preventative maintenance has not been carried out, or if it has it has not been effective. This decision as with any of the council's decisions will be able to be appealed at the Magistrates Court within 21 days of the decision being made.
- 5.5 With regard to the amendment on the lower age restriction both trades have their opinions on the effect of extending this limit from 3 years to 6 years, insofar as the Private Hire Drivers feel this will be a vessel to enable individuals to become more self-sufficient and move away from the dominance and monopolies of some of the private hire companies. They have indicated that individuals want to become more self-sufficient and developing a sustainable income for themselves rather than subsidising the larger companies, thus creating a greater community. It has been suggested that this in turn we would see a decline in the number of vehicles the larger companies are operating as more drivers branch out. Where as the Hackney Drivers have a different outlook on extending the lower age restriction, they have indicated concerns that this has the potential of increasing the number of vehicles entering service, and in turn this will have a detrimental effect on the trade overall, in a time where the market is already increasingly difficult.
- 5.6 An issue that is very pertinent to both trades is where a few private hire companies who charge extremely low fares which many of the other Private Hire and Hackney Carriage Drivers cannot compete with as they are not cost effective. It is believed that the only way the companies concerned can in fact charge such low fares is at the detriment on the drivers who work for them who are expected to split their takings with the company for whom they work.
- 5.7 A representative from both groups has been invited to speak at the meeting and they will demonstrate their reasoning behind the requests and also their concerns; the difficulty is that we are not lucky enough to definitely know what the actual outcome and effect of increasing the lower age restriction will have on the market place and therefore need to consider the benefits as well as the possible risks.
- 5.8 As a result of working very closely with both groups of the trade, the Hackney Carriage Federation and the Private Hire Association have demonstrated that they are very passionate, committed and focussed on improving not only their own areas of the business but also in developing the level of service that meets the requirements of the city.

6. IMPLICATIONS

6.1 Corporate Resources

The Legal Division support the Licensing Team regarding the provision of advice and guidance on taxi licensing issues matters.

Guidance has been sought from the Legal Section on the compilation of this report.



APPENDIX A

PHDF SUBMISSIONS REGARDING AGE LIMITS ON HACKNEYS

The Federation seeks only to increase the current age limit from 12 to 15 years on Peterborough hackney carriages, given that:

1. The downturn in the economy has resulted of a lower mileage of all vehicles and given the that all but a handful of hackney carriages are LTI TX2 or TX4 models, and the manufacturers promote the fact that their vehicles are built to run for at least 15 years in service, there is a case in favour of lengthening the licensing of hackney carriages.
2. The current testing every six months would closely monitor the condition of the vehicles and any detrimental issues of safety as it does at present. Obviously any safety issues that may be picked up would need to be dealt with as a part of the Certificate of Compliance in the normal way.

The Federation would not seek to alter the current three year limitation that presently exists and suggests that the status quo remains in this regard because:

3. A raising of the age limit any higher than the current three years would, we feel allow the flooding of the trade of 5 and 6 year old vehicles that fail to improve the fleet image of the hackney carriage business in Peterborough.
4. As each year passes, manufacturers are upgrading both the customer service elements of their vehicles particularly with regard to assisting the disabled and it is important the Peterborough has the benefit of new innovations in this regard and not have to wait for six years to upgrade the hackney fleet.

The Federation is also mindful of the need to also maintain the current three year age limitations on the private hire section of the trade to ensure that the highest possible standards are maintained overall in general for both sections of the trade and for the safety and peace of mind of the public and the council.

It is one of the Objects within the constitution of the Federation to improve standards and the safety of the travelling public in Peterborough.

Brian Gascoyne
Secretary
Peterborough Hackney Drivers Federation

1st December 2011

Peterborough is striving to become the Environment Capital of Britain and all Peterborough Licensed Hackney Cabs meet the stringent Euro III or Euro IV emissions requirements. So not only are they purpose built for the work they perform they are environmentally friendly too!!



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PPHDA Recommendations Regarding Vehicle Age increase Proposals

Change in vehicle age policy from 3yrs to 6yrs when first entered and from 8yrs to 10yrs of Max life in service

Background

At the present moment to enter a new vehicle in to the Private Hire Trade it must be no older than 3yrs from first registered and the running life in service is up to 8yrs. In Peterborough there has always been more drivers that have owned their own cars and have been in control of livelihoods. Due to the economical situation many of the owner drivers have found it difficult to sustain a good standard of living and as a result we now find more and more drivers opting to relocate to other towns and cities, as Peterborough City Council have some of the most stringent licensing policies within the eastern region.

A few years ago a Peterborough based Private Hire Company King Carz who had a fleet of 40 vehicles, had to relocate their business to Yaxley which is under Huntingdon District Council, have relaxed conditions on vehicles among other things. There is no limit on age at HDC and with over 90% of King Carz customer base being in Peterborough they operate with lower operating cost. In 2009 there was a lot of talk that having no age limit King Carz would be unstoppable and would fast grow and flood the market with older and cheaper vehicles and lots of Peterborough drivers would follow suit and take advantage of the lower running costs. We now can see that having older cheaper vehicles does not necessarily mean that their would be a flooding of vehicles, as King Carz two years on only have 43 vehicles and with all new vehicles entering the trade are within the age that we are recommending to the committee from 3yrs to increase to 6yrs. Evidence shows that by allowing this increase will not flood the market but would be a step in the right direction in supporting the trade in these economically difficult times. Initially several but not all drivers who moved to Yaxley purchased older and cheaper vehicles, but soon realised that this was not financially viable due to the unreliability of these types of older vehicles (some of which where 12 years and over in age)

At the moment King Carz operates within Peterborough but are not licensed by PCC and there for PCC have no enforcing powers over these drivers which is a loophole. We are confident that by allowing this change in policy the attraction to move to Yaxley from others in Peterborough would be addressed appropriately and would be highly beneficial to PCC. As this would be the first positive step towards strengthening the partnership with the PPHDA and PCC, which we have built over the past 12 months.

since 2007 to the current time there has been a massive 35% reduction in new vehicles being sold in the UK, as a result there are fewer vehicles within the current 3 year age limit available on the open market. Hence the used car price has also increased according to Parker's Used Car Guide.

An increasing number of older drivers are moving over to places like Stamford, Spalding, Huntingdon, Cambridge and even as far as Milton Keynes Newer drivers coming in to the trade are unable to purchase their own vehicles and as result are having to drive Company cars and this has fuelled a price war as the average driver cant afford to purchase their own vehicle and are taken advantage of by Company owners. Until this situation isn't made easier by empowering drivers the situation in Peterborough will go from bad to worse. As an association for the drivers we are committed to promoting fairness and equality across the trade by empowering and educating members of their rights.

Safeguards:

Current policy in Peterborough with regard to the 3 year age limit hasn't stopped more and more people applying to become Private Hire Drivers within Peterborough. We feel in controlling numbers PCC should consider introducing NVQ's for all new applicants in conjunction with any change in age policy. We have recommended to PCC Licensing that to control the number of drivers applying for licences should undergo a more rigorous form of testing for potential licensees in English reading, writing, and most importantly oral, along with a maths and knowledge test at a minimal of NVQ level.

We are working very closely with all operators in controlling the number of vehicles entering the trade and trying to work to a level of earnings that are in line with the current minimum wage.

Some of the other reasons why our recommendation should be considered:

- It will enable drivers to become more independent.
- A massive price war has had a serious impact of the overall earnings of drivers, this is all as a result of drivers being unable to purchase vehicles for themselves, and having to drive for the Owner/Operators.
- In the current economical climate it will be more financially viable for drivers to buy their own vehicles.
- By allowing older vehicles in to the trade this would as a result increase the number of owner drivers and lower the amount of company cars hence creating a more fairer and equitable work place.
- Financially drivers would benefit with a lower outlay.
- Vehicles would change more frequently.
- Better makes and models of vehicles.
- Having more control in amount of new driver applicants

We have given long and deep thought to our recommendation and have considered all risks and possibility's as we have had considerable consultation with the trade and PCC, we are all in agreement that change in vehicle age policy is a much needed step in the right direction.

It has come to our knowledge that the Hackney Federation do not wish to take advantage of the change in age restrictions being considered, we respect their view and hope they understand our reasons for wanting change as this would be the first step in reforming the trade and will provide a sound footing in tackling the issue of ridiculously low fixed prices, we have started to address the issue of low fixed pricing by working with PCC, Trading Standards, OFT and the trade.

Peterborough Private Hire Drivers Association

APPENDIX C

Peterborough City Council Critical Item Criteria

Inspection of licensed Hackney Carriages / Private Hire Vehicles

The critical item failure criteria will apply to vehicles failing their 6 monthly tests in the following periods:

Hackney Carriage

Tests carried out between 12 and 15 years of age

Private Hire Vehicles

Tests carried out between 8 years and 10 years of age

The table below indicates the testable items that the council considers to be critical areas of a vehicle test. Therefore if a vehicle fails its vehicle test on any of the items highlighted below the vehicle will be considered no longer fit for service and will be de-licensed immediately.

Vehicles should be presented to the testing centre in a good serviceable condition, and subject to routine planned preventative maintenance in order to ensure the safety of passengers, the driver and the general public. Therefore if a vehicle fails its test for any of the items below it must be assumed that the vehicle has not been part of a regular maintenance programme thus resulting in the vehicle being de-licensed.

Critical Items	
Section 2 - Steering and suspension	
Steering mechanism / system	Failure will result in immediate de-licence of vehicle
Transmission shafts	Failure will result in immediate de-licence of vehicle
Front suspension	Failure will result in immediate de-licence of vehicle
Rear suspension	Failure will result in immediate de-licence of vehicle
Section 3 - Brakes	
Condition of service brake system	Failure will result in immediate de-licence of vehicle
Condition of parking brake system	Failure will result in immediate de-licence of vehicle
Section 5 - General	
Exhaust emissions	Failure will result in immediate de-licence of vehicle
Vehicle structure	Failure will result in immediate de-licence of vehicle
Appearance - interior	Must be clean and tidy and presented in a good condition
Appearance - exterior	Must be clean and tidy and presented in a good condition
Road test	Where an issue is highlighted by the testing centre this will be determined on an individual basis depending on diagnosis

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