

## LICENSING COMMITTEE

**THURSDAY 13 FEBRUARY 2014**  
**7.00 PM**

**Bourges/Viersen Rooms - Town Hall**

### AGENDA

Page No

**1. Apologies for Absence**

**2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

**3. Minutes of the Meetings Held on:**

3.1 14 November 2013 3 - 6

3.2 12 December 2013 7 - 8

**4. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing 9 - 54**

#### **Emergency Evacuation Procedure – Outside Normal Office Hours**

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

Committee Members:

Councillors: Thacker (Chairman), Peach (Vice Chairman), Allen, Kreling, Nawaz, Serluca, Jamil, Saltmarsh, Miners and Davidson

Substitutes: Councillors: Simons, Johnson and Harrington

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

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 14 NOVEMBER 2013**

**Members Present:** Councillors Thacker (Chairman), Peach (Vice Chairman), Kreling, Nawaz, Jamil and Miners

**Officers Present:** Adrian Day, Licensing Manager  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies were received from Councillor Allen, Councillor Serluca, Councillor Saltmarsh and Councillor Davidson.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meetings held on:**

**3.1 18 July 2013**

The minutes of the meeting held on 18 July 2013 were approved as a true and accurate record.

**3.2 29 July 2013**

The minutes of the meeting held on 29 July 2013 were approved as a true and accurate record.

**3.3 Minutes of the Sub-Committee Hearings Held Between July 2013 and September 2013**

The following minutes of the Sub-Committee hearings held between July 2013 and September 2013 were approved as true and accurate records:

- i) 17/07/13 – New Premises Licence, Iain Gordon-Smith
- ii) 16/09/13 – Review of Premises Licence, Marisqueira

**4. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing**

The Committee received a report as a result of its decision at the meeting held on 29 July 2013 to approve specific models of the Peugeot E7 as suitable to be licensed as a Hackney Carriage Vehicle in Peterborough.

Following approval from the Committee, the existing Conditions of Fitness were amended and named the 'Peterborough Conditions of Fitness for Hackney Carriage Vehicles'.

In order for the Peugeot E7 vehicle to be licensed, specific conditions within the existing 'Conditions of Fitness' were required to be amended or removed to enable

the vehicle to meet the specification required. Officers had also taken the opportunity to update the conditions in general to ensure that when adopted, the 'Peterborough Conditions of Fitness for Hackney Carriage Vehicles' would be appropriate and fit for purpose. Following a decision by the Committee, the outcome would form part of the Peterborough City Council's Taxi and Private Hire Licensing Policy and Guidance document.

It was therefore requested that the Committee approve the draft 'Conditions of Fitness' and to adopt the conditions as the 'Peterborough Conditions of Fitness for Hackney Carriage Vehicles'. The Committee was also requested to consider the possible exemptions available in relation to condition 13.3, this being 'the requirement for the nearside occasional flip down seat to be of swivel type' and to agree appropriate exemptions with appropriate set timeframes and implementation dates.

The Licensing Officer addressed the Committee and provided an overview of the exemption options available and further advised that it was requested that condition 12.11 be amended to remove the necessity for the ramp to have a 'safety lip'.

Members were invited to comment on the conditions and issues raised and responses to questions included:

- Many of the current licensed Hackney Vehicles did not have the swivel seat fitted and it would be un-realistic to request a retrofit, due to both cost and practicality. The Committee was therefore requested to issue exemptions as it saw fit;
- The Committee may offer an exemption to the Mercedes-Benz Vito for a specified time. This would allow the manufacturers and suppliers to explore the possibility of providing the swivel seat; and
- A permanent exemption could be given to the Mercedes-Benz Vito, however this could be perceived by the other manufacturers and suppliers as a commercial advantage to Mercedes.

Simon Guillatt, Allied Vehicles, was present and requested permission to speak. This was agreed by the Committee.

Mr Guillatt addressed the Committee and the key points outlined included:

- The reconsideration of the conditions of fitness had seen the removal of the tight turning circle requirements, this was welcomed;
- The requirement for a swivel mounted rear passenger seat was not objected to in principle, however with the proposed exemptions the requirement would only apply to E7 taxis;
- The effect would be that E7s would cost more than they otherwise would and this would make them less attractive to buyers;
- Competing commercial bodies should be dealt with both fairly and equally unless there was a compelling reason not to, for which there was none in this instance;
- Making the vehicle less commercially attractive would amount to a restriction on imports which would be unlawful under the EU Treaty, unless justified as a proportionate means of achieving a legitimate public health or safety aim. Imposing the requirement for the swivel seat on one manufacturer's vehicle, but not on others, was inherently disproportionate. The condition should be applied to all vehicles, not just one; and
- There had only been one other local authority, Blackburn Council, which had sought to single out a particular manufacturer's vehicles in their conditions of

fitness. This had since been modified due to the unlawful effects of the policy being drawn to the Council's attention.

Members further debated the conditions and raised a number of concerns as to the length of time that vehicles newly presented for licensing, without the swivel type seat, would be exempt from the condition.

**RESOLVED:**

The Committee approved and adopted the 'Peterborough Conditions of Fitness for Hackney Carriage Vehicles', subject to the following amendments:

1. Condition 12.11 - To amend the condition to remove the requirement of the wheelchair ramp to have a safety lip;
2. Condition 13.3 – To include the following exemptions:

'The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical impairments, unless';

*a. the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed.*

*b. the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not be implemented for 12 months, and will apply to all newly presented vehicles for licensing from 15 November 2014 (allowing manufacturers / suppliers time to comply).*

**Reasons for the decision:**

The decision was made to comply with the statutory requirements regarding the regular review of licensing policies and to ensure that the policies and procedures continued to be fit for purpose.

7.00pm – 7.20pm  
Chairman

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 12 DECEMBER 2013**

**Members Present:** Councillors Thacker (Chairman), Peach (Vice Chairman), Kreling, Serluca, Jamil and Saltmarsh

**Officers Present:** Peter Gell, Strategic Regulatory Services Manager  
Kerry Leishman, Licensing Development Officer  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies were received from Councillor Allen, Councillor Miners and Councillor Nawaz.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Late Night Levy and Early Morning Restriction Orders**

The Committee received a report which sought its views as to whether a formal consultation should take place with a view to implementing a Late Night Levy or Early Morning Restriction Order.

The Strategic Regulatory Services Manager advised that the decision to introduce a late night levy was an option available to all licensing authorities in the whole of their respective areas. The levy would be payable by the holders of any premises licence or club premises certificate, in relation to premises in the authority's area, which authorised the sale or supply of alcohol on any days during a period beginning at or after midnight and ending at or before 6.00am, regardless of the size and nature of the premises.

The licensing authority had discussed the need for a Levy with the Police and Crime Commissioner's Office and the Police Superintendent of the Peterborough district area. The idea of a Levy at the current time was not considered wholly appropriate by the aforementioned. Any decision to implement a Levy was required to be heavily evidenced based, both from a licensing authority point of view as well as the police. It was therefore thought that such a decision could potentially harm the city's prospects for its vision of a café culture.

There were a number of possible advantages and disadvantages of implementing a levy and these were outlined to the Committee. It was further advised that at the time of the report, there had only been one local authority which had implemented a levy, this being Newcastle.

In relation to Early Morning Restriction Orders (EMROs), these were designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which was not directly attributable to specific premises. An EMRO could apply to the whole or a part of the licensing authority's area.

An EMRO was considered more of a last resort than other measures available under the Licensing Act 2003. The Section 182 Guidance suggested that before introducing an EMRO local authorities have regard to other measures such as the introduction of Cumulative Impact Zone, reviewing licences of specific problem premises, encouraging the creation of business led best practice schemes etc.

Members were invited to debate the report and the following key points were highlighted:

- Local businesses should not be burdened with further costs at the current time;
- The proposals should be revisited in 18 months or so;
- The introduction of a Levy may have a negative impact upon the night time economy; and
- There had been no other authorities bar Newcastle which had implemented a Levy.

**RESOLVED:**

The Committee noted the contents of the report and agreed that a formal consultation, with a view to implementing a Late Night Levy or Early Morning Restriction Order, should not be undertaken.

**Reasons for the decision:**

The Committee did not feel that, at the current time, there were sufficient advantages to further exploring the implementation of a Late Night Levy or Early Morning Restriction Order.

7.00pm – 7.11pm  
Chairman



<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>13 FEBRUARY 2014</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Marco Cereste	
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 LICENSING**

OPTIONS	
<b>FROM : The Licensing Team Licensing Manager Adrian Day</b>	<b>Deadline date : n/a</b>
<p>The Committee is requested to approve one of the following options:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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).</li> </ol>	

**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 21<sup>st</sup> 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 1<sup>st</sup> February 2013 with an end date of 25<sup>th</sup> 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?	<b>No</b>
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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 1<sup>st</sup> February 2013 for a 12 week period, ending on 25<sup>th</sup> 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

## **APPENDIX 1**

# **Peterborough Taxi and Private Hire Licensing Consultation Document**

## **Part 2 – Vehicle Testing**

Depending on the outcome of the consultation, a combination of the following may be adopted.

1. Remove the requirement for a vehicle to have an MOT exemption test.
2. Remove the requirement to book a test via the licensing department.
3. Remove the requirement for a vehicle to be tested at the Unity or Enterprise testing centres.
4. Introduce the requirement to have a standard MOT test.
5. Introduce the requirement to book the MOT test direct with the test centre.
6. Introduce a “vehicle testing centre scheme” consisting of VOSA authorised MOT testing stations that can meet additional criteria as set by the council.
7. Retain the requirement for a vehicle to have an MOT exemption test.
8. Retain the requirement to book a test via the licensing department.
9. Retain the requirement for a vehicle to be tested at the Unity or Enterprise testing centres.
10. Other options deemed suitable as suggested through the consultation process.

### **1. Introduction and Objectives**

#### **Introduction**

There are currently 185 Hackney Carriage and 500 Private Hire vehicles licensed in 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.

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.

This document sets out options for the Hackney Carriage and Private Hire Vehicle testing arrangements in Peterborough. It is a consultation document and comments are invited from all those who could be affected by the proposals.

#### **Objectives**

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure the licensing service is efficient and cost effective offering value for money to its service users.
3. To simplify arrangements and reduce the administrative burden on drivers and the council without compromising safety standards or reducing the quality of licensed vehicles.

## **2. Background and Present Arrangements**

### **Fees**

The council has the delegated powers to set fees in relation to Hackney Carriage and Private Hire Vehicle licensing functions, they cannot be used to raise revenue or to make a profit for the council; they can only be set to cover the cost incurred by the licensing function.

Currently the annual renewal fee for a Hackney Carriage Vehicle licence is £210 including the annual test, the annual renewal fee for a Private Hire Vehicle licence is £180 including the annual test. The current fee for the 6 month test for both Hackney Carriage and Private Hire Vehicles is £65. Where a vehicle fails a test there is a fee of £21 for the 3<sup>rd</sup> and subsequent re-tests if tested within 14 days, and £42 if tested after 14 days.

### **Current Process**

As part of the 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.

## **3. OPTIONS**

### **Option 1:**

Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station instead of the requirement for an MOT exemption test carried out by either of the councils 2 testing stations.

- a. Remove the requirement for a vehicle to have an MOT exemption test.
- b. Remove the requirement to book a test via the licensing department.
- c. Remove the requirement for a vehicle to be tested at the Unity or Enterprise testing stations.
- d. Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station.
- e. Introduce the requirement for the driver to book the MOT test direct with the testing station.

### **Advantages**

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 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.

### **Disadvantages**

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. 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 where appropriate.

### **Option 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" instead of an MOT exemption test carried out by the councils 2 test stations.

- a. Remove the requirement for a vehicle to have an MOT exemption test.
- b. Remove the requirement to book a test via the licensing department.
- c. Remove the requirement for a vehicle to be tested at the Unity and Enterprise testing stations.
- d. Introduce the requirement to have a standard MOT test carried out by VOSA authorised MOT testing stations that belong to the councils "vehicle testing centre scheme".
- e. Introduce the requirement to book the MOT test direct with the testing station.

As option 1 above, however the MOT test must be carried out by VOSA authorised testing stations which are members of the councils "vehicle testing centre scheme". In order for a testing centre to become a member of this scheme they must be able to demonstrate, agree to, or meet the requirements listed below.

### **Proposed Vehicle Testing Centre Scheme Requirements**

- a. The testing centre and the technicians conducting the tests must be VOSA authorised.
- b. When conducting an MOT test the test centre must be able to carry out some additional safety checks (these are to be confirmed following the consultation and will be no more than are required at present). These items must be documented by the test centre and evidence provided to accompany the MOT certificate.
- c. Where a vehicle fails on major faults the test centre must notify the council immediately so that a decision can be made in relation to suspending the licence plate.
- d. They must have in place a documented customer service policy detailing their complaints procedure and complaints handling process.
- e. Records must be kept of customer complaints received. To include the outcome of the investigation in to the complaint.
- f. They must offer competitive prices and ensure value for money.
- g. They must be able to communicate with the council via email and telephone.
- h. Any enquiry from the council must be responded to within a reasonable timescale according to the nature and urgency of the enquiry, with a

- maximum response time of 2 working days.
- i. Statistical information and vehicle data should be made available on request and on a monthly basis.
  - j. Monthly statistics and data should be in spreadsheet form (ms excel or compatible) and in the agreed format.
  - k. Data must be provided via email.

It should also be noted that Peterborough City Council:

- a. Will not be entering in to a contract with any MOT test station that is a member of the councils "testing centre scheme".
- b. Is not by way of entering any MOT testing station on its "testing centre scheme" guaranteeing, endorsing or promoting the quality of work or the integrity of that MOT test station.
- c. Will not accept responsibility for handling any test related issues or complaints arising from any tests or re-tests undertaken by the MOT test station, such disputes remain between the customer and the MOT test station. However we will monitor complaints to ensure that they have been dealt with according to the individual policies provided by the testing centres and that the driver has been treated accordingly.
- d. Will not be involved / responsible for the booking of vehicle tests.
- e. Will not be responsible for any payments to any test centre for testing, and likewise will not be responsible for any refunds in relation to testing.
- f. Will reserve the right to remove an MOT testing station for the scheme where it is deemed appropriate to do so.

### **Advantages**

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 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.

### **Disadvantages**

1. There may be a perception that where testing is available through the open market that audit trails on continuity may be affected.

### **Option 3:**

Retain the current requirement to have an MOT exemption test carried out by either

of the councils 2 testing stations.

- a. Retain the requirement for a vehicle to have an MOT exemption test.
- b. Retain the requirement to book a test via the licensing department.
- c. Retain the requirement for a vehicle to be tested at the Unity or Enterprise testing stations.

### Advantages

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 where appropriate.

### Disadvantages

1. The administrative burden on both the driver and the council will continue.
2. The number of routine interactions between the driver and the council will continue and hence the benefits of the reduction of any avoidable any interactions will not be achieved.
3. Will not contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.
4. Will not encourage competition and therefore will not generate a more competitive pricing structure and market place.
5. The flexibility for vehicle test appointments will remain limited with the current testing regime.

## 4. Regulatory Impact Assessment

### Cost

The overall level of fees and costs will depend on which option, or combination of options, maybe chosen to replace the present arrangements. Whatever the outcome Peterborough City Council is committed to ensuring the costs are proportionate and offer good value.

### Proposed Fees

The table below indicates the proposed fees payable to the council depending on the outcome of the consultation and any amendments to the Taxi and Private Hire Licensing Policy. Where the fee excludes the cost of the vehicle test the driver will be responsible for this cost and will pay the testing centre direct.

	Current Fee	Option 1	Option 2	Option 3
Hackney Carriage Licence Fee	£210 including test	£160 excluding test	£160 excluding test	£210 including test
Private Hire Vehicle Licence Fee	£180 including test	£130 excluding test	£130 excluding test	£180 including test
6 Monthly Test (where applicable)	£65 including test	£10* excluding test	£10* excluding test	£65 including test

\* Where 6 monthly test certificates are not supplied to the council by the required

date and subsequently it becomes necessary for officers to investigate there will be an additional charge of £5

## **YOUR COMMENTS AND MAKING A SUBMISSION**

### **Your comments**

We hope you will take time to consider the options mentioned and respond to us with your comments on how you would like to see the Hackney Carriage and Private Hire Vehicle Licensing requirements taken forward in the future.

We want to hear from you, and in particular your thoughts on the following aspects of the proposals would be very welcome.

- The principles and considerations underpinning the each option.
- Any advantages or disadvantages to be considered.
- The practical implications of any of the options.

We would also welcome any other options that appear to you to provide a workable alternative to the current arrangements.

### **How to respond**

If you wish to make representations concerning any of the proposals contained within this consultation document please ensure that your comments arrive on or before **Thursday 25 April 2013** (Please quote reference number lpc01/2013 in your correspondence).

You can respond via email to [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk) or alternatively you can respond in writing to the following address:

Licensing Consultation Officer  
The Licensing Team  
4<sup>th</sup> Floor  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

If you are responding as a representative of an organisation, please include in your response some background information about the people or organisation you represent.

This consultation is being sent to the organisations and individuals previously listed in this document. If you think any other organisation or person should see it please let us know.

Please note that all representations received may be considered in public by the Council and that the substance of any representations together with the name and address of the person making it could become available for public inspection.

**Next steps**

Any amendments to the policy will be introduced following full consideration of the responses received and the approval of the Licensing Committee. Until further notice all existing policies and conditions remain unchanged.

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<b>List of Consultees</b>	
Organisation	Contact Method
<b>General Public</b>	
Public Notice – Published Thursday 31 January 2013	Peterborough Telegraph
<b>Taxi and Private Hire Trade / Groups</b>	
PHCF – Peterborough Hackney Carriage Federation	Email
Private Hire Drivers Association	Email
Private Hire Operators	Post
Licensed Drivers / Owners	Post
<b>Vehicle Suppliers</b>	
Allied Vehicles Limited	Email
Bindmans LLP (Representing Allied Vehicles)	Email
Cab Direct	Email
London Taxi Company (Administrators)	Email
London Taxi Company (Paul Kelsey)	Email
<b>Service Providers</b>	
Enterprise Peterborough (vehicle Testing)	Email
Unity Automotive (vehicle testing)	Email
<b>Suppliers</b>	
Pageantry (CCTV)	Email
Xtron (CCTV)	Email
<b>Groups</b>	
DIAL – Peterborough Disability Forum	Email
MS Society	Email
PREC – Peterborough Racial Equality	Email
Equality & Human Rights Commission	Email
PECT – Peterborough Environment City Trust	Email
Opportunity Peterborough	Email
<b>Peterborough City Council</b>	
All Ward Councillors	Email
All Parish Councillors	Internal Post
Director of Operations	Email
Head of Finance	Email
Safer Peterborough	Email
Head of Legal Services	Email
Trading Standards	Email
Planning Services	Email
Networks - Highway Control	Email
Head of Neighbourhoods	Email
Head of Operations	Email
Passenger Transport	Email
Director of Public Health	Email
Safeguarding Children	Email
<b>Agencies / Authorities</b>	
Cambridgeshire Constabulary	Email
Cambridgeshire Fire and Rescue	Email
VOSA (Peterborough Office)	Email

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# Classifieds

Find it.  
Call 01733 555222

## Public Notices

### PETERBOROUGH CITY COUNCIL

Applications requiring advertising  
**Planning Application(s) affecting the character or appearance of a Conservation Area:**  
Ref: 13/00009/HHFUL Barnack 3no. new dormer windows to existing roof front elevation Cherrystones Lattimers Paddock Pilsgate Stamford • Ref: 13/00067/FUL Peterborough Change of use from A1 to A2 8 Bridge Street Peterborough PE1 1DW • Ref: 13/00083/FUL Peterborough Demolish existing low level store rooms on the south elevation and build a two-storey extension that will house a fitness suite, office space and 2 replacement store rooms Kings School Sports Hall Granville Street Peterborough PE1 2UE • Ref: 13/00128/ADV Peterborough Installation of 4 X Internally illuminated fascia signs and 1 X projecting sign, 1 X Externally illuminated fascia sign and 1 X Non illuminated window graphic sign - Retrospective Burger King Queensgate Shopping Centre Westgate Peterborough •

**Planning Application(s) affecting the character or appearance of a Conservation Area and setting of a Listed Building:**  
Ref: 13/00020/HHFUL Castor Proposed store to side of existing garage Land Opposite 2 High Street Castor Peterborough PE5 7BB • Ref: 13/00029/HHFUL Glington Front facing dormer window and first floor rear extension The Elms 7 Rectory Lane Glington Peterborough • Ref: 13/00032/HHFUL Castor Installation of french doors to ground floor garage and construction of two new dormers to replace existing velux windows on first floor 47 Peterborough Road Castor Peterborough PE5 7AX • Ref: 13/00080/HHFUL Maxey Construction of single storey rear extension to kitchen and side extension to garage 9B Castle End Road Maxey Peterborough PE6 9EP •

**Development which affects a Right of Way to which Part III of the Wildlife and Countryside Act 1981 applies:**  
Ref: 12/01065/OUT Peterborough Construction of 2 x 1 bed flats and 5 studio flats Former Coal Yard River Lane Peterborough PE3 6BZ • Ref: 13/00019/FUL Wittering Removal of existing guard hut and replacement with new masonry structure with pitched roof Royal Air Force Wittering Great North Road Wittering Peterborough •

The applications may be inspected online at [www.peterborough.gov.uk/publicaccess](http://www.peterborough.gov.uk/publicaccess) including the internet terminals in public libraries and online at the **Customer Service Centre at Bayard Place, Broadway** [opening times are 9am-5pm Monday/Tuesday/Thursday/Friday and 11am-5pm on Wednesday - excluding Bank Holidays]. Comments should be submitted to the Head of Planning, Transport and Engineering Services no later than 21 days from publication date - please see the Council's website [www.peterborough.gov.uk/representations](http://www.peterborough.gov.uk/representations) on how to comment.

### PETERBOROUGH CITY COUNCIL

Applications requiring advertising  
**Planning Application(s) affecting the character or appearance of a Conservation Area:**  
Ref: 13/00009/HHFUL Barnack 3no. new dormer windows to existing roof front elevation Cherrystones Lattimers Paddock Pilsgate Stamford • Ref: 13/00067/FUL Peterborough Change of use from A1 to A2 8 Bridge Street Peterborough PE1 1DW •

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## Public Notices



Cambridgeshire  
County Council

### RURAL BUSINESS OPPORTUNITIES - LAND FOR LET

Prospective tenants are invited to apply for a tenancy from 11th October 2013:

- **Marshalls Farm, Farcet** - 98 hectare arable holding with house and buildings
- **Kings Farm, Horningsea** - 63 hectare arable holding with a 28,800 m<sup>3</sup> capacity reservoir, house and building
- **Flaggrass Hill Farm, March** - 34 hectare arable holding with buildings
- **Alley Farm, Wisbech** - 52 hectare arable holding with bungalow and building
- **Needham Farm, Elm** - 32 hectare high quality bare land holding. May be available in two lots.
- **Rowells Farm, Warboys** - 108 hectare holding with a large detached house and buildings.
- **Selwyn Lodge Farm, Wisbech St Mary** - 44 hectare bare land holding.
- **Betty's Nose Farm, Benwick** - 3 hectare holding with a semi detached house and buildings. Potential for non agricultural use.
- **Vector Farm, Elm** - 6 hectare arable holding with house, but no buildings
- **Church Farm, Quy** - 1 hectare arable holding with house. Buildings may be available.

Earlier entry may be available on some of the land and houses by agreement. These holdings will be offered for a minimum 5 year term and are aimed at people wanting to establish independent rural businesses.

Full details available from:  
<http://www.cambridgeshire.gov.uk/council/property/estate/farms/farmstolet>  
For an informal discussion please contact Sarah Shepherd on 01223 699671 or by email at [Sarah.shepherd@cambridgeshire.gov.uk](mailto:Sarah.shepherd@cambridgeshire.gov.uk)  
View days will be held on 5th & 7th February 2013. Please see the particulars for the open day for each farm.  
Closing date for applications is Friday 22nd February 2013.

[www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

### PETERBOROUGH CITY COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

NOTICE IS HEREBY GIVEN that Peterborough City Council intends to consult on its policy regarding Hackney Carriage and Private Hire licensing, in respect of the following categories:

1. Conditions of Fitness for Hackney Carriage Vehicles (Peugeot E7)
2. Vehicle Testing
3. Driver Badge Renewal Frequency
4. Limousine and Speciality Vehicles
5. Private Hire Operator Conditions
6. Relevance of Convictions and Cautions
7. C.C.T.V

The consultation will start on Friday 1 February 2013 with the document being available for public inspection (free of charge) on the Councils website by following the link below and at the Council offices.

[www.peterborough.gov.uk/taxilicensingconsultation](http://www.peterborough.gov.uk/taxilicensingconsultation)

A copy can be obtained during normal office hours from the reception at Bayard Place, Broadway, Peterborough or Town Hall, Bridge Street, Peterborough.

If you wish to make representations concerning any of the proposals contained within the consultation document you should send them by email to [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk) or in writing to the Licensing Consultation Officer, The Licensing Team, 4th Floor, Bayard Place, Broadway, Peterborough, PE1 1HZ to arrive on or before Thursday 25 April 2013. (Please quote reference number lpc01/2013 in your correspondence)

Any changes to the policy will be introduced following full consideration of the responses received and the approval of the Licensing Committee. Until further notice all existing policies and conditions remain unchanged.

Please note that all representations received may be considered in public by the Council and that the substance of any representations together with the name and address of the person making it could become available for public inspection.

The City of Peterborough  
Bright Street Eastbound  
(Temporary Prohibition of Through Traffic)

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<b>Consultation Responses Received Vehicle Testing for Hackney Carriage and Private Hire Vehicles</b>	
<b>Organisation</b>	<b>Contact Method</b>
<b>Taxi and Private Hire Trade</b>	
PHCF – Peterborough Hackney Carriage Federation	Email
1 response from an individual Hackney Carriage Driver	Email
<b>Suppliers</b>	
Enterprise Peterborough – Andrew Prowting – Transport Manager	Email
<b>Agencies / Authorities</b>	
Cambridgeshire Constabulary - Superintendent Dan Vajzovic, Peterborough Area Commander	Email
<b>Individuals</b>	
Mr Brian Gascoyne (previous Secretary of Peterborough Hackney Carriage Federation)	Post
Mr Ian Robinson	Email

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Day Adrian

**From:** mohammed qadir [REDACTED]  
**Sent:** 24 April 2013 19:20  
**To:** Licensing Policy Consultation; Chapman Adrian; Gell Peter; Day Adrian; [REDACTED]  
**Subject:** Consultation response  
**Attachments:** 2013-04-24.18.31.00.vnt

## PETERBOROUGH HACKNEY DRIVERS FEDERATION

Response to the  
Peterborough Taxi and Private Hire Licensing Consultation Document.

This document forms a written representation on behalf of the 92 members of the Peterborough Hackney Drivers Federation, a group which was formed, approximately three years ago, with the purpose of building a working and supportive partnership between the Hackney Drivers of Peterborough, the Police and Peterborough City Council.

As the representative body of the Hackney Carriage profession in Peterborough we wish to forward the views and proposals of our members on the consultation document, with the aim of securing a viable future for the Hackney Carriage profession and the valuable service it offers to the citizens of Peterborough.

We will address the areas of issue in the order that they appear within the consultation document.

### Conditions of fitness for Hackney Carriage Vehicles (Peugeot E7)

We are opposed to any changes which would allow the introduction of the Peugeot E7 as a suitable vehicle to ply for trade as a Hackney Carriage in Peterborough on the following grounds:

#### Liquidation of LTI

Following rumours of liquidation, the future of LTI is, at this present time, secure, following a successful takeover. Whilst we are prepared to concede that were LTI to close there would be no other option than to look to introduce other vehicles to fulfill the role of the Hackney Carriage, however as this is not the case at this time we feel that its introduction to the discussion will only be a distraction.

#### Issues over the suitability of the Peugeot E7

At the present time all vehicles used as Hackney carriages have to conform to the high standards laid down by the London licensing council, we can see no benefit to users of hackney carriages to lower the standard to allow less well equipped vehicles to ply for trade on the ranks.

The turning circle of the Peugeot E7 is almost 25% greater than that of the LTI meaning that it would need greater space to manoeuvre on and off the already overstretch ranks of the city. Ranks such as Tesco and Broadway are quite narrow and it cannot be stressed enough that the extra manoeuvring required to enter and leave these ranks will put pressure on the drivers performing them, not to mention the obstruction to the public.

The actual boundaries of the city of Peterborough itself covers a large area but the city centre itself is quite small and largely pedestrianised, leaving very few opportunities to introduce new ranks and the addition of vehicles which are larger and require greater manoeuvring space will put added pressure on these already overstretched ranks.

Windows which can be easily opened while seated, this seems a fairly straightforward terminology and we fail to see why this should need further detail you can either open the windows or you can't whilst sitting in a wheelchair.

Headroom, once again as with the turning circle these are quite significant differences and we can see no need or benefit to either the public or the trade to introduce such radical changes at this time.

Overall the Peugeot E7 is an inferior vehicle to the purpose built LTI vehicles and we feel its introduction at this time will have a detrimental effect on the trade and hackney carriage users in general.

### Vehicle Testing

We feel that the introduction of option 2 for MOT testing would offer the best option for drivers, allowing them greater access to MOT stations, reducing waiting time for tests and allowing them greater flexibility over schedules and locations, and once again freeing up council staff to assist in other areas.

MOT stations are regulated by VOSA and we feel that this body regulates the profession well and this reduces the chance of abuse due to lack of monitoring etc.

### Driver Badge Renewal Frequency

We feel that the introduction of option 3 would be the most acceptable option based on the needs of both the public and the trade and the licensing department.

The present system is cumbersome leading to an ineffective use of council time and staff. By adopting the measures listed in option 3 we feel that the time of council employees could be better used to work with the profession to overcome the problems of touting and illegal flagging, issues which have a direct and detrimental effect on the safety of the public, in addition to the public image and viability of the trade as a whole. Our members would be happy to work with the police and the council to help to alleviate these problems.

We accept that a minority of unscrupulous drivers could take advantage of the longer gap between checks, which could lead to non licensed drivers being on the road however we would propose that the introduction of lengthy bans and swingeing penalties for those who offend would act as a huge deterrent against this problem.

We would also like to propose the introduction of a more stringent application process for those who apply to become both Hackney and Private Hire Drivers. The profession is one which is in constant contact with the public, and we feel that in order to provide them with an exemplary service, those providing the service should have to pass a number of written and practical knowledge based tests in addition to a more vigorous oral exam to establish a good level of spoken English.

We would also like to draw the council's attention to the impact that deregulation has had on the profession as a whole. The majority of our members have seen their income slashed by up to 50% in the wake of deregulation.

It is not only the financial stability of our members that has suffered, the increase in vehicles has led to increased pressure for rank space within the city centre, increased pollution and pressure on the

infrastructure in general.

We understand that the council is reluctant to reintroduce regulation at this time and with this in mind we feel that the introduction of a more in depth and far reaching test for applicants, as mentioned above, coupled with the continuation of the current conditions for fitness for Hackney Carriage Vehicles, would assist in, at the very least, maintaining the current levels of the profession.

We have been led to believe that the survey carried out to look into the levels of vehicles in Peterborough was neutral concerning the levels of vehicles currently operating in the city. We would like to propose that these results be re examined. While there has undoubtedly been a substantial increase in the population of Peterborough as a whole, there has not been a corresponding increase in the number of people using the services of the Hackney or Private Hire professions. Many people have their own vehicles and whereas once there was reluctance for people to partake of soft drinks in licensed premises, this is no longer the case, and indeed there is a greater variety of soft drinks available to the public. These changes have led to an increasing trend for people to take turns at being the dedicated driver on social occasions.

Additional factors which have had a further impact on the trade are the easy availability and relatively low costs of alcohol from supermarkets, which has led to the number of Public houses in Peterborough has decreased dramatically as more people choose to drink at home.

We feel that all these factors should have been taken into consideration.

#### Limousine and Speciality Vehicles

We have nothing to add to the proposals.

#### Private Hire Operators.

Overall we are supportive of all the initiatives raised in the current proposal document, however we would like assurances on the councils policy regarding the regulations for establishing a private hire office. One particular area of concern is the requirement for parking spaces, we feel that at present the situation with parking spaces is not being policed and in practice a greater number of vehicles are parking at the offices than was disclosed in the planning application. Not only is this a clear abuse of the regulations but this additional parking often caused increased congestion problems for business and residential occupants of the surrounding areas.

#### Relevance of Convictions and Cautions

We have nothing to add to the proposals

#### CCTV

We feel that this should remain optional at the present time. The trade is under considerable financial pressure and drivers are finding it increasingly difficult to secure a satisfactory level of income from the trade, so that added financial burden of having to add cctv to their cabs would cause added financial hardship.

We would like to see the council, assist support and encourage drivers to take up the use of CCTV cameras rather than to make it mandatory in these difficult times.

#### Conclusion

In closing as we have mentioned earlier, we, as a federation, wish to work in partnership with the Police and Peterborough City Council not only to secure a viable future for our members but to give

the public of Peterborough a service it can rely on and be proud off. thank you

Your sincerely

Mohammed qadir  
secretary PHDF





Badge Number: [REDACTED]

Hackney Carriage Number Plate: [REDACTED]

Reference number: lpc01/2013

Dear Sir/ Madam

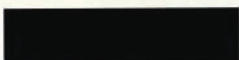
I have been driving hackney carriage in Peterborough for over 15 years with my experience I would like to give you some advice on condition of fitness for hackney carriage vehicles (Peugeot E7). I would like to see black cabs only in Peterborough because I have experienced that the public of Peterborough prefers using black cabs. They are the icon of our city. Regarding Peugeot E7 I would advise if it is not in the law of licensing then it shouldn't be allowed to be a hackney carriage.

Vehicle testing: regarding the vehicle testing situation I would like to be tested by a professional body either city council or someone who has some sort of connection with the city council because going to some carboys we might have some unfit vehicles on the road and get some delays in getting licensed in time.

Drivers badge renewal frequency: I like the idea of three years badge renewal but we must make sure that people are very honest. Very recently I read in the evening telegraph regarding a driver driving a car with no insurance and license in three star ambassadors. I would advise you to have a three year badge renewal and get police check every year.

C.C.T.V.: regarding the CCTV I would like to advise you that with my experience in driving hackney carriage I think it has all the safety that driver require and if you look over the years we have had very little problems regarding black cabs. The problems that we are having are to do with difference in fair prices with private hires. People are getting confused with the prices that are private hire are charging to hackney carriages. During night times when people are drunk they are looking to make excuses with the price of private hire and cause problems with black cab drivers because we use the meter price. For hackney carriages safety we have CCTV police and city council controlled cameras on or near by every taxi rank. So I think we have got lots of safety protection for hackney carriages.

Yours sincerely



## **Background on Enterprise**

In March 2011, Enterprise was awarded a 23-year bundled services contract by Peterborough City Council for a range of front-line services, which also included the running of the vehicle Workshop based at Nursery Lane. The operation was previously managed in-house by PCC.

The Workshop, prior to the commencement of the Enterprise contract, carried out reactive and scheduled maintenance on the Passenger Transport Fleet, the Refuse collection and Street Cleansing Fleet and the Grounds Maintenance Fleet as well as carrying out, on instruction from PCC, MOT exemption tests on Taxis. Following Enterprise taking over control of the Workshop operation as part of the bundled services contract, it continued to provide all of these services.

## **Part 1 Conditions of Fitness for Hackney Carriage Vehicles (Peugeot E7)**

Enterprise has no official position regarding this area of the consultation, as it is not within Enterprise's remit or expertise.

## **Part 2 Vehicle Testing**

1. **Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT Testing Station instead of the requirement for an MOT exemption test carried out by either of the Council's 2 Testing Stations.**
  - a. **Remove the requirement for a vehicle to have an MOT exemption test.**
  - b. **Remove the requirement to book a test via the Licensing Department.**
  - c. **Remove the requirement for a vehicle to be tested at the Unity or Enterprise Testing Stations.**
  - d. **Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT Testing Station.**
  - e. **Introduce the requirement for the driver to book the MOT test direct with the Testing Station.**
  
2. **Introduce the requirement to have a standard MOT test carried out by only VOSA authorised MOT Testing Stations which are members of the Council's "Vehicle Testing Centre Scheme" instead of an MOT exemption test carried out by the Council's test stations.**
  - a. **Remove the requirement for a vehicle to have an MOT exemption test.**
  - b. **Remove the requirement to book a test via the Licensing Department.**
  - c. **Remove the requirement for a vehicle to be tested at the Unity and Enterprise Testing Stations.**
  - d. **Introduce the requirement to have a standard MOT test carried out by VOSA authorised MOT Testing Stations that belong to the Council's "Vehicle Testing Centre Scheme".**
  - e. **Introduce the requirement to book the MOT test direct with the Testing Station.**
  
3. **Retain the current requirement to have an MOT exemption test carried out by either of the Council's 2 Testing Stations**
  - a. **Retain the requirement for a vehicle to have an MOT exemption test**

- b. **Retain the requirement to book a test via the Licensing Department.**
- c. **Retain the requirement for a vehicle to be tested at the Unity or Enterprise Testing Stations.**

### **Remove/Retain the requirement to have an MOT exemption test**

Enterprise feels very strongly that it is in the best interests of all parties for the vehicles to be inspected and reviewed on a six-monthly cycle. From Enterprise's experience of the last two years and the experience of operating the MOT exemption tests under the PCC Workshop at Nursery Lane for the previous seven years, it is vitally important that vehicles are assessed for their roadworthiness by an independent and impartial inspection regime.

The majority of vehicles being presented for an inspection test have already been into a local garage for maintenance work to be prepared for the test at the Enterprise or Unity Workshops. However, despite this, an estimated 25% of vehicles being presented for an MOT exemption test need rectifications performing before the vehicles are deemed safe to be utilised as a passenger carrying vehicles for hire. Approximately 23% require a re-test where the vehicles are removed from site to allow maintenance for an external provider to bring them to standard and, on average, two vehicles per month are issued with prohibition notices.

Without these 6 monthly assessment checks, the majority of these vehicles would spend the latter 6 months of the year in a potentially unsafe and non-roadworthy condition, this in itself presents a safety risk to not only the fare-paying passengers on board the vehicles but also to the general road-going public and pedestrians.

However, in response to the requirement for the vehicle to not have an MOT exemption test, Enterprise acknowledges the system could be changed or improved to allow the vehicle to have a standard annual MOT test with an enhanced criteria for Taxi requirements at 6 monthly intervals.

Many of the garages which are preparing the vehicles for the current MOT exemption tests, chosen by the drivers under their own agreements, prior to them being presented to Enterprise and Unity, are also MOT Test Centres. However, a percentage of these vehicles do then need rectifying before they are deemed to have passed their MOT exemption tests and Enterprise would offer caution to Peterborough City Council that it is essential to the safety of the fare paying passengers and the general public and it is crucial, therefore, that these tests are carried out by an impartial and Council appointed Workshop that does not also carry out general running repairs and reactive maintenance to these vehicles.

As detailed above, Enterprise does not foresee an issue with introducing the standard MOT test, so long as this was not the sole annual check on the vehicles.

The removal of the 6 monthly checks for vehicles over 6 years old would potentially raise safety risks and acts as an incentive to encourage the operators to ensure regular maintenance to be carried out on these vehicles.

The standard MOT test alone is not sufficient to check all requirements for Taxi safety, so even on the MOT test there would need to be an enhanced additional Taxi check, following the MOT inspection, to ensure the safe operation of the following items; first aid kit, fire extinguisher, reversing lights, tail lifts and wheelchair ramps amongst others.

Wheelchair ramps and tail lifts users are amongst the more venerable members of society, and if the Council were to opt for a single MOT test only, this would fail to ensure safety of a group of people for whom it is most crucial.

Also the compliance and adequacy of the first aid kit and fire extinguishers are paramount and need to be checked on a regular basis to ensure that in a situation where required they operate functionally.

The key advice that Enterprise would offer in this area is that it is vitally important that the vehicles' roadworthy condition is assessed on a 6-monthly basis but also that the assessment is carried out by an impartial and on Council appointed premises, but that it would be possible to change the nature of the current MOT exemption tests to allow a different scheduled test structure.

### **Remove /Retain the requirement to book a test via the Licensing Department**

Enterprise can be extremely flexible with regard to the booking procedure for the tests. Enterprise has the facility, capability and capacity to assist PCC with the administration of this process.

Using Enterprise's asset management and scheduling software, Key2, Enterprise could hold the database of all vehicles along with their compliance status and could provide the Council with automated reports in e-mail form on a monthly, weekly or daily basis to inform the Council of any vehicles which are no longer within the boundaries of the scheduled inspection regime.

Enterprise has the ability to allow the drivers to book directly with the Workshop for their tests and Enterprise can also manage the distribution of the work between Enterprise and Unity to allow maximum availability of testing. Even work carried out at Unity can be recorded against the vehicles on Enterprise's system to show compliance and testing status without the need for Unity to be on the same system and all reporting would be inclusive of all vehicles.

If the booking were to be made directly with Enterprise it would allow Enterprise to schedule the work in a more flexible manner to provide a more efficient service to the drivers, as well as allow Enterprise more internal flexibility, and potentially could reduce the costs of the tests and the hourly rate to PCC for the Taxi tests.

A key consideration that Enterprise feels is crucial to maintaining the current compliance of the Taxi fleet is that all vehicles should be held on a central database or system which is fully reportable and can be interrogated and is updated on a regular and reactive basis.

### **Remove/Retain the requirement for a vehicle to be tested at the Unity or Enterprise Testing Centres**

Enterprise feels very strongly that to remove the need for an independent and impartial test centre may compromise the safety of the drivers, passengers and general road-using public.

Many of the garages which are preparing the vehicles for the current MOT exemption tests, chosen by the drivers under their own agreements, prior to them being presented to Enterprise and Unity, are also MOT Test Centres. However, a percentage of these vehicles do then need rectifying before they are deemed to have passed their MOT exemption tests and Enterprise would offer caution to Peterborough City Council that it is essential to the safety of the fare paying passengers and the general public it is crucial that these tests are carried out by an impartial and Council appointed Workshop that does not also carry out general running repairs and reactive maintenance to these vehicles.

Many of the drivers and operators of taxis would prefer not to use these testing centres as they are motivated against their use by the costs involved. However, this is a key supportive factor for maintaining this structure since a prime reason for having these exemption tests is to prevent the operators from minimising costs with their repairs and ultimately leading to a non-roadworthy vehicle condition.

Enterprise would offer a solution of having a network of several independent and impartial Testing Centres, all of which do not carry out running repairs on any of the vehicles up for these tests, and audited on a 6 monthly basis, where the scheduling could be controlled by Enterprise, as detailed in Section 2. These garages could all be on a set fee matrix, to prevent cost undermining, for which garages were paid a set amount per test and all compliance was fed back to Enterprise to maintain the vehicle database.

Enterprise could issue prohibition notices, which would remove additional administrative burden from PCC. However, on issue of a notice Enterprise would immediately inform PCC and all relevant parties.

The key advice that Enterprise would offer in this area is that it is vitally important the assessment is carried out by an impartial and on Council appointed premises that do not carry out running repairs and reactive maintenance to the vehicles and testing is on a set fee schedule.

### **Part 3 Driver Badge Renewal Frequency**

Enterprise has no official position regarding this area of the consultation, as it is not within Enterprise's remit or expertise.

### **Part 4 Limousine and Speciality Vehicles**

Enterprise would like to make the PCC aware that VOSA permit the Workshop at Nursery Lane to accommodate limousine for MOT and inspection purposes.

### **Part 5 Private Hire Operator Conditions**

Enterprise has no official position regarding this area of the consultation, as it is not within Enterprise's remit or expertise.

### **Part 6 Relevance of Convictions and Cautions**

Enterprise has no official position regarding this area of the consultation, as it is not within Enterprise's remit or expertise.

### **Part 7 CCTV**

Enterprise has no official position regarding this area of the consultation, since it is not within Enterprise's remit or expertise.

If anyone from Peterborough City Council would like to contact Enterprise further to discuss our opinions or considerations, Enterprise would be happy to receive any communications and would recommend dialogue sessions to arrive at the best overall solution to ensure safety and compliance of the Taxi fleet in Peterborough, as well as the most cost effective and efficient way to administer this service. Enterprise, through the bundled services it currently provides for Peterborough City Council, can offer administrative help to PCC and is flexible with its capabilities and functionality and would welcome the chance to discuss potential opportunities further.

**Day Adrian**

**From:** Sharon Burgh [REDACTED]  
**Sent:** 24 April 2013 11:50  
**To:** Licensing Policy Consultation  
**Cc:** Day Adrian  
**Subject:** LPC01-2013 PCC Taxi Consultation - Representations from Enterprise  
**Attachments:** LPC01-2013 Taxi Consultation for Peterborough City Council - Enterprise Representation.docx

Please find attached Representations from Enterprise Peterborough regarding the Peterborough City Council Taxi Consultation 2013. Should you have any further queries, then please do not hesitate to contact Andy Prowting [REDACTED] or myself on [REDACTED]

**Sharon Burgh**  
**Fleet & Plant Hire Limited**  
**Enterprise Peterborough – Caring for your environment**

Nursery Lane  
 Fengate  
 Peterborough  
 PE1 5BG



[www.enterprise.plc.uk](http://www.enterprise.plc.uk) | Web



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\*\*\*\*\*

**Day Adrian**

**From:** Dan Vajzovic [REDACTED]  
**Sent:** 02 April 2013 10:48  
**To:** Day Adrian  
**Cc:** Iain Clark  
**Subject:** Taxi consultation response from Cambridgeshire Constabulary ~[PROTECT]~  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Attachments:** Cambridgeshire Constabulary response to PCC Taxi and Private Hire Licensing Consultation.doc

Dear Adrian,  
Please find attached our response to your consultation.

Regards,  
Dan

Superintendent Dan Vajzovic  
Peterborough Area Commander

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To visit Cambridgeshire Constabulary's website please follow this link:

<http://www.cambs-police.co.uk/index.asp>

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## Cambridgeshire Constabulary response to PCC Taxi and Private Hire Licensing Consultation

Cambridgeshire Constabulary is the local police service covering the Peterborough Unitary Authority area. In daily business we have regular interaction with the taxi and private hire community as victims, witnesses and offenders. Our responsibility is to ensure the safety of all persons and, where possible, ensure that effective investigations can take place to resolve crimes and anti social behaviour.

The Police recognise the valuable service the taxi and private hire community provides, indeed acknowledging the significant contribution that effective service provision can have on managing the night time economy and improving the public's feeling of safety and well being.

The below feedback is from professional judgement and experience from officers on the Peterborough District.

### **Part 1. Conditions of fitness for Hackney Vehicles**

In relation to the choice of vehicle to be used there are a number of concerns to raise:

1. With the proposal to use the Peugeot E7 will the increased turning circle exacerbate traffic congestion issues in some of the, already bottlenecked locations in the city (e.g. Broadway near Tesco). The result will be a delay in traffic flow and a potential increase in "road rage" problems.
2. As the vehicle is longer will this cause capacity issues in the existing taxi ranks in that not as many vehicles will fit in the ranks, displacing them to park elsewhere, even illegally.
3. Some private hires already use the E7 and use of this as a hackney taxi may be perceived by some as a removal of the taxi driver's status v private hire. Could a specific livery for taxis be considered as is done in many other cities and towns.
4. The TFL conditions for fitness are a good guide for maintaining the standard of taxis and should remain the basis for taxis in Peterborough.

### **Part 2. Vehicle testing**

The mechanical fitness and integrity of the testing is vital to maintain the confidence and safety of the public and partners. It is therefore considered that any dilution of the current testing regime would reduce the high levels of safety currently enjoyed. There is also a risk of reputational damage PCC were the options described to be implemented. The local authority is responsible for licensing vehicles and ensuring appropriate testing is undertaken. The current system ensures that vehicles are roadworthy and kept in a suitable state to ensure passenger and driver safety.

Option 1 appears to abdicate responsibility from PCC in relation to vehicle testing and places all the onus on the driver, this essentially reverts to the same standard as used by private motorists, who do not have the responsibility of carrying fare paying passengers.

Option 2 is a halfway house between the current system and the proposal in option 1. This option requires some buy in from approved service providers and an agreement to provide information to the licensing authority, this may not be practical. It is concerning that there are acknowledged issues around whether continuity of audit trails may be affected. How would the standards be maintained



and checked to satisfy licensing officers that these standards were being maintained and consistently applied.

Option 3 is the current process and provides the best option as the system has integrity, it is a standard test, the licensing authority has access to the information and immediate access to prohibit unfit vehicles. This may be slightly more costly but where the safety of the public and drivers is concerned then the investment is worthwhile. The integrity and reputation of the licensing process would also be retained.

It is vital that the vehicle checking is robust to ensure safety and maintain public confidence.

### **Part 3. Driver Badge Renewal Frequency**

Suitable, timely and transparent checking systems for drivers are vital to the public's confidence in the driving community. Drivers come into contact with vulnerable members of the community and much of their trade comes through the night time economy where members of the public are under the influence of drink and/or drugs and render themselves more vulnerable. To this end there are serious reservations about moving to a system where drivers are checked every 3 years. It is far safer for each driver to be subject to a CRB check and a DVLA check on an annual basis, this is vital for public confidence and the integrity of the drivers. The risks are that those who commit offences or are involved in criminality will go unchecked for a period of time which allows them to do so. The basis of the Bichard report centres round the sharing of information and what happens when the relevant information is not shared appropriately, a system of tri-annual checking heightens those risks significantly. It is acknowledged that "taxi driver" is a notifiable occupation however this is not always disclosed and offenders/suspects are not always processed through custody.

It is also acknowledged that there is a desire for reform and that option 2 would provide a balance of risks against a modernisation of the current system however there would be no support to move to Option 1 or 3. Option 4 would be acceptable.

### **Part 4 Limousine and Speciality Vehicles**

The introduction of the regulation of vehicles and operators in this category is welcomed and supported.

### **Part 5 Private Hire conditions**

These conditions are supported

### **Part 6 Hackney conditions**

These conditions are supported

### **Part 7 CCTV**

The installation of CCTV in private hire and hackney vehicles is fully supported and endorsed by the police. CCTV is widely used as a crime prevention and detection tactic. The use of CCTV protects both the driver and passengers. It allows for greater investigation of crime and potentially an increase in the detection of offences involving the trade in all areas. There are numerous examples where CCTV would have directly influenced the outcome of police investigations. The installation of CCTV would also protect drivers against malicious allegations.

It is acknowledged that this is an area that has been discussed at length for some years now and that there are strong views in relation to installing CCTV much of it relating to the cost of the right system and where that is funded from.

As the options stand Option 1 would be preferable however there may be further options which could be explored to make the policy more workable.

Being cognisant of the recent ruling in the Southampton case regarding the recording of audio on taxi CCTV, it is suggested that, if possible, the CCTV condition is targeted at those times or journeys where there is the greatest risk/threat be that perceived or real. This would cover the night time economy Thursday to Saturday 2000-0600, all school journeys or those where children are travelling in hackneys or private hire. The visual cctv will record continuously and the driver has the ability to activate audio recording in response to an incident. This may have issues of its own but may represent a compromise between full implementation and no installation of CCTV at all.

## Day Adrian

---

**From:** Robinson Ian  
**Sent:** 18 April 2013 11:59  
**To:** Licensing Policy Consultation  
**Subject:** lpc01/2013 - Hackney Carriage & Private Hire licensing consultation

As one of the council Regulatory Officers, working in the Licensing Department, I would like to take the opportunity offered by the consultation process to express my views concerning the proposals (**lpc01/2013**).

In my opinion the proposals I have chosen to comment on, if adopted, could compromise passenger safety. In addition, the removal of current safety processes, the report repeatedly states, "would reduce the administrative burden on the council". Safety processes should not be seen as a burden, they are yet another tier to ensure the public are safe, which is of course, the primary role of licensing. If adopted, in this current climate, we could also potentially see the changes in policy lead to further reductions in staff. With staff levels reduced, there would be further demands placed on those officers remaining, which would undoubtedly affect their ability to investigate complaints, confine them more to the office and impact on enforcement operations, once again potentially impacting on public safety.

All of these processes, which could be removed if some proposals are adopted, allow officers to check if a vehicle or driver is still eligible for licensing, inspect vehicles for unreported accident damage, check driving licences, criminal records and insurance documents.

### **1. Conditions of Fitness for Hackney Carriage vehicles (Peugeot E7).**

In moving away from the Public Carriage Office Conditions of Fitness, the Peugeot E7 would not be the only vehicle eligible for licensing. If the E7 is approved, then any wheelchair accessible vehicle would be eligible to be licensed as a hackney. The Taxi Federation has already highlighted concerns that there are too many licensed taxis in Peterborough, this was corroborated by the recent survey, which clearly demonstrated that there was no unmet demand.

Allied Vehicles, the E7 Converter indicate that our hackney fleet does not cater for all wheelchair passengers. Even with the addition of the E7, we would still not be able to accommodate every possibility. In order to do that, every vehicle on the rank would need to be capable of carrying everyone from a passenger in a standard sized wheelchair, to someone who needs to be conveyed in a fully recumbent position i.e. a fleet of ambulances.

In reality we provide a larger fleet of wheelchair accessible vehicles than most other authorities. Other authorities have only a small percentage of wheelchair accessible vehicles on their hackney fleet, with the majority of the fleet being saloon or people carrier type vehicles. All of our hackneys are wheelchair accessible and have hearing loops, additional steps or swivel seats fitted as standard, to accommodate other passenger's needs.

If a passenger has more specific needs, we have many adapted vehicles, considerably larger than a London Cab or E7 on our private hire fleet, fitted with tail lifts, which can accommodate any passenger. If a passenger had specific needs that could not be met by a London Cab, they would ordinarily make the necessary travel arrangements when planning a journey.

We currently license a large number of wheelchair accessible vehicles on our private hire fleet, including a number of E7s. These vehicles would be immediately eligible for licensing as a hackney. This, coupled with the fact that a 3 year old E7 and other non-PCO approved vehicles can be purchased relatively cheaply, could cause a sharp rise in hackney numbers, causing further difficulties for the trade.

The cost of a new / used hackney appears to have reduced the amount of new vehicles from entering the trade, we currently licence around 198 hackneys. Five years ago, we had around 210 hackneys, which fell to around 185, when the recession took hold. We have already had to fund additional ranks in the city centre to alleviate the illegal parking issues we were encountering. Any increase in the size of the fleet could send us back to square one.

The E7 is not a purpose built vehicle, it is a conversion. It does not have the same turning circle as our hackneys. No matter how much this aspect is downplayed, it would cause a considerable problem in the city.

Currently the main rank on Broadway requires the taxi driver to perform two u-turns, one when leaving the Imperial Bento filter rank to join the Tesco rank, the other when leaving the Tesco rank with a customer. This

is a busy road, with a great deal of traffic and pedestrians.

The E7 and any other non-approved wheelchair accessible vehicle cannot perform the necessary u-turns on this stretch of road. They would have to perform a three point turn, which would cause unacceptable delays and pose potentially dangerous issues. In order for the E7 and other non-approved vehicles to operate from Broadway, we would need to redesign the ranks and the way they operate.

In addition, I doubt that any of these vehicles have the necessary manoeuvrability to use the Bus Station rank.

Allowing other vehicles to be licensed as a hackney would also dilute the recognition factor of the fleet, which could also prove to be a public safety issue. We would have E7s licensed as both taxis and private hire vehicles. We currently have over 20 Peugeots on the private hire fleet, a mixture of E7, Eurobus and Express, all look the very similar. It would be difficult for a passenger, often after a few drinks to ascertain which Peugeot could legally pick them up.

We are regularly running operations to target and prosecute private hire drivers for unlawfully plying for hire. Even though it is likely to end in prosecution, fine and the loss of a licence, many private hire drivers are willing to pick up unlawfully. Any driver willing to unlawfully ply for hire would find it considerably easier if his private hire looks the same as a hackney.

If a private hire driver picks up without a booking, firstly it is against the law, secondly it generally invalidates the vehicle's insurance cover and thirdly, there is no record of that journey taking place. Therefore, if a passenger is indecently assaulted or a private hire driver assaulted, it would be very difficult for the police to establish driver or passenger details. Diluting the visible appearance of the fleet would make it more difficult to identify whether a vehicle was a hackney or a private hire.

From watching an E7 demonstration, the length of the ramp, coupled with the height of the floor requires the vehicle to be parked further from the kerb to facilitate the loading of the wheelchair; this pushes the vehicle further into the carriageway.

When sitting in a wheelchair in the vehicle, visibility for the passenger appears to be reduced as the windows sit below eye level. The vehicle is also fitted with sliding doors, which provide a degree of difficulty for anyone with mobility issues trying to close it from the front facing passenger seats.

I have no issue with the licensing of the E7 or any other non-approved wheelchair accessible vehicle as a private hire, but foresee a number of issues if we allow the vehicle to be licensed as a hackney.

## 2. Vehicle Testing.

Testing of our licensed vehicles is undertaken by two approved testing stations, **Unity** (formally Conder's Garage), and **Enterprise** (formally the Council Depot). The current testing procedure includes additional criteria, which are not covered in a standard M.O.T. inspection. Vehicles, on passing the test, are issued with a Certificate of Compliance, not an M.O.T. Certificate. To state the obvious, the licensed vehicle's role is to convey the public from A to B as safely as possible and any decision impacting on safety, should be approached with great care.

In the case of Enterprise, the team at the location do not undertake repairs resulting from test failures. Unity, the former dealership for the LTI London Cab, was only permitted to undertake testing on taxis, once they had ceased to hold the LTI dealership and on the understanding that they no longer undertook any of the warranty repairs. These measures were taken to ensure the testers are independent and allay any fears that vehicles could be failed in order for the garage to generate additional income from any repairs.

New proposals could see the removal of our current testing procedure and the introduction of the standard M.O.T. test. From evidence gathered, I believe adopting the standard M.O.T. could lead to potential issues that would compromise the public's safety.

We currently have a close relationship with both Testing Stations. As a result, we are notified of any vehicle the testers deem is unsafe. This enables officers to issue Immediate Suspension Notices and remove the plate, preventing the vehicle from working as a taxi/private hire until the faults have been rectified and the vehicle re-tested.

If the responsibility of testing vehicles passes to any VOSA approved M.O.T. Testing Station, we could lose this relationship, communication and the additional safety net of being able to issue an immediate suspension before the vehicle leaves the testing station. We could not maintain a relationship with testers, if vehicles could be tested at any M.O.T. Testing Station.

We could also lose valuable information concerning poorly maintained vehicles, regular test failures and companies who are not investing money in the maintenance of their fleet.

In removing the requirement for the proprietor to book the mechanical test via the licensing department, we

again run the risk of losing a degree of control. We would have no way of confirming a vehicle had passed the test, until we were in receipt of the Pass sheet / Test certificate. As it stands, if we have concerns, we can check the test booking spread sheet to ascertain when the test was booked and then make enquiries with the relevant Testing Station.

In booking the tests ourselves, we send out paperwork, therefore giving the proprietors reminders and can spread tests throughout the month. This also spreads out the subsequent plate fitting appointments. In allowing proprietors to book their own tests at any M.O.T. Test Station, we could find ourselves in a position where proprietors delay the test until the last possible moment. This could have a knock on effect of drivers being unable to book a test appointment before the plate expires, putting officers in a position where it actually increases workload as a result of them having to locate vehicles to remove plates and chase proprietors.

In addition I am concerned that adopting the M.O.T. Test itself also has issues. On making a Freedom of Information request to VOSA, I am able to state that in the last 24 months:

- One VOSA authorised Examiner was prosecuted for fraudulently issuing an M.O.T.
- Ten nominated testers have been prosecuted for fraudulently issuing an M.O.T.
- VOSA have taken ten cases involving 13 defendants in connection with forged M.O.T. certificates.
- 101 Authorised Examiners had their authorisation withdrawn.
- 620 Authorised Examiners received a warning.
- 162 Nominated Testers were disqualified.

A search on the internet also leads to a number of media stories concerning forged, or the fraudulent issuing of M.O.T. certificates.

One of these articles related to a Peterborough Garage, where the owner received a 50 week suspended prison sentence. Whilst under surveillance, the garage was seen to issue a number of M.O.T. Certificates, despite some of the cars not even entering the garage. Whilst under surveillance on a particular day, ten vehicles were tested, 9 were ascertained not to have been tested properly. During the court case, in mitigation he admitted breaking the law because his business was "under great financial pressure."

From personal experience I am also aware of a Peterborough Garage being implicated in mileage clocking, where a number of Peterborough private hire vehicles allegedly had the milometer's wound back, to enable them to have warranty work undertaken. To put it simply unfortunately, there are some dodgy garages out there.

I would have some real concerns if we lost the current M.O.T. Exemption Test and allowed any M.O.T. Testing Station to test licenced vehicles. The M.O.T. Exemption provides an independent test, undertaken by VOSA approved testers, with no concerns that a tester could fail a vehicle in order for his garage to benefit from potential repair work.

### **3. Driver Badge Renewal Frequency.**

I believe it is incredibly dangerous to consider moving from the annual criminal record check and adopt a 3 year renewal check. The report indicates there would be a "slim possibility of some offences going unnoticed for a period of time"; in my experience this statement is incorrect. As it currently stands, we often discover on an annual check that drivers have been convicted during the licensing year. Despite it being laid down in the conditions of licence that any conviction should be reported within 7 days, drivers still fail to advise of a conviction.

The role of taxi driver is classed as a notifiable occupation and any arrest / charge should result in a disclosure from the police notifying our office. However in reality this regularly does not happen. In reality drivers are convicted, we are not advised by the driver or the police and we subsequently only find out when the driver submits his annual renewal.

Given, the issues we currently have, if criminal record checks are now moved to every three years, a driver could be arrested, convicted, even imprisoned and back out driving again, before we would even be aware of the conviction.

In reality, an annual criminal record check should be the bare the minimum requirement. It may be in the interests of the driver to move to 3 yearly licensing, but in my opinion it isn't in the public interest.

### **7. C.C.T.V.**

These days there are very few branches of the public transport system that do not provide protection to the driver and passenger by installing C.C.T.V. in vehicles.

Given the nature of some of the incidents we are now regularly investigating, there is an even more pressing need for the introduction of C.C.T.V. In recent months we have seen a number of safeguarding issues, allegations against some drivers for inappropriate comments or behaviour, which have led to increased joint working with Social Services and Police. Some of these allegations have involved licensed drivers engaged on local authority contracts.

C.C.T.V. is generally a condition of licence in other aspects of licensing, for example on & off licenses, with licenses not being granted, or premises being shut down if the C.C.T.V. is not working. In all of these cases the CCTV is fitted at the owner's expense.

Much has been said re the current financial climate and the cost to the driver if the mandatory requirement for CCTV is retained. If the vehicle owner is registered, the cost of CCTV can be offset against tax and VAT claimed back, it also leads to reductions in insurance costs offered by some companies.

C.C.T.V. is an important public safety tool and given the number of driver revocations and suspensions for alleged inappropriate behaviour towards females in recent months, I feel it is the only appropriate way to attempt to reduce these issues.

From scanning FLARE, since June 2012 we have had 10 allegations of inappropriate behaviour towards females or children. As a result:

- Two driver's licences have been revoked, one after three separate allegations of inappropriate conversation with female passengers, the other after a licensed driver picked up a 15 year old girl in his taxi and gave her alcohol in return for her performing a sexual act on him.
- One driver was initially suspended after an allegation of indecent assault against a female passenger in his vehicle. The case against him was subsequently dropped due to insufficient evidence. CCTV would have immediately established if the allegation had in fact occurred, proving or disproving the allegations against him.
- Three complaints related to alleged inappropriate comments made to female passengers, again if CCTV had been fitted this could have proved or disproved the allegations towards the driver.
- One driver is currently suspended following an allegation of trying to incite a young female passenger into child prostitution. The alleged incident took place in the vehicle and again, CCTV could have proved or disproved the allegation against the driver.
- One allegation relates to a driver allegedly stalking a female customer and one driver allegedly drove his vehicle at young students who had previously travelled in his vehicle. In both cases, CCTV may have assisted the investigation.

I acknowledge that there has been a downturn in the economy, however this does not appear to be adversely affecting the trade, as the number of licensed vehicles and drivers have increased.

I acknowledge that the Information Commissioner's Office served notice on Southampton council as a result of their mandatory requirement for vehicles to have CCTV, but this was purely due to the recording of conversation, not the recording of images.

The I.C.O. would have no issue if the sound recording was removed from the specification. The City Centre CCTV and most other systems fitted to pubs, clubs and other premises provide a suitable deterrent and evidence of an offence, without the need for sound recording. Southampton would not have been challenged by the I.C.O. if the CCTV in question did not have sound recording.

In addition, making CCTV optional rather than mandatory is in my opinion a complete waste of time. If CCTV is optional, there would be very few willing to spend money they didn't have to.

In my opinion, in the interests of driver and passenger safety CCTV should be a mandatory requirement and at the very least it should be a condition of any of our council Passenger Transport contracts, that any vehicle used to undertake a PCC school contract should be fitted with CCTV. We have a real opportunity to improve passenger and driver safety by fitting CCTV to our licensed vehicles, it would be a crying shame if we allowed unreasonable threats, pressure and politics to make a u-turn

Kind regards

Ian Robinson  
Regulatory Officer  
Taxi Enforcement Office  
4th Floor, Bayard Place  
Broadway  
Peterborough  
PE1 1HZ



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24<sup>th</sup> April 2013

Licensing Consultation Officer  
The Licensing Team  
4<sup>th</sup> Floor  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

Dear Sir/Madam

**PETERBOROUGH TAXI AND PRIVATE HIRE  
LICENSING CONSULTATION DOCUMENT**

I attach my response to the Peterborough Taxi and Private Hire review document now in consultation.

My qualification in submitting this document is that:

- I have been involved with the industry for the past 47 years one way or another as both a Hackney and Private Hire driver and also as a Taxi Fleet company owner.
- For two years I was the Secretary of the Peterborough Hackney Drivers Federation.
- I am the Peterborough Disability Forum Lead for Taxi and Private Hire.
- I have physical disabilities and I am a frequent user of both Hackney and Private Hire vehicles in Peterborough.

For ease of reference I have reprinted the original consultation and placed my comments in box format under the appropriate option, section or statement.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "B. Gascoyne".

**Brian W J Gascoyne**



## **Part 2 – Vehicle Testing**

Depending on the outcome of the consultation, a combination of the following may be adopted.

1. Remove the requirement for a vehicle to have an MOT exemption test.
2. Remove the requirement to book a test via the licensing department.
3. Remove the requirement for a vehicle to be tested at the Unity or Enterprise testing centres.
4. Introduce the requirement to have a standard MOT test.
5. Introduce the requirement to book the MOT test direct with the test centre.
6. Introduce a "vehicle testing centre scheme" consisting of VOSA authorised MOT testing stations that can meet additional criteria as set by the council.
7. Retain the requirement for a vehicle to have an MOT exemption test.
8. Retain the requirement to book a test via the licensing department.
9. Retain the requirement for a vehicle to be tested at the Unity or Enterprise testing centres.
10. Other options deemed suitable as suggested through the consultation process.

### **1. Introduction and Objectives**

#### **Introduction**

There are currently 185 Hackney Carriage and 500 Private Hire vehicles licensed in 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.

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.

This document sets out options for the Hackney Carriage and Private Hire Vehicle testing arrangements in Peterborough. It is a consultation document and comments are invited from all those who could be affected by the proposals.

#### **Objectives**

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure the licensing service is efficient and cost effective offering value for money to its service users.
3. To simplify arrangements and reduce the administrative burden on drivers and the council without compromising safety standards or reducing the quality of licensed vehicles.

## 2. Background and Present Arrangements

### Fees

The council has the delegated powers to set fees in relation to Hackney Carriage and Private Hire Vehicle licensing functions, they cannot be used to raise revenue or to make a profit for the council; they can only be set to cover the cost incurred by the licensing function.

Currently the annual renewal fee for a Hackney Carriage Vehicle licence is £210 including the annual test, the annual renewal fee for a Private Hire Vehicle licence is £180 including the annual test. The current fee for the 6 month test for both Hackney Carriage and Private Hire Vehicles is £65. Where a vehicle fails a test there is a fee of £21 for the 3<sup>rd</sup> and subsequent re-tests if tested within 14 days, and £42 if tested after 14 days.

### Current Process

As part of the 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.

## 3. OPTIONS

### Option 1:

Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station instead of the requirement for an MOT exemption test carried out by either of the councils 2 testing stations.


- a. Remove the requirement for a vehicle to have an MOT exemption test.
- b. Remove the requirement to book a test via the licensing department.
- c. Remove the requirement for a vehicle to be tested at the Unity or Enterprise testing stations.
- d. Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station.
- e. Introduce the requirement for the driver to book the MOT test direct with the testing station.

### Advantages

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 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.

## Disadvantages

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. 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 where appropriate.



**Comment:** A very unsuitable option. The risk of some Hackney owners or drivers taking their vehicle to an 'acquaintance' or a 'friend of a friend' is too higher risk to countenance and may leave the council open and at risk to litigation. The council have a responsibility to ensure that vehicles that are underwritten and licensed by them are fit for purpose and that they have shown 'due diligence' in providing the licence.

## Option 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" instead of an MOT exemption test carried out by the councils 2 test stations.

- a. Remove the requirement for a vehicle to have an MOT exemption test.
- b. Remove the requirement to book a test via the licensing department.
- c. Remove the requirement for a vehicle to be tested at the Unity and Enterprise testing stations.
- d. Introduce the requirement to have a standard MOT test carried out by VOSA authorised MOT testing stations that belong to the councils "vehicle testing centre scheme".
- e. Introduce the requirement to book the MOT test direct with the testing station.

As option 1 above, however the MOT test must be carried out by VOSA authorised testing stations which are members of the councils "vehicle testing centre scheme". In order for a testing centre to become a member of this scheme they must be able to demonstrate, agree to, or meet the requirements listed below.

## Proposed Vehicle Testing Centre Scheme Requirements

- a. The testing centre and the technicians conducting the tests must be VOSA authorised.
- b. When conducting an MOT test the test centre must be able to carry out some additional safety checks (these are to be confirmed following the consultation and will be no more than are required at present). These items must be documented by the test centre and evidence provided to accompany the MOT certificate.
- c. Where a vehicle fails on major faults the test centre must notify the council immediately so that a decision can be made in relation to suspending the licence plate.

- d. They must have in place a documented customer service policy detailing their complaints procedure and complaints handling process.
- e. Records must be kept of customer complaints received. To include the outcome of the investigation in to the complaint.
- f. They must offer competitive prices and ensure value for money.
- g. They must be able to communicate with the council via email and telephone.
- h. Any enquiry from the council must be responded to within a reasonable timescale according to the nature and urgency of the enquiry, with a maximum response time of 2 working days.
- i. Statistical information and vehicle data should be made available on request and on a monthly basis.
- j. Monthly statistics and data should be in spreadsheet form (ms excel or compatible) and in the agreed format.
- k. Data must be provided via email.

It should also be noted that Peterborough City Council:

- a. Will not be entering in to a contract with any MOT test station that is a member of the councils "testing centre scheme".
- b. Is not by way of entering any MOT testing station on its "testing centre scheme" guaranteeing, endorsing or promoting the quality of work or the integrity of that MOT test station.
- c. Will not accept responsibility for handling any test related issues or complaints arising from any tests or re-tests undertaken by the MOT test station, such disputes remain between the customer and the MOT test station. However we will monitor complaints to ensure that they have been dealt with according to the individual policies provided by the testing centres and that the driver has been treated accordingly.
- d. Will not be involved / responsible for the booking of vehicle tests.
- e. Will not be responsible for any payments to any test centre for testing, and likewise will not be responsible for any refunds in relation to testing.
- f. Will reserve the right to remove an MOT testing station for the scheme where it is deemed appropriate to do so.

### Advantages

- 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 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.

## Disadvantages

1. There may be a perception that where testing is available through the open market that audit trails on continuity may be affected.



**Comment:** This option in my view makes perfect sense, and will reduce the time wasted by Regulatory Officers checking what items could and should be checked when the vehicle is undergoing its' mechanical and safety inspection by the Testing Centre. This will enable the Regulatory Officers to be freed to perform their vital role in the field pro-actively ensuring that both the Hackney and Private Hire Vehicles as well as drivers and companies are abiding by the regulations that govern both trades in a regulated environment.

## Option 3:

Retain the current requirement to have an MOT exemption test carried out by either of the councils 2 testing stations.

- a. Retain the requirement for a vehicle to have an MOT exemption test.
- b. Retain the requirement to book a test via the licensing department.
- c. Retain the requirement for a vehicle to be tested at the Unity or Enterprise testing stations.

## Advantages

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 subjected 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 where appropriate.

## Disadvantages

1. The administrative burden on both the driver and the council will continue.
2. The number of routine interactions between the driver and the council will continue and hence the benefits of the reduction of any avoidable any interactions will not be achieved.
3. Will not contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.
4. Will not encourage competition and therefore will not generate a more competitive pricing structure and market place.
5. The flexibility for vehicle test appointments will remain limited with the current testing regime.

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