

LICENSING COMMITTEE

THURSDAY 6 JULY 2017
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 Meeting:**
 - 3.1 Sub Committee Held on 25 November 2016** 3 - 12
 - 3.2 Held on 8 December 2016** 13 - 18
- 4. Proposed Taxi Policy - Responses to Consultation and Adoption of Final Policy and Implementation Date** 19 - 162

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Committee Members:

Councillors: Ayres (Chair), G Nawaz (Vice Chairman), Allen, Fuller, P Hiller, A Iqbal, Hussain, Jamil, Davidson, B Saltmarsh and J Okonkowski

Substitutes: Councillors: R Brown, Dowson, C Ash and Bond

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

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**Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Friday, 25 November 2016**

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence
3.1 Application Reference	074179
3.2 Appointment of Chairman	Following a nomination, which was seconded for the position of Chairman to preside at this Panel Hearing, Councillor Hiller was duly appointed.
3.3 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Saltmarsh Councillor Brown
3.4 Officers	Andrew Simons, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.5 Applicant	Co-operative Group Food Ltd
3.6 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of alcohol for consumption <u>on & off</u> the premises <p style="padding-left: 40px;">Monday to Sunday 06.00 to 23.00</p> <ul style="list-style-type: none"> • Hours premises are open to the public <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Co-operative Group Food Ltd "Winchester Place", 80 Thorpe Road, Peterborough, PE3 6AP, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • Residents and other parties believed that granting an alcohol licence in the residential area and near to schools and Public

	<p>Health/NHS buildings would have a detrimental effect on the persons attending, as well as leading to street drinking in the area and associated anti-social behaviour;</p> <ul style="list-style-type: none"> • If a licence was granted there would be an increase in alcohol related incidents; • An increase in littering in the vicinity of the premises; • Increased traffic in an already congested area; and • Noise from the premises affecting nearby residents.
<p>3.7 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
<p>3.8 Parties/Representatives and witnesses present</p>	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant's Representative</u></p> <p>The Mr Richard Arnot, who presented the case on behalf of the Co-operative Group Food Ltd "Winchester Place", 80 Thorpe Road, Peterborough, PE3 6AP.</p> <p><u>Other Persons</u></p> <p>Mark Murphy, Barry Butler, Susan Hodson S Garnish, I Garnish and Dr Izibeya Otobo who presented the case as local residents.</p>
<p>3.9 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>3.10 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his/her address included the representation submitted against the application by local residents.</p> <p><u>Application's representative – Richard Arnott</u></p> <p>The applicant's representative, Richard Arnot addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The Co-op Group Food Ltd (Co-op), were the fifth largest retailer in the country with 76,000 people employed in food, with 2000 plus stores; • The premises, Winchester Place, 80 Thorpe Road, was due to open in April 2017; • Planning permission had been granted for retail use in December 2014; • The shop was to operate as a convenience store where customers could purchase regular groceries products and alcohol; • The sale of alcohol for Co-op Group Food Ltd stores, represented

around 15% of the company turnover;

- The Co-op was not intended as a sole off licence to purchase only alcohol;
- Each Co-op store had regional risk managers who were also responsible for liaising with the statutory authority, manage relationships and the development of policies and procedures for the Co-op;
- The Co-op had a training document which included an induction process with an exam to be undertaken by staff following training;
- New members of staff would also benefit from a buddy system;
- There had been a lock down procedure applied for new staff to ensure they could apply the training on sale of alcohol. The lock down procedure would apply until staff were confident with procedures, which would typically take around four weeks to complete;
- Typically Co-op stores would install five external CCTV cameras with 21 internal cameras;
- Age prompt tills would be in operation with each product bar coded to remind staff how to apply the procedure in terms of restricted product sales;
- The Co-op operated an electronic refusals register in order to identify those underage trying to purchase alcohol. The refusals register was checked on a weekly basis by a manager;
- Challenge 25 would apply;
- A layout plan of the Co-op, had demonstrated a one way in and one way out set up, which made the store easy to supervise;
- There would be five personal license holders for the 'Winchester Place' Coop store;
- Local community champions would support communities with products donated to local causes;
- Shareholder memberships;
- The Co-operative Group Food worked to ensure that all stores operated without any issues in order to avoid legal proceedings;
- The proposed opening times were from 6am – 11pm and was a standard arrangement for most convenience stores in the UK and was in line with the secretary state guidance paragraph 10.15 and PCC licensing policy paragraph 12.7;
- The Co-operative Group Food had engaged with the local police, who had supported the application as crime had been limited in the area and had not caused them concern;
- There were no other statutory authorities in objection to the license application for Cooperative Winchester Place;
- The Cooperative Group Food had introduced robust conditions;

In response to the objections raised by local residents the Cooperative Group Food commented that:

- In relation to the comments about 'need', 13.19 of the 102 licensing guidance excluded 'need' from being a relevant licensing consideration;
- The residents could not speculate over late drinkers and behaviour as there was no evidence and the police had not raised concerns or objection;
- Litter concerns would be managed by placement of bins to ensure the store was an attractive place to visit;
- There was no evidence that 'a certain type of person' as stated by

residents within their representation, would be attracted to the store and was mere speculation;

- The traffic concerns raised regarding Thrope Road was irrelevant as this had been a planning consideration;
- Heavy litter in the area could not be apportioned to the Co-operative Food Group;
- The use of the premises as a convenience store and planning permission had been granted;
- Concerns raised in regards to location next to schools would be protected by challenge 25 and would safeguard children;
- The photo of rubbish which surrounded a nearby Cooperative Group Food store, which was located on Mayor's Walk had also been located next to a Chinese takeaway and cannot be attributed to the Coop. It had also been evident from street view that there had been rubbish within the doorway of the neighbouring Chinese takeaway and post office. The Cooperative Group Food would always clear litter from the location at the front of a shop;
- Local opposition concerns raised was not referendum on whether the Cooperative Group Food 'Winchester Place' should sell alcohol;
- The health concerns raised was not a licensing objective;
- Road access was not a licensing consideration;
- CCTV would provide control outside the Co-op shop curtilage, however, licence guidance stated that no licensee could be held responsible for issues that arose outside the shop, which had been out of their control;
- The crime and disorder concerns raised, such as mugging and burglary issues including concerns raised about Thorpe Lodge Hotel in relation to vulnerable adults, cannot be blamed on the Cooperative Group Food, as the shop was not in operation;
- Vulnerable people would not be served alcohol in a Cooperative store due to the measures that would be in place through preventatives such as challenge 25;
- There would be provision for 13 parking spaces at the Co-op store;
- The Oundle Road store, which was opened recently had received positive feedback from residents;
- It was not evident that residents that lived on Oundle Road area were selling their properties due to a Cooperative Group Food store being in operation in the area;
- The Oundle Road Co-op premises was located on an old petrol station site, which had been revitalised through the recent store construction;
- Thorpe road would continue to be decent place to live and would not change if the Co-operative Group Food convenience store was to open;
- The Cooperative Group Food would only sell good quality products;
- The Co-operative Group Food stores would locate in residential areas as this was a convenience to local residents;
- The Area Co-operative Manager had attended a positive meeting with the representatives of the City Care Centre, where the Co-op policies and procedures were discussed;
- The Co-op worked rigorously in line with policies to protect children and communities;
- A meeting had been held with the NHS Trust. Discussions that took place outlined that the service which offered mental health to children and adolescents was due to relocate to the Peterborough City Hospital (PCH). It was also highlighted that there were other stores in

operation in the area that could provide alcohol to those likely to cause issues due to misuse. In addition parking, disability access to the Winchester Place building and NHS staff discount for those that worked on the first floor of the building was discussed. The NHS Trust was satisfied with the outcome of the discussions; and

- The store would only open when all local authority requirements were in place.

Other Persons – Mark Murphy

Mark Murphy, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- Most residents present at the hearing had lived in the Thorpe Road area for a while;
- Recent advice sought from a local politician suggested that alcohol sales for convenience stores such as the Co-operative Group Food, was 30% and not 15% of turnover as suggested by the Co-operative and there had been no reason to doubt the advice provided;
- There were people with alcohol misuse issues residing in Ashfield's, which was located directly opposite the Co-operative store, Winchester Place;
- It seemed apparent that the main reason for the store closure time of 23:00 applied for, had been due to the potential sale of alcohol;
- There had been a mugging due to a late party held at the Ashfield's and opening a convenience store opposite a facility with vulnerable people could contribute to the recent incidences experienced in the area;
- Thorpe Lodge Hotel including unit 53 could possible become an outlet for alcohol sales;
- It would be difficult for the Co-op store at Winchester Place to differentiate young people that looked 18 in regards to the sale of alcohol;
- It seemed that the Co-operative Group Food was hiding behind the licensing law;
- There would be litter issues in the street as soon as the store opened;
- People commuting to London already used the Thorpe Road area for parking;
- Residents did not feel that the Co-op shop would be successful and most people that lived on Thorpe Road were elderly and would not want to purchase alcohol;
- Ashfield's currently experienced parking from staff working at the drop in centre and the Co-op would exacerbate the parking issues; and
- Concerns were raised over the highway issues of traffic as a result of housing development, schools and a drop in centre and a new Co-op convenience store; and
- Vawser Crescent and Belgravier House were nice areas to live and residents wanted to maintain that.

Other Persons – Barry Butler

Mr Barry Butler, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- It appeared that the Co-operative Group Food Limited were very dismissive of all the issues that could occur in the future particularly as a result of late night alcohol sales and litter issues;
- People would not use litter bins outside convenience stores with late night opening;
- There were already many convenience stores in the West Town area that opened until late at night and residents felt that another one was not necessary; and
- Although the Co-op store was not currently open, the litter issues could create problems in the future.

Other Persons – Sue Hudson

Sue Hudson, local resident addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The Co-operative Group Food limited were very inward thinking to the store during their address;
- It could be assumed that all antisocial behaviour involved under 18 year old people hence the challenge 25 directive operated in the store. This had not been the case and it did not prevent other people from antisocial behaviour;
- There had been plans to place CCTV in store and the car park but not on Thorpe Road to prevent people creating antisocial behaviour in the area;
- Parking and volume of traffic was felt by residents to be an issue;
- Residents felt excluded from the planning process in terms of the Co-operative Group Food, Winchester Place application;
- There would be public nuisance due to the operation of early store delivery; Vawser lodge was very secluded and dark, and would suffer from light coming from the car park;
- Residents had not been aware of the opening hours until the licensing application was advertised; and
- It was felt that residents were being advised that all the issues raised such as public nuisance and protection of children from harm were planning considerations and residents felt they were not being listened to.

Other Persons – Mr Garnish

Mr Garnish, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The favourable comments made in regards to the NHS representatives could not be confirmed by a letter and there was no evidence;
- It had been witnessed during regular bike rides along Mayors Walk and Alderman's Drive that there had been people holding cans of beer outside and around the corner of the Mayors Walk Co-operative store. Street drinking had also taken place on a new housing development and on the 'Green';
- Residents were concerned that an additional Co-operative store would encourage street drinking;
- The training for staff would cover operation inside the Co-operative

- store and would not influence what issues could happen outside; and
- The Chinese takeaways did not sell cans of beer.

Other Persons – Dr Otobo

Dr Otobo, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- It had been obvious that the Co-operative Group Food had not consulted with local residents, however had claimed to have liaised with police representative who was not aware of the crime issues in the area especially in relation to 53 Thorpe Road;
- There were issues experienced around any late night convenience store that had operated a late night alcohol licence;
- The meeting with the City Care Centre could not be proven and had not given residents confidence had been addressed or was successful;
- It was not possible to provide training where members of staff would be able to detect whether a customer was intoxicated though alcohol consumption; and
- The Co-op should be concerned about the impact for the community in respect of litter and antisocial behaviour issues that could happen in the area. The Co-op's main concern was about what could happen in the store.

Summing Up

All parties were given the opportunity to summarise their submissions, which included the following:

Applicants Representative

Richard Arnot, the applicant's representative included the following in his summary:

- The meeting held in relation to the NHS City Care Centre had been put forward by Mills & Reeves, acting on behalf of the NHS trust, and Simon Taylor acting on behalf of the Co-operative Group Food limited, who could confirm the outcome of the meeting;
- Simon Taylor from the Co-operative could also confirm the 15% alcohol sales as opposed to the advice provided by the locally elected councillor;
- The Co-op did not know where the beer cans were coming from, however, the litter issues raised on Thorpe Road and could not be attributed to them;
- Staff would be trained to check whether customers were over 25 not 18 years of age in line with the Challenge 25 directive;
- Hard working people would visit a late night convenience store because it was convenient, as opposed to shop visitors that could cause issues such as those suggested by residents;
- The Co-op would care about what happens in the community as outlined in the main address to the Committee hearing; and
- The Co-op would not wish to operate a store that was troublesome or intimidating and always operated in line with the licensing act objectives.

	<p>Other persons</p> <p>Mr Murphy, Mr Butler, Sue Hodson, Mr Garnish and Dr Otobo, local resident included the following in their summary:</p> <ul style="list-style-type: none"> • There would have been more complaints to the application if more people been consulted; • The Co-ops assurances were mere speculation; • Residents believed that granting the license would increase crime risk to the local area; and • There would have been more objections if residents had been consulted; • It seemed that the licence would be granted regardless of the objections stated; • If the Co-operative Group Food cared about the community, they would not open the shop at Winchester Place; • All the issues raised were witnessed on many occasions during bike rides along Aldermans Drive; and • There should be more thought given by the Co-op on how the sale of alcohol would impact on the community.
<p>3.11 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from nine local residents and one solicitor representing Cambridgeshire and Peterborough NHS Trust.</p>
<p>3.12 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-</p>

Committee found as follows:-

The Sub-Committee considered the representations made today and in writing from:

- Nine local residents; and
- One Solicitor representing the Cambridgeshire and Peterborough NHS Trust.

The Sub-Committee considered:

Many of the issues raised by residents related to planning and highway considerations and cannot be considered by the Sub Committee. The Sub-Committee also cannot consider whether there was a commercial need for these premises and this was spelled out in both national and local licensing guidance. The Sub Committee whilst sympathising with the residents' concerns cannot consider the applicant responsible for the behaviour of customers once they leave the premises, this was the responsibility of the police who have not objected to this application.

The Sub-Committee considered that the options available them were to:

- Decide to grant the licence in the same terms as it was applied for;
- Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
- Exclude from the scope of the licence a licensable activity; and
- Decide to refuse to grant the licence.

The Sub-Committee Licensing believed that guidance dictated that shop stores and supermarkets should normally be free to provide sales of alcohol for the consumption off the premises at any times when the retail outlet was open for shopping unless there were good reasons, based on the licensing objectives for restricting those hours. The Sub Committee also noted:

- There was no objection from the Police, who would normally object if there were issues relating to crime and disorder;
- There was no objection from the Ward Councillors; and
- That the training and procedures of the Applicant appeared to be more than robust enough to promote the licensing objectives.

Therefore, the Sub-Committee GRANTED the licence for the premises, known as Co-Operative Group Food Ltd "Winchester Place", 80 Thorpe Road, Peterborough, PE3 6AP, in the terms applied for.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman
Start pm 1.30pm – End 3.45pm

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

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

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

1. Apologies for Absence

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

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting Held on:

3.1 19 November 2015

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

3.2 18 December 2015

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

4. PROPOSED TAXI POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED that the Licensing Committee:

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

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

Option 1	The status quo should not be retained;
Option 2	If a vehicle has a critical failure at the appointed age, suspend the vehicle, rather than de-licence, and allow for a retest within 30 days;
Option 3	Not to remove the age restrictions so that vehicles can be licensed for unlimited duration so long as they pass mechanical tests, with ability for retest within 30 days for critical failures;
Option 4	Extend the age limit for an extra five years for purpose built low emission vehicles, for each type, so that a purpose built low emission hackney could be licensed up to 20 years and a purpose built low emission private hire up to 15 years old.
Option 5	A suspension must be applied if a purpose built low emission vehicle has a critical failure on a mechanical inspection and allow for a retest within 30 days.
- ii) To amend the current driving test requirements (section 7) to retain driving tests for hackney carriage and private hire drivers but use an external provider;
- iii) To replace the Local Authority's current health check with a group 2 health check for all drivers (private hire and hackney carriage) at application and three year renewal (section 8);
- iv) To introduce a requirement for operators to have a complaints procedure and to retain records of complaints (section 9) thereby replacing the current

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman
7.00pm – 8.26pm

LICENSING COMMITTEE	AGENDA ITEM No.4
6 JULY 2017	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Walsh – Communities and Environment Capital	
Contact Officer(s):	Terri Martin – Regulatory Officer – Licensing Kerry Leishman – Licensing and Business Manager Peter Gell – Head of Regulatory Services	Tel. 453561 Tel. 453502 Tel. 453419

PROPOSED TAXI POLICY – RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION DATE

R E C O M M E N D A T I O N S	
FROM : The Licensing Team	Deadline date : N/A
<p>Request members determine the following hackney carriage and private hire matters raised during the consultation period on the draft hackney carriage and private hire licensing policy.</p> <p>1) Review the response table attached at Appendix 6 and confirm if they agree with officer direction on areas where no amendment is required. Or Is there a response received, which has been dismissed by officers, which you would like to consider further? (see 6.4)</p> <p>2) Consider the responses received proposing alternative arrangements in the following matters:</p> <p>(i) Do members wish to amend the policy and current process, by adding a condition within the private hire driver conditions and hackney carriage byelaws to require all licensed drivers to register for the DBS update service, maintain continuous registration and nominate the licensing authority to receive updates? Or, Retain the status quo (see 7.10)</p> <p>(ii) Should the policy include a clarification paragraph regarding the police being the enforcing body for driving offences? (See 7.13)</p> <p>(iii) Determine if we continue with the draft proposal regarding purpose built low emission licensed vehicles, in light of responses received, or amend and adopt an alternative option proposed in responses? (see 7.25)</p> <p>(iv) Consider and determine requests from the trade to extend the life in service for hackney carriage vehicles by an extra 5 years, thereby allowing a HCV to be licensed up to 20 years old from date of first registration? (See 7.27)</p> <p>(v) Consider and determine the frequency of Group 2 medical checks in light of the response received. (See 7.31)</p> <p>3) Approve the final policy for adoption, subject to amendments, and set the implementation date, which allows for a period of transition over to new conditions and processes.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the consultation process, (as agreed by the Licensing Committee on 8 December 2016) on the draft hackney carriage and private hire licensing policy.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise members of the consultation process carried out, to request members to properly consider the responses received and determine the direction of the policy in consideration of those responses, agree the adoption of the final policy, subject to amendments, and set the implementation date for the policy and conditions to take effect.
- 2.2 This report is for committee to consider under its Terms of Reference No. 2.5.1.3 (a). To exercise the functions of the authority as listed in Schedule 2.5.4.1, where these are not delegated to officers as listed at section 2.5.3, namely hackney carriage and private hire vehicle licensing.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. BACKGROUND

- 4.1 Hackney carriage and private hire legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The aim of the legislation is to protect the public. The legislation provides a broad framework for the licensing of drivers, vehicles and operators, but allows local authorities to set their own standards and conditions, to ensure the public travel in safe well maintained vehicles driven by competent drivers.
- 4.2 On the 8 December 2016, a report was considered by the licensing committee regarding the development, direction and consultation of an overarching policy for hackney carriages and private hire licensing.
- 4.3 The committee determined eight new hackney carriage and private hire matters which were to be incorporated into the draft policy for consultation. The eight new proposals amended current conditions and processes when administering the functions conferred within the Acts.

5. CONSULTATION

- 5.1 The draft policy with 12 appendix documents was put out to consultation for 8 weeks, starting on Friday 7th April 2017 and ending on Friday 2nd June 2017. The full consultation document can be found at **Appendix 1**.
- 5.2 A copy of the public notice which appeared in the local press on Thursday 6th April 2017 advising of the consultation and period can be found at **Appendix 2**
- 5.3 The consultation document was made available at the Town Hall, Bayard Place and the council's website. The launch of the consultation was also tweeted. See **Appendix 3** to view the Tweet
- 5.4 Emails were sent to various stakeholders, advising them of the consultation and period and included a link to the full consultation document on the council's website and a pdf attachment of the full consultation document. Reminder emails to the trade were also sent halfway through the consultation period. See **Appendix 4** for a full list of those consulted.
- 5.5 Notices were put up on the taxi notice board at the railway station and at the hackney rank near the bus station, advising of the consultation and process.
- 5.6 Meetings with representatives of the trade, took place where details of the draft policy were discussed in further detail.
- 5.7 Statistical information showing the website views of the consultation document can be found at **Appendix 5**.

6. CONSULTATION RESPONSES

- 6.1 A total of 15 responses to the consultation were received. Three from Councillors, seven from the trade, three from partner agencies and two from other persons. A response table which details the

salient points of the consultation responses, officer comment and areas to be determined can be found at **Appendix 6**.

- 6.2 The consultation responses in full can be found at **Appendix 7**. Please note due to data sensitivity, certain identifying detail has been redacted.
- 6.3 All responses received during the consultation period must be properly considered prior to drafting and determining the final policy. Officers have reviewed the responses and have determined that some of the proposals within the responses, could/should not be considered as a valid proposal, officers have provided reasoning for the decision of why such matters cannot be taken forward.
- 6.4 Members are asked to consider the responses received and determine;
Do members agree with officers direction where the officers direction within the response table is to propose no amendment?
Or is there a response received which has been dismissed by officers which you would like to consider further?

7. CONSULTATION RESPONSES RECEIVED PROPOSING ALTERNATIVE ARRANGEMENTS

- 7.1 In the response received from Hannah Campling (Peterborough City Council Safeguarding), feedback is also provided from Cambridgeshire Constabulary DBS unit. The DBS Unit manager highlighted an error in the policy, as it made reference to the Notifiable Occupation Scheme which was withdrawn in 2015.
- 7.2 Officers have agreed to amend paragraph 3.30 in the policy, so that is in line with current legislative arrangements, and replace it with the following:
'Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. The CLPD replaced the Notifiable Occupation Scheme which was withdrawn in March 2015.'
- 7.3 For ease of reference, the draft policy (Appendix 1) has been amended to show the wording which went out to consultation and the proposed reworded paragraph. (see paragraph 3.30 of Appendix 1)
- 7.4 The DBS Unit manager has also recommended consideration is given to require all licensed drivers to subscribe to the update service. They state 'the CLPD relies on the suspect telling the police what their occupation is. There is no legal requirement for this and some don't tell the truth.'
- 7.5 Page 14 of the LGA (Local Government Association) Taxi and PHV licensing councillors handbook (Dec 16) also suggest making it a mandatory requirement, it states;
The LGA suggests that all licensing authorities consider making it mandatory for drivers to register for the update service and nominate the licensing authority to receive updates. Licensees should be able to provide evidence of continuous registration and nomination throughout the duration of their licence'.
- 7.6 Even if drivers do sign up to the update service, the local authority are not automatically notified. It would require a search into that particular record. On an individual basis this system would not be a viable option. However, the DBS do offer a method of checking multiple status updates electronically.
- 7.7 GB Group process DBS applications on our behalf. Enquiries will be made with GB Group to ascertain if they can offer efficient multiple status update checks, what the cost would be, the frequency at which such checks could be carried out, etc. At the time of writing this report, we do not have sufficient information about the viability of this option, to assist members to make a more informed decision. Officers hope to be able to provide members with this information at the committee meeting.
- 7.8 If members are minded to adopt the suggested proposal, it would require an amendment to the private hire drivers licence conditions and the hackney carriage byelaws.
- 7.9 Drivers currently pay £44 for the DBS check plus a £10 administration fee to GB Group, which is carried out every three years. If drivers sign up to the update service, once the initial £44 (plus £10 admin fee) is paid there is a yearly fee of £13.

- 7.10 Members are asked to consider the response received and determine.
Do members wish to amend the draft policy and current process, by adding a condition within the private hire driver conditions and hackney carriage byelaws to require all licensed drivers to register for the update service, maintain continuous registration and nominate the licensing authority to receive updates? Or,
Retain the status quo
- 7.11 The last item in this response, was a request to amend the definition of CSE within the policy, in line with DfE definition 2017. Officers have agreed to redraft paragraph 5.3 to the current definition provided by DfE.
- 7.12 For ease of reference, the draft policy (Appendix 1) has been amended to show the wording which went out to consultation and the proposed reworded paragraph. (See paragraph 5.3 of Appendix 1)
- 7.12 Cllr Over raised concerns regarding the driving standards of licensed drivers, stating they were dangerous, reckless and drove at speed. Complaints of this nature should be reported to the police.
- 7.13 Members are asked to determine
In order to provide clarity, do members agree to the addition of the following paragraph within section 6 – Enforcement:
‘Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action.’
- 7.14 Four responses had regard to the proposed amendment to extend the life of a vehicle within trade if it meets certain emission standards. Another five responses wanted to increase the age limit of existing vehicles. As these sections have cross over concerns, they will be considered together.
- 7.15 One response considers that we should only extend the life of a vehicle to 20 years if it is 100% electric, as emission criteria is going to get more stringent in time. A vehicle licensed now in 20 years time will be a huge polluter. Peterborough is an Environment Capital and should have a unified approach to sustainable travel. Remove the proposal and replace with 100% electric.
- 7.16 One response states that electric vehicles are expensive to purchase with the current age and mileage restrictions in place. Would like to extend the age a private hire vehicle can enter the trade from the current 6 years to 7 years and would also like to see removal of the mileage policy.
- 7.17 PECT (Peterborough Environmental City Trust) queried the emission criteria within the policy. (For clarification the criteria is matched to Euro 6 standards. Emission standards take into account the weight of the vehicle, so are higher for hackney carriages which are also diesel.) They support the aim of the policy, but consider that emission standards will get higher over time as technology improves, the policy needs future proofing. What is considered LEV now does not mean it will still be classed as LEV in 15/20 years time. Peterborough should be as ambitious as London. (From 1 January 2018 all newly presented vehicles for licensing in London must be zero emission capable).
- 7.18 The PHDF (Peterborough Hackney Drivers Federation) disagree with the timing of the introduction of the low emission proposal (Euro 6 standards), as it is not in the interest of all parties. Would prefer to wait until the TX5 is more freely available at the end of 2018. But would like the committee to consider instead, to apply the extension policy to Euro 5 compliant vehicles, then Euro 6 standards in 2019.
- 7.19 For information, the TX5 is the London Taxi Company zero emission capable hackney carriage. The TX5 is due to be released in London only, in the last quarter of 2017, then available around the world in early 2018.
- 7.20 The TX4 Euro 5 has been available from 2012, the TX4 Euro 6 has been available from 2015, see above for the TX5. Information from The London Taxi Company (who manufacture the TX vehicles) website states;
‘The TX4 Euro 6 compliant means its pollution levels, on average, are 71% cleaner than Euro 5 models and show a 83% reduction in Nitrogen Oxides (NOx)’
- 7.21 The proposal within the draft policy is to extend the life within trade for an extra five years, for vehicles which meet the defining criteria, (Euro 6 standards), to incentivise the trade to purchase lower

emission vehicles.

The responses to the consultation are conflicting, some stating Euro 6 standards are still too polluting to allow to be licensed for 20 years and recommend this should only apply to 100% electric vehicles and others stating it is too ambitious at this time.

- 7.22 In order to adopt the 100% electric vehicle proposal it requires an infrastructure of charging points. There are several types of charging points, standard, fast and rapid. Fast chargers which usually charge a vehicle in 3-4 hours cost approximately £3k. A rapid charger charges 80% in 30 minutes and cost approximately £28k, but should be able to charge 3 vehicles at one time.
- 7.23 Information from Peterborough's Transport and Infrastructure team have confirmed that Peterborough does not currently have any rapid charge points, they are concentrating their efforts on installing fast charges, aimed at visitors parking up for a few hours, with no current plans for rapid chargers.
- 7.24 As licensed drivers are on the roads for long durations, they can be amongst those who are most affected by poor air quality from high emission vehicles.
- 7.25 Members are asked to consider the responses received and determine.
Do members wish to adopt the draft proposal (as detailed on page 16 of the draft policy) and extend the period of licence for purpose built low emission (Euro 6 compliant or better) licensed vehicles for an extra five years, thereby allowing a purpose built Euro 6 (or better) compliant HCV to be licensed up to 20 years old and a purpose built Euro 6 (or better) compliant PHV to be licensed up to 15 years old (from date of first registration) ? Or,
Amend the proposal to,
- a) Only extend the life within trade for five years for vehicles which are zero emission capable? (Currently there are no rapid charge points in place, only fast charge.) Or,
 - b) Keep the proposed policy for PHV's, (or amended as below) but drop the emission standard for HCV's to Euro 5 until 2019, then in 2019 apply the extended life within trade to Euro 6 Or,
 - c) Keep the proposed policy for HCV's, (or as amended above), but allow purpose built low emission PHVs to enter the trade up to 7 years old (currently restricted to a maximum of 6 years old) and remove the mileage restriction. Or,
 - d) Drop the proposal altogether, and not extend the life of a vehicle in the trade based on emission standards?
- 7.26 Three of the responses just requested that the life within trade of HCV's should be extended by five years. (Thereby allow all currently licensed HCV's to be licensed until they are 20 years old from date of first registration). This request, put forward by licensed drivers, is due to the current financial climate and fixed priced fares by the PHV's. It is making it difficult to make a living and afford essentials, and hard and impossible to buy another taxi.
- 7.27 Members are requested to determine.
Consider the responses received from the trade to extend the life in service for hackney carriage vehicles by an extra 5 years, thereby allowing all HCV's to be licensed up to 20 years old from date of first registration?
- 7.28 The PHDF (Peterborough Hackney Drivers Federation) welcome proposals to the change in the current health check to Group 2 health check, but feel that the requirement for submission every three years is excessive and unwarranted and there is no overriding local precedent.
- 7.29 PHDF have provided a list of other local authorities who also require Group 2 health checks, but with varying frequencies. However all require a group 2 health check upon application and annually when the driver reaches 60/65. Some authorities require every 5 years, others require every 5 years when the driver reaches 45 or 55, one requires every 6 years. Two other local authorities require it upon application, then every three years until 65 thereafter annually, which is the same as Peterborough's proposal.
- 7.29 PHDF state that the best practice is aimed at HGV (heavy goods vehicles) and PSV (public service vehicles) and propose an alternative, that Group 2 health checks should be conducted for all new applicants, then at 45, 55, 65 then annually thereafter.
- 7.30 The best practice referred to by the PHDF is from the HSE (Health and Safety Executive). However,

DfT (Department for Transport) Taxi and Private Hire Vehicle Licensing Best Practice Guidance (March 2010) is specifically aimed at the trade. Paragraph 67 of which states *'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards ...'*

- 7.30 At the committee meeting on the 8 December 2016, members determined the proposal to request a Group 2 health check for all new applications then every three years upon renewal, then annually thereafter when the driver reaches 65, as it was consistent with DfT best practice guidance and the drivers badge renewal period.
- 7.31 Members are requested to determine
Consider the response from PHDF and determine the frequency required for Group 2 medical checks. The PHDF propose upon application, then at 45, 55, 65 then annually thereafter.
The draft policy proposes upon application then every three years upon renewal, then annually thereafter when the driver reaches 65.
- 7.32 During a meeting with PHDF where the consultation document was discussed, representatives were in support of the introduction of the Part 1 and Part 2 notice required to be displayed in all licensed vehicles, in the interests of public safety. But were concerned with the wording proposed, as it invited only negative comments. The proposed wording in question is *'Please call (insert telephone number) should you have a **complaint** about your journey in this vehicle'*
- 7.33 PHDF proposed an alternative wording which would read *'Should you wish to comment positively or negatively on any aspect of your journey today, please call...'*
- 7.34 Officers agreed with PHDF and agreed to amend the wording in this regard. The Draft policy attached at Appendix 1 has been amended to this effect.

8. OTHER RELATED MATTERS

- 8.1 Members are advised that we are waiting for a response from the Secretary of State regarding the proposed byelaws. When we have received approval from the Secretary of State, the redrafted byelaws will be advertised and consulted upon as is required.
- 8.2 Members are advised that the use of the designated car parks (Wellington Street, Wirrina and Pleasure Fare) for the purpose of allowing private hire vehicles to wait until they are required to proceed to their destination at the appointed time within the city centre, is subject to two director approvals and amendment to the TRO (Traffic Regulation Order).

9. ANTICIPATED OUTCOMES

Members will properly consider the responses and alternative proposals received during the consultation process and make a determination on a direction to adopt for the final policy. Approve the final policy for adoption, subject to amendments, and set the implementation date, which allows for a period of transition over to new conditions and processes.

10. REASONS FOR RECOMMENDATIONS

It is considered best practice by the LGA (Local Government Association) and the DfT (Department of Transport) to have an overarching policy in place. The adoption of an overarching policy will provide clarity for drivers and operators, as well as strengthening the councils position if there is a challenge against a decision in court.

11. ALTERNATIVE OPTIONS CONSIDERED

Retain the status quo

12. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
Town and Police Clauses Act 1847

13. APPENDICES

- Appendix 1 – Full consultation document
- Appendix 2 – Public notice
- Appendix 3 – Copy of Tweet
- Appendix 4 – List of consultees
- Appendix 5 – Website viewing statistics
- Appendix 6 - Consultation response table
- Appendix 7 – A copy of all responses received in full

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Consultation on Draft Hackney Carriage and Private Hire Policy

Peterborough City Council are consulting on a new Hackney Carriage and Private Hire Licensing policy and invite your comments. The draft policy and appendix documents are available on the council's website at <https://www.peterborough.gov.uk/> and at Bayard Place and the Town Hall.

The policy, when adopted, will provide guidance and information regarding the general approach taken by the council, when administering its functions within the legislative framework. It will underpin the current system and procedures, as well as providing information on best practice and other relevant legislation.

The consultation will run from Friday 7th April 2017 to Friday 2nd June 2017. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to the adoption of the final policy.

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Consultation Officer, Peterborough City Council, Licensing Department, Town Hall, Peterborough, PE1 1FA

Or by email to: lpc@peterborough.gov.uk

Please note: We are unable to accept verbal responses, however, should any person require any further information or clarification on the byelaws, the draft policy or the consultation process, please call 01733 747474.

Historically the council has exercised its responsibilities through a number of sets of conditions, guidelines and procedures which have been developed and adopted over the years. The aim of the policy is to create a unified document which brings together all of these into one overarching policy.

Many of the requirements remain unchanged, however, where a new process, condition or requirement is proposed, these will be easily identified as they are highlighted in yellow. The proposed changes have been made following concerns from the trade, consideration of local circumstances, public safety and best practice. (Some updates have also been made due to changes in legislation, these amendments are not highlighted in yellow). To provide further clarification there are nine main proposed amendments which are listed below:

Critical Failure – amendment to current policy

Currently, if a vehicle at the appointed age, (hackney carriage 12 years, private hire 8 years) fails a mechanical inspection on a critical matter, it is de-licensed. It is proposed that instead of de-licensing the vehicle, it should be suspended and allowed to be retested within 30 days. Failure to pass the vehicle mechanical inspection within the 30 day period would then result in the vehicle being de-licensed.

Purpose Built Low Emission Vehicles – proposed extension of five years within the trade

It is widely accepted that reducing vehicle emissions has an important part to play in improving air quality, it reduces greenhouse gasses and benefits the health of the general public. To encourage the use of purpose built low emission vehicles within the trade, it is proposed that vehicles which meet specific criteria for vehicle emissions can remain within the trade for an extra five years, provided that the vehicle still meets the appearance and mechanical specifications required by this council.

The effect of the introduction of this part of the policy would allow a purpose built low emission private hire vehicle to remain within the trade until it is 15 years old and a purpose built low emission hackney carriage to remain within the trade until it is 20 years old. These vehicles would still be subject to the six monthly testing requirements at 6 years old and thereafter. They would also be included within the critical failure change as identified above.

Driving Tests – outsourcing to an external provider

Prior to becoming a licensed driver, all new applicants must take a driving test which assesses driving ability, control of the vehicle, awareness of controls within the vehicle and local knowledge without the use of satellite navigation equipment.

Historically these driving tests have been undertaken by authorised council officers. It is now proposed to outsource the driving test to an external provider whose assessors have been accredited by DVSA. This ensures that the person undertaking the role of examiner is specifically trained for the role.

An external provider has not yet been appointed and consideration will be given to cost and availability, prior to handing over this responsibility. New applicants will be notified of how and where to book the test when it has been determined.

Medical Health Checks – introduction of Group 2 medical health checks

The current health check required by the council is inconsistent with best practice and is subjective, leaving it open to interpretation by the doctor carrying out the check. The proposal to adopt the Group 2 medical health check would ensure consistency and would further ensure public safety.

The Group 2 medical is a nationally recognised standard, it is required by DVLA for persons who drive public service vehicles such as minibuses. The DVLA and DfT recommend it as best practice for hackney carriage and private hire drivers.

The proposal would require a satisfactory Group 2 medical health check to be submitted with all new applications, then every three years upon renewal and then annually thereafter when the driver reaches 65.

Introduction of requirement for Documented Complaints Policy and Procedure - Operators

Whilst a vast majority of hire and reward journeys take place without problem, there are occasions where a customer has cause for complaint. An aggrieved customer has the right to make a complaint about the service provided by licensed drivers, vehicles and operators if it falls below expectation.

It is also right for responsible operators to attempt to resolve such complaints in the first instance, without unnecessary regulatory burden or intervention. However, checks and balances must be in place to ensure the public are protected.

Therefore it is proposed that our current operator conditions are amended to include the requirement to have a formal complaints policy and procedure in place, which is made freely available to customers, for the complaints to be documented with specific details and monitored, that records are retained and made available to an authorised officer and to ensure the council is notified of any safeguarding or serious complaint which relates to the fit and proper status of a driver.

Introduction of requirement to display required information within all licensed vehicles.

Further to and complementary to the above, it is proposed that our current conditions are amended to require all licensed vehicles to display certain information inside the vehicle. A customer who wishes to make a complaint, needs to easily identify who to contact and details of the vehicle and or driver they wish to complain about.

The proposed amendments will require the display of a Part 1 and Part 2 notice, containing the following information inside all licensed vehicles; the telephone number where complaints can be made, the vehicle registration number, vehicle licence plate number, driver's badge number and photo.

Introduction of three stage trigger point monitoring system for drivers

In order to be transparent about our investigation and enforcement protocols, it is proposed that a trigger point monitoring system is introduced. Where serious complaints are received, drivers need to be aware that immediate action can be taken.

However, less serious complaints and minor infringements may be recorded and no action is taken. But where multiple complaints regarding the same driver are received in a short period of time, this gives rise for concern and will not go unnoticed. This does not mean that enforcement action is always applied.

Introduction of waiting areas for private hire vehicles to designated car parks

Within the current private hire conditions, there is a requirement for a vehicle to return to base after a passenger has alighted the vehicle. However, the imposition of this condition can have a negative impact on the environment and other road users, as the vehicles travel to and from base.

It is therefore proposed to remove this condition and replace it with an alternative which will allow private hire vehicles waiting for their next fare within the city centre to wait in designated car parks.

Separate consultation to be arranged in due course - Introduction of new Byelaws – conditions applicable to hackney carriage drivers

The draft policy reflects the proposed new byelaws which have been amended and will be out to consultation in due course. The current byelaws do not reflect best practice or proposed amendments. Therefore the council will be consulting on new byelaws which reflect modern practices. The new byelaws are based on the DfT model byelaws with consideration to local circumstances and public safety.

Peterborough City Council

Hackney Carriage and Private Hire
Draft Licensing Policy

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Definitions

The Council	Means Peterborough City Council
The Licensing Authority	Means the licensing function within Peterborough City Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Licensing Committee	Is the committee which determine licensing matters as set out in the council's constitution
Authorised Council Officer	A council officer who is authorised by the council to exercise powers and duties conferred by legislation
This Policy	Is this policy document and appendices
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Proprietor	Is the registered owner or part owner of a vehicle
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
Fare Card	Is a card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soilage charge and the licence plate number
The Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum amount of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Date of First Registration	Means the date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
Driving licence	A full GB driving licence issued by DVLA or acceptable equivalent as defined by DVLA
Licensed Driver	A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Operator	The business which invites and accepts bookings for private hire work
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Private Hire Door Stickers	Door stickers which must be permanently affixed to the rear doors of private hire vehicles which display 'Private Hire vehicle – Insurance invalid unless pre-booked with an operator'
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
DVLA	Is the Driver and Vehicle Licensing Agency
DfT	Is the Department for Transport
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
The Equality Act	Means the Equality Act 2010
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day to day life
Conditions	Mean the conditions of licence applied by the council to either a driver's licence, an operator's licence or a vehicle licence.
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
Road Traffic Acts	Including all associated legislation
PSV	Means Public Service Vehicle
WAV	Wheelchair Accessible Vehicle
Byelaws	Locally adopted 'conditions' applicable to hackney carriage drivers

Key Facts about Peterborough and District

Peterborough is a modern and progressive city with a strong historical character that makes it a stimulating environment in which to live, work and visit.

In the 2011 Census, Peterborough had a population of approximately 183,000, with an approximate population of 188,400 in 2013. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 350,000 people in both the East of England and East Midlands regions.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today, Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the East of England. It is only 45 minutes from central London and within striking distance of the region's other great cities being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

Peterborough continues to invest in regeneration, infrastructure and accessibility, with projects within the city centre and the outskirts. This creates a vibrant mix of activities and premises catering for a multi-cultural city, offering a wide range of facilities to residents and visitors.

There are over 950 licensed drivers, approximately 175 licensed hackney carriage vehicles (taxis), and over 700 licensed private hire vehicles and 50 operators.

Peterborough city council recognise the vital and important role that hackney carriage and private hire vehicles, drivers and operators play in an integrated transport system. They provide services in situations where other forms of transport are either not available such as rural areas, late night economy or for persons with mobility difficulties.

The council's strategic priorities are:

- Drive growth, regeneration and economic development
- Improve educational attainment and skills
- Safeguard vulnerable children and adults
- Implement the Environment capital agenda
- Support Peterborough's culture and leisure trust Vivacity
- Keep all our communities safe, cohesive and healthy
- Achieve the best health and wellbeing for the city

SECTION 1

1. Introduction

Policy Purpose, Status and Scope

- 1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by Peterborough City Council, when administering its functions within the legislative framework of the 1847 and 1976 Acts. It has traditionally exercised these responsibilities through a number of sets of conditions, byelaws, guidelines and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.
- 1.2 This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the council as the licensing authority for licensing hackney carriage and private hire vehicles, drivers of those vehicles and operators of those vehicles. The licensing authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers are fit and proper to undertake the role. This policy and the imposition of conditions found in the appendix documents are considered appropriate to address all these aspects.
- 1.4 The primary focus when administering its functions are public safety, safeguarding and wellbeing.
- 1.5 In exercising its discretion in carrying out regulatory functions, the council will have regard to this policy and appendices.
- 1.6 In formulating this policy, consideration has been given to local circumstances and requirements and the DfT best practice guidance March 2010.
- 1.7 Every decision, application and enforcement action will be considered on its own merits.
- 1.8 The council may depart from this policy if merited, but will provide clear and compelling reasons for doing so.
- 1.9 This policy is not a comprehensive statement of the law, applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- 1.10 It must be noted that vehicles and drivers licensed by different local authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this authority. But must still comply with their own local authority conditions and the general law.

Consultation and Revision

- 1.11 The council will consult with stakeholders prior to the adoption of this policy, and for the further continuation and development of the policy.
- 1.12 Once adopted this policy and appendices will be kept under review and revised as appropriate and in any event not less than every five years. The council expects licence holders to comply with its terms and conditions.
- 1.13 The council will keep the policy and appendices under review and will consult where appropriate on proposed revisions. Appendices and sections of the policy may be updated and amended by the licensing committee after consultation without the whole policy being consulted upon.

- 1.14 The council has taken this opportunity to review and redraft the byelaws which apply to hackney carriage drivers. The proposed new byelaws are based on the DfT model and will be subject to a separate consultation process in due course. Persons wishing to respond and make comment on this policy or any of the appendices must do so within the consultation period. This is to ensure that all comments can be properly considered prior to their adoption.
- 1.15 This being the first draft of the policy, will be consulted upon for 8 weeks from Friday 7th April 2017 to Friday 2nd June 2017. Any responses to the consultation will be taken into consideration before determining and adopting the final policy. The final policy is expected to be in place in 2017.
- 1.16 The consultation draft policy will be made freely available on the council's website and main council buildings. There will be a public notice in the local newspaper advising of the consultation and period.
- 1.17 Consultation will take place with the following:
- Peterborough Hackney Carriage Representatives
 - Taxi and private hire drivers and proprietors
 - Peterborough private hire operators
 - Peterborough city council councillors
 - Parish councillors
 - Passenger Transport
 - Local Children's Safeguarding
 - Police Chief Constable
 - Peterborough Chamber of Commerce
 - General public

The Licensing Regime – General overview

- 1.18 The primary legislation applicable is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Vehicles used for hire and reward which accommodate a maximum of up to eight passengers, drivers of those vehicles and operators of private hire vehicles are regulated by the above legislation. Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The council has no involvement in the licensing of PSV's, they are the responsibility of The Traffic Commissioner.
- 1.19 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.
- 1.20 In order to be licensed correctly the licenses must 'match', i.e. issued by the same local authority. A hackney carriage vehicle and the driver must be licensed by the same local authority. For private hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.
- 1.21 The legislation places a duty on the local authority to only licence those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation therefore the widest interpretation will apply.
- 1.22 The legislation allows local authorities to set their own conditions, requirements and application processes. Which means that each local authority's requirements and conditions are different.
- 1.23 The aim of the legislation is to ensure that the public have reasonable access to these services and to ensure the public are protected. Public safety is paramount and has a wide scope, it includes public safeguarding, protecting vulnerable persons and public wellbeing. To achieve the aim of the legislation and to meet the obligations of the Acts, Peterborough City Council have set conditions and processes in place, which promote well run, safe and responsible businesses.
- 1.24 Other general law is also applicable such as the Road Traffic Act, Health and Safety at Work Act, the

Health Act, the Equality Act etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the council. Peterborough City Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation pertaining to their roles.

Role of Hackney Carriage and Private Hire Trade and the difference between them

- 1.25 The council recognises the importance of hackney carriage and private hire vehicles, drivers, proprietors and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc., and are vital in helping to maintain a healthy local economy. They can often be the first contact for a visitor to the local area.
- 1.26 Whilst the general public do not always know the difference between a hackney carriage and a private hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate. However, both have equal importance.
- 1.27 Within the district in which a hackney carriage vehicle (and driver) are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public i.e. 'ply for hire' in public places. They are not required to be booked via an operator. They must display a fare card within the vehicle which shows the current maximum fares to be charged as set by the local authority. In law, these are allowed to be called 'taxis' or 'cabs', and are sometimes also referred to as Black or London Cabs. Hackney carriages licensed by another local authority who operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e. carry out pre-booked journeys.
- 1.28 A private hire vehicle is not allowed to accept direct bookings from the public. They can only accept bookings from a licensed operator, they cannot operate independently, i.e. without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance. The fares charged are not regulated by the authority, but must be agreed with the operator at the time of booking. Although, within district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter fare. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'.
- 1.29 In determining if a vehicle is being used for private hire purposes and needs to be licensed, the council will have regard to the guidance issued by DfT. See link below.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3985/phv-licensing-guidance.pdf
- 1.30 The conditions set by this council require both hackney carriages and private hire vehicles to display the licence plate on the rear of the vehicle. A hackney carriage vehicle is required to display a white plate and a private hire vehicle must display a yellow plate, unless exempted.

Local Transport Plan – (LTP4 LTTS 2016-2021)

- 1.31 In developing this policy due regard has been given to the local transport plan to ensure consistency and development for a sustainable future. The council encourages the uptake of electric and ultra-low emission private hire vehicles and taxis where possible. (See paragraphs 2.64 to 2.70 below). Electric charging points have been installed in various locations and development of these is ongoing.
- 1.32 Peterborough do not have a set limit for hackney carriage vehicles, this ensures that taxis and private hire vehicles are readily available for passengers in Peterborough. The conditions set by this council are aimed to ensure licensing standards result in a high level of service and that vehicles offer a safe and comfortable journey.
- 1.33 Training for all new drivers is in place. All new applicants must pass the taxi competency course provided by Peterborough Regional College, which includes amongst other things, the importance of disability awareness and safeguarding.

- 1.34 The licensing department have regular contact with hackney carriage representatives to support the improvement and development of taxi ranks.
- 1.35 Further information on the local transport plan can be found on the council website. See link below <https://www.peterborough.gov.uk/council/strategies-policies-and-plans/transport-strategies/local-transport-plan/>

Passenger Transport

- 1.36 To become an approved operator for children's transport, please call the Passenger Transport Team on 01733 747474

Information sharing

- 1.37 The council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, benefit fraud etc. The council will share information with other departments or regulatory bodies where appropriate. The council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- 1.38 The legislation also requires local authorities to maintain a public register.
- 1.39 The council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

Decision making

- 1.40 Each application and enforcement action will be determined on its own merits. Determination of applications will be made in accordance with this policy and the council's constitution. Officers have delegated powers, but may also refer certain matters to the licensing committee if appropriate.
- 1.41 Enforcement actions will be in accordance with this policy, the council's enforcement policy and the Regulators' Code 2014.
- 1.42 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the magistrate's court within 21 days of being given the decision.

Immigration Act – all licences

- 1.43 The council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licenses will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to Home Office guidance.
- 1.44 The council takes this responsibility seriously and has checks in place to ensure compliance with the Act, and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- 1.45 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- 1.46 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

Policing And Crime Act 2017

- 1.47 The council will give full regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. If any changes to any parts of this policy or related appendices are required when the guidance is released, they will be amended at the earliest opportunity.

SECTION 2

2 General provisions for hackney carriages and private hire vehicles

Vehicles General

- 2.1 Peterborough city council has not set a limit for the amount of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licences.
- 2.2 The maximum duration of a vehicle licence is one year, this is a requirement of legislation. However, a vehicle licence can be renewed up to the age at which it will be de-licensed as specified in the relevant appendices.
- 2.3 If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed within 28 days of the expiry of the licence, will be classed as de-licensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle. Exceptions may be made, if the vehicle is undergoing major repair work.
- 2.4 It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the unnecessary burden of a vehicle being de-licensed.
- 2.5 Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is de-licensed. This means that these vehicles can only be driven by licensed drivers. The only exception to this is where an applicant is undertaking a test, or the vehicle is being tested e.g. driven by a garage mechanic.
- 2.6 Therefore any other person who is not a licensed driver themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person, is likely to be invalid. Insurance policies are usually invalid if the insured is knowingly breaking the law by driving the vehicle.
- 2.7 Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.
- 2.8 The council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence. These can be found on the appendices attached, Appendix C for private hire vehicles and Appendix A for hackney carriage vehicles. There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at Appendix F. These appendices also provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.
- 2.9 The council has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type approval and construction and use regulations.
- 2.10 Whilst each application will be determined on its own merits, it is unlikely that the council would licence a vehicle which did not meet the licensing standards and specifications. Where a vehicle proprietor wishes to licence a vehicle which did not meet the specifications and standards, they are encouraged instead to put forward a case for modification of the standards.
- 2.11 All vehicles must provide adequate heating and ventilation systems for the driver and passengers. Passengers must be able to operate the windows independently.

- 2.12 All expired plates must be returned to the council or retained by the appointed testing station upon renewal.
- 2.13 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

Appearance

- 2.14 Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise, meet the expectations of this council and the travelling public.
- 2.15 The exterior of the vehicle must be reasonably clean to ensure that passengers can get in and out of the vehicle without fear of getting their clothing dirty with dust, oil, mud and other road debris. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.
- 2.16 Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
- 2.17 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle and has been granted a plate exemption certificate.
- 2.18 The licence plate must be securely fixed to the outside of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer.
- 2.19 The council will not permit any advertising which it considers inappropriate, therefore all advertising, (except for the operator name and telephone number), on or in vehicles must be approved prior to being placed on or in the vehicle.
- 2.20 Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed (not magnetic) door signage. This signage must state 'Private hire vehicle – insurance invalid unless pre-booked with operator'.

Age policy

- 2.21 The council must ensure that the vehicles it licenses are fit and safe for the purpose they are licensed for, with consideration to reliability, environmental impacts, passenger comfort, and the need to sustain a high quality of licensed vehicles.
- 2.22 Therefore there are various age restrictions and testing requirements applicable for vehicles it will licence. There are conditions regarding the maximum age and or mileage a vehicle will be initially licensed, the age at which six monthly tests are required, and the age at which a vehicle will be de-licensed, and they are different for private hire, hackney carriages, speciality, limousine vehicles and **purpose built low emission vehicles**. The table and information provided below is a guide, but please refer to the appropriate appendices attached.

	Hackney carriage	Private hire
Maximum age at time of first being licensed	3 years old	6 years old – mileage restrictions apply see below
Maximum age limit for a standard emission vehicle beyond which it will not be licensed	15 years old	10 years old
Maximum age limit for a purpose built low emission vehicle beyond	20 years old	15 years old

which it will not be licensed		
Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
Age at which the vehicle will be Subject to Critical testing criteria	12 years old	8 years old

Hackney carriages are generally purpose built vehicles for the licensed trade, therefore there is no set mileage limit, just an age limit for when it is initially presented for licensing.

Vehicles which may be licensed for the purpose of private hire are not purpose built for the trade. Therefore a mileage restriction is imposed according to the age of the vehicle when presented for initial licensing.

Age in months	0 - 12	13 - 24	25 – 36	37 - 48	49 - 60	61 - 72
Maximum mileage	No restriction	No restriction	No restriction	No restriction	65,000	75,000

Insurance

- 2.23 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.
- 2.24 Applications for new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.

Safety equipment

- 2.25 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

CCTV in licensed vehicles

- 2.26 The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and be a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations.
- 2.27 The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers and operators to determine.
- 2.28 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link <https://ico.org.uk/>
- 2.29 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 2.30 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to a threat of physical violence.

Maintenance of vehicles

- 2.31 It is expected by the council and the travelling public, that all vehicles over three years old are serviced in accordance with the manufacturer's requirements or at least annually. Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.
- 2.32 Maintenance is a key factor with any vehicle and it's good practice for all commercial vehicles to be part of a planned preventative maintenance programme, where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and operators. It should be noted that the 12 monthly and 6 monthly tests carried out by the testing centre, is to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.

Vehicle testing

- 2.33 The law requires all vehicles to have a yearly MOT test. However, as licensed vehicles provide a service to the public and have more usage, wear and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test at the council's appointed testing station.
- 2.34 Once a vehicle has passed this enhanced test and provided all required documentation, the council will issue a Certificate of Compliance (CoC), which stands in place of an MOT certificate. An MOT certificate will not be issued, this means that the vehicle will not show as having a valid MOT on the national recognised database.
- 2.35 If licence holders wish to obtain an MOT in addition to the CoC test, they may do so. But will still be subject to the CoC testing requirements and frequency of testing, at the council's appointed testing centre, as detailed in this policy and appendices attached.
- 2.36 The appointed vehicle testing station is Amey, based at Nursery Lane, Fengate, Peterborough PE1 5BG. All fees payable for vehicle testing must be paid directly to Amey. Any complaints regarding vehicle testing should be made directly to Amey.
- 2.37 The council considers it appropriate to require all vehicles over six years old, to be subject to a six monthly vehicle test at the appointed testing station. This is to ensure that, as the vehicle gets older, it still meets the required standards applied by this council, and the law regarding vehicle emissions.
- 2.38 Vehicles must be presented for vehicle testing at the appointed testing station. Proprietors and or drivers, must book these appointments themselves directly with Amey. They must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions (i.e. yearly or six monthly).
- 2.39 It is an offence to use on a public road a vehicle of testable age that does not have a current certificate of compliance, except when:
- Taking it away from the testing station after it has failed the test
 - Taking it to or bringing it away from a place where by previous arrangement repairs are to be or have been made to remedy the defects for which the vehicle was failed
 - Taking it to the testing station for a test booked in advance.
- Even in the above circumstances you may still be prosecuted for driving an unroadworthy vehicle if it does not comply with the various regulations affecting its construction and use.
- 2.40 Vehicles which have failed the vehicle test must not be used for hire and reward work, until the vehicle has been re-presented to the testing station and been passed as fit for use and is licensed.

Accidents

- 2.41 Any accident that causes damage which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the council as soon as

reasonably practicable, and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence.

- 2.42 The driver involved in the accident must provide details to the licensing department of how, where and when the accident occurred. The damage to the vehicle must be assessed by an officer, where the vehicle is not capable of being driven, photos must be taken and given to the licensing department with the vehicle's licence plate and a vehicle suspension notice will be issued.
- 2.43 Drivers, proprietors and operators are advised that the council may be contacted by insurance companies to verify an accident damage report and details provided.
- 2.44 Vehicles which have sustained damage may apply for a temporary replacement vehicle whilst the vehicle is being repaired. The replacement vehicle will carry the same licence number as the damaged vehicle, therefore the licence plate for the damaged vehicle must be given back in order for the temporary plate to be released. Replacement vehicles must first be passed as fit for service by the council's appointed testing station and must meet all the other requirements and standards applicable. There is a separate application form and fee payable for this service and the reinstatement of the plate.

Taximeters

- 2.45 All hackney carriages licensed by this authority are required to have a working taximeter fitted in the vehicle, some private hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the council. The taximeter must be sealed by an authorised council officer.
- 2.46 Within district, if a vehicle is fitted with a taximeter it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

Transfer of ownership of the vehicle

- 2.47 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as practically possible, and in any case within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

Accessibility of vehicles

- 2.48 An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this council. The council expects that proprietors, drivers and operators give full consideration to the service they provide to ensure they provide service to all members of society without discrimination.
- 2.49 The council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for disabled people.
- 2.50 All hackney carriages licensed by this council are designated wheelchair accessible vehicles (WAV). This is to ensure that people with disabilities are able to hire the vehicle on the spot with the minimum delay or inconvenience.
- 2.51 All licensed drivers must ensure that no extra charges are applied for conveying persons with disabilities.
- 2.52 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued an exemption certificate. (Further information on exemption certificates and notices can be found in section 3.68 to 3.73)

- 2.53 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- 2.54 Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements.

Funeral and wedding vehicles

- 2.55 There is no requirement for a vehicle to be licensed as a private hire if it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 2.56 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

Speciality Vehicles and Limousines

- 2.57 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.
- 2.58 Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.
- 2.59 These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at Appendix F.
- 2.60 The council strongly recommends that anyone wishing to purchase and licence a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

Critical failure

- 2.61 The council has an essential testing criteria for vehicles which have reached a certain age. For hackney carriages it is from 12 years onwards and for private hire it is from 8 years onwards. The essential testing criteria are items which the council considers to be critical areas of a vehicle test, e.g. steering and suspension, brakes, exhaust emissions etc. This is considered a major failure and can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective. See Appendix H for testing criteria for vehicles which have reached the standard age limit.
- 2.62 If a vehicle fails a mechanical test on one or more of these critical items the vehicle will be automatically suspended and the vehicle must not be used. The vehicle may be repaired and re-presented to the testing station within 30 days for retesting. If the vehicle passes the mechanical test within 30 days the suspension notice will be lifted and the vehicle may be relicensed.

- 2.63 If the vehicle does not pass the mechanical test within 30 days it will be de-licensed.

Purpose built Low Emission Vehicles

- 2.64 Low emission vehicles produce less carbon monoxide (CO), nitrogen oxide (NOx), hydrocarbons (THC and NMHC) and particulate matter (PM). The reduction of these pollutants improve air quality and are therefore a health benefit to the general public. Climate change is recognised as one of the greatest environmental threats. Reducing the impact of the motor vehicle has an important part to play in addressing this threat.
- 2.65 Low emission vehicles can be more expensive to purchase. To encourage the uptake of purpose

built low emission vehicles into the trade, the council has determined to extend the life of these vehicles within the trade for a further five years, provided it still meets the appearance and mechanical specifications.

- 2.66 For the purpose of this policy, purpose built private hire vehicles which meet or excel the following standards for vehicle emissions are considered low emission vehicles.

Type of fuel	CO2 g/km	NOx g/km	pm g/km
Petrol	1.0	0.06	0.005
Diesel	0.5	0.08	0.005

- 2.67 A purpose built hackney carriage which meets or excels the following standards for vehicle emissions are considered low emission vehicles for the purpose of this policy.

Type of fuel	CO2 g/km	NOx g/km	pm g/km
Diesel	222	0.05	0.0006

- 2.68 This information can be found on the V5 vehicle registration log book or online at <https://www.gov.uk/co2-and-vehicle-tax-tools>

- 2.69 The effect of this policy means that a purpose built low emission private hire vehicle as defined above, may be licensed until it is 15 years old and a purpose built low emission hackney carriage (as defined above) may be licensed up to 20 years old. These vehicles will be subject to six monthly inspections at the appointed age.

- 2.70 Applicants will be required to indicate on their application if the vehicle falls within the above criteria and provide proof that it does meet the criteria by providing a copy of the vehicle's V5 registration log book.

- 2.71 Vehicle emissions are tested and checked on mechanical inspections. Vehicles will only pass the mechanical inspection, if the vehicle emissions continue to meet the defined criteria as set out in the V5 vehicle registration log book.

Private hire exemption to display licence plate etc.

- 2.72 The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who require an unmarked vehicle for security reasons. Such customers will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.

- 2.73 The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, it does not extend to hackney carriages which must display their plates at all times.

- 2.74 Prestige high specification private hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption certificate, which exempts that vehicle from the requirement to display the **Part 1 and Part 2 notice**, the licence plate and door signage. It also exempts the licensed driver from wearing his badge, however the driver must carry his badge with him so that it is immediately available. The vehicle will still be issued with a licence plate, which must be affixed within the boot of the vehicle. Insurance which covers the driver and vehicle for hire and reward purposes must still be maintained.

- 2.75 Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.

- 2.76 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.

- 2.77 Operators and proprietors who wish to apply for an exemption certificate must complete the

application form, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. Where issued, an exemption certificate renewal date will coincide with the renewal of the private hire vehicle licence.

- 2.78 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Appendix I.
- 2.79 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the **Part 1 and Part 2 notice**, the plate and door stickers as required by the conditions for private hire vehicles.

Required information to be displayed inside all licensed vehicles – Part 1 and Part 2 notice

- 2.80 Members of the public who have cause for concern, or who wish to complain about a journey in a licensed vehicle, will need some information about the driver or vehicle which conveyed them in order to progress their complaint or report their concern.
- 2.81 Whilst licensed vehicles display their licence plate which contains identifying details, these are displayed on the outside of the vehicle. Members of the public do not routinely get the information off the licence plate prior to getting into a licensed vehicle. If they have a problematic journey, they may attempt to get the information, but this can be difficult if it is late at night or the vehicle quickly drives away.
- 2.82 Also, whilst licensed drivers are required to wear their licence badge, which contains their information, a passenger may feel it too confrontational to request to see the driver's badge, especially if they have had a difficult journey.
- 2.83 In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, the council has determined that certain information must be displayed inside all licensed vehicles, (except for exempted (executive) private hire vehicles) in the form of a Part 1 and Part 2 notice.
- 2.84 A Part 1 notice must contain the following information and must be displayed in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle;
- the business name of the operator, or proprietor if it is a hackney carriage,
 - the telephone number where a customer can make a complaint, report a concern, or comment positively e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
 - the vehicle registration number, and
 - the vehicle licence plate number.
- 2.85 A Part 2 notice must be displayed alongside the Part 1 notice and must contain a photograph of the driver of the vehicle and the driver's licence number in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. See Appendix M
- 2.86 By requiring the display of a Part 1 and Part 2 notice inside all licensed vehicles, the customer is fully empowered to easily report issues or concerns. It will also assist proprietors and operators to quickly identify the vehicle and driver utilised in order to address the complaint or concern reported.

SECTION 3

3. General provisions for hackney carriages and private hire drivers

Drivers general

- 3.1 The council can only licence drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. There is no definition or general

test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgement for the licensing authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.

- 3.2 Therefore the council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be, or remain licensed.
- 3.3 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council can request any information it deems may be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other council, using intelligence from the police or any other regulatory authority as appears relevant.
- 3.4 In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full GB driving licence (or equivalent as defined by DVLA) for a minimum of 12 months. Therefore the minimum age a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.
- 3.5 In order to be a licensed driver an applicant must submit a signed completed application form and fee, provide proof of right to work in the UK, complete and pass the taxi competency course provided by Peterborough Regional College, provide a satisfactory DBS, DVLA and **group 2 medical report**, provide three recent passport type photos, and pass the driving assessment test.
- 3.6 Drivers licenses are generally issued for a three year duration. They may be issued for a lesser period if appropriate, e.g. the applicants right to work is of a shorter or limited duration. They may also be renewed, however, if a licensed driver fails to renew within a period of 28 days of the date of expiry of the licence, they will be required to apply as a new driver and meet all the requirements.
- 3.7 It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time to avoid any unnecessary burden.
- 3.8 It is important that drivers notify the council of any significant changes which occur after their licence has been granted. Such as change of name or address, or email address or telephone number, change of immigration status, changes in their physical or mental health which may affect their driving ability, all convictions or cautions, DVLA penalty points etc. or any other matter which may question their fit and proper status.
- 3.9 All licensed drivers are required to wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the driver's badge remains the property of Peterborough City Council, all expired, surrendered or revoked badges must be returned to the council.
- 3.10 This council issues two types of licences for drivers, a hackney carriage driver licence and a private hire driver licence. The driving assessment test for hackney carriage drivers is more rigorous. Therefore a hackney carriage driver may drive a private hire vehicle, but a private hire driver cannot drive a hackney carriage vehicle.
- 3.11 Private hire drivers may apply to become hackney carriage drivers, they will need to submit the required application and fee and pass the enhanced test.

Suitability of driver

- 3.12 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc., they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 3.13 Consideration of suitability includes character and patterns of behaviour and are not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the

safety and welfare of the public may be at risk, will also be taken into account when assessing their fit and proper status. The onus is on the applicant or licensed driver to satisfy the council that they are and remain 'fit and proper'.

- 3.14 The council requires applicants to fulfil certain criteria to ensure that the public are protected and drivers are able to provide the service which is expected of them.
- 3.15 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) check and a medical health check **to the DVLA group 2 standard**, and share information held by DVLA, upon new and renewal applications.
- 3.16 Applicants for new and renewals, who fail to report or declare an offence, or other relevant matter, will be taken particularly seriously. As it deliberately prevents the authority from taking into account that information in protecting public safety. It also shows a blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

Application process

- 3.17 Applicants must fully complete an application and provide the relevant paperwork required and fee. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to legal action if it constitutes fraud.
- 3.18 Applicants must be able to prove their immigration status and that they have a right to work in the UK.
- 3.19 New applicants must complete and pass the Taxi Competency Course delivered by Peterborough Regional College.
- 3.20 Applicants who have criminal convictions, may submit an application with the enhanced DBS check for consideration, prior to taking the college course, medical check and driving assessment test. The convictions and cautions will be assessed and the applicant will be provided with an indicative decision. This does not prohibit the applicant from submitting a full application for a formal determination.
- 3.21 When an applicant has fulfilled all the application criteria, they will be required to take a driving assessment test, to assess driving ability, safety, control of the vehicle, awareness of controls within the vehicle, and local Knowledge, without the use of satellite navigation equipment.

Convictions, cautions and related matters

- 3.22 In considering fit and proper, the council will take into consideration any prior convictions and cautions. Therefore, all applicants for new and renewals are required to undertake and submit an Enhanced DBS check. This check will detail all criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.
- 3.23 The council uses an external provider called GB Group to process the DBS certificates. Applicants are responsible for completing these checks and must register and apply online via the GB Group website. After registering and completing the online process, applicants are required to print off the completed form and take it to a post office with the relevant identification and original documentation required. Applicants are also responsible for the payment of the appropriate fee in order to complete the issuing of the DBS certificate. DBS certificates must be no older than 3 months at the time of application.
- 3.24 Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, are still taken into consideration when determining applications for licensed drivers.
- 3.25 Where convictions or cautions appear on a DBS, it is not the place of the council to go behind the

existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a 'one off', they acted out of character, so is unlikely to be repeated. Each application will be determined on its own merits.

- 3.26 Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate.
- 3.27 The existence of a criminal conviction or caution does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 3.28 Further information is contained in the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing attached at Appendix G.
- 3.29 Whilst each application is determined on its own merits, some offences are of such a serious nature that it is unlikely that a licence would be issued. Such as indecency offences relating to sexual assault or rape.

Remove this paragraph

- 3.30 Licensed drivers are part of the notifiable occupation scheme. Under this scheme, when a licensed driver comes to the attention of the police, the police are required to notify the local authority of convictions and any other relevant information, that indicates the driver poses or may pose a risk to public safety, even before conviction.

Replace with this paragraph

- 3.30 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. The CLPD replaced the Notifiable Occupation Scheme which was withdrawn in March 2015.
- 3.31 Licensed drivers are obligated to notify the licensing department of any cautions, convictions, immigration offences, road traffic offences such as speeding, or any other relevant matters which may question their fit and proper status, that occur during or after the licence has been issued.
- 3.32 If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

DVLA

- 3.33 As driving is the predominant aspect of a licensed driver, the council needs to consider if applicants hold a valid driving licence and if the licence holder has been issued any penalty points.
- 3.34 As the paper counterpart of the driving licence was abolished in June 2015, applicants and licensed drivers will be required to share information held about them by DVLA via an online process.
- 3.35 Applicants and licensed drivers are required to register online with the DVLA share my licence portal, and provide the access code to the council with their application and upon request. The access code will provide the council with information regarding penalty points etc. As the access code is only valid for a limited duration, drivers may be contacted and requested to provide another code, to enable progression of their application.
- 3.36 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing which can be found at Appendix G

Medical Requirements

- 3.37 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.
- 3.38 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Therefore various body systems need to be functional for safe driving.
- 3.39 Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to normal car drivers.
- 3.40 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.
- 3.41 To ensure that public safety is protected, the council has chosen to adopt this best practice and require all applicants to obtain and submit a group 2 medical report with their application for new and renewals.
- 3.42 Therefore applicants are required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.
- 3.43 The group 2 medical assessment must be completed by a doctor registered and licensed to practice in the UK or registered within the EU. If the applicant's own doctor completes the medical assessment it may speed up the application, as they already have full access to their medical records.
- 3.44 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old. Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than four months at the time of submission with the relevant application.
- 3.45 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.
- 3.46 Licensed drivers must notify the council and their medical practitioner of any deterioration in their physical or mental health which may affect their ability to drive or complete their tasks as a licensed driver. The council expects licensed drivers to be responsible and to not continue to drive following any deterioration in their health, or any health problems which could endanger the lives of the general public.
- 3.47 If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work, this is for the safety of the driver and the general public. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards.

Taxi Competency Course provided by Peterborough Regional College.

- 3.48 Peterborough City Council and Peterborough Regional College have jointly developed a course specifically for those who wish to be licensed drivers. The course tests some of the skills required to be a licensed driver, such as reading and writing, safeguarding, numeracy, equality and disability awareness, customer service, understanding of the conditions applied by the council, etc.
- 3.49 All new applicants must pass the taxi competency course provided by Peterborough Regional

College. Those wishing to enrol on the course should contact the information centre at Peterborough Regional College, Park Crescent Campus, contact telephone number 01733 863068, where they will be issued with the course handbook and the pre-course reading material. When attending the course, applicants must take with them two forms of identification, one of which must be a DVLA driving licence with photo card, the other a utility bill no more than 3 months old.

- 3.50 Applicants must conduct themselves appropriately when attending the course. Behaviour of a rude or abusive manner will question their 'fit and proper' status and may result in their application being terminated.

Driving Assessment Test

- 3.51 Once a complete application has been received and assessed, new applicants must take and pass a driving assessment test. The test will assess driving ability, control of the vehicle, awareness of controls within the vehicle, and local area knowledge without the use of satellite navigation equipment.

- 3.52 Applicants must provide a roadworthy licensed vehicle in which to take their test.

- 3.53 The tests applied are different for private hire driver applicants and hackney carriage driver applicants. As hackney carriage drivers can be hired on the spot, the local knowledge part of the test is more rigorous. Also as all hackney carriages are designated WAV's, applicants must be able to demonstrate that they can safely load, unload and safely secure a wheelchair in the vehicle.

- 3.54 Historically the driving assessment test has been provided in house by authorised council officers. The council have determined that the test should now be delivered by an external provider whose assessors have been accredited by DVSA. This will ensure that the person undertaking the role of examiner is specifically trained in this role.

- 3.55 The council has not yet appointed an external provider and consideration will be given to cost and availability prior to handing over this responsibility. New applicants will be notified of how and where to book the test when it has been determined and the new provider has been appointed.

Service Expectations

- 3.56 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions.

- 3.57 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to enforcement action.

- 3.58 Conditions applicable to private hire drivers are attached at Appendix D.

- 3.59 Hackney carriage drivers are conditioned by way of byelaws. The council have reviewed and updated the byelaws which will be subject to a separate consultation process in due course. After consultation and confirmation from the Secretary of State, the byelaws will form Appendix B

- 3.60 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands free mobile phone.

- 3.61 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.

- 3.62 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council.

- 3.63 This council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The council does not have any power over passengers who use licensed vehicles, but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.
- 3.64 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight the vehicle.
- 3.65 Driving for long periods of time, when sleepy or fatigued impairs driving ability, reduces reaction time, vigilance, alertness, concentration, is dangerous and increases the risk of accidents. Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and general public. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

Requirement to display required information – Part 1 and Part 2 notice

- 3.66 As licensed vehicles may be driven by different licensed drivers and licensed drivers may utilise different licensed vehicles, the Part 1 and Part 2 notices can be interchanged. The driver must ensure that the correct information is displayed in the Part 1 and Part 2 notice prior to the commencement of all journeys with passengers.
- 3.67 The Part 1 notice must correctly reflect the proprietor or operator information for that journey and drivers must ensure that they display their Part 2 notice in the vehicle they are driving. (See section 2.79 To 2.85 for further information and appendix M for example)

Exemption certificate

- 3.68 Drivers may apply for an exemption certificate if, for health reasons, they are unable to convey assistance dogs, or provide physical assistance to passengers in wheelchairs. Drivers who have a medical condition, a disability or physical condition which makes it impossible or unreasonably difficult to provide the service, may apply for an exemption certificate.
- 3.69 The council will only consider exemption applications which are accompanied with a medical report signed by a registered medical practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation. The council may request applicants to be assessed by the council's professional qualified medical assessor, particularly where the period of exemption is likely to be long term.
- 3.70 Where an exemption application has been considered and approved by the council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle, when they are driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they then do not comply with the requirements of the Equality Act. Only one exemption notice should be displayed in a vehicle at any one time.
- 3.71 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal the refusal to the Magistrates Court within 28 days.
- 3.72 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.
- 3.73 Licensed drivers of designated WAV vehicles who fail to comply with the duties under section 165 of the Equality Act will be subject to enforcement action. Drivers convicted of failure to comply with this section are unlikely to be considered a 'fit and proper' person.

Idling offence environmental impact

- 3.74 Drivers are reminded that stationary idling is an offence under section 42 of the Road Traffic Act 1988. For further information on idling please see the council's website.
<https://www.peterborough.gov.uk/business/licences-and-permits/taxis-and-private-hire/taxis-and-the-environment/>

Monitoring of licensed drivers – trigger points

- 3.75 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.
- 3.76 Where serious complaints, which question a drivers fit and proper status are received, they are investigated and appropriate action is taken. Less serious complaints and minor infringements are not investigated to the same degree, but the accumulation of several complaints and infringements about the same driver could highlight that there is a cause for concern and will not go unnoticed. It could highlight a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.
- 3.77 For the interests of clarity, the council has determined to introduce a trigger point system that assesses the severity of a complaint, the accumulation of complaints, and the timeframes in which they are received. This does not mean that sanctions or enforcement action will automatically be applied. Each incident, complaint, breach or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- 3.78 Trigger point one will be reached if three complaints are received regarding the same driver within a six month rolling period. Where this occurs an officer will review the driver's record and the issues which lead to the trigger point being activated. This may highlight an issue which requires the officer to contact the driver and or proprietor or operator. The officer may ask the driver to attend the council offices, to ascertain if support can be offered or if appropriate enforcement action needs to be taken, or if no action is required.
- 3.79 Trigger point two will be reached if during a further period of six months another two complaints are received. Where this occurs the officer will again review the driver's record and the driver will be requested to attend an interview to discuss the individual circumstances, merits or concerns which lead to the trigger point being activated. The officer may also contact the proprietor or operator where appropriate, and may consider enforcement action.
- 3.80 Trigger point three will be reached if a complaint of a serious nature and or a breach of certain conditions or legislation occurs. It will also be reached if during the period of 12 months six complaints are received. When trigger point three is reached this may lead to a formal warning, prosecution, immediate suspension, or revocation of the driver's licence, even in the first instance, where there is an immediate public safety risk.

Private Hire Drivers – Designated waiting areas within the city centre

- 3.81 Previously the conditions of this council required private hire vehicles to return to base after a passenger had alighted the vehicle. However, the imposition of this condition can have a negative impact on the environment and other road users, as the vehicles travel to and from base.
- 3.82 An alternative condition is now proposed which prevent these unnecessary journeys to base, whilst ensuring that the city centre is not choked with waiting private hire vehicles.
- 3.83 Please note, the adoption of this alternative condition is reliant on the council obtaining the required authorisations, i.e. amendment to the Traffic Regulation Order and Directors approval.
- 3.84 The new condition provides; 'Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not

causing an obstruction, and not within the defined city centre area. Private hire vehicles and drivers waiting for their next booking within the city centre will be required to wait in the following designated car parks; Wellington Street, Wirrina, or Pleasure Fare, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council reserves the right to restrict private hire vehicles from these car parks as and when necessary, for example a city wide event.

- 3.85 These car parks have been designated as they are located at different approaches into the city centre, are sufficiently close and have CCTV coverage.
- 3.86 Private hire drivers who are waiting in designated car parks in their vehicles will not be required to pay parking charges. If however, a driver parks and walks away from the car park, they must 'pay and display' as any other car park user.
- 3.87 The designated car parks will still be open to the general public, however, they do not contain public conveniences and must not be used for this purpose or for the purpose of sleeping. Drivers who cause a public nuisance, behave inappropriately or commit any public order offences will be subject to enforcement action.
- 3.88 A map attached at Appendix L shows the area which is defined for the purpose of this policy as the city centre and the proposed designated car parks.
- 3.89 Private hire drivers must switch off their vehicle's engine when waiting in the designated car parks, and not leave their vehicle engine idling, when parked for more than a couple of minutes anywhere.
- 3.90 If a private hire driver is parked and is approached directly by a member of the public, the driver commits an offence if the driver takes an active part in the 'booking' process, e.g. by contacting the operator directly by radio or mobile phone to make that booking for his own vehicle there and then.

Hackney carriage drivers

- 3.91 It is understood that Hackney carriage drivers waiting on taxi ranks, will attempt to operate a first in the queue system. So that when a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this etiquette generally works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.
- 3.92 The customer has the choice in this situation, drivers who, whilst waiting on a rank, refuse or neglect to drive without reasonable cause are committing an offence.
- 3.93 Drivers are also advised that it is an offence to leave their vehicle unattended on a rank.
- 3.94 As the testing criteria for hackney carriage drivers is more stringent than those applied to private hire drivers, a licensed hackney carriage driver may also drive private hire vehicles.

Hackney carriage proprietors – Part 1 notice

- 3.95 Hackney carriage proprietors must ensure that their vehicles comply with the requirement to display required information in the form of a Part 1 notice as detailed in section 2.79 To 2.85 and example provided at appendix M.
- 3.96 If a proprietor is made aware of a safeguarding or serious complaint concerning the fit and proper status of a driver, they must notify the licensing department immediately or as soon as practically possible and provide details of their actions taken.

SECTION 4

4 Operators

General

- 4.1 The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator.
- 4.2 Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.
- 4.3 The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- 4.4 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operators licence and who are not disqualified by reason of their immigration status.
- 4.5 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same local authority.
- 4.6 Operators can only utilise drivers and vehicles that are correctly licensed. Operators who fail to ensure that the drivers and vehicles they utilise have valid licenses, are guilty of an offence and will be subject to enforcement action.
- 4.7 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 4.8 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 4.9 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 days.
- 4.10 Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- 4.11 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Further information can be found in the Operator's conditions at Appendix E.

Application – suitability of applicant

- 4.12 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers, therefore the council is required to ensure that they are also fit and proper.
- 4.13 The council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are fit and proper to hold an operators licence. The supporting documents must be the originals, not photocopies or photographs.
- 4.14 Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure. The basic disclosure will list any current convictions and cautions, but nothing which is considered spent

under the Rehabilitation of Offenders Act. As operators do not necessarily have close contact with vulnerable persons, but do have access to personal information.

- 4.15 Applicants for operators licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operator's licence, if any prior operator's licence has been suspended or revoked, details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.
- 4.16 Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom. This licence was previously issued by the Department of Trade and Industry but changed to Ofcom in 2003.
- 4.17 The council will not grant a licence to an operator whose premises are located outside our area. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended to be a restraint of trade.

Suitability of premises

- 4.18 When considering an application for an operator's licence at a new premises, consideration will be given to the location, the vicinity, facilities, parking arrangements, planning permission etc. to ensure that the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.
- 4.19 Operators intending to operate from new premises will be required to submit with their application proof of planning permission, or proof that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status.

Operators responsibilities and obligations

- 4.20 Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the operator's conditions attached at Appendix E
- 4.21 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 4.22 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 4.23 It is not expected that subcontracting of bookings would be commonplace. Customers who book through a Peterborough operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by other licensing authorities are different to those applied by this authority, therefore, may not meet the licensing requirements of this authority.
- 4.24 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.

- 4.25 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the following links;
<https://ico.org.uk/for-organisations/register/>
<https://ico.org.uk/for-organisations/register/self-assessment/>
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
- 4.26 Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for customers must ensure that they have valid public liability insurance.
- 4.27 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.
- 4.28 Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.
- 4.29 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- 4.30 Operators who provide wheelchair accessible vehicles must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- 4.31 Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 4.32 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

Part 1 notice and complaint policy

- 4.33 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting with repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer.
- 4.34 Whilst a vast majority of bookings take place without problem, there are occasions where a customer has cause for concern or complaint. Aggrieved customers have a right to complain if the service provided fails to meet expectations. It is also right for responsible operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention.
- 4.35 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and maintain records of complaints received.
- 4.36 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 4.37 The complaint records must detail specific information, be monitored, and be made available to

authorised officers upon request.

- 4.38 The specified information to be recorded must include the following information as a minimum:
the name of the complainant and how they can be contacted,
the date the complaint was made and the time and date of the journey,
If the booking was subcontracted the details of the licensed operator who fulfilled the booking
and any action taken by the subcontractor regarding the complaint or concern
the name of the driver and vehicle being reported,
the nature of the complaint or concern,
The date by which the operator will respond to the complaint, which must not exceed 72 hours
from time of receipt,
The action taken if any, by the operator to resolve the complaint or concern.
- 4.39 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 4.40 If an operator is made aware of a safeguarding or serious complaint concerning the fitness of a driver, they must notify the licensing department immediately or as soon as practically possible and provide details of the actions taken by the operator.
- 4.41 Operators must ensure that the vehicles they utilise display a correctly completed Part 1 notice (See section 2.83 and appendix M for further information) and door signage

SECTION 5

5. Safeguarding

- 5.1 Safety, security and welfare applies to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The council encourages the use of CCTV in licensed vehicles, but has not made it a condition of licences due to the financial burden involved. However, proprietors and operators should consider the benefits and disadvantages of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc. in licensed vehicles in their risk assessments.
- 5.2 Drivers and operators may refuse to carry any passenger if they have good cause, e.g. a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused 'bilked' payment. Where this occurs drivers and operators should keep records of why the service was refused.

Insert new paragraph 5.3

- 5.3 Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Make this paragraph 5.4 but remove the greyed text

- 5.3 Child Sexual Exploitation (CSE) is a form of child abuse. It can involve sexual abuse, physical abuse, and emotional abuse of children by adults. Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.
- 5.4 Further information can be found on the following link

SECTION 6

Enforcement

- 6.1 The council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation.
- 6.2 As all licence holders are considered to be 'fit and proper', they are expected to fully understand the conditions and requirements placed on them by this authority and other applicable legislation.
- 6.3 The council will take appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence, or byelaw, or this policy.
- 6.4 Offences under legislation outside that applicable to private hire and hackney carriages, may be considered, if they call into question the fit and proper status of the licence holder.
- 6.5 The council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- 6.6 Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- 6.7 Every enforcement action taken by the council, will be determined on the individual circumstances, will be in accordance with this policy, the council's enforcement policy and the Regulators Code.
- 6.8 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.
- 6.9 Prosecutions will be taken where it is in the public interest.
- 6.10 The council will revoke or suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at risk.
- 6.11 Licensed drivers will be monitored in accordance with section 3.71 to 3.76 of this policy.

Right of appeal

- 6.12 Where an applicant or licence holder is aggrieved by the council's decision to refuse an application, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of being given that decision.

SECTION 7

7. Fees, Charges and Refunds

- 7.1 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed and any increase or reduction will be published and consulted upon as required by the legislation.
- 7.2 The council sets the maximum fares which can be charged by hackney carriage vehicles within its district. This does not prohibit a driver from charging less than the fare shown on the meter. Please see Appendix K attached for the current maximum fare table.
- 7.3 The council has no power to regulate the fares charged by private hire operators, they are a private

contract between the customer and the operator. Operators are required to display any additional fees which may be charged e.g. for waiting time or for cleaning a soiled vehicle.

- 7.4 Requests for refunds by licence holders must be made in writing and will be considered on a case by case basis. Consideration will be given to the reason for the request and the costs incurred by the council at the point of request, including the cost incurred to arrange the refund. Please note that some fees are non-refundable.

Appendices

Peterborough Conditions of Fitness for Hackney Carriage Vehicles	A
Peterborough City Council byelaws for Hackney Carriage Drivers will be subject to a separate consultation process in due course	B
Peterborough City Council Private Hire Vehicle Licence Conditions	C
Peterborough City Council Private Hire Drivers Licence Conditions	D
Private Hire Operator's Licence Conditions	E
Limousine and Speciality Vehicles Licence Conditions	F
Guidelines Relating to the Relevance of Convictions / Cautions in relation to Taxi Licensing	G
Testing criteria for vehicles which have reached the standard age limit – critical failure	H
Private hire plate exemption conditions for executive bookings	I
Licence Fees Sheet	J
Current Fare, waiting and soiling charges	K
Map showing defined city centre area, designated car parks for waiting private hire vehicles and Taxi ranks	L
Example of Part 1 and Part 2 Notice	M

PETERBOROUGH CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE VEHICLES

Hackney Carriage Vehicle Specification and Type Approval

SECTION 1. APPROVED VEHICLES

- 1.1 The following vehicles are approved by Peterborough City Council (the Licensing Authority) to be licensed as Hackney Carriage Vehicles: LTI TX1, TX2, TX4, Metro Triple T, Mercedes-Benz Vito, and the Peugeot E7 SE and XS short wheelbase models.

SECTION 2. VEHICLE APPROVAL

- 2.1 No vehicle will be authorised as a Hackney Carriage Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist the committee may decide to approve the vehicle.
- 2.2 A vehicle must be new or under 3 years old (36 months) at the time it is first licensed and may be licensed up to 15 years of age; calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994. The operating period being subject to compliance with the council's standard of fitness.
- 2.3 A purpose built low emission hackney carriage vehicle may be licensed up to 20 years of age, provided it still meets the council's standard of fitness particularly with regards to appearance and mechanical specifications. To qualify as a purpose built low emission vehicle the vehicle's emissions must meet or excel the following standards

Type of fuel	CO2 g/km	NOx g/km	pm g/km
Diesel	222	0.05	0.0006

- 2.4 Vehicles more than 6 years of age will be subject to 6 monthly inspections at a time and place to be notified by the authorised officer of the council.
- 2.5 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.6 The applicant must study the Conditions of Fitness set out in Section 3 of this document and provide detailed specifications of the proposed vehicle, or vehicle conversion demonstrating that the vehicle meets the requirements of the Conditions of Fitness. It will also be necessary to arrange a preliminary inspection of the vehicle.
- 2.7 The applicant should address any current guidance issued by the Department for Transport (DfT) [or any replacement body if this should change] for the design of Hackney Carriage Vehicles and indicate to the Licensing Authority the extent to which those guidelines have been accommodated. In particular, applicants should demonstrate that they have taken account of current DfT guidance as regards ergonomic requirements for accessible taxis.
- 2.8 There shall be provided and maintained in the vehicle at all times a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available for immediate use in an emergency.
- 2.9 Arrangements must then be made to present the completed vehicle for inspection by the Licensing Authority. When presented, all associated equipment must be present for the inspection and testing of the vehicle; i.e. wheelchair ramps, straps, safety equipment etc. A declaration must be provided by the manufacturer or authorised person that the vehicle conforms to the law and is safe for use as a public carriage, together with a certificate of registration and summarised documentary evidence that the vehicle meets the Conditions of Fitness as stated in Section 3 of this document.
- 2.10 Any proposed structural alterations to the original specification must be submitted to the Licensing

Authority for approval.

- 2.11 The approval of the vehicle will be determined by the Licensing Committee who will consider each application under its own merits. Although a vehicle may meet the criteria as set out by the Conditions of Fitness, where justifiable reasons exist the committee may decide after consideration not to approve the vehicle. Where a vehicle does not completely comply with the Conditions of Fitness, however justifiable reasons exist the committee may decide after consideration to approve the vehicle.

SECTION 3. CONDITIONS OF FITNESS

The Conditions of Fitness contained in Section 3 below became effective on 15 November 2013, following the approval to adopt the conditions by the Local Authorities Licensing Committee at a meeting held on 14 November 2013.

3. General Construction

- 3.1 Every new type of Hackney Carriage Vehicle must comply with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of approval including the Motor Vehicle (Type Approval) Regulations 1980, and the Motor Vehicles (Construction and Use) Regulations 1984.
- 3.2 Every new type of Hackney Carriage Vehicle offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 70/156/EEC as amended. Those Hackney Carriage Vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of those categories.
- 3.3 Vehicles offered for Hackney Carriage approval must be constructed in a way as to allow the carriage of disabled persons and must accommodate as a minimum a disabled person in a Department of Transport reference wheelchair in the passenger compartment.
- 3.4 No equipment and/or fittings, other than those approved by the Local Authority may be attached to, or carried on the inside or outside of the vehicle.
- 3.5 No modification may be carried out to a Hackney Carriage Vehicle without prior approval from the Licensing Authority.
- 3.6 Before considering any modification to a Hackney Carriage Vehicle, approval must be sought from the Licensing Authority.

4. Steering

- 4.1 The steering wheel must be on the offside of the vehicle.

5. Tyres

- 5.1 All tyres must comply with the relevant legislation and be marked accordingly.
- 5.2 Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.

6. Brakes

- 6.1 An anti-lock braking system is to be fitted.

7. Interior lighting

- 7.1 Adequate lighting must be provided for the driver and passengers.
- 7.2 Separate lighting controls for both passenger and driver must be provided. In the case of the

passenger compartment, an illuminated control switch must be fitted in an approved position. This must be within reach of wheelchair passengers. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.

8. Electrical Equipment

8.1 Any additional electrical installation and/or aftermarket components to be used within the taxi must meet the requirements of the relevant Automotive Electromagnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.

9. Fuel Systems

9.1 Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.

10. Exhaust emissions standards

10.1 New taxi models must meet the current and relevant EC Directive for exhaust emissions, i.e. the respective Euro standard. Current, approved, taxi models must meet prescribed emissions standards.

11. Body

11.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.

11.2 The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pick-up points in Peterborough's city centre.

12. Facilities for the disabled

12.1 Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.

12.2 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.

12.3 Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

12.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.

12.5 The clear height of the doorway must be not less than 1.2 metres.

12.6 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

12.7 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

- a. be not more than 380 mm from the ground, (measured at the centre of the tread width);
- b. the surface shall be covered in a slip-resistant material;
- c. have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380 mm from the ground, an external interim step must be made

available when the associated passenger door is opened and comply with the following requirements-

- a. not be more than 380 mm in height from the ground, (measured at the centre of the step width;
- b. not be less than 250 mm deep;
- c. the surface shall be covered in a slip-resistant material;
- d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- e. not be capable of operation whilst the vehicle is in motion;
- f. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- g. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

12.8 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

12.9 Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

12.10 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

12.11 A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

13. Passenger compartment

13.1 Occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must be not less than 35.5cm.

13.2 Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.

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

- a. *the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed, or*
- b. *the vehicle is newly presented for licensing, in which case this condition will not apply until 15 November 2014 to allow manufacturers / suppliers time to comply with this requirement. From the 15 November 2014 all newly presented vehicles for licensing will be required to have the swivel seat fitted.*

13.4 The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.

13.5 Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

13.6 Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).

13.7 Colour contrasting sight patches are required on all passenger seats.

13.8 Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

13.9 An induction loop system (or equivalent) must be fitted.

14. Driver's compartment

14.1 The driver's compartment must be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls.

14.2 The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, controls must be properly protected from contact with luggage.

14.3 Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm.

14.4 Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver.

15. Visibility – Driver

15.1 A single-piece, full width rear window must be fitted. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

16. Visibility – Passenger

16.1 The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 750mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass.

16.2 The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle.

16.3 A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

16.4 Windows must permit maximum visibility into, and out of, the vehicle. They must have no more than 25% tint value.

16.5 Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.

17. Heating and ventilation

17.1 An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.

18. Door fittings

18.1 An approved type of automatic door securing device must be fitted to passenger doors to prevent them being opened when the vehicle is in motion.

18.2 When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

- 18.3 The door must not open from the inside if the driver has the foot brake depressed.
- 18.4 The interior door handle must be clearly identified to prevent it being mistaken for any other control.
- 19. Fare table and number plate**
- 19.1 A frame must be provided for the fare table and fixed in an approved place. A position for an interior number plate is to be provided with the words "The number of this taxi is...." Shown immediately above the position of the plate.
- 20. Floor covering**
- 20.1 The flooring of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned.
- 20.2 The floor covering must not impede the movement of wheelchairs. The colour of the floor covering must contrast with any up-stand areas around it and with the colour of the seats.
- 21. Luggage**
- 21.1 Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.
- 22. Taximeter**
- The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained as to comply with the requirements of the Council:-
- a. all taximeters must be calendar controlled, approved and sealed by the City Council Taxi Enforcement Section.
 - b. the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter and cancel any external "For Hire" sign;
 - c. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - d. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
 - e. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - f. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - g. the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
 - h. the taximeter affixed to the vehicle shall be appropriately set to ensure that the Council's hackney carriage fare scale currently in force in the City is recorded thereon.
- 23. Taxi Roof Sign**
- 23.1 A "Taxi" roof sign approved by the council must be fitted and be clearly visible daytime and nighttime when the taxi is available for hire.
- 24. Radio Equipment**
- 24.1 Where equipment for the operation of a two-way radio system is fitted to a taxi, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.

24.2 Any other radio equipment, either in the passenger or driver compartment, must be approved by the council.

25. Electrical Equipment

25.1 Any additional or non-standard electrical installation to the original vehicle must be installed and tested by a professional installer and be protected by a suitably rated fuse. Any additional installation must comply with all relevant regulations.

25.2 Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.

26. Required information to be displayed inside the vehicle – Part 1 and Part 2 notice

26.1 The proprietor must ensure that the vehicle displays a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;

- The name of the vehicle proprietor
- The contact telephone number where a customer can make a complaint, report a concern, or positive comment e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
- The vehicle registration number
- The vehicle licence plate number

26.2 Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;

- The licensed drivers photograph and
- The driver's licence number

Hackney Carriage Byelaws

The consultation on the Hackney Carriage Byelaws will take place separately in due course, they will then form Appendix B of this policy

The policy reflects the requirements of the new byelaws as drafted.

There will be a public notice in the local newspaper advising of the consultation and period.

Any written responses to the consultation and any comments from the Secretary of State, will be considered prior to adoption of the final byelaws.

If you would like any further information on the Byelaws or timeframe for consultation, please email lpc@peterborough.gov.uk

PETERBOROUGH CITY COUNCIL
PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The following are conditions attached to the Private Hire vehicle licence. These conditions are additional to the requirements imposed upon proprietors/drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

Appearance, Design, Signs, Notices etc

1. The vehicle must not be equipped with roof fittings except that a wireless aerial which may be fitted but only in such a manner so as to satisfy the Council.
2.
 - (a) There shall be no lights, plates, signs, advertisements or other fittings (other than the licence plate referred to in Condition 6 and other signage referred to in (c) to (f) below) displayed on or from the vehicle, except those approved by the Council in accordance with or displayed to comply with requirements under the current lighting and licensing regulations approved by the appropriate Secretary of State.
 - (b) The vehicle must not be equipped with any sign or notice such as the word "CAB" or "TAXI" or be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.
 - (c) The vehicle to display on the rear passenger doors in a prominent position, **"Private Hire Vehicle – Insurance Invalid Unless Pre-booked With Operator"** door stickers, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle, and that words "Taxi" or "Cab" are not featured. These stickers must be permanently affixed to the vehicle. Magnetic door signs are not permitted.
 - (d) Vehicles must display a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
 - The name of the operator
 - The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
 - The vehicle registration number, and
 - The vehicle licence plate number
 - (e) Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
 - The Driver's photograph and
 - The driver's licence number
 - (f) Vehicles must display a no smoking sign as required by the Health Act 2006

Radio, Microphone, PDA, mobile phone etc

3. Any radio, microphone, PDA, mobile phone etc. installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

Use of Taximeter

4. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:
 - (a) all taximeters must be calendar controlled, approved and sealed by the City Council Taxi

- Enforcement Section.
- (b) the machinery of the taximeter must be only visible to persons who have boarded the vehicle;
 - (c) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (d) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (e) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
 - (f) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (g) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (h) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. All meters must be sealed by an authorised officer of the city council and be calendar controlled.
 - (i) only meters approved by the Peterborough City Council may be fitted to the vehicle.

Private hire vehicles that are fitted with a taximeter must display inside the vehicle a statement of maximum fares as set by the council. Operators and / or drivers cannot demand a fare greater than that recorded on the taximeter, save for any extra charges authorised by the council.

Maintenance of Vehicle

5. The vehicle shall:
- (a) be of such design to enable any person in the carriage to communicate with the driver;
 - (b) be fitted with a roof or covering which can be kept watertight;
 - (c) contain windows and a means of opening and closing not less than one window on each side;
 - (d) contain seats which must be properly cushioned or covered;
 - (e) be provided with a proper carpet, mat or other suitable covering for the floor;
 - (f) contain fittings and furniture kept in a clean condition safe and well maintained and in every way fit for public service;
 - (g) be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
 - (h) be provided with at least four doors (or three doors in the case of the diesel "Fortwo" Smart Car);
 - (i) be a right hand drive vehicle.
 - (j) Vehicles fitted with a passenger tail lift must maintain a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance, and produce it upon request.
6. A plate provided by the Council identifying the vehicle as a Private Hire vehicle must be securely fixed to the outside the vehicle at the rear in such a manner that the plate is not obscured from view by any fixtures or fittings.

The plate shall be capable of being removed by a constable or authorised Officer of the Council should the Licence be suspended or revoked. Whilst the vehicle is not being used as a Private Hire vehicle the licence plate must be covered from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

7. The vehicle shall be submitted for annual inspection at the place, date and time as notified by the Council in each year during which the licence is in force and at any other time at the Authority's discretion. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, wheels, fittings, furniture and all parts must be in good repair and order. All steering parts and braking linkages must be thoroughly cleaned. All vehicles more than six years old to be tested every six months.
8. All brakes, machinery, furniture and fittings shall be kept in good order and condition.

Safety Equipment

9. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment must be in date and carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Licence Period

10. Private Hire vehicle Licences shall be granted for a period of 12 months or such other period as the Council may determine from time to time. Expired plates must be returned to the council or retained by the appointed testing station upon renewal.

Change of Address or Ownership of vehicle

11. The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place. The proprietor must also complete and submit the required application with fee, as soon as practically possible, and in any case within 14 days, if they transfer ownership of the vehicle.

Vehicle Documentation

12. The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.
 - (a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
 - (b) the Private Hire vehicle Licence issued by the City Council;
 - (c) a current Ministry of Transport Test Certificate (where applicable) or CoC issued by the authority;
 - (d) the vehicle registration documents; and
 - (e) the driving licence issued by DVLA or acceptable equivalent defined by DVLA

Alteration of Vehicle

13. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force. Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.

Employees

14. If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

Vehicle Requirements

15. (a) No vehicle shall be first licensed which is more than 6 years old. A vehicle aged between 49

– 60 months must not exceed 65,000 miles and those between 61-72 months must not exceed 75,000 miles.

- (b) A standard vehicle will continue to be licensed until it is 10 years of age, subject to the vehicle passing any necessary tests laid down by the City Council and there being no break during the licensing period.
- (c) Purpose built low emission vehicles which meet or excel the following emissions standards may be licensed until they are 15 years old, subject to the vehicle passing the mechanical and appearance requirements, and there being no break during the licensing period.

Type of fuel	CO2 g/km	NOx g/km	pm g/km
Petrol	1.0	0.06	0.005
Diesel	0.5	0.08	0.005

- (d) Vehicles more than 6 years of age will be subject to 6 monthly inspections at a time and place to be notified by the authorised Officer of the Council.
- (e) Any vehicle damage that materially affects the safety, performance appearance, or the comfort of the passenger, must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
Where a vehicle is off the road due to accident damage, subject to satisfactory documentary evidence being produced to the authorised Officer, the Council may allow a replacement vehicle that meets the above criteria to be licensed as a replacement for the accident damaged vehicle for a period not exceeding 3 months. A vehicle will only be accepted for relicensing if the break in the licence does not exceed 28 days. All applications received after 28 days shall be treated as a new application and will be required to comply with the criteria set out above including age and condition of vehicle. All accidents must be reported to the council within seventy-two hours.

Cheques

16. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

These licence conditions are effective from April 2011

PETERBOROUGH CITY COUNCIL
PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The following are conditions attached to the private hire driver's licence. These conditions are additional to the requirements imposed on private hire drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

1. Use of Taximeter

The driver of a private hire vehicle provided with a taximeter shall ensure that the taximeter is sealed and approved by an authorised Officer of the City Council. All meters must be calendar controlled.

(a) As soon as the vehicle is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(b) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer;

(c) If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

2. Fare to be Demanded

(a) The driver shall not demand (from any hirer of a private hire vehicle) a fare in excess of (any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare) the fare shown on the face of the taximeter. The driver **must** confirm prior to the commencement of the journey, the name of the hirer, the destination and the cost of the journey;

(b) The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare shown on the face of the taximeter.

3. Interference with Equipment

The driver of a private hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

4. Shortest Route

The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

5. Driver's Identification Badge

The Driver must at all times when acting as a driver of a private hire vehicle wear his identity badge, as provided by the Council, in such manner as to be plainly and distinctly visible. The badge must be handed over for inspection, if requested, to any authorised officer or Police Officer for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

6. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council or any Police Officer, return the driver's badge and licence to the Council and obtain a receipt for it.

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return the driver's badge to the Council. Badges must be renewed before the expiry date of the existing badge.

Late applications will be accepted up to 28 days after expiry of the licence **however** the driver will be required to pay a penalty of £31.00. Drivers are reminded that it is an offence to drive a licensed Hackney / Private Hire vehicle whilst not being in possession of a current licence.

7. Assistance with Luggage

The driver of a private hire vehicle so constructed as to carry luggage shall:

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

8. Operation of Vehicle

Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not causing an obstruction, and not within the defined city centre area. Private hire vehicles and drivers waiting for their next booking within the city centre area will be required to wait in the following designated car parks, Wellington Street, Wirrina or Pleasure Fare, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council reserves the right to restrict private hire vehicles from these car parks as and when necessary, for example a city wide event.

Drivers must switch off their vehicle engine when waiting in the designated car parks, and not leave their engine idling when parked for more than a couple of minutes anywhere.

9. Drivers of private hire vehicles shall at all times carry a written record of all hirings to be produced on demand to an authorised officer of the City Council or any Police Officer. **THE DRIVER SHALL ONLY ACCEPT HIRINGS THAT HAVE BEEN PASSED VIA THE PREMISES OF THE LICENSED OPERATOR FOR WHOM HE WORKS AND IMMEDIATELY UPON RECEIPT OF SUCH A HIRING THE DRIVER MUST RECORD THE SAME IN HIS OWN RECORD OF BOOKINGS BEFORE PROCEEDING TO THE PICK-UP POINT.**

10. Lost Property

The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Any property found shall be returned to the hirer or handed in to the nearest Police Station within 24 hours.

11. Carriage of Other Persons

The driver of a private hire vehicle shall not permit any other person to be conveyed in the vehicle without the express consent of the first hirer.

12. Licence Plate

The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view whilst the vehicle is being used for the purpose of hire. The driver must ensure that the plate is securely fixed to the rear outside of the vehicle in such a manner as to be easily removed by an authorised officer of the Council or Police Officer.

13. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired, be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by reasonable cause.

14. Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

15. Conduct of Driver

The driver shall:

- (a) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- (b) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (c) not drink, eat or smoke in the vehicle;
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Drivers are reminded that it is an offence to sound a horn whilst stationary except in traffic and not at all between 11.30pm and 7.00am in areas where there is a 30mph speed limit in force); and
- (f) NOT consume ANY alcohol whilst on duty and ensure that he/she complies with statutory legislation in relation to drink driving offences.

16. Smoking

It is against the law for a driver or passenger to smoke in a licensed vehicle.

17. Passengers

- (1) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (2) The driver shall not allow any child below the age of twelve years to be conveyed in the front of a private hire vehicle:

18. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide the hirer with a written receipt for the fare paid.

19. Vehicle Damage Notification

The driver of a private hire car shall within seventy two hours report all accidents in writing to the Council.

20. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself, the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed at the driver's discretion.

21. The carrying of hearing dog, guide dog or other assistance dog shall not be at the driver's discretion and such a dog accompanying a blind or deaf person must be carried at no additional cost.

22. Health of Driver

The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either

now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

23. A Group 2 medical certificate completed by a registered general practitioner who is licensed to practice in the UK must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old.

24. Period of Licences

Private Hire Drivers Licences are generally issued for a three year duration, but may be granted for a lesser duration if appropriate, or if the applicant's right to work is of a shorter or limited duration. Drivers are responsible for ensuring they renew their licence at the appropriate time. Drivers who fail to renew their licence within 28 days after expiry will be required to apply as a new driver.

25. Acceptance of Hirings

The driver shall not whilst driving or in charge of a private hire vehicle ply for hire or otherwise:

- (a) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
- (b) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
- (c) offer the vehicle for immediate hire whilst the driver is on a road or PUBLIC PLACE or PRIVATE PROPERTY.

26. Before commencement of a journey the driver shall confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed meter is used in accordance with the City Council's regulations.

27. Before commencement of duty, a private hire driver shall ensure:

- (a) that the vehicle is licensed in accordance with the City Council's regulations;
- (b) the vehicle is correctly insured as required by the relevant Road Traffic Regulation Act or any other enactment; and
- (c) that he inspects the vehicle to ensure that it is in a fit and proper condition to be used as a private hire vehicle.
- (d) the vehicle is displaying the correct Part 1 and Part 2 notice, in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. The part 1 notice must contain the following information;
 - the business name of the operator,
 - the telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
 - the vehicle registration number, and
 - the vehicle licence plate number.

The Part 2 notice must display the drivers photo and licence number

28. When a driver is not using a licensed vehicle for private hire purposes, the driver shall ensure that the licence plate is obscured from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

29. Documentation

At the request of an authorised officer of the Council or a Police Officer the driver must within 7 days produce for inspection the following documents:

- (a) the vehicle licence;
- (b) the vehicle registration documents;
- (c) a Certificate of the policy of motor insurance as required by Part IV of the Road Traffic Act 1988 or any other enabling Act;
- (d) where appropriate a Ministry of Transport Test Certificate; or CoC and
- (e) his own driving licence issued by DVLA or equivalent as defined by DVLA.

30. Convictions/Cautions

The proprietor/driver shall within seven days disclose to the Council in writing details of any conviction/cautions imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

Licensed drivers must also report to the council within 7 days any changes to their immigration status, or any convictions of an immigration offence, or any requirement to pay an immigration penalty. A licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.

31. Advertisements etc.

The driver of a private hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the prior written consent of the Council.

Cheques

32. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

These licence conditions are effective from April 2011.

Private Hire Operator's Licence Conditions

Introduction

Private Hire Operators are licensed to provide pre-booked journeys for passengers at an agreed fare. Legislation states that the journey must be pre-booked with the operator prior to commencing, where a fare is undertaken without being pre-booked it is against the law and the driver's insurance will almost certainly be invalid.

The council has a responsibility to regulate Private Hire Operators in accordance with legislation, when receiving an application as well as considering any legislative requirements local authorities also have the ability to take into consideration local factors or issues that may be relevant when granting a licence.

When considering a new application for an operator's licence we will consider the location of the premises, parking arrangements for vehicles and what the effect of granting the licence is likely to have on anyone in the vicinity, this includes residents, the public and other businesses.

Some locations such as the city centre and other densely populated areas do not easily accommodate businesses such as the private hire trade due to the space required for vehicles etc. Due to this we would not grant a licence unless the applicant can demonstrate such measures to ensure that there will not be a detrimental effect on anyone in the vicinity, this will also include any parking infringements by drivers visiting the office that are encouraged due to the location. Any application for a city centre location will also be considered in accordance with the Peterborough City Centre Development Plan.

In granting a licence the authority will attach conditions to the licence, and as part of the authority's role within regulation it will ensure compliance by the operator to these conditions. Some conditions are prescribed by legislation and are mandatory; others are adopted locally where deemed appropriate or necessary.

It is good practice and appropriate to regularly review the conditions in order to ensure that they remain relevant and are fit for purpose. It should be remembered that where conditions are set by legislation then these cannot be amended or removed and therefore will continue to be attached to all operator licences.

These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to enforcement action which could lead to suspension or revocation of the licence and/or prosecution.

These conditions were adopted on 18 September 2014.

1. Planning Requirements

- (a) There shall (where planning legislation and practice requires it) be in force for the premises from which the business is to be conducted a valid planning consent in these cases. Operators must comply fully with any condition attached to such consent.
- (b) Where planning consent is not required written confirmation from the council's planning department will be required.
- (c) In the case of an operator with only one vehicle operating from a residential address and the council's planning department has confirmed that planning permission is not required the following conditions must be adhered to:
 - (i) only one vehicle can operate from the premises
 - (ii) customers must not visit the premises
 - (iii) customers must be picked up away from the premises
 - (iv) any advertising from the premises must have prior approval from the council's planning department.

2. Records

2.1 Records of vehicles and drivers

- (a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following:-
- (i) the call sign or other identifying mark used on booking records;
 - (ii) the licence plate number;
 - (iii) the vehicle registration number;
 - (iv) the name and address of vehicle proprietor;
 - (v) a valid current certificate of motor insurance or security for the vehicle together with, where appropriate, a Ministry of Transport certificate **and or certificate of compliance**, and ensure both the driver and vehicle hold a **current licence issued by the same authority**;
 - (vi) the names and addresses of drivers and the badge numbers of drivers.
- (b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.
- (c) Operators must provide due diligence in the form of written records to demonstrate that staff and drivers are fully trained and aware of their responsibilities. Operators may demonstrate this with training records to include safeguarding and disability awareness, other checks performed by the operator, company policies etc. The due diligence records must be made available to an authorised officer upon request.
- (d) Operators who provide wheelchair accessible vehicles (WAV) must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.

2.2 Records of bookings

- (a) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book, **TO BE HELD AT THE PREMISES FROM WHICH THE BOOKING IS MADE**, the pages of which are numbered consecutively, the following details:-
- (i) the time and date of each booking;
 - (ii) by what method the booking was received, i.e. telephone or personal call;
 - (iii) journey from _____ to _____;
 - (iv) the name of the hirer; and
 - (v) cost of fare quoted for journey.

If the above data is to be retained electronically, the operator must make appropriate provision to ensure it is backed up to maintain data integrity and retention period.

(Note: If a licence plate number or call sign is used, a record showing the vehicle registration number and the plate number or call sign allocated shall be displayed and kept on the licensed premises).

- (b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of bookings. The initial operator who accepted the booking must provide due diligence of checks made to ensure the operator they passed the booking onto is correctly licensed. This due diligence must be documented and made available to an authorised officer.
- (c) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

3. Information as to Charges

No operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first drawing the attention either orally or in writing to the person making the booking,

information as to the basis of charge for the hire of the vehicle. The Operator shall ensure that such information is passed to the driver.

4. **Statement of Fares**

Operator's who provide private hire vehicles that are fitted with a taximeter must ensure that the vehicle displays a current statement of maximum fares as set by the council.

Operator's must make customers fully aware of any additional charges which may be applied, e.g.

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) any additional charges (eg. cleaning a soiled vehicle)

These additional charges must be clearly displayed in the operator's office and website where available.

5. **Term of Licence**

A Private Hire Vehicle Operator's Licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing, or the applicant's immigration status limits it to a shorter duration.

6. **Ofcom licence**

Operators who utilise a radio system will be required to provide proof of their current licence from Ofcom.

7. **Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities and has valid public liability insurance in place for this area.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that if it is intended that a diesel "Fortwo" Smart Car is to be dispatched to fulfill a booking, it is highlighted with the customer and if requested, an alternative licensed vehicle is supplied.
- (f) Ensure that no additional charges or costs are levied or applied by them or their drivers for the conveying of assistance dogs.
- (g) Where the operator has a wheelchair accessible vehicle within their fleet, ensure that no additional costs are levied by them or their drivers for conveying disabled passengers.

8. **Disorder**

The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

9. **Change of Address**

- (a) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.
- (b) Where there is a change of address from which the business is conducted, the operator must ensure that all necessary requirements including any planning permissions are in place prior to the business operating from the new location.

10. **Convictions/Cautions**

- (a) The operator shall within seven days disclose to the Council in writing details of any conviction/cautions imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.
- (b) The operator must notify the council within seven days of any changes to their immigration status or, if since the grant of their licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- (c) An operator's licence ceases to be in effect if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies the person must cease to operate and return their operator's licence to the council within 7 days.

11. **Facilities for Passengers**

- (a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.
- (b) The operator shall ensure that his/her staff, driver's, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.
- (c) The operator shall ensure that the internal and exterior of **EACH of HIS/HER** premises ARE kept in good repair to the satisfaction of the Council.

12. **Complaints and requirement to display required information - Part 1 notice**

- (a) Operators must have a formal written complaints procedure and policy in place which must be made freely available to all customers. The procedure must, as a minimum include and document the following matters:
 - (i) The way in which customers can complain, including the operator's business name and telephone number.
 - (ii) When the complaint was made (date and time)
 - (iii) Who made the complaint
 - (iv) The nature of the complaint
 - (v) When the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt).
 - (vi) The resolution offered by the operator, and
 - (vii) That the complainant may further their complaint to the licensing department if they remain unsatisfied with the operators resolution.
- (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer.
- (c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted to another licensed operator.
- (d) All vehicles utilised by the operator (except where subcontracted to another licensed operator) must clearly display a Part 1 notice, which must contain the following information in a conspicuous unobscured place, which can be easily read by a passenger travelling in the rear and front of the

vehicle:

- (i) The business name of the operator
- (ii) The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
- (iii) The vehicle registration number, and
- (iv) The vehicle licence plate number

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

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

13. Taximeters

- (a) The operator shall ensure that vehicles operated by him which are fitted with a sealed taximeter, charge a fare or charge calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of the journey. The taximeter being brought into operation at the commencement of the journey.
- (b) The operator must ensure that all vehicles operated by his base station fitted with meters have been sealed by an authorised Officer of the Council.

14. Acceptance of Bookings

- (a) The operator must advise all drivers **OF VEHICLES IN RESPECT OF WHICH HE ACCEPTS A BOOKING THAT**, whilst on duty, being in charge of a licensed private hire vehicle HE shall not ply for hire or otherwise:-
 - (i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
 - (ii) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
 - (iii) offer the vehicle for immediate hire whilst the driver is on a road or public place or private property.
- (b) The Operator/Proprietor shall not permit any person not being the holder of a valid licence issued by the City Council to drive a licensed private hire vehicle.

15. Satellite Offices

Where a satellite office is in operation the following conditions will apply in addition to those previously mentioned:

- (a) Private hire vehicles must not park illegally on the public highway in the vicinity of the satellite office, breach road traffic legislation or breach parking restrictions or cause obstruction or annoyance to the public, other road users or other businesses.
- (b) Vehicles must not be allowed to congregate in the vicinity of the satellite office unless there is adequate off street parking to accommodate all vehicles.
- (c) Private hire vehicles must only attend the satellite office to undertake pre-booked fares and should depart immediately on the collection of their passenger
- (d) Vehicles should not be dispatched to the satellite office unless the passenger is ready for collection.
- (e) Booking records must be kept in accordance with section 2 of this document.
- (f) Private Hire Marshals must be clearly identifiable to the public and fully aware of their responsibilities in accordance with the conditions as attached to the operator's licence and all associated legislation.

- (g) Private Hire Marshals or any other person representing the operator must not approach the public or any prospective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. This includes handing out business cards to prospective customers without the customer making an initial enquiry.
- (h) Where official marshals are not employed by the operator and existing members of staff of a premises are acting as an agent for the operator, then the agent representing the operator must not approach the public or any prospective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. This includes handing out business cards to prospective customers without the customer making an initial enquiry.
- (i) Driver's must not take bookings direct from customers.
- (j) Where a driver is temporarily undertaking the role of a marshal, the driver must be clearly identifiable as such and must not be in the vicinity of his vehicle.
- (k) Where a driver is temporarily undertaking the role of a marshal, the driver must not take a booking and then carry out the job himself.

16. **Licence Fees**

- (a) A licence in respect of which a licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

PETERBOROUGH CITY COUNCIL

Limousine and Speciality Vehicles Licence Conditions

Peterborough City Council reserve the right to consult with DVSA (Driver and Vehicle Standards Agency (formerly VoSA)) if it believes a vehicle does not meet the standards set out in the latest version of their document for Guidance for Limousine Operators. The authority may refuse any vehicle upon application that does not meet the criteria.

It is the responsibility of each applicant to ensure that no more than 8 (Eight) passengers are ever transported in the vehicle at any one time. Seating capacity can be defined by the number of seating positions, which again can be defined by sculpting in the seat and/or seat belts. When signing the vehicle licence application you are confirming that you will adhere to this.

On application for a limousine vehicle licence the applicant must be able to prove that the vehicle is of an approved standard to be used on the UK highway. If a vehicle is less than ten years of age it will require an IVA (Individual Vehicle Approval) certificate, a current MOT test certificate and a V5 vehicle registration certificate. Any vehicle over ten years of age will require a current MOT test certificate and a V5 vehicle registration certificate.

If any applicant is unsure how to obtain the relevant registration documentation, they should contact DVLA and/or DVSA.

Limousines should ideally be chauffeur driven vehicles, and will not be permitted to be used for standard day to day private hire work.

For the licensing of prestige cars each vehicle must comply with the Road Vehicle (Construction and Use) Regulations. It is expected that the type of vehicle relevant to this category of licensing would be a Rolls Royce, Daimler, Bentley, Jaguar or other high end models from manufacturers such as BMW or Mercedes Benz however this list is non-exhaustive and approval will be at the council's discretion; Also incorporated into this section would be vintage or classic cars. Other vehicles that the authority may be asked to licence could be Kit cars, or something of a more retro nature such as those from television, examples being a Ford Capri or a Reliant three wheeler.

All vehicles when presented for inspection must have all relevant documentation such as the MOT test certificate and a V5 vehicle registration certificate.

All speciality vehicles should ideally be chauffeur driven vehicles, and will not be permitted to be used for standard day to day private hire work.

Peterborough City Council reserve the right to consult with DVSA if it believes a vehicle does not meet the standards of roadworthiness as set out in the categorisation of vehicle defects.

It should be noted that at the time of writing there is an exemption under the Local Government (Miscellaneous Provisions) Act 1976, when vehicles are used for weddings and funerals. However, this may change once the results of the law commission consultation are known, and changes made to legislation.

These conditions were adopted on 13 March 2014.

1. Licensing Requirements

1.1 The general conditions imposed by Peterborough City Council (hereafter referred to as the Council) for private hire vehicle operators and drivers will be applicable to the licensing of stretch limousines and Speciality Vehicles unless amended by the following provisions.

1.2 The general conditions imposed by the Council for private hire vehicles where applicable to the

licensing of stretch limousines and speciality vehicles are included in section 12. General Conditions for Private Hire Vehicles.

1.3 The type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:

- Prom nights
- Theatre trips
- Hen nights
- Stag nights
- Party trips
- Race days

or any other similar events considered by the Council to be special in nature. However, vehicles used solely for weddings and funerals are exempt from the requirements of private hire licensing.

2. Private Hire Operator's Licence

2.1 Persons taking bookings for private hire work using stretch limousines or speciality vehicles will be required to hold a private hire operator's licence issued by the Council.

2.2 All bookings of a limousine or speciality vehicle for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operator's licence already issued or granted to an operator within the District or to any new licensed operator.

3. Private Hire Driver's Licence

3.1 Any person driving a stretch limousine or speciality vehicle for private hire will be required to be licensed as a private hire driver by the Council.

4. Stretched Limousine - Definition

4.1 A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that is capable of carrying up to but not exceeding 8 passengers. There will be no age limit for first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles.

4.2 In order for the limousine to be considered for licensing, the applicant must prove that the "stretch" was carried out by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme, (Qualified Vehicle Modifier) for Ford vehicles or the CMC programme (Cadillac Master Coachbuilders). The onus is placed upon the applicant to prove that the vehicle meets the prescribed standards.

4.3 Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.

4.4 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

5. Vehicle Testing

5.1 A stretched limousine vehicle will be subject to a **twice yearly mechanical examination** at intervals to be specified by the Council at its authorised testing station (Amey) to determine its safety and suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. **A licence for a stretched limousine will be**

issued for a period of 12 months only, renewal subject to a satisfactory retest.

- 5.2 The Vehicle Registration Document V5 must indicate in the field “Type Approval Number” that it has undergone one of the following approvals and meets the technical standards of either:
- a European Whole Vehicle Type approval, or
 - a British National Type approval, or
 - an Individual Vehicle Approval (IVA) (formerly known as the Single vehicle Approval scheme (SVA)).
- 5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display ‘1L1’ to confirm conversion completed by an authorised dealer.
- 5.4 Documentation is to be provided proving that the ‘stretch’ was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- 5.5 A plate on the door pillar shall confirm the total weight of the vehicle.
- 5.6 DVLA V5 or equivalent shall be produced to authenticate registration.
- 5.7 A speciality vehicle will be subject to an **annual MOT test** at any DVSA authorised MOT testing centre. This will apply to all speciality vehicles regardless of age, date of import or date of registration. **A licence for a speciality vehicle will be issued for a period of 12 months**, renewal subject to a satisfactory retest.
- 5.8 Limousine and speciality vehicles will receive an exemption to display an external identification plate, a paper permit will be issued which must be clearly displayed on the nearside of the front windscreen.
- 5.9 An exemption notice will be issued and must be carried in the vehicle at all times, the notice must be produced upon request by an authorised officer of the council or any police officer on request.
- 5.10 The driver will also be exempt from wearing a private hire badge under the exemption notice. **But must have it available for immediate inspection by an authorised officer of the council or any police officer on request.**
- 5.11 **The vehicle will be exempted from displaying the Part 1 and Part 2 notice**

6. Vehicle Requirements

- 6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
- 6.2 Where applicable, an installation certificate must be produced from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- 6.3 **The vehicle must maintain valid road vehicle excise duty.**
- 6.4 Vehicles may either be left or right hand drive.
- 6.5 Vehicles must be fitted with at least 4 doors (limousines).
- 6.6 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations (limousines). In the case of speciality vehicles seat belt requirements will depend on the Road Vehicle (Construction and Use) Regulations relating to the age of the vehicle; where this allows for seatbelt exemption children must not be carried in the vehicle.

6.7 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by DVSA.

7. **Passengers**

7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.

7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.

7.3 Passengers must not be carried in the front compartment.

8. **Insurance**

8.1 The vehicle must have 'hire and reward insurance' to carry out private hire work and a full policy of insurance must be presented before the vehicle is licensed. An insurance cover note will not be accepted.

9. **Alcohol**

9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.

9.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the licensing Act 2003 permitting the sale or supply of the same.

9.3 If there are any passenger's below the age of 18, then there shall be no alcohol in the vehicle.

9.4 Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

10. **Entertainment**

10.1 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).

10.2 Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind.
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

11. **Advertisements**

11.1 No signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

11.2 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

12. **General Conditions for Private Hire Vehicles**

12.1 Listed in this section are the conditions taken from the council's general conditions for private hire vehicles which are applicable to the licensing of stretch limousines and speciality vehicles.

12.2 Maintenance of Vehicle

- a) The vehicle shall be of such a design to enable any person in the carriage to communicate with the driver;
- b) The vehicle will be provided with a proper carpet, mat or other suitable covering on the floor;
- c) The vehicle will be kept in a clean, safe condition and well maintained and in every way fit for public service; and
- d) The vehicle will be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage.

12.3 Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

12.4 Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

12.5 Vehicle Documentation

The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.

- a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
- b) the Private Hire vehicle Licence issued by the City Council;
- c) a current Ministry of Transport Test Certificate or CoC (where applicable);
- d) the vehicle registration documents; and
- e) the driving licence (issued by DVLA)

12.6 Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

12.7 Employees

If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

13. **Right of Appeal**

13.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the council to grant a private hire vehicle licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.

- 13.2 Please note that failure to comply with any of the aforementioned conditions including the general conditions relating to private hire vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing

Introduction

The City Council as the Taxi Licensing Authority, has the responsibility to ensure **all drivers of hackney carriages and private hire vehicles** that are available for hire to the public, are 'fit and proper' persons to hold the relevant drivers' licences, **and are not disqualified by reason of their immigration status**. The taxi Licensing Authority will take such measures as appropriate in order to protect members of the public, other road users and the drivers themselves.

There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgment for the Licensing Authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.

Convictions and cautions do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed 'fit and proper' by the Licensing authority. Each case is treated on its own merits.

The assessment is ongoing and drivers have a duty to disclose any convictions or cautions which might affect their suitability to hold a private hire or hackney carriage driver's licence.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest person
- The safeguarding of children and young persons

These guidelines were adopted on 18 September 2014 and will be referred to by officers exercising their powers of delegation, under the Council's Scheme of Delegations in determining whether or not a person is 'fit and proper' to hold a driver's licence.

1. General

1.1 Scope

These guidelines apply to the grant, revocation, suspension or renewal of Operator's Licences ("Operator's Licences") and Licences to drive hackney carriages and/or private hire vehicles ("Driver's Licences") issued by Peterborough City Council ("the Council").

1.2 Purpose

The purpose of **these guidelines** are to facilitate the Council's duties and responsibilities in determining the impact of convictions and cautions on the grant or renewal of Driver's and Operator's Licences in accordance with the legislative considerations set out below.

2. Legislative Background

2.1 Licensing Legislation

The Council licences drivers and operators under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 ("the Relevant Legislation").

2.2 Grant and Renewal of Licences

Sections 51, 55 and 59 of the Relevant Legislation prescribe that the Council shall not grant a Driver's

or Operator's Licence unless satisfied that the applicant is fit and proper for that purpose.

Whilst the relevant legislation is not specific as to what will constitute a fit and proper person for the purpose of determining whether to issue a Licence, it is commonly accepted that any history of offending will be a relevant consideration. The overriding aim of the licensing authority is to protect the public.

2.3 Immigration Act 2016

The immigration Act also places a duty on the licensing authority to verify an applicant's right to work in the UK prior to issuing a licence. The council is prohibited from issuing a licence, (drivers and operators licence) to anyone who is disqualified by reason of their immigration status. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator's licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.

The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and hackney carriage driver licences may be suspended or revoked by this authority. Where licences expire, or are revoked or suspended on immigration grounds, the licence must be returned within seven days. Failure to return the licence within seven days is a criminal offence.

2.4 Suspension or Revocation of Licence

Section 61 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew a Driver's Licence in the following circumstances:

- (a) there has been a conviction/caution for an offence involving dishonesty, indecency or violence;
- (b) there has been a conviction or caution for an offence under or a failure to comply with the Relevant Legislation; or
- (c) that since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (d) any other reasonable cause

Similarly, Section 62 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew an Operator's Licence in the following circumstances:

- (a) there has been an offence under or non-compliance with the Relevant Legislation;
- (b) any conduct on the part of the Operator which renders him unfit to hold a licence;
- (c) any material change since the Licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (e) any other reasonable cause.

2.5 The Council will also have due regard to:

- (a) s.17 of the Crime and Disorder Act 1998 which states 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- (b) The Department for Transport's Taxi and Private Hire Vehicles: Best Practice Guidance which recognises the need for criminal record checks as an important safety measure and contemplates that a particularly cautious view will be taken in relation to offences of a violent or sexual nature.

3. Disclosure of Convictions/Cautions

- 3.1 All persons (“Applicants”) seeking to obtain an Operator’s and/or Driver’s Licence or will be required to disclose the existence and detail of all relevant convictions and/or cautions they may have.
- 3.2 For the purpose of meeting their disclosure obligations, applicants **for a driver’s licence** will be required to obtain an Enhanced Disclosure from the Disclosure and Barring Service (“DBS”).

3.3 **Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.**

3.4 The Council will decide what level of disclosure is required and in doing so will have regard to the Rehabilitation of Offender’s Act 1974 and the Rehabilitation of Offender’s Act 1974 (Exceptions) Order 2002 (“the Order”). In particular, the following is of note:

4. **Drivers**

4.1 Hackney and private hire drivers working with children and/or vulnerable adults are included within the scope of the Order. This means that all convictions, irrespective of age or sentence imposed can be considered if relevant to the application and will not become spent for this purpose.

4.2 In view of the application of the Order, the Council will request an Enhanced Disclosure from the Disclosure and Barring Service (DBS) the response to which will contain information of any current or spent convictions, cautions, reprimands or warnings as well as for example other relevant information held by the Police. More information about the DBS and the checks that they perform is available on their website.

5. **Operators**

5.1 Private Hire Operators do not fall within the Exemption of the Order, however it is acknowledged that whilst that individual may not be directly responsible for transporting members of the public, they will have access to personal information about passengers and afforded access to them if they walked into the Operator’s office to hire a private hire vehicle.

5.2 In view of the above and requirement of the Relevant Legislation, that Operators are fit and proper persons, the Council will **require operators (who are not also licensed drivers) to submit a basic DBS disclosure.**

5.3 Information obtained from the DBS will be shared only with those authorised to receive it in the course of their duties.

6. **Assessment of Applications**

6.1 The Council will not preclude applications from persons who have previous criminal convictions /cautions subject to the application of **these guidelines**. In particular, having a criminal record will not necessarily be a bar from obtaining a Licence. **Each case will be decided on its own merits.**

6.2 The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the applicant’s history may be such that they can never be deemed a fit and proper person. The Council retains absolute discretion as to whether or not a Licence will be granted, having regard to the legislation outlined at paragraph 2 above, all information obtained and observations made during the relevant application process.

6.3 **Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take into account as appropriate.**

6.4 Careful consideration of the evidence provided should be given if an applicant has on more than one occasion been arrested, charged, but not convicted of a serious offence, which suggests on the **balance of probabilities that they could pose a danger to the public.** **Consideration will be given to refusing the application.** **In assessing the action to take, the safety of the travelling public must be**

the paramount concern.

6.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.

6.6 The Council is also entitled to use other records and available information when determining applications. This may include information held by the council or other Licensing Authorities and information disclosed by the Police under the Home Office scheme for reporting offences committed by notifiable occupations or with the Home Office regarding immigration offences. Anyone on the Disclosure and Barring Service (DBS) Barred List will normally be refused a licence. Any licence holder who is subsequently included on the DBS Barred List will normally have their licence revoked.

7. Impact of Cautions/Convictions

7.1 Each application will be carefully assessed and in each case the information provided will be considered in relation to the particular circumstances and shall take into account one or more of the following (non-exhaustive) factors:

7.2 **Level of Responsibility.** The Council will consider the level of independence afforded to the Applicant. An Applicant who works alone with minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.

7.3 **Date of Offence(s).** The Council recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period of time will be considered more serious than an isolated minor conviction.

7.4 **Attitude of the Applicant.** The Council will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.

7.5 **Mitigating Circumstances.** The Council may ask applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.

7.6 **Sentence Imposed.** The Council will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

8. Rehabilitation

8.1 These guidelines prescribe the minimum periods of rehabilitation which will ordinarily need to have elapsed before an application can be approved. These minimum periods will be considered in conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.

8.2 Representatives of the Council tasked with deciding whether or not to approve an application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent or habitual offending history).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

9. Right of Appeal

9.1 Applicants have a right to appeal against decisions made in pursuance of these guidelines in the following circumstances:

9.2 Licences

A right of appeal arises against the following decisions:

- Refusal to grant or renew an Operator's or Driver's Licence;
- Suspension or revocation of an Operator's or Driver's Licence; and
- The imposition of conditions which may have been placed on the grant of an Operator's or Driver's Licence.

Any such appeal must be made in writing to the Magistrates Court within 21 days of the date of the decision letter having been served.

The appeal will be processed and determined by the Magistrates Court.

9.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes this statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver (Road Safety Act 2006, s 52, 2A & 2B).

9.4 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the operator.

10. Updating and Repeat Checks

10.1 Successful applicants are required to notify the Council within 7 days of any convictions or cautions they may receive after the grant of their Licence/Approval.

10.2 Persons wishing to renew their Licence must obtain and provide updated Disclosure Documents **with their renewal application.**

10.3 So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's recommendation that applicants register for the DBS update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year.

10.4 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

11. Breaches of **these guidelines**

11.1 Applicants are prohibited from driving a private **hire** or hackney carriage vehicle, or performing the duties of an operator without first having obtained a relevant Licence for this purpose.

11.2 Persons who have previously been granted a Driver's or Operator's Licence which has been suspended or revoked are prohibited from continuing to drive or perform the duties of an operator unless they have submitted an appeal in accordance with paragraph 9 of this Policy.

12. Guidelines

The following paragraphs offer a general guide on the decision, which might be taken where cautions or convictions are disclosed.

Offences Involving Violence

Offences against Children under 14 years and Young Persons 14 to 17 years

12.1 Drivers of hackney carriages and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken when offences of violence involve children or young persons.

12.2 Where the commission of an offence involved loss of life a licence will normally be refused. In other cases anyone of a violent disposition will normally be refused to be licensed until they have at least 3 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

Offences against Other Persons

12.3 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of at least 3 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

12.4 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide whilst driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

12.5 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Arson
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm
- Riot
- Assault on the Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 10 years prior to the date of application.

12.6 An application will normally be refused where the applicant has a conviction for an offence such as:

- Racially aggravated criminal damage
- Racially aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 5 years prior to the date of application.

12.7 An application will normally be refused where the applicant has a conviction for an offence such as:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Harassment, alarm or distress (S5 Public Order Act 1986)
- Fear of provocation of violence(S4 Public Order Act 1986)

- Intentional harassment, alarm or distress (S4A Public Order Act 1986)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 3 to 5 years prior to the date of application.

13. **Weapon Offences**

13.1 If an applicant has been convicted of possession of a weapon or a weapon related offence, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 to 5 years prior to the date of application.

14. **Sex and Indecency Offences**

14.1 Any applicant currently on the Sex Offenders Register will not normally be granted a licence.

Offences against Children under 14 years and Young Persons 14 to 17 years

14.2 Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

Offences against Other Persons

14.3 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an application will normally be refused where an applicant has a conviction for an offence of:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.4 An application will normally be refused where the applicant has a conviction for an offence relating to:

- Sexual or indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.5 An application will normally be refused where the applicant has a conviction for an offence relating to:

- Indecent exposure
- Soliciting (including kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.6 A licence will not normally be granted if an applicant has a conviction for any sex or indecency offence.

15. **Dishonesty Offences**

15.1 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. It should also be noted that a private hire driver is not bound by a set fare structure and therefore

is open to potential abuse by dishonest drivers. Customers often use the trade for journeys to airports and drivers are privy to the knowledge that premises will be empty for a period of time. In addition overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.

15.2 For these reasons a serious view is taken of any convictions involving dishonesty. In general a minimum period of 3 to 5 years free of conviction should be required before an application can be considered favourably. Offences of dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

16. Drug Offences

16.1 A serious view will be taken with regard to any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of such conviction for a period of at least 3 to 5 years.

16.2 An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

16.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

16.4 If there is evidence of persistent drugs use, misuse or dependency, a medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years after detoxification treatment.

17. Driving Offences

17.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where an applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving unlicensed, disqualified or uninsured drivers or
- Or any similar offences

17.2 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and vehicles at all times. Any traffic offence could demonstrate that a driver is not a fit and proper person to hold a Licence. The following is of note:

- **Major offences / High risk offences** (see Annex A for examples of major/high risk offences). An Application received which details one of the major / high risk traffic offences in Annex A, on the DVLA licence, will normally be refused or a current licence suspended or revoked. An application will not normally be approved until the endorsement period has expired (4-11 years) and it is

shown that no further motoring convictions have been endorsed on the licence in that period.

- **Minor offences** (see Annex B for examples of minor offences). Where a period of disqualification has been imposed due to the accrual of DVLA penalty points or for a single infringement, an application should not be considered until the driving licence has been restored for a period of 12 months. Should the DVLA licence show a further conviction after the disqualification period then a 12 month period free of conviction should elapse from the date of the latest conviction. If an applicant has had their licence revoked, following six or more penalty points during the first two years since passing their driving test, then a period of 12 months free of further conviction, after passing a further test should have elapsed before granting a licence.

18. **Drunk driving / driving under the influence of drugs / using a mobile phone whilst driving**

18.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. Where a disqualification has occurred as a result of a drink driving offence, a period free of conviction of 3 to 5 years should elapse from the restoration of the DVLA licence, before an application will be considered.

18.2 If there is any indication that the applicant is an alcoholic, a medical examination (in accordance with the DVLA Group 2 Medical Standards) shall be arranged by the applicant, at their expense, before an application is considered. If the applicant was an alcoholic, then they will be required to show evidence that they have undergone rehabilitation and have been free from any issues for a period of at least 3 to 5 years.

18.3 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of related convictions could indicate a problem necessitating a medical, as laid down in 18.2.

18.4 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- Are much less aware of what's happening on the road around them
- Fail to see road signs
- Fail to maintain proper lane position and steady speed
- Are more likely to 'tailgate' the vehicle in front
- React more slowly, take longer to brake and longer to stop
- Are more likely to enter unsafe gaps in traffic
- Feel more stressed and frustrated.

18.5 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view will be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

18.6 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

19. **Discrimination Offences**

19.1 The council will treat any discrimination offence seriously when establishing if an applicant is fit & proper. A period of 3 to 5 years free of conviction must have elapsed before an application should be considered. If the conviction relates to a racial incident then refer to paragraph 12.6.

20. **Licensing Offences**

20.1 Licensing legislation is designed to ensure the public are protected and as such a serious view will be taken of convictions for offences under the Acts, such as plying for hire, overcharging, and refusing to carry disabled persons, when deciding whether an applicant is fit & proper. In general a period of 3 to 5 years free of conviction must have elapsed before an application should be considered.

- 20.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.
- 20.3 If an applicant has had a licence suspended, revoked or refused by another authority, then checks will be made with that authority to aid the decision making process.

21 Insurance offences

- 21.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided s/he has been free of conviction for 3 years, however a strict warning will be given as to future behaviour.
- 21.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 21.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operator's' licence revoked immediately and be prevented from holding a licence for at least 3 years.

22. Outstanding Charges and Summonses

- 22.1 If an applicant is the subject of any outstanding charge, summons, or is currently on bail awaiting a charging decision, no decision will be made, or licence granted until these outstanding matters are resolved.

Annex A

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
AC20 Failing to give particulars or to report an accident within 24 hours
AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
BA30 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
CD20 Driving without reasonable consideration for other road users
CD30 Driving without due care and attention or without reasonable consideration for other road users
CD40 Causing death through careless driving when unfit through drink
CD50 Causing death by careless driving when unfit through drugs
CD60 Causing death by careless driving with alcohol level above the limit
CD70 Causing death by careless driving then failing to supply a specimen for analysis
CD71 Causing death by careless driving then failing to supply a specimen for drug analysis
CD80 Causing death by careless, or inconsiderate driving
CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle
DD80 Causing death by dangerous driving
DD90 Furious driving
- DR10 Driving or attempting to drive with alcohol level above limit
DR20 Driving or attempting to drive while unfit through drink
DR30 Driving or attempting to drive then failing to supply a specimen for analysis
DR40 In charge of a vehicle while alcohol level above limit

- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive**
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

- IN10 Using a vehicle uninsured against third party risks

- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds

- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes

- UT50 Aggravated taking of a vehicle

Annex B

MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc

- MW10 Contravention of Special Road Regulations (excluding speed limits)

- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign
- TT99 To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified**

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- C80 Using a mobile phone while driving a vehicle**

- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type or vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

Aiding, Abetting, counselling or procuring

Offences as coded above, but with 0 change to 2 (for example CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 change to 4 (for example CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (for example CU10 becomes CU16)

Non-endorsable offences

Some offences are non-endorseable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

APPENDIX H

Testing criteria for vehicles which have reached the standard age limit

Modern technological advances have improved the build quality and durability of all vehicles so that they are now designed with a longer lifespan. However, this is dependant on regular preventative maintenance and servicing being carried out effectively and in accordance with the manufacturer's' specifications. Failure to carry out such checks and tests can lead to costly repairs and even failure of critical safety features.

Licensed vehicles are subject to increased mileage and wear and tear than general vehicles. To ensure that the licensing of older vehicles does not have a negative impact on public safety or the environment, the council has an essential testing criteria. The criteria are items which the council considers to be critical areas of a vehicle test, which, if failed on a mechanical inspection are considered a major failure. Failure of these essential items can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective.

Vehicles which remain licensed beyond a standard age are subject to this essential testing criteria. The standard age for private hire vehicles is 8 years and for hackney carriages it is 12 years. The age of the vehicle is determined from the date when first registered as indicated on the vehicle's V5 registration log book.

Where a licensed vehicle fails a mechanical inspection on one or more of the items contained in the table below, it will be immediately suspended and must not be used. The vehicle may be repaired and re-presented to the appointed testing station (Amey) within 30 days for retesting. If the vehicle passes the mechanical test within 30 days, the suspension will be lifted and the vehicle may be re-licensed. If a vehicle does not pass the mechanical test within 30 days, for whatever reason, it will be de-licensed.

Licensed vehicles should be presented to the appointed testing centre in a good serviceable condition, and subject to routine planned preventative maintenance and servicing in order to ensure the safety of passengers, the driver and the general public.

Hackney carriage vehicles

All mechanical tests carried out between 12 and 15 years old. For a purpose built low emission hackney carriage from 12 to 20 years old.

Private hire vehicles

All mechanical tests carried out between 8 and 10 years old. For a purpose built low emission private hire

vehicle from 8 to 15 years old.

Critical Items	
Steering and Suspension	Steering mechanism / system
	Transmission shafts
	Front suspension
	Rear suspension
Brakes	Condition of service brake system
	Condition of parking brake system
Tyres and Wheels	Tyre type and condition
	Road wheels
General	Exhaust emissions
	Vehicle structure
	Appearance – interior
	Appearance – exterior
Road Test	Where an issue is highlighted by the appointed testing centre, this will be determined on an individual basis depending on diagnosis

APPENDIX I

Private Hire Vehicle Plate Exemption

1. Objectives

- 1.1 The aim of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow “executive vehicles” to operate without displaying external identification plates (private hire vehicle licence plate).

2. Introduction

- 2.1 The displaying of the external identification plate on a licensed vehicle and a drivers badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.
- 2.2 However there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases the identification of the vehicle as licensed may allow “high risk” passengers to more readily be targeted putting both them and the driver at risk.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows Peterborough City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.
- 2.4 It is not intended that a significant number of private hire vehicles licensed by Peterborough City Council should be exempt from the council's requirement to display an external vehicle identification plate, however the council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 2.5 In creating it’s policy Peterborough City Council does not seek to provide a definite list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external vehicle identification plates.
- 2.6 This section provides guidance to potential applicants on the standards of vehicle, comfort and equipment that the council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application.

3. Policy

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- 3.3 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
 - a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
 - b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes- Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 Series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered).
 - c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
 - d) The type of work is “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by Peterborough City Council.
- 3.5 Where an operator wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application must be accompanied by supporting documentation and a non refundable fee.
- 3.6 The council may require applicants to provide additional documentation as reasonably necessary to allow the council to make an informed decision. Where such documentation is not provided to the satisfaction of the council the application will be refused.
- 3.7 Peterborough City Council is entitled to recover its costs in relation to the application for and issuing of an exemption notices and may charge such fees as it believes are appropriate to recover all or part of those costs.
- 3.8 The fee to accompany an application for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non refundable.
- 3.9 Where an application is granted, an exemption notice will be issued as soon as practical after the decision is made.
- 3.10 Where a vehicle is exempted from the requirement to display an external identification plate the licensed driver of the vehicle will also be exempted from wearing a driver's badge.
- 3.11 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for the same period of time as that vehicles private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.12 Exemption notices may be renewed annually subject to the vehicle under going an inspection by a licensing officer to ensure that it continues to be fit for purpose for an exemption. The annual renewal fee for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non refundable.
- 3.13 The fee for a replacement plate or exemption notice is listed in the council's Taxi Fees and Charges schedule.

- 3.14 The authority to determine any application for an exemption notice is by delegation to the Licensing Manager.
- 3.15 Applicants have the right to appeal a decision where a grant of a notice is refused or revoked; appeals must be in writing and will be reviewed by the licensing committee.
- 3.16 All vehicles granted an exemption notice must in addition to this policy also comply in accordance with the requirements of the council's standard private hire conditions.
- 3.17 Where there is any inconsistency between the standard private hire conditions and these conditions, then these conditions shall prevail.

Private Hire Vehicle Plate Exemption Conditions

The conditions listed below apply to all private hire vehicles granted an exemption from Peterborough City Council from the requirement to display an external identification plate (private hire vehicle licence plate). The following conditions in addition to the standard conditions required for private hire vehicles.

- a) The vehicle licence plate and exemption notice issued by the council in accordance to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the council.
- b) Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the vehicle licence plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering the plate or notice unserviceable the operator shall make immediate application for a replacement which a fee is payable.
- d) The exemption notice issued by the council must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the council or any police officer on request.
- e) When issued an exemption notice, the vehicle will not be required to display door signs which the council require private hire vehicles to display.
- f) When issued an exemption notice a taximeter must not be installed in the vehicle.
- g) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- h) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising third party companies, products or services.
- i) During the period of the exemption notice the driver will not be required to wear a private hire drivers badge but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- j) During the period of exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
- k) The operator will notify the council immediately of any change of use of the vehicle.
- l) The vehicle must not be used for private hire purposes other than for executive use (i.e. not for "normal" airport journey's or daily private hire use).
- m) The driver and passenger front side window glass and front windscreen must clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle as long as they are factory fitted, comply with current legislation and comply with any current private hire vehicle conditions.
- n) The exemption will cease to have an effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the private hire vehicle licence plate unless being sold to another private hire operator licensed by the council; in which case the only the exemption notice has to be returned.
- o) Exempted vehicles will not be required to display a Part 1 or Part 2 notice.**

Licence fees from 1st April 2017

This form should be taken to the city council cash office together with the required fee. The cash office receipt issued should then be handed in with the application form as proof of payment.

Hackney carriage and private hire driver's licence

- New application deposit - £40
- New hackney carriage drivers 3 year licence - £487
- Balance of hackney carriage driver's licence when granted - £447
- New private hire drivers 3 year licence - £446
- Balance of private hire driver's licence when granted - £406
- Renewal 3 year drivers licence hackney carriage/private hire - £252
- Change from private hire to hackney - £139
- Balance to change from private hire to hackney carriage driver - £99

Hackney carriage vehicle licence

- New vehicle/Renewal (yearly) - £190 + (£55.00 to Amey)

Private hire cars

- New vehicle/Renewal (yearly) - £155 + (£55.00 to Amey)

Speciality Vehicles

- **New vehicle/Renewal (yearly) - £75**

Limousines

- New vehicle (yearly) - £193 + (£100 to Amey)
- Renewal (yearly) - £185 + (£100 to Amey)

Miscellaneous

- PH Replacement Door Stickers - £6
- Fare card - £5
- Meter seal - £17
- Plate Transfer - £36
- Replacement plate - £36
- Platform for mounting plate - £20
- Full fixing bracket - £25
- Half fixing bracket - £14
- Replacement vehicle - £21 + (£55.00 to Amey)
- Six month test - £21 + (£55.00 to Amey)
- Reinstatement of Suspended Vehicle - £36
- Failure to attend stage 2 (mechanical inspection) - £24
- Re-test within 14 days (pay at Amey) - £24
- Re-test after 14 days - £55.00 (pay at Amey)
- Replacement driver's badge - £32
- Second and subsequent private hire driving test - £78
- Second and subsequent hackney carriage driving test - £116
- Private hire plate exemption (new) - £52
- Private hire plate exemption (renewal) - £32
- Change of address - £13
- Data request - £31
- Replacement Exemption certificate/driver's licence - £20
- Penalty – late badge renewal application - £32

Method of payment

In person at: Cash Office - Bayard Place, Broadway, Peterborough.

Opening times: 9am to 2pm, Monday to Friday.

Cheques should be made payable to Peterborough City Council.

For official use

Hackney / private hire
licence no:

Account and cost centre:
E100030080

City of Peterborough
HACKNEY CARRIAGE FARES
(INCLUSIVE OF VAT)

FOR DISTANCE AND TIME

AT ALL TIMES
BOTH DAY AND NIGHT

FOR THE FIRST MILE OR PART THEREOF **£3.30P**

FOR EACH SUBSEQUENT MILE **£1.70p**

XMAS AND NEW YEAR

1800Hrs DEC 24th TO 0600Hrs DEC 27th AND 1800Hrs DEC 31st to 0600 HRS JAN 2nd

FOR THE FIRST MILE OR PART THEREOF **£4.00P**

FOR EACH SUBSEQUENT MILE **£2.00p**

WAITING TIME

AT ALL TIMES
BOTH DAY AND NIGHT **£12.00 PER HOUR**

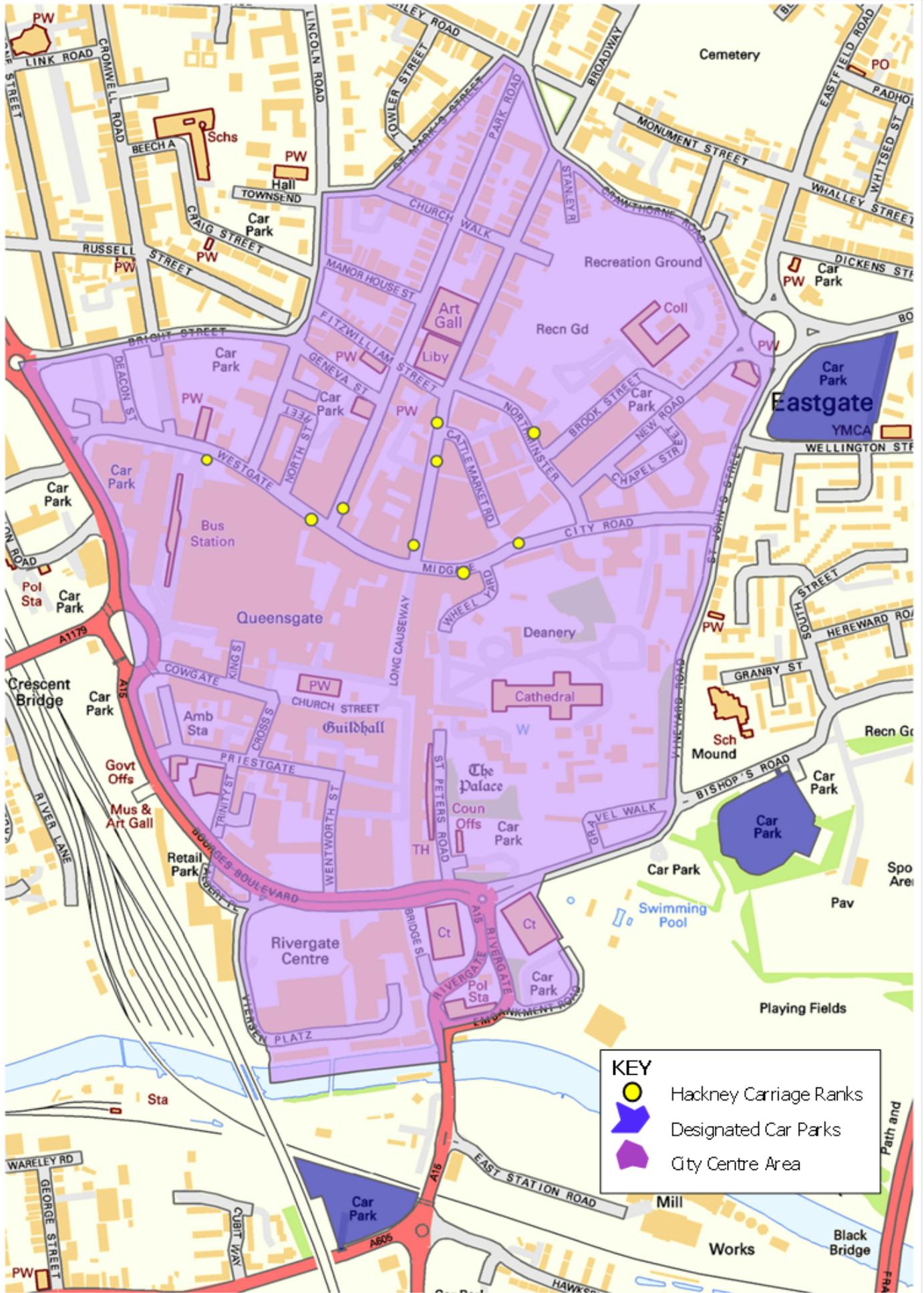
THIS VEHICLE LICENCE
NUMBER IS:-

**HACKNEY
CARRIAGE**

A FEE OF £25 IS PAYABLE FOR PERSONS SOILING THIS VEHICLE.

COMPLAINTS

THE PASSENGER SHOULD CONTACT THE LICENSING OFFICER,
PETERBOROUGH CITY COUNCIL, (TEL: 01733 747474) ON ANY MATTER CONCERNING THE FARE OR ANY OTHER ASPECT OF THE
JOURNEY AFTER HAVING FIRST OBTAINED A RECEIPT FROM THE DRIVER STATING NAME AND BADGE NUMBER.



Example of a Part 1 Notice

Example of a Part 2 notice

Drivers licence number
PHD / HCD 01234

The operator / proprietor of
this vehicle is:
XYZ vehicles
Should you wish to
comment positively or
negatively on any aspect of
your journey today, please
call 01234 567890
Vehicle registration
AB01CDE
Licence plate number
PH/HC 0123

The above examples provide the minimum size of the Part 1 and Part 2 notice.
The minimum font size required for information is Arial size 16 in bold.

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We invite you to have your say on the new Hackney Carriage and Private Hire Policy consultation: bddy.me/2oXxDH9 #Peterborough



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5:33 AM - 10 Apr 2017

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Peterborough peterborough.gov.uk Joined September 2009

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List of Consultees

Organisation	Contact Method	Date
General Public	Public notice in local press (Evening Telegraph)	6/4/17
	Notice and consultation document made available in main council offices	7/4/17
	Consultation web page	7/4/17
	Tweet	7/4/17
Trade		
PHDF – Peterborough Hackney Drivers Federation	Email Preliminary Meeting Detail discussion	7/4/17 24/4/17 9/5/17
All Licensed Operators	Email Email	7/4/17 11/5/17
	Notice in the trade notice board at the Railway Station and near the Bus Station	7/4/17
Other Stakeholders		
All Ward Councillors	Email	7/4/17
All Parish Councillors	Email	12/4/17
Cambridgeshire Constabulary	Email	7/4/17
Police Crime Commissioner	Email	11/4/17
Amey (Appointed Testing Centre)	Email	7/4/17
Cambridgeshire Chamber of Commerce	Email	7/4/17
Passenger Transport	Email	11/4/17
Children's Transport	Email	11/4/17
Peterborough Regional Collage	Email	11/4/17
Inspire Peterborough	Email	11/5/17
Peterborough Adult and Children's Safeguarding Boards	Email	11/4/17
Others		
Neighbouring Authorities: Rutland CC South Cambs South Holland Council Huntingdon Council Fenland Council East Northamptonshire Council South Kesteven Council East Cambs Council Cambridge City Council	Email	11/4/17

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Responses to Consultation on Draft Hackney Carriage and Private Hire Licensing policy (Consultation period 7/4/17 to 2/6/17 inclusive)

Response received: 12/4/17 from Hannah Campling - Safeguarding PCC		
Points raised	Officer comments for consideration	Direction
<p>1) Paragraph 3.30 of the draft policy refers to Notifiable Occupation Scheme (NOS), this has been replaced by CLPD (Common Law Police disclosure), where there is a 'pressing social need'.</p> <p>2) However, police can only share info if the suspect declares their occupation. There is no legal requirement for this and some don't tell the truth. Recommend consideration is given to require all licensed drivers to subscribe to the update service. This would obviously require status checks to be monitored by licensing staff.</p> <p>3) Would also like to amend paragraph 5.3 in line with DfE 2017 definition of CSE</p>	<p>1) Agreed to amend policy – the NOS was withdrawn 10/3/15 – will re-draft paragraph with reference to CLPD. A meeting is being arranged to discuss MOU (Memorandum of Understanding) and ISA (Information sharing Agreement) with PCC Safeguarding, Cambs Constabulary DBS unit and licensing, to discuss information sharing arrangements and protocols, to ensure public safety.</p> <p>2) Pg 14 of the LGA Taxi and PHV licensing councillors handbook also states <i>'The LGA suggests that all licensing authorities consider making it mandatory for drivers to register for the update service and nominate the licensing authority to receive updates. Licensees should be able to provide evidence of continuous registration and nomination throughout the duration of their licence.'</i> Currently licensing use GB Group to process DBS checks. DBS do not automatically notify if there are any changes to a criminal record even if the person is signed up to the update service, you have to access each individuals record to see if there are any changes. The DBS do offer an update service where multiple status checks can be done on a regular basis, but this requires a specific software interface. Prior to agreeing to amend the policy in this way, enquiries would need to be made with GB Group to ascertain if they can offer this service and evaluate any costs applicable to the council, the time and regularity it would be appropriate to carry out the checks, and consider this with regard to the public safety risk of drivers failing to declare offences and continuing to be a licensed driver. Three year badges have been issued since April 2016. In June 2015 the committee made a determination to carry out DBS checks every 3 years in line with the renewal period of the licence, following the introduction of the Deregulation Act.</p> <p>3) Agreed to amend policy in line with current definition</p>	<p>1) Amend paragraph 3.30 of the policy in line with current legislative arrangements.</p> <p>2) Direction required Do members wish to amend the policy in line with the response and LGA suggestion?</p> <p>If it is amended in line with the suggestion, the PHD conditions and HC byelaws will need updating to require drivers to subscribe, nominate and maintain the subscription throughout their licence duration (3 years).</p> <p>Costs to driver: Fee paid for DSB every three years £44 + £10 admin fee.</p> <p>Fee for update service £44 for initial DBS + £10 admin fee, yearly fee of £13 .</p> <p>3) Amend paragraph 5.3 to new DfE definition</p>
Response received: 7/4/17 from Cllr David Over		
Points raised	Officer comments for consideration	Direction

<p>1) Appalled by standard of driving by licensed drivers, dangerous and reckless behaviour, driven carelessly at excessive speeds.</p> <p>2) Attitude and lack of care towards passengers, e.g. elderly and wheelchairs not accommodated</p>	<p>1) Within all trades there are good and bad, it would be wrong to label all licensed drivers this way. Prior to being a licensed driver, an applicant must hold a valid driving licence for 1 year and pass a driving assessment test, (currently performed by authorised officers, proposal to outsource), and checks are carried out with DVLA for penalty points etc. Applicants who fail to meet the criteria are not licensed. Drivers who are licensed by neighbouring LA's are allowed to carry out journeys within our district. Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences), with sufficient information to allow the police to take appropriate action.</p> <p>2) See paragraphs 2.50, 2.53, 3.56, 4.29 4.30, 4.33 to 4.41 of the policy. All hackney carriages are WAV (Wheelchair Accessible Vehicles), the licensing department are in the process of designating such private hire vehicles which meet the criteria in line with the commencement of section 165 and 167 of the Equality Act. The policy aims to put the onus on operators to take customer care diligently, with the introduction for a requirement of a customer complaint policy with pursuance to the licensing department if the customer is unsatisfied with the outcome of their complaint.</p>	<p>1) Should the policy include the highlighted text, to clarify the enforcing body for driving offences?</p> <p>The paragraph could be incorporated in the policy within section 6 - Enforcement</p> <p>2) No amendments required</p>
Response received: 16/4/17 from Bruce Reid		
<p>Peterborough's location and travel resources allow for growth in jobs and wealth. Corporations take this into account when considering where to relocate. The availability of Uber type operators which allow ride sharing should not be over regulated or prohibited by the vested interest of taxi owners, as it will cause substantial damage to the local economy.</p>	<p>Uber do not currently hold an operators licence with this authority. However, nothing within the policy would preclude such an application being submitted and considered for grant.</p>	<p>No amendment required</p>
Response received: 18/4/17 from Police and Crime Commissioner		
<p>No concerns from a police perspective</p>	<p>No amendments proposed</p>	<p>No amendment required</p>

Response received: 9/5/17 from Cllr Fower		
Cllr Fower raised several questions regarding current and proposed conditions and practices. Cllr Fower was provided with clarification and a response to all questions raised. No further communication was received. The emails in full are attached	No amendment to the policy was proposed	No amendment required
Response received: 12/4/17 from Cllr Ray Bisby		
Points raised	Officer comments for consideration	Direction
Would like to add a clause that any warnings given by the police to drivers would be reported by the police to the licensing department, any driver with 3 warnings should have their licence suspended for 1 month. If another 3 warnings received within the year, the licence should be removed. Basis for the proposal is that licensed drivers are putting passengers and other road users lives at risk e.g. A605 roundabout near Kingston Park, witnessed by PES team and Cllr Bisby.	The draft policy proposes a monitoring system for licensed drivers with trigger points for officer review (see 3.75 to 3.80). This would include all complaints received by the licensing department, not just from the police. The imposition of a blanket suspension or action is not accepted as best practice, as each case must be determined on its own merits. Whilst I understand your wish to include warnings given by the police, there is no mandatory provision for the police to record and report on them. The sharing of information by the police is limited to certain provisions, but can take place if there is a 'pressing social need'. The policy also proposes requirements for operators to take more responsibility for the drivers and vehicles they utilise. The issues surrounding this roundabout extend further than just licensed drivers.	No amendment required
Response received: 14/5/17 from Dr Michael Galvin – Addison Lee		
We do not intend to respond comprehensively to the consultation as we are merely operating a contact centre as a licensed operator in Peterborough. We feel that the local taxi and private hire industry and other local stakeholders are better placed to respond comprehensively than us. We fully support the changes that are being proposed to licensed operators.	The response from a licensed operator is in support of the proposed changes to licensed operators	No amendment required.
Response received: 16/5/17 from Trevor Mcsparron		

Points raised	Officer comments for consideration	Direction
<p>1) The criteria on emissions is changing at an ever increasing rate and suggests that in 20 years time, any vehicle which is not 100% electric will by then, be classed as huge polluter. Peterborough could be a low emission zone within 10 years. Government are discussing a diesel scrappage scheme for diesel engines 3 years old. For these reasons the idea that any current vehicles being fit for purpose in 20 years are at odds with 'Environment Capital' and need a unified approach to sustainable travel to improve lives of residents by reducing emissions. The life of polluting vehicles within the trade should be decreased and incentivise the use of 100% electric and make them the standard for 20 year licence.</p> <p>2) What are you proposing to do about drivers who have been suspended by PCC and the company moves to another local authority.</p>	<p>1) (From further reading you will note that the PHDF and PECT have concern with this part of the policy). The reason why the policy was drafted with the proposed emission criteria (which are more or less Euro 6 standards) was to incentivise the introduction of lower emission vehicles to both sectors of the trade (hackney carriages and private hire). Whilst PHV's are presently available in ultra-low emission and 100% electric versions, such vehicles are not currently available for licensing as HCV's. The TX5 Zero Emission Capable Hackney Carriage is being released in London only in 'quarter four of 2017' then available around the world in early 2018. Rapid charge points are being widely installed in London in summer 2017. From 1 Jan 2018 all newly licensed taxis in London must be zero emission capable. All of which is being heavily subsidised by central government and Bluepointlondon. Peterborough did make a bid for a grant, but were unsuccessful. However, further bids will be made where the opportunity arises. The point raised in this part of the response is valid, in so much that the criteria for emissions is rapidly increasing as understanding of the effects that certain emissions have on the environment and people is also increasing. Peterborough is an Environment Capital. If we were to adopt draft policy without amendment a, vehicle licensed which met the criteria (Euro 6) could still be licensed in 20 years. Current conditions would allow a HCV to be licensed for 15 years from new. As licensed drivers are on the roads for long durations, they can be amongst those who are most affected by poor air quality from high emission vehicles.</p> <p>2) The sharing of information between this council and other partner agencies including neighbouring authorities is detailed within the policy, see sections 1.37, 1.39 and 3.3. However, to address this specific point, the licensing department are working with partner agencies seeking to implement the Norfolk model' as laid out in of the LGA Taxi and PHV licensing councillors handbook (Dec 2016). The Norfolk model is whereby a LA which refuses or revokes a drivers licence on certain grounds, pass this information onto the police, who make note which can appear on future enhanced DBS record checks. Thereby allowing notification to the new issuing authority when they request an enhanced DBS check. A DBS check is required by this authority upon application and renewal. It is anticipated that support</p>	<p>1) Direction required: Do we carry on with the draft proposal or amend? We could amend our decision and strengthen our environmental resolve and only extend the life of vehicles for an extra 5 years if they were Zero Emission capable. That way when the TX5 is released for general sale in 2018, the policy would then extend to both sectors. NB: Without an amendment to vehicle conditions it would still allow a diesel HCV to be licensed for 15 years.</p> <p>We could take London's lead and also require in the policy and vehicle conditions that only zero emission capable vehicles will be newly licensed from 20???. (Such date to allow sufficient expansion of the charging point infrastructure). Thereby allowing proprietors to make informed future buying decisions.</p> <p>2) Whilst operation of the Norfolk model' is not specifically mentioned in the policy, (it is a model we wish to adopt) information sharing with police and neighbouring authorities is.</p> <p>No amendment required</p>

<p>3) Is it right that a company can reap profits from working in our city whilst not conforming to the standards? This practice should be banned. Where it can be proved that a company or driver is predominately operating in that LA area, they should register there too.</p> <p>4) The ability to pay contactless should be compulsory</p> <p>5) HCV's are no longer unique in appearance.</p> <p>6) PHV's without door stickers, this needs enforcing.</p> <p>7) Agrees with the amendment to critical failure.</p>	<p>for this model will also be adopted by neighbouring authorities and constabularies.</p> <p>3) There are many which would agree with this point of view, but it would require a change in legislation to implement. The council can only administer within the current legislative framework.</p> <p>4) Many operators have the ability for cashless payment e.g. via an app on a mobile phone. Whilst the council encourages operators and proprietors to seriously consider cashless payment options, (as it is a safety feature for drivers, as well as a convenience for passengers), the council must also consider the financial burden it could have on the smaller and 'one man' operators, so has not imposed it as a condition at this time.</p> <p>5) The council has approved the following types of vehicles which may be licensed as a hackney carriage: London Taxi models LTI (the traditional 'Black Cab'), the Mercedes-Benz Vito, and the Peugeot E7. Of the approximate 150 HCV's licensed, approximately 132 are the traditional 'black cabs'. It would be against competition law to only licence one type of vehicle as a hackney carriage, as it would result in a commercial advantage for one manufacturer. NB: HCV's licensed by other LA's can be used for private hire purposes within this authorities boundaries.</p> <p>6) The licensing department carry out ad hoc compliance checks and enforcement on all conditions. The designated approved testing centre (Amey) also check this aspect on vehicle inspections. Again, PHV's licensed by other LA's can carry out bookings within our area, those vehicles are not subject to compliance with this condition.</p> <p>7) In agreement with the proposed policy</p>	<p>3) No amendment required</p> <p>4) No amendment required</p> <p>5) No amendment required</p> <p>6) No amendment required</p> <p>7) No amendment required</p>
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8) Only approved PCC garages should carry out the yearly MOT to avoid back street, corner cut repairs.	8) This is already in place, (see sections 2.33 to 2.40) only the council's approved testing centre (Amey) can carry out yearly and six monthly vehicle testing.	8) No amendment required
Response received: 16/5/17 from Mohammed Tauseef		
1) The new complaint procedure, taxis are an easy target to be reported	1) As licensed drivers are professional occupational drivers, they should be aware of all aspects of Road Traffic legislation and be accountable for their actions. They should drive with consideration to other road users and weather conditions, only park and allow a passenger to alight the vehicle where it is safe to do so. They are also expected to provide good customer service. Where members of the public consider that a driver has failed in any of the above, they should be able to make that known.	1) No amendment required
2) Low emission cars are not cheap to buy especially electric. Recommend increase in age limit into the trade from 6 to 7 years with no mileage restrictions.	2) In February 2012, following a consultation, the committee increased the age limit PHV's could enter the trade, from 3 to 6 years. The mileage restriction was introduced at the same time to ensure that any vehicle being licensed for the first time would be of an average mileage, therefore not allowing older vehicles with high mileage to become licensed. Critical failure was also introduced at this time due to concerns that vehicles would not be adequately maintained. Concerns were also raised that the change would flood the market with PHV's thereby having a detrimental effect on the trade overall.	2) The call to increase the age limit for licensed vehicles, is raised in several responses, do we want to revise our conditions in this regard or maintain the status quo?
3) Big operators are exploiting and have monopoly within the trade. Fixed prices are damaging independent drivers. All drivers should charge meter prices.	3) Please refer to paragraph 1.28 and 7.3 of the policy. There is no provision within the legislation which would permit the council to set the fares for Private hire work.	3) No amendment required
4) Council charges are too high, charging drivers for transfer of ownership, change of address. Charging £155 (for renewal of vehicle) is too much.	4) See paragraph 7.1. The council has a duty to ensure that the fees set are on a cost recovery basis. The fees charged reflect the cost to administer the process.	4) No amendment required
5) The service from the council to the trade has gone down, nobody picks up the phones and messages left won't be answered for a few days.	5) The licensing department is a very busy office, as it administers and regulates many different types of licences for multiple businesses. Generally, where callers have left their contact number, all phone messages left, are returned on the same day. In some circumstances, (due to staff leave or sickness) the call may be returned on the next	5) No amendment required

<p>6) Should allow for a free re-test if a vehicle fails the MOT, charging £21 for the first re-test is unfair.</p>	<p>working day. This response timeline is within the councils response timeframe policy.</p> <p>6) The approved testing station must be able to recover their costs for the work they carry out. Vehicles should be serviced in accordance with manufactures requirements and presented to the testing station in a clean condition and in full working order. Proprietors should have preventative maintenance in place, the 12 monthly and 6 monthly tests carried out by the testing centre, is to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out. See paragraphs 2.31 and 2.32.</p>	<p>6) No amendment required</p>
<p>Response received: 22/5/17 from PECT (Peterborough Environment City Trust)</p>		
<p>1) Would like clarification on what constitutes a LE HCV. Supports the aim to get more LEV being used in the city, but expects the definition of LE would change over time as technology improves. Need to ensure future proofing, what is considered LE now does not mean it is automatically allowed to operate in 15/20 years time. Pollutants should be regularly checked and updated and remove less well emission performing vehicles. Other cities are making stringent requirements for low and zero emission vehicles, Peterborough should be equally ambitious to decrease pollution across the city.</p> <p>2) Agrees with the change proposed, to remove the return to base condition for PHV and replacing it with designated car park waiting, provided the rules are enforced.</p> <p>3) Agrees with the change in policy for critical failure, to allow a re-test within</p>	<p>1) The low emission criteria within the policy are more or less Euro 6 standards. These standards take into consideration the weight of the vehicle, which is why it is higher for HCVs. It is logical that as time moves forward the emission criteria is likely to become more stringent for vehicle manufacturers. The proposals in the draft policy would allow a diesel (Euro 6 compliant) HCV to be licensed for a maximum of 20 years. From 1 Jan 2018, all newly licensed taxis in London must be zero emission capable.</p> <p>2) The response is in agreement with the proposed changes. The licensing department communicate with representatives of the trade and issues of non-compliance may be discussed. The licensing department carry out various ad hoc compliance/enforcement checks during the daytime and evening. Appropriate action is taken where non-compliance occurs.</p> <p>3) The council expects proprietors to maintain their vehicles (see paragraphs 2.31 and 2.32). The licensing department have regular</p>	<p>1) Direction required – Refer to prior response on page 4 of this table</p> <p>2) No amendment required</p> <p>3) No amendment required</p>

<p>30 days. But is cautious as proprietors may put off maintenance as they know they will now have additional time. Suggests additional fees are imposed for re-testing to discourage proprietors who fail to maintain their vehicles.</p>	<p>contact with the approved testing centre, should this type of behaviour occur, we would work together to ensure that vehicle standards are maintained and public safety is protected.</p>	
<p>Response received: 28/5/17 from Ash Hussain</p>		
<p>1) Cross boarder hiring of HCV's from neighbouring authorities being used for PH purposes within Peterborough is making it harder to earn a reasonable living. Acknowledges that case law has determined that it is not illegal, but suggests that it is immoral. Peterborough's standards are high.</p> <p>2) Makes mention of a House of Commons debate on 4 June 2016 between Andrew Gwynne and Andrew Jones, the Parliamentary Under Secretary for Department of Transport regarding cross boarder hiring. Suggests that the Under Secretary stated the problem should be addressed by LA's as they have full power to rectify under the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>3) Suggests that Peterborough should amend the current operators conditions to require them to only utilise drivers and vehicles licensed by</p>	<p>1) Case law (Newcastle City Council and Berwick-Upon-Tweed Borough Council) determined that cross boarder hiring (as described) is not illegal. It would be inappropriate for the council to attempt to regulate in opposition of case law.</p> <p>2) Hansard notes the debate took place on 4 May 2016. The debate referred to the Newcastle, Berwick Upon Tweed High Court determination that Berwick Upon Tweed licensed drivers were operating entirely within the legislation. (The drivers were getting licensed, then operating in neighbouring authorities areas). The power referred to by the Under Secretary, is the ability for a LA to refuse to grant a licence if the applicant does not intend to predominantly carry out work within the issuing authorities area. For the above solution to work in Peterborough's circumstances, it would require the neighbouring authorities, (whose drivers are not predominately working in their district), to adopt the condition, then refuse to grant their application. (It is for each LA to determine their own conditions.) This is the course of action Rossendale took, from 2017 they will refuse to grant licenses if the applicant does not intend to use the vehicle in the borough of Rossendale. The licensing department work with neighbouring authorities and share information regarding non-compliant drivers.</p> <p>3) A change of conditions to this suggestion would conflict with case law. It would require a change in legislation, which is what Andrew Gwynne was requesting to take place in the debate in May 2016, along with other proposed amendments.</p>	<p>1) No amendment required</p> <p>2) No amendment required.</p> <p>3) No amendment required</p>

<p>the same authority. i.e. The operator would be in breach of condition, if s/he employed a HCD and HCV not licensed by this authority. Peterborough has good sets of conditions for vehicles and drivers and should impose this for operators. The council are missing out on fees.</p>		
Response received: 25/5/17 from Tahir Shafiq		
<p>Requests that the age of HCV's extended by 5 years. (Thereby allowing all currently licensed HCV's to be licensed until they are 20 years old)</p>	<p>It is proposed to only extend the life in service of low emission vehicles. However, as there are similar requests within other responses, members will be requested to determine. Currently HCV's are de-licensed after they are 15 years old (from date of first registration).</p>	<p>Direction required: Members to determine alongside other responses and proposals received regarding the vehicle age policy and emission standards.</p>
Response received: 30/5/17 from Mir Afzal		
<p>As above, requests the extension of Hackney carriages within the trade for an extra 5 years.</p>	<p>Please see response above.</p>	<p>As above, direction required from members</p>
Response received: 30/5/17 from Mohamed Chahid		
<p>As above, would like to extend the age of life of HCV, due to current financial climate and fixed price fares, makes it difficult to make a living and afford essentials. It's hard and impossible to buy another taxi.</p>	<p>Please see response above</p>	<p>As above</p>
Response received: 1/6/17 from PHDF (Peterborough Hackney Drivers Federation)		
<p>1) PHDF welcome the proposed amendment regarding critical failure. A suspension rather than immediate de-licensing has been a goal, the 30 day period (to get the vehicle re-tested within) is reasonable. As is de-</p>	<p>1) In agreement with proposed policy</p>	<p>1) No amendment required</p>

<p>licensing, if the vehicle does not pass with this period.</p> <p>2) Would like the committee to reverse the decision on vehicle re-test fees for the first failure, would request for the first re-test be carried out free of charge, then apply a fee on subsequent re-tests.</p> <p>3) Disagree with the proposal to extend the life of Euro 6 standards at this time, it's not in the interest of all parties. Perhaps wait until the TX5 is more freely available at the end of 2018.</p> <p>4) Would like the committee to consider bringing Euro 5 standards now and Euro 6 from 2019, this would allow electric range extended vehicles to become established, offering greater choice to the trade.</p> <p>5) The trade would be prepared to welcome proposals to change the current health check to Group 2, but feel that it should not be required every 3 years, as it is excessive and unwarranted. They feel they were misled in a consultation meeting, that three years was the norm, and present details of frequency requirements in other LA areas showing various timescales. They state that the HSE requirements are aimed HGV and PSV's.</p>	<p>2) The approved testing station must be able to recover their costs for the work they carry out. They have stated that in some circumstances, (e.g. where the rectified repair is a simple visual check) they are performed free of charge. Vehicles should be serviced in accordance with manufactures requirements and presented to the testing station in a clean condition and in full working order. Proprietors should have preventative maintenance in place, the 12 monthly and 6 monthly tests carried out by the testing centre, is to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out. See paragraphs 2.31 and 2.32.</p> <p>3) The TX5 is the London Taxi Company zero emission capable hackney carriage. The TX5 is due to be released in London only in the last quarter of 2017, then available around the world in early 2018.</p> <p>4) The TX4 Euro 5 has been available from 2012, the TX4 Euro 6 has been available from 2015, the TX5 zero emission capable is available from 2018. The London Taxi Company website states; <i>'TX4 Euro 6 compliant means its pollution levels, on average, are 71% cleaner than Euro 5 models and show a 83% reduction in Nitrogen Oxides (NOx)'</i></p> <p>5) Agreement for the introduction of Group 2 medicals but disagrees with the frequency. I apologise if they felt misled, the statement was that Group 2 is the norm, frequency was discussed later. As stated in the meeting the DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010) paragraph 67 states: <i>'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal.'</i> They deem it appropriate due to the demanding role of a licensed driver. LA's must have due regard to DfT guidance.</p>	<p>2) No amendment required</p> <p>3) Direction required; Members will be requested to determine which way the policy should proceed.</p> <p>4) As above</p> <p>5) Direction required, would members like to amend the proposed frequency of Group 2 medical health checks?</p>
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<p>They propose the Group 2 medical should be required upon new application, then at 45, then at 55, then 65, then annually thereafter.</p> <p>6) Agree with the proposal to display a part 1 and part 2 notice in the interest of public safety. They would however like to amend the wording as it invites only negative comments. Suggests removal of the word complaint and provide 'Should you wish to comment positively or negatively on any aspect of your journey today...'</p> <p>7) Accept proposal of three stage trigger point monitoring system for drivers</p> <p>8) Agree with the proposal to remove the PHD return to base condition and replace it with the new condition, on the grounds that it limits needless traffic in the city centre, thereby reduces congestion, removes temptation of PHD illegally plying for hire and reduces pollutants and greenhouse gas emissions. But do have concerns about compliance and enforcement of the scheme</p> <p>9) PHDF have concerns regarding the proposal to outsource the driving tests for HCD. Ask for special care to ensure it does not lead to an unwarranted increase in fees. Will the outsourcing process invite multiple tenders in order to be competitive?</p>	<p>As shown in the document submitted by PHDF, LA's differ in this regard, however, South Kesteven and South Holland both require a Group 2 every three years.</p> <p>6) Agreement of proposal, it is a valid point that the word complaint does only invite negative matters. It would be appropriate to remove the word complaint and replace it with 'comment positively or negatively'</p> <p>7) Response in agreement with draft proposal</p> <p>8) Response in agreement, the new condition reads; Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not causing an obstruction, and not within the defined city centre area. Private hire vehicles and drivers waiting for their next booking with the city centre area will be required to wait in the following designated car parks, Wellington Street, Wirrina or Pleasure Fare, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council reserves the right to restrict private hire vehicles from these car parks as and when necessary, for example a city wide event. The licensing department take appropriate action where non-compliance occurs. The licensing department will continue to have meetings with the PHDF where any non-compliance issues can be discussed.</p> <p>9) The council has existing arrangements in place regarding tender and procurement. These will be followed appropriately with regards to appointing a provider. The concerns raised are understandable, consideration will be given to the cost and availability of tests. Most other LA's use external providers for the driving test as it ensures that the person undertaking the role of examiner is specifically trained in this role</p>	<p>6) Agreed to amend wording on part 1 and part 2 notice.</p> <p>7) No amendment required</p> <p>8) No amendment required</p> <p>9) The concerns raised will be taken into account during the tendering/procurement process.</p>
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Outsourcing to only one provider creates a monopoly, as is the case with Amey which is unsatisfactory.		

Consultation on draft Hackney Carriage and Private Hire Licensing Policy

4 messages

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>
To: PSCB Mailbox <pscb@peterborough.gov.uk>

11 April 2017 at 10:36

Good morning,

Please forward this email to the most appropriate person to respond.

Peterborough City Council are consulting on a new Hackney Carriage and Private Hire Licensing policy and invite your comments.

The draft policy and appendix documents can be found on the council's website, on the following link [Consultation web link](#)

For ease of reference it is also attached to this email as a pdf.

The consultation runs from Friday 7th April 2017 to Friday 2nd June 2017. Should you wish to respond to the consultation, please ensure that you do so prior to the end of the consultation period, to ensure that your comments can be properly considered, prior to the adoption of the final policy.

Kind regards

—
Consultation Officer

Licensing
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1FA

lpc@peterborough.gov.uk

Tel: 01733 747474

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

Please consider the environment before printing this email

 **Fullconsultationdoc.pdf**
1802K

Hannah Campling [REDACTED]
To: Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

12 April 2017 at 11:59

Good morning

My role involves regular liaison with Cambridgeshire Constabulary regarding the issue of Child Sexual Exploitation particularly. A particular conversation this week concerned information sharing of Police intelligence concerning a particular taxi driver. I questioned whether or not a particular piece of intelligence would be shared and had seen in the draft Policy the following paragraph:

3.30 Licensed drivers are part of the notifiable occupation scheme. Under this scheme, when a licensed driver comes to the attention of the police, the police are required to notify the local authority of convictions and any other relevant information, that indicates the driver poses or may pose a risk to public safety, even before conviction.'

I sent this paragraph to the Central Intelligence Bureau (CIB) of the Police and received the following response and felt this should be provided to yourselves as feedback as part of the consultation:

The above is NOT correct and there is clearly a big misunderstanding of the legislation by whoever has drafted the policy. It is true that taxi and private hire drivers do meet the criteria for consideration of a CLPD but that does not mean that the information relating to an arrest (or an interview as a suspect) will be automatically disclosed.

The threshold for disclose is, 'is there a pressing social need'. This threshold has been likened to the threshold for disclosing information on enhanced criminal record certificates (ECRC) which is,

- is the information relevant
- is it sufficiently reliable
- is it proportionate to disclose it
- is the person's right to a private life outweighed by the risk that the information identifies. Article 8 of the Human Rights Act

The CLPD process relies on the suspect telling the Police what their occupation is. There is no legal requirement for this and some don't tell the truth.

In addition, if a disclosure is made under CLPD the information will solely relate to the current issue. This process has not been devised to replace the requirement for taxi/private hire drivers to have an ECRC.

I would also recommend that consideration is given to requiring all taxi/private hire drivers to subscribe to the update service. That way, the status of their certificates may be updated if they get arrested or charged or convicted. This will obviously require the status of certificates to be monitored by the taxi licensing unit.

This feedback was provided by the DBS Unit Manager within Cambridgeshire Constabulary, who's details I can supply for further information if appropriate

I have also checked the Safeguarding section of the Policy, particularly the CSE section and wonder if you would consider the addition of the new definition:

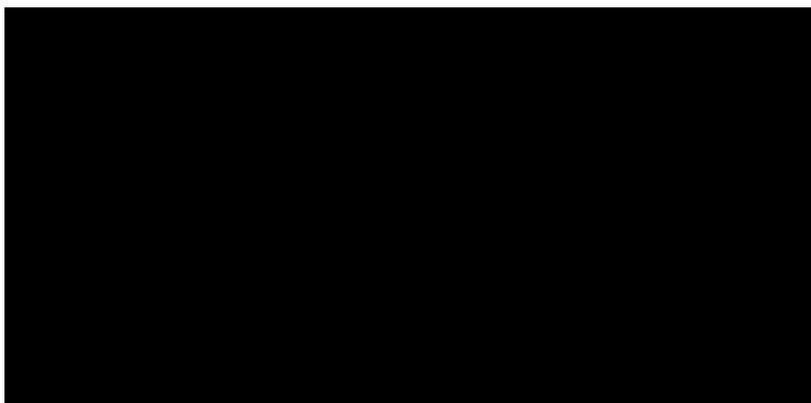
'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

'Child sexual exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation' (2017) DfE

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/591903/CSE_Guidance_Core_Document_13.02.2017.pdf

Kind regards

Hannah Campling



----- Forwarded message -----

From: **PSCB Mailbox** <pscb@peterborough.gov.uk>

Date: 11 April 2017 at 11:43

Subject: Fwd: Consultation on draft Hackney Carriage and Private Hire Licensing Policy

can you have a look at this and let me know - there is a safeguarding section which includes cse

Peterborough Safeguarding Boards (Adult and Children)

 **Tel:** 01733 863744 |  **email:** pscb@peterborough.gov.uk

 | 1st Floor Bayard Place | Peterborough | Cambridgeshire | PE1 1AY

 Board Signature

Follow & Like Us:   |  **web:** www.safeguardingpeterborough.org.uk

[Quoted text hidden]

 **Fullconsultationdoc.pdf**
1802K

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

13 April 2017 at 13:43

Dear Hannah

Thank you very much for taking the time to review and respond to the consultation. Your comments and those of the police officer are welcomed.

The reference to notifiable occupations was drafted using DfT (Department for Transport) guidance which predates the withdrawal of the Notifiable Occupation Scheme in 2015.

We take on board the comments and thank you for highlighting this error to us. We will look to redraft the sections regarding notifiable occupation and replace them with the current Common Law Police Disclosure requirements.

When it has been re-drafted, we would be more than happy to forward it for consideration to ensure compliance with current practice.

We also appreciate your feedback regarding the addition of the definition of CSE and will look to include it as a new paragraph, which again would be in line with current guidance.

Kind regards

[Quoted text hidden]

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

16 June 2017 at 12:15

To: Terri Martin <terri.martin@peterborough.gov.uk>

----- Forwarded message -----

From: **Licensing Policy Consultation Mailbox** <lpc@peterborough.gov.uk>

[Quoted text hidden]

[Quoted text hidden]



Taxi Licencing

1 message

David Over [REDACTED]

7 April 2017 at 12:36

To: ipc@peterborough.gov.uk

As I travel around the city I am appalled by the standard of driving of hackney cabs and others.

Refusing to give way, hogging the outside lane, speeding, jumping traffic lights are daily events

Villagers in my ward refuse to go to Peterborough during the evening and even day time

Two of the many reasons are:

1. The dangerous and reckless driving and behaviour of taxi drivers
2. The attitude and lack of care by drivers towards passages. For example, many of my villagers are elderly. Taxi drives will drive pass elderly and informed passages. Wheel chairs are not accommodated. Taxis are driven carelessly and at excessive speeds.

David

Draft Hackney Carriage and Private Hire Policy consultation

1 message

Bruce Reid [REDACTED]

16 April 2017 at 19:22

To: "lpc@peterborough.gov.uk" <lpc@peterborough.gov.uk>
[REDACTED]

Submittal re: Draft Hackney Carriage and Private Hire Policy consultation

Peterborough has train service, road access, proximity to Cambridge, a naturally appealing environment and other resources to position it for a growing share of private sector jobs creation and residents' wealth creation thus derived.

Please be aware that corporate relocation criteria typically include (near the top of the list) the unthreatened availability of ride sharing like Uber, Lyft and Fasten. It's more than ensuring that recruiting bright talent won't be adversely affected; a jurisdiction's handling of this subject is a proxy for how progressive it is and how adroitly it may adapt to future new technology.

Please, don't let the vested taxi interests use this consultation as back door way to interfere with convenient ride sharing. This type of mischief pops up all over when regulations affecting transit are under review. Most often, the taxi owners' self-interest is dressed up to look like a public safety issue, which is statistically bogus – proof: they never cite independent statistics, only breathless anecdotes of dubious provenance.

You will never be able to measure the damage done to the local economy if ride sharing is outlawed or regulated with a heavy hand but, be assured, it will be substantial; and that's without considering tourism losses. Millennials (and an increasing number of boomers) don't rent cars, they UBER. No Uber, no weekend getaway to your region.

I have not ever had nor do I have any prospect of having any business relationship with any ride sharing service except as a customer. I am writing in my private capacity (not for my firm nor The Counselors of Real Estate™) and as regular visitor to your area and East Northamptonshire (and frequent X-4 bus rider.)

Thank you

Bruce A. Reid CRE™, FRICS
[REDACTED]



Terri Martin <terri.martin@peterborough.gov.uk>

FW: Consultation on draft Hackney Carriage and Private Hire Licensing Policy [OFFICIAL]

1 message

HILL, Rob

18 April 2017 at 15:51

To: "terri.martin@peterborough.gov.uk" <terri.martin@peterborough.gov.uk>

Hi Terri

The PCC's office has asked me to review this on their behalf.

I have looked through and have no concerns from a Police perspective.

Rob

From: cambs-pcc (Cambs)**Sent:** 11 April 2017 12:45**To:****Subject:** FW: Consultation on draft Hackney Carriage and Private Hire Licensing Policy [OFFICIAL]

Hi Charlie,

Have saved and logged in correspondence (rather than consultation folder). Is this something our office would want to reply to?

Regards,

Tanya

From: terri.martin@peterborough.gov.uk [<mailto:terri.martin@peterborough.gov.uk>] **On Behalf Of** Licensing Policy Consultation Mailbox**Sent:** 11 April 2017 11:00**To:** cambs-pcc (Cambs) <cambs-pcc@cambs.pnn.police.uk>**Subject:** Consultation on draft Hackney Carriage and Private Hire Licensing Policy

Good morning,

Peterborough City Council are consulting on a new Hackney Carriage and Private Hire Licensing policy and invite your comments.

The draft policy and appendix documents can be found on the council's website, on the following link [Consultation web link](#)

For ease of reference it is also attached to this email as a pdf.

The consultation runs from Friday 7th April 2017 to Friday 2nd June 2017. Should you wish to respond to the consultation, please ensure that you do so prior to the end of the consultation period, to ensure that your comments can be properly considered, prior to the adoption of the final policy.

Kind regards

—

Consultation Officer

Licensing

Peterborough City Council

Town Hall

Bridge Street

Peterborough

PE1 1FA

lpc@peterborough.gov.uk

Tel: 01733 747474

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Draft Hackney Carriage and Private Hire Policy consultation

2 messages

Darren Fower [REDACTED]

9 May 2017 at 09:00

To: ipc@peterborough.gov.uk [REDACTED]

Hi,

Re: The present consultation here: <https://www.peterborough.gov.uk/council/consultations/draft-hackney-carriage-and-private-hire-policy-consultation/>

I'd like to make the following points and would appreciate if someone could furnish me with a response to each please?

Currently, if a vehicle at the appointed age, (hackney carriage 12 years, private hire 8 years) fails a mechanical inspection on a critical matter, it is de-licensed. It is proposed that instead of de-licensing the vehicle, it should be suspended and allowed to be retested within 30 days.

Q: Why was the decision taken in the first place to deli-license?

Q: Why have you chosen 30 days and not say 13 or 62 days?

Historically these driving tests have been undertaken by authorised council officers. It is now proposed to outsource the driving test to an external provider whose assessors have been accredited by DVSA.

Q: How many staff will be affected?

Q: Costs around this idea?

"annually thereafter when the driver reaches 65"

Q: Why 65?

Q: Will there be a cost for the medical check? If so how much?

"formal complaints policy and procedure in place, which is made freely available to customers"

Q: How are the complaints presently managed and by whom?

Peterborough city council has not set a limit for the amount of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licences.

Q: Why do we not have a set limit, and are you saying some local authorities do?

The installation of CCTV in licensed vehicles is not imposed as a condition.

Q: Why don't we impose it as a condition?

Re: 1.33 "disability awareness and safeguarding."

Q: Have the local disability forum been constlted and other relevant bodies and organisations?

"All hackney carriages licensed by this council are designated wheelchair accessible vehicles"

Q: But are drivers given training on how to support wheelchair reliant customers? If not why not?

Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.

Q: Which particular pieces of legisaltion cannot be enforced by PCC?

Guide dogs etc

Q: Am I right in thinking that private hire taxis have to carry these dogs and black cabs can apply to not to?

Extra Questions

Q: There is no where in here that mentions UBER drivers?

Q: How will you stop the cars from operating in say Yaxley under another authority?

Q: What about bus lanes and allowing taxis to use them?

Q: Also the page numbers on the PDF are distorted and in some cases are covering the words in the consultation document, not sure if that somehow makes the document unenviable?

Many Thanks

Cllr Darren Fower

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

17 May 2017 at 09:51

To: [REDACTED]
Cc: Members Services Mailbox <membersservices@peterborough.gov.uk>

Dear Cllr Fower,

Thank you for your email and interest in the draft Hackney Carriage and Private Hire Policy consultation.

For ease of reference, I have put the answers underneath your questions.

I hope the information provided is sufficient to answer your questions. Should you have any further queries, or would like clarification, it may be easier to call me on [REDACTED]

Kind regards

----- Forwarded message -----

From: **Darren Fower** [REDACTED]
Date: 9 May 2017 at 09:00
Subject: Draft Hackney Carriage and Private Hire Policy consultation
To: lpc@peterborough.gov.uk
[REDACTED]

Hi,

Re: The present consultation here: <https://www.peterborough.gov.uk/council/consultations/draft-hackney-carriage-and-private-hire-policy-consultation/>

I'd like to make the following points and would appreciate if someone could furnish me with a response to each please?

Currently, if a vehicle at the appointed age, (hackney carriage 12 years, private hire 8 years) fails a mechanical inspection on a critical matter, it is de-licensed. It is proposed that instead of de-licensing the vehicle, it should be suspended and allowed to be retested within 30 days.

Q: Why was the decision taken in the first place to deli-license?

A: Following consultation with the trade, in February 2012 a report was put to the licensing committee to increase the age limit for a licensed vehicle to remain in the trade. When the report was presented, the age limit for Hackney Carriage vehicles was 12 years and private hire vehicles was 8 years. The report proposed to increase the age limit to 15 years for hackney carriages and 10 years for private hire vehicles.

Critical failure was introduced at this time due to concerns that vehicles being on the road for the extra years could result in safety issues for passengers, the driver and the general public. This being an issue if vehicles were not subject to routine planned preventative maintenance in order to ensure safety. If a vehicle failed its test for any critical item during these 'extra years', it must be assumed that the vehicle had not been part of a regular maintenance programme thus resulting in the vehicle being de-licensed.

Q: Why have you chosen 30 days and not say 13 or 62 days?

A: The 30 day re-test period was proposed by the licensed trade. They consider this an appropriate period of time to allow for the vehicle to be properly repaired, with consideration to allow for any potential ordering of parts the vehicle may require.

Historically these driving tests have been undertaken by authorised council officers. It is now proposed to outsource the driving test to an external provider whose assessors have been accredited by DVSA.

Q: How many staff will be affected?

A: Currently there are two members of staff which perform the driving test. These officers have other duties aside from performing the driving tests. Therefore this will have no impact on current staffing levels, but will free up officer time to perform other tasks.

Q: Costs around this idea?

A: Several companies have DVSA approved fleet assessors, their fees are comparable with the fee currently charged for the test. Currently applicants pay £78 for a private hire driving test and £116 for a hackney driving test. The external providers fees range from £87 to £140 depending on the company, the type of test and the day the test is taken. Some providers offer the test on weekends for which they charge a higher fee.

"annually thereafter when the driver reaches 65"

Q: Why 65?

A: The role of a licensed driver is demanding, they are expected to carry passengers luggage or shopping, will drive for long periods, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power, control etc. Some health related conditions can worsen as a person ages, the council needs to ensure that as licensed drivers age, they remain 'fit' for the demanding role they carry out.

Q: Will there be a cost for the medical check? If so how much?

A: There is a cost to the current health check which ranges from £40 - £120, depending on where the drivers have the test done. The cost of a Group 2 medical is comparable, with fees starting at £40 depending again on which provider the driver chooses.

"formal complaints policy and procedure in place, which is made freely available to customers"

Q: How are the complaints presently managed and by whom?

A: Complaints can be made to the licensing department, the police, the operator, or to the driver directly, it depends on the nature of the complaint and the complainant.

Peterborough city council has not set a limit for the amount of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licences.

Q: Why do we not have a set limit, and are you saying some local authorities do?

A: There is a provision which allows local authorities to restrict the quantity of hackney carriage vehicles it will licence. Prior to putting such a restriction in place, a local authority must carry out a survey to ensure that there is no significant demand for the services of hackney carriages which is unmet. Peterborough city council carried out a survey in 2011 following a call from the trade to limit the numbers. The conclusion of the survey did not support the introduction of a limit.

Since that time, the DfT (Department for Transport) regards it best practice not to have a set limit as it allows freedom of trade and, prohibits the sale of hackney carriage licence plates at inflated costs. However, some councils do still set a limit.

The installation of CCTV in licensed vehicles is not imposed as a condition.

Q: Why don't we impose it as a condition?

A: In 2009 the licensing committee did introduce a requirement for CCTV to be fitted in all licensed vehicles, following a call from the trade due to the number of high profile assaults on licensed drivers and other issues. The condition to be implemented within 2 years. Various options were considered and a preferred supplier who would allow installment payments for the CCTV system was sourced. It was also proposed that the council would allow a fee reduction for a vehicle application which had CCTV installed. The licensed trade still considered it too expensive and overly burdensome financially to install in all licensed vehicles and organised protests and blockaded council offices.

In January 2013 the committee commented that it was unfortunate that this recommendation had never been implemented but agreed to a further consultation with the trade. In September 2014 a report was considered by the committee regarding the CCTV conditions, which highlighted that the ICO (Information Commissioners Office) had served notice on other councils which had implemented the very same condition. One council appealed the notice but were unsuccessful, another council reviewed it's policy and made CCTV optional instead of mandatory. The committee's decision was to remove the mandatory requirement for CCTV in licensed vehicles and allowed it to be optional.

Re: 1.33 "disability awareness and safeguarding."

Q: Have the local disability forum been consulted and other relevant bodies and organisations?

A: Inspire Peterborough have been sent the consultation document, as well as other relevant bodies and organisations e.g. Peterborough Chamber of Commerce, passenger transport, Local Children's Safeguarding, Parish Councillors etc.

"All hackney carriages licensed by this council are designated wheelchair accessible vehicles"

Q: But are drivers given training on how to support wheelchair reliant customers? If not why not?

A: Part of the driving assessment test (which all Hackney carriage drivers must pass prior to being granted a licence), includes testing the drivers ability to demonstrate that they can safely load and unload a disabled person confined to a wheelchair in to the vehicle, and ensure that the wheelchair is safely secured and the passengers seat belt is secured. This requirement will remain, even if the driving assessment test is outsourced.

Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.

Q: Which particular pieces of legislation cannot be enforced by PCC?

A: A list of all legislation which could be breached by drivers, operators and vehicles would be very long. However, generally speaking, the Police are the enforcers of Road Traffic offences such as speeding, dangerous driving, driving whilst drunk, violent behaviour etc. The Home Office will enforce where breaches to the Immigration Act occur. DVSA will enforce where vehicles do not meet the Motor Vehicle (Type Approval) Regulations and the Motor vehicles (Construction and Use) Regulations. Other council officers may also enforce e.g. health and safety or Trading Standards.

Guide dogs etc

Q: Am I right in thinking that private hire taxis have to carry these dogs and black cabs can apply to not to?

A: All licensed vehicles must take assistance dogs and make no extra charge for doing so. Any licensed driver can apply for an exemption notice, if for health reasons, they are unable to convey assistance dogs. Exemptions can only be given for health reasons.

Extra Questions

Q: There is no where in here that mentions UBER drivers?

A: UBER do not have an operating licence with this authority.

Q: How will you stop the cars from operating in say Yaxley under another authority?

A: There is no provision in law that prohibits a customer in Peterborough calling an operator in Yaxley to fulfill their transport needs, the customer has the choice of which operator they use. Cross Boarder Hiring is perfectly legal as the legislation currently stands. In fact recent changes to the legislation (by way of the Deregulation Act), allow a private hire operator to subcontract a private hire booking to another operator who is licensed by a different local authority, without informing the customer.

Q: What about bus lanes and allowing taxis to use them?

A: This question should be considered under the Local Transport Plan.

Q: Also the page numbers on the PDF are distorted and in some cases are covering the words in the consultation document, not sure if that somehow makes the document unenviable?

6/19/2017

Peterborough City Council Mail - Draft Hackney Carriage and Private Hire Policy consultation

A: Thank you for bringing this to our attention, the document has been reformatted and the page numbers of the policy now sit at the bottom of the pages.

Many Thanks

Cllr Darren Fower

—
Consultation Officer

Licensing
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1FA

lpc@peterborough.gov.uk

Tel: 01733 747474

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

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Consultation on draft Hackney Carriage and Private Hire Licensing Policy

6 messages

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>
To: Members Services Mailbox <membersservices@peterborough.gov.uk>

7 April 2017 at 12:03

Dear member Services,

Please can you send the email and attachment below to all Councillors.

Many thanks

Good Afternoon,

Peterborough City Council are consulting on a new Hackney Carriage and Private Hire Licensing policy and invite your comments.

The draft policy and appendix documents can be found on the council's website, on the following link [web link to consultation](#)

For ease of reference it is also attached to this email.

The consultation runs from Friday 7th April 2017 to Friday 2nd June 2017. Should you wish to respond to the consultation, please ensure that you do so prior to the end of the consultation period, to ensure that your comments can be properly considered, prior to the adoption of the final policy.

Kind regards

—
Consultation Officer

Licensing
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1FA

lpc@peterborough.gov.uk

Tel: 01733 747474

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

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 **Fullconsultationdoc.pdf**
1802K

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

10 April 2017 at 13:29

Hi Karen,

Just to keep you in the loop, the consultation for the draft policy has started.

(Members should have been advised, please see email below).

The consultation runs from Friday 7/4/17 to Friday 2/6/17, there was a public notice in the ET on Thursday 6/4/17.

You may be contacted by Councillors regarding the policy during consultation, so I thought you may be interested in having a look.

Kind regards

Terri

[Quoted text hidden]



Fullconsultationdoc.pdf
1802K

Karen Dunleavy [REDACTED]
To: Licensing Policy Consultation Mailbox <ipc@peterborough.gov.uk>

10 April 2017 at 13:53

Hi

Thanks Terri.

Kind regards

Karen

Kind regards

Mrs Karen S Dunleavy

[REDACTED]

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[Quoted text hidden]

Members Services Mailbox <membersservices@peterborough.gov.uk>
To: Licensing Policy Consultation Mailbox <ipc@peterborough.gov.uk>

12 April 2017 at 09:06

Further to the email which was circulated to All Councillors please see the email below from Councillor Ray Bisby, are you able to provide him with the information he is asking for.

Kind regards

Linda

Members and Mayoral Services

Peterborough City Council
Ground Floor, Town Hall, Bridge Street
Peterborough
PE1 1HZ
Email: membersservices@peterborough.gov.uk

To find out more about Peterborough City Council please go to www.peterborough.gov.uk

Please consider the environment before printing this message.
If you require a hard copy please contact Members Services

----- Forwarded message -----

From: Ray Bisby
Date: 7 April 2017 at 13:42
Subject: Re: Consultation on draft Hackney Carriage and Private Hire Licensing Policy
To: Members Services Mailbox <membersservices@peterborough.gov.uk>

I would like to see a clause that should a driver be given a warning of any sort re their driving or parking (Police to report all warnings to the licencing office) the driver should after 3 warnings have their licence suspended for 1 month. If they receive another 3 warning within the year, their licence should be removed.

I say this as taxi drivers were putting their passanger's lives and other road users lives at risk by letting passangers out of the vehicles in the middle of the roundabout at A605 next to Kingston Park, Peterborough. This is well logged by the PES team and witnessed by me.

Kindest regards

Cllr R. Bisby

On 7 April 2017 at 12:24, Members Services Mailbox <membersservices@peterborough.gov.uk> wrote:
Good afternoon

Please see email below from the Licensing Team.

Regards

Sue

Members and Mayoral Services

Peterborough City Council
Ground Floor, Town Hall, Bridge Street
Peterborough
PE1 1HZ

Email: membersservices@peterborough.gov.uk

To find out more about Peterborough City Council please go to www.peterborough.gov.uk

Please consider the environment before printing this message.
If you require a hard copy please contact Members Services

----- Forwarded message -----

From: **Licensing Policy Consultation Mailbox** <lpc@peterborough.gov.uk>
Date: 7 April 2017 at 12:03
Subject: Consultation on draft Hackney Carriage and Private Hire Licensing Policy
To: Members Services Mailbox <membersservices@peterborough.gov.uk>

[Quoted text hidden]

13 April 2017 at 16:10

Licensing Policy Consultation Mailbox <ipc@peterborough.gov.uk>
To: Members Services Mailbox <membersservices@peterborough.gov.uk>

Dear Member Services,

Please forward the response below to Councillor Bisby.

Dear Cllr Bisby,

Thank you for taking the time to respond to the consultation on the draft Hackney Carriage and Private Hire Licensing Policy, your comments have been noted.

Officers from the Licensing Department are aware of the problems with the Amazon roundabout and have been involved with attempting to find practical solutions. However, the issues surrounding this roundabout extend further than just licensed drivers.

The draft policy proposes a monitoring system for licensed drivers with trigger points for officer review. This would include all complaints received by the licensing department, not just from the police. The imposition of a blanket suspension or action is not accepted as best practice, as each case must be determined on its own merits.

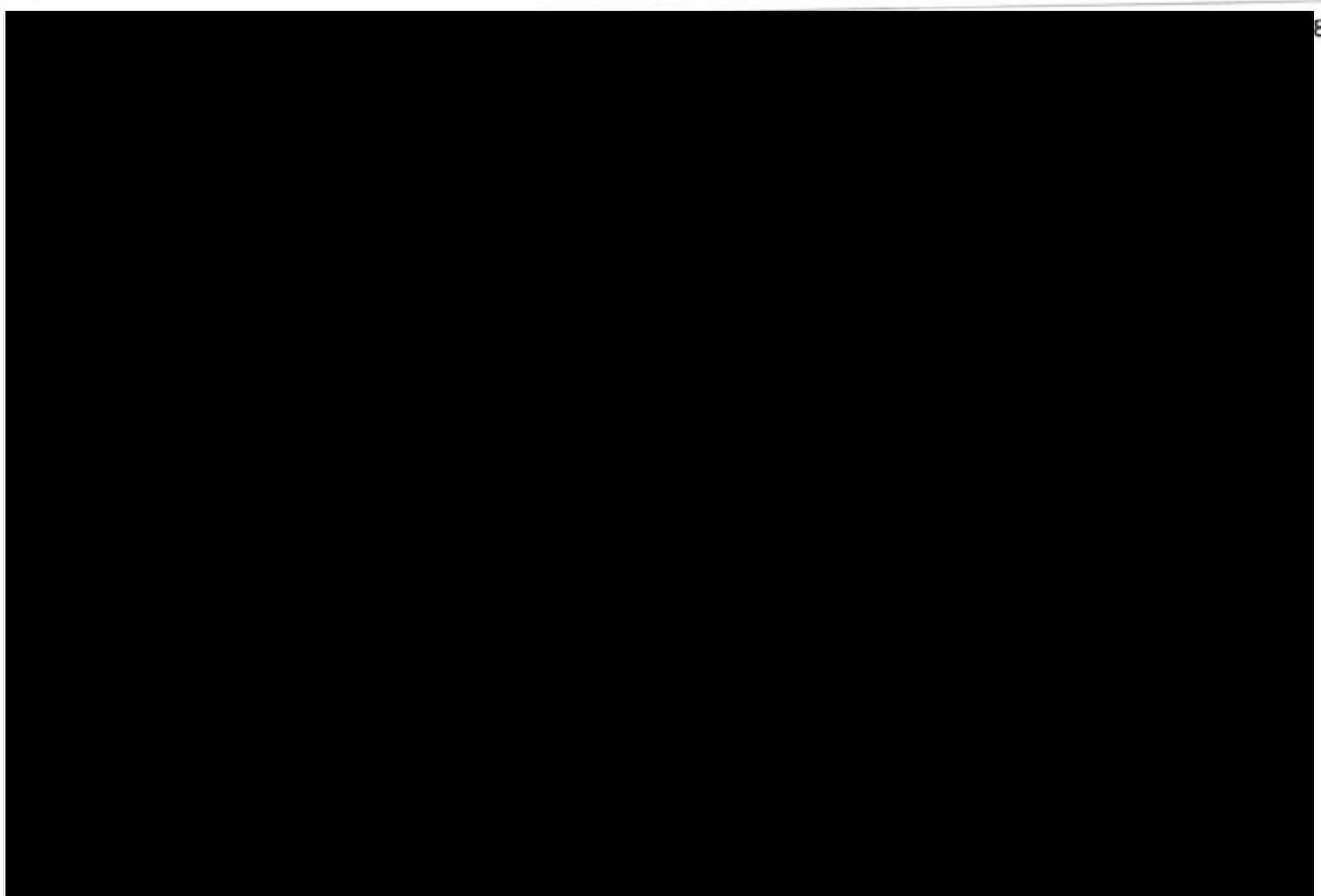
The licensing department take appropriate action when reports from the police are received regarding hackney carriage and private hire drivers. Whilst I understand your wish to include warnings given by the police, there is no mandatory provision for the police to record and report on them. The sharing of information by the police is limited to certain provisions, but can take place if there is a 'pressing social need'.

The policy also proposes requirements for operators to take more responsibility for the drivers and vehicles they utilise. By introducing this requirement and the proposal for the display of the part 1 and part 2 notice, it is anticipated that the reporting of incidents will be easier for the travelling public and assist the identification of licensed drivers who cause concern.

I hope the above provides the information you require.

Kind regards

[Quoted text hidden]



[Quoted text hidden]

Consultation on draft Hackney Carriage and Private Hire Licensing Policy

3 messages

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

7 April 2017 at 14:42

Good afternoon,

Peterborough City Council are consulting on a new Hackney Carriage and Private Hire Licensing policy and invite your comments.

The draft policy and appendix documents can be found on the council's website, on the following link [consultation web link](#)

For ease of reference it is also attached to this email.

The consultation runs from Friday 7th April 2017 to Friday 2nd June 2017. Should you wish to respond to the consultation, please ensure that you do so prior to the end of the consultation period, to ensure that your comments can be properly considered, prior to the adoption of the final policy.

Kind regards

—
Consultation Officer

Licensing
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1FA

lpc@peterborough.gov.uk

Tel: 01733 747474

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

Please consider the environment before printing this email

 **Fullconsultationdoc.pdf**
1802K

Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

11 May 2017 at 13:05

Good afternoon,

Further to the email below.

We would like to remind you that the consultation on the draft Hackney Carriage and Private Hire Licensing policy ends on Friday 2nd June.

If you haven't already responded and wish to do, please ensure that you do prior to the 2nd June. This is to ensure that your comments can be properly considered, prior to the adoption of the final policy.

Kind regards

[Quoted text hidden]



Fullconsultationdoc.pdf
1802K

Michael Galvin [REDACTED]
To: Licensing Policy Consultation Mailbox <ipc@peterborough.gov.uk>

14 May 2017 at 20:06

Dear Sir/Madam,

We do not intend to respond comprehensively to the consultation as we are merely operating a contact centre as a licensed operator in Peterborough.

We feel that the local taxi and private hire industry and other local stakeholders are better placed to respond comprehensively than us. We fully support the changes that are being proposed to licensed operators.

Kind regards

Mike

Dr Michael S. Galvin
[REDACTED]



ADDISON LEE

+

From: terri.martin@peterborough.gov.uk [mailto:terri.martin@peterborough.gov.uk] **On Behalf Of** Licensing Policy Consultation Mailbox

Sent: 11 May 2017 13:05

Subject: Fwd: Consultation on draft Hackney Carriage and Private Hire Licensing Policy

[Quoted text hidden]

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Taxi consultation

2 messages

Trevor Mcsparron

16 May 2017 at 10:09

Dear Sir,

I have the following concerns I wish to raise...

(1) you mention that you want to extend the age of the vehicle to 20 years if it meets current criteria.

Firstly current criteria on emissions is changing at an ever increasing rate and is getting stricter by the year. Any vehicle on the road in 20 years time that isn't 100% electric will be a huge polluter by the then current standards. This goes against your other arguments around the environment, such as allowing cars to sit up at designated car parks because of pollution.

We are supposed to be a the 'Environment Capital', have you spoken to other stake holders such as PECT, Sustrans Peterborough, Stagecoach, Delaine to name a few about your sustainable travel plans for the next 20 years??

You need a unified approach to sustainable travel with a clear road map how you're going to improve the lives of residents by reducing emissions and increasing public transport links and increasing the cycling infrastructure.

Peterborough could end up with a low emission zone within 10 years and your failure to see this now will cost the local and national tax payer huge sums.

The government are discussing a diesel scrapage scheme on vehicles that use the 1-5 euro Diesel engines. Some of these vehicles were being sold 3 years ago and so still meet the standard of not requiring an MOT! This raises further my issue surrounding your idea that you can see any current vehicles being fit for purpose in 20 years time for the health of our children and adults in the city, especially the city centre where hackney and private cabs will drive the most and sit idling away with their polluting engines on.

(2) What are you proposing to do with companies who drivers are suspended by PCC and their company moves to another authority are area to register their business and drivers?

This is what happens with King Carz, I have witnessed some appalling driving standards by their taxi drivers and you are either powerless to do anything about them or simply couldn't care. I have stopped calling your enforcement team over them because I have no faith in the department anymore.

Is it right that a company can reap all the profits from almost solely working in our city and not conform to the standards you will set other taxi companies or with strict rules on the buses and further hitting cyclists with negative policies?

Other taxi companies will simply move away to surrounding councils with relaxed rules and profit off your backs.

We need to ensure that where it can be proved that a taxi company or driver is avoiding registering in the authority they predominately operate that they register there too to allow you the powers to deal. The right to request their fare logs needs is key to help prove this.

(3) Are you serious about safeguarding your residents and visitors????

Because if you are you will ensure you ban the practice of allowing companies as above to work in Peterborough while registered to Huntingdon County Council or others, I see this as a way to avoid being dealt with and it will put young children, vulnerable adults and the rest of the residents at risk.

Mark this as a warning that you must flag...failure to deal with safeguarding surrounding not having registered drivers will one day blow up, I can see it coming!

(4) The ability to pay by contactless payment needs to be made compulsory as an option through secure systems.

(5) Hackney Carriages are no longer unique in their appearance. I witness on a weekly basis many private hire vehicles driving around without their private hire white plates on the sides of their vehicles. I have stopped calling your office to report because simple most of your officers response is 'it's only minor infraction' or 'maybe they've forgot to put them on'. If they're required you need to enforce it as like I said no Hackney Carriage looks unique anymore from when I was a child, they can be SUVs, mini vans and the only way to tell the difference is from the plate or let at night with drunken passengers not seeing the white plates is a good indication, so long as all the private hire drivers display theirs!!

(6) Your idea of increasing the term upto 20 years needs removing. You need to be proactive and start to decrease the term for the more polluting vehicles. If you truly are the environment capital you want to be pushing these heavy polluting vehicles off the road and incentivising the use of 100% electric and making them the standard for 20 year licences.

(7) the 30 day suspension to allow for minor repairs is a good idea.

However I would like to see approved PCC garages to carry out the yearly MOT tests. This will help ensure no scrupulous back street repairs or garages cut corners.

Kind regards
Trevor

Sent from my iPhone

17 at 11:18



Taxi consultation

1 message

mohammed tauseef [REDACTED]

16 May 2017 at 11:22

To: "lpc@peterborough.gov.uk" <lpc@peterborough.gov.uk>

Hi

I am writing regarding taxi consultation.

I agree with most of the changes you have listed but I also want you to take account of the individual drivers demand.

You have suggested to make a new complaint procedure, there are many people on the road who will quickly make complaint against a taxi driver then a normal car. We are easy target. If 10 people have made a wrong turn they will only consider the taxi driver is in wrong not the other 9.

Also you have mentioned to increase the age limit of the vehicles due to low emissions, But low emissions cars are not cheap to buy especially Electric. I recomend you to increase the limit on the new vehicle email. E.g private hire from 6 to 7 years old with no mileage limit.

I believe the big companies are expoloting and they have the monopoly within the trade.

Fix prices are damaging the independent drives, you complin to the cimpany owners about cheap fix prices and they completely ignore the independent drivers demand.

Big companies have over 100 company cars each they are making millions over a year and they tell independent driver to work on our conditions or log off the system and sit home, claim the benefits.

I would appreciate it if you can help the drivers to charge the meter prices.

I think the council charges need to come down. You are charging the drivers for selling the vehicle to another taxi driver (transfer of ownership charges) which is unfair. also charging for change of address is ridiculous.

You need to be fair to the driver for council charges I think they all need to be reviewed. Council charging £155 for administration costs is too much. The service to the taxi driver from the council over the years has gone down. You ring council and nobody picks the phones and you have to leave messages on the phone. It will be few days before somebody rings you back.

I also think if you're vehicle has failed mot. You should allow free mot one time and charge after that. Council charging £21 for the first time is unfair.

I would appreciate if you take our these suggestion into your account

Many Thanks

Yours faithfully

Mohammed Tauseef



Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

Response to Consultation

1 message

info <info@pect.org.uk>

22 May 2017 at 14:46

To: "lpc@peterborough.gov.uk" <lpc@peterborough.gov.uk>

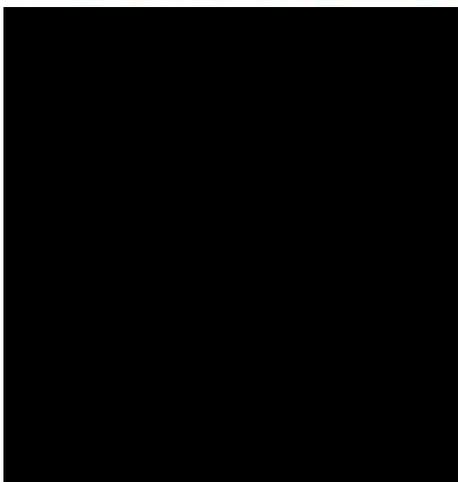
Good Afternoon

Please find attached a response to the draft Hackney Carriage and Private Hire Licensing policy, on behalf of Peterborough Environment City Trust. We have addressed three specific points within the policy, in relation to how they could impact on the environment.

We look forward to seeing your response.

Best wishes

Peterborough Environment City Trust



Sign up to our monthly e-newsletter to hear all our latest news and events first!



PECTs response to Peterborough City Council's draft Hackney Carriage and Private Hire policy

There are three main changes suggested in the Draft Hackney Carriage and Private Hire Policy document which relate to the environment.

1. Allowing Low Emission Vehicles (LEVs) to trade for 5 years longer than their respective non Low Emission counterparts.
2. Allowing Private Hire Vehicles to park in non-restricted and non-obstructive places outside of the city centre or within one of three designated carparks within the city centre, after completing a fare, rather than having to return to a home base.
3. Allowing vehicles to retest after 30 days if they fail a critical matter on their mechanical inspection, rather than being automatically de-licenced.

PECTs response

Firstly, we would like clarification of what constitutes a LE Hackney Carriage as the levels of CO₂ in the Policy document are surprisingly high for a LEV (222 g/km vs 0.5 g/km for a diesel Private Hire vehicle).

In response to point one, we have the following comments:

- This policy is aimed at making LEVs more financially viable so that they are chosen by more taxi firms/drivers.
- We support the aim to get more LEV being used in the city.
- It would be expected that what constitutes a LEV would change over time as technology improves. We are conscious of the need to ensure that the system is future proofed and that just because a vehicle is considered LE now this does not mean it is automatically allowed to operate in 15/20 years' time.
- We would like to see the regular testing of Hackney Carriages/Private Hire Vehicles taking this into account and for the passing levels of pollutants to be regularly updated in line with nationally agreed standards for LEVs.
- This would allow the best currently available LEVs to continue being used for up to 20 years whilst also removing less well performing ones over time as their technology becomes outdated.

- As technology improves and all vehicles become less polluting there is the possibility that vehicles bought now will be far more polluting than cars produced in 15 years' time. Therefore we would like to see increasingly stringent testing for non-LEVs as well as with LEVs. We would hope this would lead to lower emission vehicles being purchased with the knowledge that they will be allowed to operate for longer.
- Other cities such as London are making stringent requirements for low and zero emission capabilities for their Hackney Carriages and Private Hire vehicles and as a city with an aim of becoming the UK's Environment Capital we believe Peterborough should have equally ambitious policies designed to decrease pollution across the city.

In response to point two we believe that this has the potential to reduce the both congestion and pollution across the city and particularly in the city centre. Requiring drivers to always return to their base when not on a job adds multiple additional journeys around the city increasing both pollution and congestion. Provided the rules are enforced and they are not allowed to block cycle or walkways we believe this will be a very beneficial change.

In response to point three we believe that this has the opportunity to reduce the unnecessary scrappage of cars, and the environmental impact of both this and the manufacture of a new vehicle. At the same time it will mean that high standards continue to be maintained, and that driver's whose cars have minor issues are not unnecessarily penalised. However, we are cautious that it may mean that drivers put off maintenance until after their testing as they know they will have additional time to make any repairs, whereas before they would have had to take proactive measures, ensuring their vehicle would pass. We would like to see this discouraged and would suggest that in addition to the vehicle being out of service until the retesting that additional fees are imposed for the retesting to ensure this is not the preferred course of action.



Consultation on Draft Hackney Carriage and Private Hire Policy

1 message

Ash hussain [REDACTED]

28 May 2017 at 00:51

To: "lpc@peterborough.gov.uk" <lpc@peterborough.gov.uk>

Hello

I would like to address the matter of cross boundary Hackney Carriage vehicle acting as private hire vehicle in Peterborough area.

This trend has escalated to such a proportion that as a Peterborough private hire driver, I am finding it harder and harder to earn a reasonable living.

We have seen from test cases in the courts that what is happening is not illegal but to my mind I do feel it is immoral. If these Hackney Carriage drivers want to act as a Private hire drivers and desperately want to work in the Peterborough area then why don't they make applications in Peterborough.

Well the reason is obvious due to our high standard of testing in order to gain a badge these drivers would not be able to reach that standard hence they go to the nearest council whose testing regime is so low that any nincompoop can get a license and a Hackney License at that.

Having spoken and mourned to Taxi enforcement officer who are unable to stem the flow of these drivers, I thank you for the opportunity to put a suggestion to you.

I understand there was a debate in the House of Commons where a Andrew Gwynne Member of Parliament for Denton and Reddish on this very point asked the Andrew Jones Parliamentary Under – Secretary for Department of Transport on the 4th June 2016 what the government is doing to tackle this problem of cross boarder hire, to which in a nutshell the Under-Secretary replied that it's not the concern of the government, the problem should be addressed by the local Government as they have the full power at their disposal to rectify this in shape of the Local government (Miscellaneous Provisions) Act 1976, which governs the licensing of private hire vehicles, drivers and operators.

If this is the case then why can we not change some of the conditions of the Private Hire Operators license to ensure that whoever is granted an Operator's licence only be allowed to operate Licenses which are issued in that area, in other words he would be in breach of his license conditions if he was employing hackney license not registered in his operating area.

You have set out a lot of good conditions to Vehicle License and Driver's license. why can't you go one step further and add this extra line in the Private Hire Operators License conditions ensuring that only Vehicle License issued by Peterborough City are operated by that licensee. If you have the full powers as indicated by the Under-Secretary for Department of Transport to do this so why can't you exercise your power under this act.

If these Hackney Carriage Vehicles from outside our area are unable to be employed by any operator, surely this would be beneficial to the revenue for Peterborough City Council as more Peterborough Licensed Vehicles would be employed in their place and hence we would see an increase in the number of license fees, at the moment the PCC

is losing out as the cross border drivers don't contribute nothing except to these greedy operators who are cashing in due to the rental income being generated by this demand. All at my expense.

I hope I have made my point, please consider this as a lot of livelihoods are being effected, We need a brave council who will stand by for its own Licenced drivers who by enlarge work very hard and are proud to be working for Peterborough City.

Please forgive any grammatical errors.

Regards

Abdul Hussain [REDACTED]
[REDACTED]



Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

(no subject)

1 message

Tahir Shafiq [REDACTED]

25 May 2017 at 12:34

To: lpc@peterborough.gov.uk

Dear sir/Madame,

[REDACTED] I would like to request for you to extent the vehicle age for 5 years because this vehicle still has a lot of life in it in terms of both mileage and practical use.thans



Licensing Policy Consultation Mailbox <ipc@peterborough.gov.uk>

Re Extension of Iti's

1 message

Mir Afzal [REDACTED]

30 May 2017 at 15:58

To: ipc@peterborough.gov.uk

Dear sir/madam

I would like to request to you to extend the age limit on Iti's by at least 5years as I am concerned about my Iti which is due to come out of trade in January 2017.

[REDACTED] I don't see my self replacing the vehicle after January 2017.

I will very much appreciate if you would kindly keep people like me in mind when making a decision on 2nd June 2017 as I wouldn't know what to do as i've been in the trade since late 80's.

I will be looking forward to hearing from you soon.

Many thanks

Mir Afzal

[REDACTED]



Licensing Policy Consultation Mailbox <lpc@peterborough.gov.uk>

Extending taxi period

1 message

mohamed chahid [REDACTED]

30 May 2017 at 00:14

To: "lpc@peterborough.gov.uk" <lpc@peterborough.gov.uk>

I am sending you this email based upon the taxi situation. It would be very helpful if it would be possible to extend a few years on the taxi period. Under the current financial climate and fix prices of the fares from certain companies, it is difficult to make a living and afford essentials.

Now it is hard and impossible to buy another taxi to continue working, the only option is to drive a company vehicle or get Huntingdon licence plate and keep working in peterborough.

Will you please take into consideration this issue that is affecting our lives and families. I hope you take this into account.

Thank you

First draft of PHDF response to several clauses in the consultation document on Draft Hackney Carriage and Private Hire Policy - 19 May 2017

Critical failure – amendment to current policy

Following years of discussion and lobbying between PHDF and PCC Licensing, PHDF welcome the amendment which has resulted in the proposal for suspension and re-testing within 30 days rather than immediate de-licensing.

A suspension rather than immediate de-licensing has long been our goal and the 30 day period proposed by PCC is reasonable. The proposal by PCC Licensing that any critical failure that is not resolved within the 30 day suspension period thereby leading to the vehicle being de-licensed is also fair and reasonable.

NB Re-test fees - MOT exemption Certificate

We would also ask the committee to reverse the decision on re-test fees upon the first failure. We request that first failures are re-tested free of charge, but that subsequent failures after that incur the fee, currently set at £22.

Purpose Built Low Emission Vehicles – proposed extension of five years within the trade

The Federation are happy to agree to most of the proposals but with the committee to consider an amendment to the new emissions proposal: we feel that this year may not be in the interest of all parties and that perhaps the end of 2018 may be better as it would give range-extended TX5 a chance to be established and freely available to all counties outside London.

Perhaps Licensing would consider bringing emissions to Euro5 standard now with Euro6 as the standard from 2019. This will allow electric range-extended vehicles to become established, offering greater choice of best available options to the trade in the very near future. The impact of likely investment by the trade into these electric vehicles will ultimately raise standards regarding public health by improving air quality, help PCC to move towards a 'green' Peterborough and allow the trade to continue to deliver excellent service to residents.

Medical Health checks

The Federation feel that having Group 2 medical health checks may be best practice as described by the HSE, and that the trade would be prepared to welcome proposals to change the current health check arrangement. However, we feel that requiring them every 3 years is excessive and unwarranted. In point of fact, despite being assured in the consultation meeting on 09 May 2017 that 3 years is the local norm, our research has shown otherwise, and there is no overriding local precedent for such frequency:

Cambridge City Council – on application, then every 5 years until 60, thereafter annually
Central Bedfordshire Council - on application, at 45 years, then every 5 years until 65, thereafter annually

Fenland District Council – on application, at 45 years, then every 5 years until 65, thereafter annually

Huntingdonshire District Council – on application, at 55, then 60 and 65, thereafter annually

Leicester City Council – on application, at 45 years, then every 5 years until 65, thereafter annually

Milton Keynes Council – on application, at 45 years, then every 5 years until 65, thereafter annually

North Kesteven District Council – on application, then every 6 years until 65, thereafter annually

Rutland County Council – on application, at 45 years, then every 5 years until 65, thereafter annually

South Kesteven District Council – on application, then every 3 years until 65, thereafter annually

South Holland District Council – on application, then every 3 years until 65, thereafter annually

Taking into consideration our research and the guidelines for best practice which, notably, is aimed at HGV, and PSV licence holders carrying over 9 passengers, we have our own proposals to make in this area. Hence, the Hackney trade suggest that for sufficient protection of the public in our sector, medical health checks should be conducted for all new applicants upon entry to the trade, at 45, then every 10 years, thus at 55 and 65. Thereafter, we believe the health checks should be conducted annually.

www.hse.gov.uk/workplacetransport/personnel/medicalfitness:

'In line with DVLA requirements, HSE suggests you screen all existing and potential workplace transport operators for fitness before employment and at five-yearly intervals from age 45. Group 2 licences are renewable five-yearly from age 45.'

Introduction of requirement to display required information within all licensed vehicles

The Federation and Licensing Office have come to an agreement over the principle and display regarding the partition screens in Peterborough Hackney Carriages. In the interest of public safety, both parties agree to the displaying of driver information and contact details.

However, PHDF propose that rather than incurring only negative feedback, the word 'complaint' should not be used in the display. We suggest the following: *'Should you wish to comment positively or negatively on any aspect of your journey today, please contact PCC Taxi Enforcement Office. Thank you.'*

Introduction of three-stage trigger point monitoring system for drivers

In the interest of transparency and enforcement, PHDF accept the proposals made by PCC in this area.

Introduction of waiting areas for Private Hire vehicles to designated carparks

PHDF recognise that PCC view Peterborough as an environment city, take green issues very seriously and are committed to sustainability. The Federation also have such concerns and seek to play our part in improving air quality.

Therefore, the introduction of designated outlying carparks as waiting areas for Private Hire vehicles is welcomed on the grounds that it limits needless traffic in town, alleviates congestion in some areas, removes the temptation of PH drivers illegally plying for hire, and equally of importance, it reduces harmful pollutants and greenhouse gas emissions in our compact city centre. In terms of PCC Strategic Planning regarding the roll-out of low emission Hackney Carriages in Peterborough, this proposal for designated car parks ties in with emission strategies and reducing environmental impacts.

With Hackney drivers about to embark on major expensive changes to their trade regarding the investment into low emission vehicles in the interest of public health and air quality, this minor change for Private Hire company owners and drivers also addresses these twin-fold priority issues, as well as benefitting PCC by reducing the problem of illegal plying for hire which affects public safety. PHDF express concerns about the likely compliance to the scheme by PH owners and drivers, and enforcement issues. *Can PCC enforce the scheme?*

Additional areas of concern:

- **Outsourcing trade driving tests**

The PHDF feel there are concerns surrounding outsourcing driving tests for Hackney drivers, and ask that there is special care that this does not lead to an unwarranted increase in fees. What assurances are there that the outsourcing process will invite sufficient multiple tenders in order to be competitive?

Outsourcing to one company creates an immediate monopoly and no choice for applicants. As you must be aware, a parallel unsatisfactory system already exists with Amey, the sole providers of MOT exemption certificates, a situation where drivers have *no choice*.

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