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Minutes of a meeting of the Licensing Committee held at the Bourges/Viersen Rooms - Town Hall
on 6 July 2017

Members Present: Councillors Ayres (Chairman), Nawaz, Hiller, Allen, Brown, Saltmarsh, Davidson, Hussain and Okonkowski

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 were received from Councillor Fuller, Councillor Brown was in attendance as substitute.

2. Declarations of Interest

Councillor Nawaz declared a non pecuniary interest in that he had two brother-in-laws that were employed by the A2B Taxi company.

3. Minutes of the Meeting:

3.1 Sub Committee Held on 25 November 2016

The minutes of the Licensing Act Sub Committee 2003 meeting held on 25 November 2016, were agreed as a true and accurate record.

3.2 Held on 8 December 2016

The minutes of the Licensing Committee meeting held on 8 December 2016 were agreed as a true and accurate record.

6. Proposed Taxi Policy - Responses to Consultation and Adoption of Final Policy and Implementation Date

The Regulatory Officer introduced a report to Members of the Licensing Committee which outlined the outcome of the consultation process on the hackney carriage and private hire draft taxi licensing policy, which took place between 7 April 2017 and 2 June 2017.

The Committee were also informed that the draft taxi and private hire licensing policy was subsequently updated by Officers following the consultation period. The Committee was being asked to consider the updates made by Officers to the draft taxi policy and consider the recommendations made by Officers on significant taxi policy matters which were highlighted during the consultation. Following consideration of the draft taxi policy the Committee was also asked to recommend that Council approve the final version.

Officers advised the Committee that the hackney carriage and private hire draft taxi licensing policy consultation was advertised using the various formats, which included:

- Notices placed at the Town Hall and Bayard Place buildings;
- Peterborough bus and train stations;
- Peterborough Taxi Drivers Federation;
- Parish Councils;
- Councillors
- Twitter;
- Facebook;
- All taxi operators.

The Officers also provided clarification to the Licensing Committee over some highlighted sections of the draft taxi policy within the report pack pages 97, 98 and 99 in relation to mobile phone use and awareness, licensing offences and refusal to carry disabled persons, insurance offences and major traffic offences, all of which would remain within the draft taxi policy if approved.

Members discussed the responses to the consultation outlined on pages 117 to 128 of the report and were satisfied that there was no requirement for Officers to consider the comments further.

The Head of Regulatory Services, Regulatory Officer and the Licensing & Business Manager responded to questions and comments in relation to recommendation 2i regarding the type of Disclosure and Barring Service (DBS) checks required by the LA. In summary responses included:

- Where a licensed driver had been arrested, the Police consider what the driver had been arrested for and would share the information with the Regulatory Services Team under the provisions of Common Law Police Disclosure. This was also outlined within the licensed driver conditions and drivers have a duty to disclose such information.
- The Regulatory Services Team would ask for an enhanced DBS check from drivers so that it provided the Regulatory Services Team with all information held regards to a licensed driver.
- There had been no material change in circumstances to warrant the change to a multiple DBS status checking system. A change to adopt the multiple DBS status checking service would impose a financial impact to the Council if adopted and licensed drivers would be required to sign up to the update service.
- The response from the DBS agency asked for the Council to consider whether drivers should sign up to the new DBS update service, but there was a question on what regularity of checks would be appropriate for the Regulatory Services Team to undertake if licensed drivers were to nominate the Local Authority to carry out these checks. There would need to be a determination by the Licensing Committee to state how often the multiple DBS status checks would need to happen if this approach was adopted.
- There would be an annual fee of £13 for the licensed drivers to pay if the DBS update registration was adopted which would be cheaper for them. However, if any issue was highlighted regarding a licensed driver the Regulatory Services Team would be required to ask the them to update their details on the DBS update service.
- The Regulatory Services Team currently rely on intelligence from agencies such as the Police and for this reason Officers felt that the current DBS checking arrangements would suffice.

Members debated and discussed the following:

- Some Members commented that the Local Government Association suggestion included within the consultation on the draft taxi policy was sound surrounding the DBS update registration for licensed drivers. In addition Members felt that the

Council had a duty to maintain public safety and that the new DBS update checks suggested should be considered.

- Some Members commented that there should be no issue for drivers to undertake the DBS update registration.
- Some Members were minded that the enhanced DBS checking system already in place would suffice and wished to keep the DBS requirement as agreed by the Licensing Committee two years ago.
- The amendment to paragraph 3.30 of the draft policy in regards to the 'Notifiable Occupation Scheme' to update to the 'Common Law Police Disclosure', was noted by Members.

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to recommendation 2ii, regarding the Police being the enforcing body for driving offences and the clarification statement. In summary responses included:

- There had been no jurisdiction in place for the Local Authority (LA) to regulate drivers from other authorities that operated in the Peterborough City Council area and therefore the Police statement could not be extended to out of the boundary licensed drivers.
- Any incident which occurred that had involved an out of the boundary licensed driver would be referred to the responsible local authority.
- The Regulatory Services Team were liaising with other LA's in regards to cohesion over taxi policies and the outcome would be resolved by the end of the year.
- The LA were not responsible for enforcing the Road Traffic Act and to change the statement to state that 'Peterborough City Council' was to be responsible for dangerous, reckless or careless driving would not be appropriate.

Members debated and discussed the following:

Members felt that the amendment was appropriate for Officers to include in the draft taxi policy in regards to '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 were the enforcing body for driving offences).

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to recommendations 2iii and 2iv the period of licence for HCV and PHV and age limits. In summary responses included:

- Adequate rapid charge points in Peterborough were currently not available for Hackney Carriage Vehicles and this was an issue being explored by the Regulatory Services Team.
- The PHV trades recommendation in regards to a five year PHV license extension for Euro 6 compliant purpose built cars was felt by Officers not appropriate as this could prejudice the HCV licensed drivers in addition there were limited rapid charging points available.
- The PHDF recommendation to allow for the extension of an additional 5 years for HCV within the trade of Euro 5 emission standards was deemed not appropriate by Officers as it was not intended for the LA to lower the current HCV and PHV environmental standards currently in place.
- Officers felt that to consider a five year extension for low emission licensed vehicles request by the licensed operators would need the vehicle to be Euro 6 standard or better.
- The Committee determined at their meeting on 8 December 2016, that consideration for any license extension should only apply to purpose built LEVs and therefore could not apply to vehicles that had been converted to low emission vehicles.

- The London Taxi Company who currently produced low emission vehicles were currently manufacturing zero emissions capable HCVs (purpose built LEVs), which would be on sale from Autumn this year in London and then worldwide in 2018. There were other manufacturers on the market producing Euro 6 LEVs, such as E7, which the LA had issued a HCV license for.
- It was not an option to lower licensing fees in order to incentivise drivers to purchase LEVs as the cost to administer remained the same and the service must run on a cost recovery basis. It was agreed that the immediate option was to educate HCV owners and PH operators on the sole benefits introducing zero emission vehicles.
- As Euro standards for low and zero emission vehicles increased there would be a natural progression for companies to improve the emission standards for the vehicles they operated.
- In order to maintain current standards, the Officers felt that the status quo would be the preferred recommendation for the life of a licensed vehicle, however, this could be reviewed by the Committee in the future, as emission standards and legislation evolved.
- Companies would need to invest in future zero emission vehicle requirements for HCV and PHV licensed vehicles.

Members debated this item and comments included:

- Members raised concerns over battery failings of some of the low emission vehicles currently on the market and the charging time required and whether these LEVs would meet the appropriate emission standards in 20 years time. For this reason, Members felt that the adoption of the increased license for LEVs would be environmentally unfriendly for the future.
- Members felt that as Peterborough City Council had not qualified for the Government funded scheme and had low LA funding resources in order to implement a zero emission capable vehicle city, there was currently limited infrastructure in place to accommodate large numbers of LEVs.
- Members also felt that the current low emission vehicle technology was not advanced enough to allow adoption of extended licenses, however, they were keen to start the journey with the trade and explore the possibilities for the future.
- Members considered whether attaching an initiative such as the Government scrappage scheme to the taxi policy would encourage companies to purchase zero emission vehicles, however, some Members felt that this may not be wise, as such Government initiatives had only operated for a short period of time before they were no longer available.

The Head of Regulatory Services, Regulatory Officer and Licensing & Business Manager responded to questions and comments in relation to recommendation 2v medical health checks. In summary responses included:

- The medical check proposals were contained within the draft taxi policy and consultation response table;
- It was felt by Officers that the Group two medical checks was a proper test for licensed drivers to undertake in order to retain their licence.

Members debated and discussed the following in relation to the Group two medical checks:

- Members felt that the LA held an obligation to ensure that licensed drivers were operating their vehicles in good health.
- Members also commented that health issues may not be identified if the health checks were conducted every five years.
- Members also felt that the amendment to the Part 2 complaints notice was appropriately worded.

Regulatory Officer and Licensing & Business Manager advised Members of other licensing matters and were asked to:

- Note the Town and Police Clauses Act 1872, byelaws outlined within 8.1 and 8.2 of the draft taxi policy;
- Consider an amended recommendation to ask Council to adopt the draft taxi policy and for an amendment to the Committee's terms of reference in terms of statutory and non statutory policy;
- Note the Director approval requirements to allow for PHV licensed drivers waiting at designated car parks in Peterborough; and
- Consider and recommend to Council an implementation date for the draft taxi policy.

RESOLVED

The Committee:

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:

1. Agreed with officer direction on areas where no amendment was required in relation to the responses received following the consultation of the draft taxi policy
2. Considered the consultation responses and other matters within the report and:
 - (i) Following a vote 5 for and 3 against it was agreed to retain the status quo in regards to the 3 year standard DBS arrangements;
 - (ii) Following a vote, unanimously Agreed to the addition of the paragraph within sections 6 – Enforcement of the draft taxi policy ‘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 were the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action’;
 - (iii) Agreed to drop proposal option d) not to extend the life of a vehicle in the trade based on emission standards and to retain status quo;
 - (iv) Agreed to remain with the status quo in relation to the licensing age of HCVs as follows:
A maximum age at time of first being licence - 3 year old; with a maximum age limit for a Hackney carriage vehicle for 15 years;
 - (v) Agreed to retain the Group 2 medical check outlined within the draft policy on taxi license application for drivers and then every three years, then annually thereafter when the driver reaches 65;
 - (vi) Agreed to amend the draft policy in relation to the Part 2 notice wording ‘Should you wish to comment positively or negatively on any aspect of your journey today, please call....’;
 - (vii) Noted the awaited response from the secretary of state regarding the proposed byelaws and the pending consultation; and
 - (vii) Noted the use of the designated car parks (wellington street, Worrina and Pleasure Fair Meadow) for the purposes of PHV waiting subject to two Director approvals and an amendment to the (Traffic Regulation Order).

- 3) Recommend that Council adopt the draft Taxi Policy be adopted, subject to the agreed amendments;
- 4) Recommend to Council the draft Taxi Policy implementation date to be of immediate effect subject to:
 - (i) An allowance of three months for the amendment to the Off Street Traffic Regulation Order; and
 - (ii) relevant procurement process for outsourcing HCV and PHV driving tests.
- 5) Recommend to Council that the Licensing Committee terms of reference were amended to state that:
 - (i) On recommendation by the Licensing Committee all statutory policies within the Licensing Committee's remit must go to Full Council for formal adoption. This includes any modifications, amendments to those policies; and
 - (ii) On recommendation by the Licensing Committee all non statutory policies must be submitted either to Full Council or Cabinet for formal adoption. Thereafter, any minor amendments or modifications, can be adopted by the Licensing Committee.

CHAIRMAN
7:00 - 8.21pm