

**MINUTES OF THE LICENSING COMMITTEE MEETING
HELD AT 6PM, ON
THURSDAY, 7 JULY 2022
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: Wiggin Chairman (Chair), S Bond (Vice Chair) Councillors Allen, Ayres, Bi, Hiller, Hussain, Moyo, Warren, Sabir and Yurgutene

Officers Present: Jaqui Harvey, Head of Operations Environmental Health & Licensing
Gareth Brighton, Licensing and Business Manager
Colin Miles, Litigation Lawyer
Karen S Dunleavy, Democratic Services Officer

The Committee received a request to speak from Zamir Ali from the Private Hire Trade.

The Committee agreed that the representative could speak for five minutes.

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

Declarations of interest were received for agenda Item 3 Proposed Hackney Carriage and Private Hire Policy - Responses to Consultation and Adoption of Final Policy and Implementation:

1. Councillor Sabir declared that he held taxi licenses in Huntingdonshire and Cambridgeshire Local Authorities. The Legal Officer advised that this not prohibit Councillor Sabir from taking part in the meeting and decision making.
2. Councillor Hussain declared that he owned several car dealerships, however, this would not impact his decision making and that he would take part in the meeting.

3. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 7 APRIL 2022

The minutes of the meeting held on 7 April 2022, were agreed as a true and accurate record.

4. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE POLICY -RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION

The Licensing Committee received a report in relation to a review, revision and consultation of the policy, in line with the recommended review period of five years.

The purpose of the report was to consider and note the contents of the report, which included due consideration of the responses received following the public consultation.

The Licensing and Business Manager introduced the report and asked Members to consider each of the recommendations and approve the proposals.

Zamir Ali, representative of the Private Hire Trade representative addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The private hire trade was objecting to the requirement of petrol/diesel vehicles to be licenced at the minimum age limit of four years old. This was due to the investments in newer petrol/diesel vehicles made by some private hire drivers during the Covid 19 pandemic period and the fact that two years had been lost to operate these vehicles fully and make a profit.
- The cost of newer petrol/diesel vehicles models had significantly increase following Covid.
- Inflation was at its highest which had placed financial pressure on the average Private Hire driver.
- The Grandfather rights proposed were acceptable to the Private Hire trade as they believed vehicles should be of an acceptable standard to operate.
- The safeguarding proposals were welcomed by the private hire trade; however, the expense of the safeguarding training and installation of CCTV equipment had caused concern.
- It was felt that the safeguarding training should be operated through the Local Authority (LA). Concerns were raised about who would be responsible for CCTV data storage.
- There had been other factors to consider such as the age of drivers and language barriers which could make learning the safeguarding training difficult.
- The Private Hire trade would prefer an entry level of petrol/diesel vehicles of five years to be licensed.
- The issue with CCTV were in relation to the costs involved and the fact that there would be no access to the data. Some Private Hire drivers used their vehicles for domestic reasons and had not wish for their families to be recorded during private car journeys or accidental operation of the equipment.

The Licensing Committee discussed each recommendation in turn and Members were asked to approval the proposals.

Members discussed each of the proposals and a summary included:

I) Adopt the revisions in policy as recommended by DfT (Department for Transport) Statutory Guidance and Officers as detailed in paragraph 7.3 of the report

The Licensing Committee debated the recommendation and in summary, key points raised and responses to questions included:

- It was envisaged that the Statutory Standards and the Institute of Licensing Guidance on suitability of vehicle hire drivers would eliminate any disparity in assessing the appropriateness of candidates.
- There would be a register of vehicle hire driver application refusals and the reasons issued by the Government. The refusal list would circulated to LAs to assist them in candidate assessments.
- An enhanced Disclosure and Barring Service (DBS) check would be required at the point of taxi licence application and periodic checks at least every three years to ensure drivers were fit and proper.
- There would be random DBS checks throughout the life of the licence unless there had been a complaint received by the LA about a HG or PH driver, which would automatically initiate a DBS check.

- The HC and PH operators would be required to maintain a register which would also contain DBS status of staff and on occasion, the LA could have cause to request that information.
- The operators register would include operational staff working in the booking office environment, whereas the drivers would be DBS checked under the taxi licence application.
- All taxi operators would be required to adopt an ex-offenders policy and the LA would assess this at the operator's licence renewal either annually or five yearly and this would depend on the type of licence held.

II) Retain the current decision-making process as set out in Part 3, Delegations Section 2 – Regulatory Committee Functions, Licensing Committee, section 2.5.4.1 (a), (b) and (c) of the council's constitution as recommended by officers in paragraph 7.5 of the report.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- If a HC or PH licence was revoked, the operator or driver could appeal to the Licensing Committee or to the Magistrates Court.
- If a HC or PH driver license was due for renewal, the process should be completed before the driver went on holiday, otherwise the licence would relapse and a new one would be required. A renewal application could be submitted a month before expiry.
- Both PH and HC trades could place advertisements on their vehicles, but this would need to be approved by the LA's Licensing Team and be in line with the requirements of Part 3, Delegations Section 2 – Regulatory Committee Functions Licensing Committee within the constitution at 2.5.4.1 section b.
- Members felt that the system was robust with lots of checks and balances for the officer decision making process for HC and PH vehicles and that no changes required.
- Members felt that the Part 3, Delegations Section 2 – Regulatory Committee Functions Licencing Committee functions within the constitution at 2.5.4.1 section b, wording should be amended to include PH vehicles.

III) To consider mandating the installation of CCTV in licensed vehicles as detailed in paragraph 7.7 of this report.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- Members were advised that the recommendation was to consider mandating a consultation for the installation of CCTV and not to implement at this stage. In addition, there would be a decision sought at a future Licensing Committee in order to consider the findings and implement any the requirement accordingly.
- The HC trade had agreed to the use of CCTV in their vehicles so long as the system implemented by the LA worked efficiently.
- Members were assured that a full and robust consultation would be undertaken on the CCTV recommendation.
- It was hoped that the CCTV system adopted by the LA would be robustly considered and a comparative system would be proposed for adoption.
- Stakeholders for the CCTV consultation would also include insurance companies alongside the fire services, safeguarding services, police, adult social care,

children social care, vehicle providers and the hackney and private hire trade themselves in line with national guidance.

- It would be difficult for the LA to mandate the use of CCTV equipment in hackney and private hire vehicles that had operated out of Peterborough City Council jurisdiction. It would be a case of working with other Local Authorities to try and encourage some consistency in licence requirements.
- Some Members welcomed the recommendation as it protected taxi drivers and passengers.
- The Licencing Team was exploring the costs involved, maintenance and connectivity of CCTV installation and operation. It was thought that CCTV could be costly especially in electric vehicles.
- There had been initiatives coming through Government to help support key safeguarding issues. In addition, the team would refer to other LAs to establish how they were utilising funding to implement a CCTV scheme.
- If the CCTV system was mandated by the Council, it would be for the Licensing Team to administer the consequences of penalties such as driver suspension. The Licensing Team would work with the police should a serious incident occur.
- Members were in support of CCTV implementation subject to a consultation being undertaken with the relevant stakeholders.

IV) Adopt the revised vehicle restrictions giving ‘acquired’ rights to vehicles licensed before 26 July 2022 as detailed in paragraph 10.2 of the report.

Members were advised that after discussions held with the Hackney Carriage and Private Hire trade, the proposed the restrictions would apply to newly licenced vehicles only. The older vehicles would acquire grandfather rights for those that were already licenced, which allowed the Council to achieve its target 100% of clean energy across its buildings and services by 2030. This would mean the maximum age limit beyond which an already licensed Hackney Carriage vehicle was 15 years old and for Private Hire would be 10 years old or until 31 December 2029, whichever was soonest. This was to allow the trade to transition to greener vehicle use in the future.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- The grandfather rights would mean that a Hackney or Private Hire vehicle licenced before or on 26 July 2022 would be permitted to remain in trade until the vehicle had reached its maximum age limit. The intention was to ensure that existing drivers would not face a precipitous situation when the policy was implemented whilst achieving the goal of fewer diesel or petrol vehicles in operation in the HC or PH trade when the 2030 LAs clean energy target would be implemented.
- There had been a request to allow five-year-old vehicles into the trade, however, the compromise had been that mileage restrictions had been removed to allow four-year-old vehicles with higher mileage into the trade.
- There had been an increase in licence applications for electric vehicles and this information would be provided to Members.
- Some Members were concerned about the impact for larger vehicles used on school runs and for the elderly transport as these were already very low in use. Members were advised that although it was recognised that larger vehicles were more expensive, the acquired rights should not impact that area of the trade significantly. The manufacturers were developing the technology for larger vehicles, and it was envisaged that the LA’s objectives would be in line with such development. Furthermore, it was hoped that the incremental changes would avoid any major impact to the trade.

- The HC and PH policy would be due for renewal in 2025 and the LA would have a clearer picture of how vehicle technology had moved on and would make adjustments where necessary for Members to consider.
- Members were advised that there had been representations made in relation to larger HC and PH vehicles but only for petrol and diesel vehicle drivers.
- Some Members commented that the petrol and diesel vehicle licence entry requirements should be retained for five years instead of four.
- Some Members felt that the officer's recommendation to change the entry level of vehicles into the trade to four years should be accepted in order to meet the future carbon reduction target requirements.
- Some Members felt that the carbon impact targets could be achieved if vehicles were five years old as emissions could be the same as a four-year-old vehicle. There was also a financial impact on the HC and PH trade which had seen the hybrid vehicles significantly increase in price due to competitive purchasing in the market. The impact of higher fuel costs had also had an impact on the trade and consideration should be given to these factors when setting the age limit.

RESOLVED

A motion was proposed and seconded to change the age limit of 5 years instead of 4-year-old petrol/diesel to be accepted into the trade. Following a vote, (4 for, 7 against) the motion was **DEFEATED**. The Committee therefore agreed to the Officers recommendation to Adopt the revised vehicle restrictions giving 'acquired' rights to vehicles licensed before 26 July 2022 for 4 years old petrol/diesel vehicles to be accepted into the trade

ACTION AGREED

It was also agreed that the Licensing and Business Manager, would provide the Committee with the number of electric vehicles entering the trade.

V) Set the maximum age limit beyond which a ZEV would not be licensed at 18 years old as detailed in section 10.3 of the report.

The Committee was advised that there had been an amendment to consider following discussions with the trade to change the requirement of 20 years instead of 18 for ZEV entry to be licensed.

Members noted this part of the report and approved the recommendations.

VI) Set the maximum CO2 level at 105g/km to be considered as a ULEV in relation to this policy as detailed in section 10.4 of the report.

Members noted this part of the report and approved the recommendations.

VII) Retain Aragon as the council's only appointed testing station as detailed in paragraph 10.5 of the report.

Members were asked to note that testing capacity of the Aragon garage had been reviewed recently following concern from the trade and that the LA was satisfied that there had been no need to increase capacity.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- Members were advised that HC or PH vehicle testing could be undertaken before the licence was due to expire and up to 28 days beforehand. In addition, there was a two-point three average days to wait for vehicle tests.
- There could be additional tests required during the year if vehicles were poorly maintained.
- There had been contingencies included within the Licensing Team's business continuity plan should the testing facility become unavailable. This would involve use of neighbouring LAs testing facility.
- Pre-tests on vehicles at alternative garages would not be considered by the LA. This was to ensure that a consistent approach was undertaken for the certificate of compliance tests. The LA would not rely upon MOT tests undertaken elsewhere.
- If there was a demand for extra vehicle testing facilities, then Aragon would explore the options. In addition, newer technology tended to have fewer moving parts and therefore, would be tested in a shorter timeframe.
- Members felt that the safety of HC and PH vehicles was paramount and to have one vehicle testing facility should be maintained for consistency.

VIII) Require licensed vehicles to display internal and external signage as detailed in paragraph 10.7 of the report.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- Members commented that the level of low compliance could be due to the high level of car crime that HC and PC vehicle owners had experienced. Members were advised that the internal signs should be readily available. In some cases, the external magnetic notices would not be reinstalled on PC and HC vehicles and there was an abuse of this system.
- It was important for drivers to display the internal part one and part two notices as they provided the passenger with confidence and information if required. This allows the customer to obtain the information discreetly.
- Members commented that the contact numbers provided on the notices could be made more user friendly to help the public remember the information should they need to complain.

IX) Approve and recommend adoption to full council the revised policy as detailed in paragraph 10.10 of this report and attached at Appendix H.

There were no further points raised in relation to the proposed policy.

AGREED ACTIONS

The Licensing Committee **RESOLVED** to recommend the policy to Council for approval subject to the agreed amendments. The recommendations approved included:

- I. Adopt the revisions in policy as recommended by DfT (Department for Transport) Statutory Guidance and Officers.
- II. Retain the current decision-making process as set out in section 2.5.4.1 (a), (b) and (c) of the Council's Constitution subject to the amendment to part (b) as follows:
 - (b) to approve advertising in or on purpose-built Hackney Carriage and Private Hire vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee.

- III. To commence a consultation process in relation to considering mandating the installation of CCTV in licensed vehicles, with a final decision to be taken by the Committee at a future date.
- IV. A motion was proposed and seconded to change the age limit of 5 years instead of 4-year-old petrol/diesel to be accepted into the trade. Following a vote, (4 for, 7 against) the motion was **DEFEATED**. The Committee therefore **AGREED** to the Officers recommendation to adopt the revised vehicle restrictions giving 'acquired' rights to vehicles licensed before 26 July 2022 for 4 years old petrol/diesel vehicles to be accepted into the trade.
- V. Agreed the maximum age limit beyond which a ZEV would not be licensed at 20 years old.
- VI. Set the maximum CO2 level at 105g/km to be considered as a ULEV in relation to the policy.
- VII. Retain Aragon as the Council's only appointed testing station.
- VIII. Requirement for licensed vehicles to display internal and external signage.
- IX. Recommended adoption to full council of the revised Hackney Carriage and Private Hire Policy, subject to the above amendments.

REASONS FOR THE DECISION

The policy was required to be reviewed and revised as appropriate and at least every five years. The amended policy would be consistent with changes in primary legislation, Statutory Guidance and best practice. It was aimed to improve safety standards without being burdensome to licence holders or applicants. An up-to-date policy strengthened the council's position in the event of challenge.

CHAIRMAN
END - 7:47pm

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