

<b>LICENSING COMMITTEE</b>	AGENDA ITEM No. 4
<b>13 APRIL 2010</b>	<b>PUBLIC REPORT</b>

<b>Cabinet Member responsible:</b>	Cllr Hiller, Cabinet Member for Neighbourhoods Housing and Community Development	
<b>Contact Officer(s):</b>	Ian Robinson, Regulatory Officer Adrian Day, licensing Manager Peter Gell, Section Head Business Regulation	Tel. 453541 Tel. 453406 Tel. 453429

**Changes in the Licensing Conditions for Hackney Carriage and Private Hire Vehicle Licences.**

R E C O M M E N D A T I O N S	
<b>FROM : Taxi Enforcement Office Regulatory Officer, Ian Robinson</b>	<b>Deadline date : N/A</b>
<p>1. To revisit the Licensing Committee's decision of the 10 March 2009 in relation to the following:</p> <p>(a) the introduction of a further specification of fitness to be attached to the grant of a licence requiring new and existing hackney carriage and private hire drivers to undertake specified NVQ and VRQ qualifications.</p> <p>(b) The introduction of a new compulsory standardised and permanently affixed (not magnetic backed) door stickers to be applied to the rear passenger doors (nearside and offside) of all private hire vehicles and the amendment of Condition 2(c) of the Private Hire Vehicle Conditions to read:</p> <p style="padding-left: 40px;">“The vehicle to display on the rear passenger doors, door stickers reading “Private Hire Vehicle – Insurance Invalid Unless Pre-Booked with Operator”, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle and that the words Taxi or Cab are not featured. Those vehicles <b>solely</b> used for corporate or airport work may be eligible for an exemption from the requirement to display the signage. Each case must be submitted in writing and will be decided on its own merits. ”</p> <p>2. In considering the above, to take the following action:</p> <p>(a) Revoke the 10 March 2009 decision concerning the mandatory completion of the NVQ /VRQ qualifications and remove the specification criteria; and</p> <p>(b) Re-affirm the decision with regard to mandatory door signs and approve amendment of licensing condition 2(c), incorporating the exemption.</p>	

## 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Licensing Committee by the Taxi Enforcement Office on the instruction of the Head of Service.

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 The minutes relating to the original March 2009 Licensing Committee decision and the original report can be found in **Appendix B**.

### 2.2 NVQ and VRQ Requirements

Since the Licensing Committee decision last March, NVQ / VRQ training providers have found it increasingly difficult to obtain funding to allow courses to run. As a consequence, the cost of the course would have to be independently funded by drivers. It has also been evident that there are variations in content and delivery of the NVQ and VRQ between the different providers. In summary, as a result of the inconsistencies and funding difficulties it is recommended that this requirement is withdrawn.

### 2.3 Door Signs

The requirement for a mandatory condition relating to door signs continues to remain valid and necessary for the reasons more particularly described at paragraph 6 below. For this reason it is recommended that the Licensing Committee reaffirm their original decision of 10 March 2009.

Since 10 March 2009 there have been ongoing negotiations with the trade and third parties around the implementation of the NVQ/VRQ and CCTV requirements. In consequence of this, notice has not yet been given of the decision enabling it to be brought into effect. For this reason and as a matter of good practice the Licensing Committee is respectfully requested to re-visit the proposal and confirm that its imposition remains necessary by affirming the original decision.

- 2.4 Sections 47(1), 48 (2), 51 (2) of the Local Government (Miscellaneous Provisions) Act allows that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary (see **Appendix C**).
- 2.5 This report is for the Committee to consider under its Terms of Reference No. 2.5.1.1(a) "*hackney carriage and private hire vehicle licensing*" and 2.5.1.4 namely "*To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council*".

## 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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## 4. N.V.Q.

- 4.1 Since March 2009 various training providers have run a number of courses with 359 drivers having successfully completed them. The courses on the whole have been

well received and those undertaking them have gained valuable transferable skills. Unfortunately, the Government's Train 2 Gain scheme has proved to be a victim of its own success. The offer of free training has been readily accepted across the U.K.; to such extent that the demand has created a massive overspend. As a result the Government has frozen funding and future funding is looking doubtful. Training Providers cannot ensure that they will be able to obtain sufficient funds in the future for them to run regular courses. If left as a mandatory requirement of fitness the cost of undertaking the course would fall to the driver. The cost of the course differs between providers, but ranges between £700 - £1200.

4.2 Additional to the funding issues, and as previously mentioned in paragraph 2.1, we have become aware of inconsistencies between the way in which the courses are being taught and in some instances the contents of them. These inconsistencies have to some extent undermined the reliance that can be placed on the course in determining fitness on the basis that different standards of knowledge and practice have been achieved. Consequently, if completion of the course was to remain a requirement these issues would need to be addressed. In addition, the Licensing Office is limited in its ability to intervene beyond the specification criteria in view of the fact that the training arrangements are made directly between the driver and the course provider. If drivers were required to undertake training with specified providers a procurement exercise would undoubtedly be required. Again, because of the funding issues there is limited scope or commercial viability for this at the present time.

4.3 In conclusion, although the Taxi Enforcement Office still believes in recognised driver training, the funding issue has caused considerable difficulty for members of the trade trying to sign up to a course. This lack of funding, coupled with the variations in training offered by the different training providers, has made the implementation of the mandatory requirement extremely difficult and in the current economic climate it is unreasonable to expect the trade to pay up to £1200 for the course. For these reasons we feel that the requirement to complete the course should be revoked.

## **5. DOOR SIGNAGE**

5.1 As detailed in the original report presented to the March Licensing Committee, regular inspections have highlighted that there is no standard of door signs within the trade. Some signs display the words "Private Hire Only" in extremely small lettering, therefore making it extremely difficult to read. Licensing conditions state the lettering must be at least 2" tall. Some, despite licensing conditions, make no mention to the fact that they are private hire vehicles, some have no signage whatsoever. Some state they were displaying magnetic signage, which has since been stolen, fallen off, or blown off in high winds. The non-standard or missing signage is a public safety issue and creates an environment which could allow a bogus, unlicensed, unchecked driver to pick up the public. The Taxi Enforcement Office firmly believes it is necessary in the interests of public safety and education to proceed with permanently affixed standardised signage.

5.2 One Authority (Basingstoke) was subject to an appeal after imposing a condition requiring permanent signs informing the public of the need to pre-book private hire vehicles. The district judge, hearing the case in his reasoning said, to protect the public, it was reasonably necessary. The judge placed public safety in front of personal issues, which included any damage to the vehicle that may be caused upon removal of the sign. This appeal decision was further appealed against and it was determined that the condition to make signs permanently attached to vehicles was

reasonably necessary in the interests of public safety (court report attached in **Appendix D**).

- 5.3 All the necessary signage required for initial issue has been purchased from the Taxi Licensing budget and one company has already opted to display the signage on their vehicles.
- 5.4 The Taxi Enforcement Office accepts that some private hire vehicles are solely used for airport or executive purposes. This was highlighted during the initial consultation, where some companies have stated that the display of signage could affect this aspect of their business. It therefore acknowledges that it may be appropriate to offer an exemption to certain individually identified vehicles, on the proviso that assurances are made that the vehicle would not be used for the normal, run of the mill private hire work. Anyone operating a vehicle purely for corporate or airport work will be permitted to submit a request for exemption. Each case will be judged on its own merits and once granted an exemption the vehicle can not be used for any other private hire work.
- 5.5 Benchmarking against other Authorities has shown that many have adopted the use of similar door signage; most have opted for permanently affixed signs. The information received and attached to the report concerns 35 local authorities; 20 Authorities require permanent signage, 11 allow magnetic door signs, six Authorities are looking to amend their conditions requiring permanent signage after concerns over public safety following incidents involving magnetic signage.

## **6. CONSULTATION**

- 6.1 All the initial consultation documentation is included in **Appendix A**. Trade representatives at the Taxi Forum have been fully updated.

## **7. ANTICIPATED OUTCOMES**

- 7.1 It is anticipated that Members of the Licensing Committee will approve the proposed withdrawal of the NVQ condition and re-affirm their original decision concerning door signage in order to amend the conditions attached to Hackney Carriage and Private Hire vehicle licenses issued by Peterborough City Council.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 The funding issues have caused difficulties for drivers trying to obtain the NVQ course. At this stage the government has frozen or limited funding making it impossible for the training providers to enrol drivers for future courses. If the NVQ remains a mandatory requirement of fitness, the driver / new applicant would have to pay for the training themselves.
- 8.2 The door signage will increase public education, i.e. ensuring consistent and uniform signage, therefore further reducing the risk of private hire drivers unlawfully plying for hire and the public being carried uninsured, as a result. This will further reduce the risk of unlicensed, bogus vehicles operating as taxis in the Peterborough area.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

9.1 N.V.Q. Course – The committee may decide that they wish to proceed with the NVQ condition as previously decided during the March Licensing Committee.

9.2 Door Signage - There are two alternative options:

- To reject the report and continue to operate under the current conditions or;
- Allow the signage to be magnetic backed rather than permanently affixed.

If option 2 is preferred it is likely we would encounter similar problems to those being currently encountered now i.e. signage not being displayed.

## **10. IMPLICATIONS**

10.1 LEGAL: Peterborough City Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which provides the mechanism for taxi, private hire, driver and operator licensing. In particular, it allows Local Authorities to attach such conditions as it considers reasonably necessary to those licences.

Members of the Trade and public were widely consulted on the proposed inclusion of the conditions recommended to and approved by the Licensing Committee on 10 March 2009. Ongoing consultation has occurred with the Trade since the Committee's Decision via the Trade Forum.

The conditions have not yet been brought into effect as the statutorily required Notice was not given. This it is understood was in consequence of ongoing discussions with the Trade and third parties surrounding funding issues. In order for the condition relating to door signs to be brought into effect Notice must now be given. As a matter of good practice and due to the passage of time the Committee is requested to revisit and endorse the original decision in this respect and also to amend the record with regard to the NVQ/VRQ specification.

Any person aggrieved by conditions imposed on a licence granted to them has a right of appeal to the Magistrates Court.

10.2 FINANCIAL There was an initial cost incurred by the Taxi Enforcement Office of approximately £330.00 to purchase sufficient door signs for the initial issue. Any subsequent replacements will be at the vehicle owner's expense.

## **11. BACKGROUND DOCUMENTS**

- Sections 47(1), 48(2) & 51(2) Local Government (Miscellaneous Provisions) Act 1976 (attached).
- Department for Transport – Taxi and Private Hire Licensing – Best Practice Guide.
- Peterborough City Council Private Hire Vehicle Licence Conditions (Condition 2c).
- Basingstoke and Dean Borough Council judgements.

## **12. APPENDICES**

Appendix A – Consultation documents

Appendix B – Minutes from Committee Meeting 2009 and original Committee Report

Appendix C – Sections 48 & 51 Local Government (Miscellaneous Provisions) Act 1976

Appendix D – Basingstoke Judgement