

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

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

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

**1. Apologies for Absence**

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

**2. Declarations of Interest**

There were no declarations of interest.

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

**3.1 18 July 2013**

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

**3.2 29 July 2013**

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

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

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

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

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

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

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

In order for the Peugeot E7 vehicle to be licensed, specific conditions within the existing 'Conditions of Fitness' were required to be amended or removed to enable the vehicle to meet the specification required. Officers had also taken the opportunity to update the

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

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

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

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

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

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

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

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

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

**RESOLVED:**

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

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

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

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

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

**Reasons for the decision:**

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

7.00 - 7.20 pm  
Chairman