

LICENSING COMMITTEE

THURSDAY 17 APRIL 2014
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 Held on:**

3.1 **13 February 2014** 3 - 6

3.2 **13 March 2014** 7 - 8

4. **Change In the Licensing Policy for Hackney Carriage Vehicle Licensing** 9 - 38

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

Committee Members:

Councillors: Thacker (Chairman), Peach (Vice Chairman), Allen, Kreling, Nawaz, Serluca, Jamil, Saltmarsh, Miners and Davidson

Substitutes: Councillors: Simons, Johnson and Harrington

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@peterborough.gov.uk

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 13 FEBRUARY 2014**

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

Officers Present: Peter Gell, Strategic Regulatory Services Manager
Adrian Day, Licensing Manager
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Allen, Serluca and Davidson.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meetings Held on:

3.1 14 November 2013

The minutes of the meeting held on 14 November 2013 were approved as a true and accurate record.

3.2 12 December 2013

The minutes of the meeting held on 12 December 2013 were approved as a true and accurate record.

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

The Committee received a report which followed on from its decision at the meeting held on 21 January 2013.

A full consultation had been launched in relation to the Hackney Carriage and Private Hire Licensing Policy in order to ensure that it remained appropriate and fit for purpose.

The purpose of the consultation was to seek responses from all stakeholders who had an interest in or may have been affected by the Hackney Carriage and Private Hire Policy.

The consultation covered many areas of Hackney Carriage and Private Hire Licensing, but for the purposes of the report the Licensing Committee was asked to consider only vehicle testing for Hackney Carriage and Private Hire Vehicles. Therefore only responses relating to that area were included. The other areas of consultation were to be included in further reports to the Committee at a later date.

The Committee was requested to approve one of the following options:

1. To introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing stations instead of the existing requirement for an MOT exemption test to be carried out by the Council's contracted test centre;
2. To introduce the requirement to have a standard MOT test carried out by only VOSA authorised MOT testing stations, which were members of the Council's "vehicle testing centre scheme" (at the time yet to be implemented) instead of the existing requirement for an MOT exemption test to be carried out by the Council's contracted test centre; or
3. To retain the current requirement to have an MOT exemption test carried out by the Council's contracted test centre and utilise the contract framework already in place with Amey (formerly known as Enterprise).

The Licensing Manager presented the report. Key points highlighted included:

- An annual MOT exemption test was currently carried out by Enterprise or Unity;
- Vehicles currently over six years of age needed to be tested every six months;
- The Police had put in a representation against Option 1 as this would dissolve the Council of any responsibility for testing. No representations had been made in favour of Option 1; and
- One drawback of Option 2 was that there would still be administrative costs relating to the tests. The previous secretary of the Hackney Carriage Federation had stated his support for Option 2.

Members questioned the Licensing Manager and responses included:

- There were currently five officers answering phones and processing applications. They spent roughly half of their work time on the telephone;
- As the consultation had been undertaken almost a year ago, there had been meetings with Amey (formally Enterprise) who had stated that they would look at increasing testing availability. They would also arrange plate fittings;
- There were roughly 180 Hackney Carriages in Peterborough and 635 annual tests had been carried out in 2013 and 250 six month tests had been carried out;
- If Option 2 was implemented, it would be the trade's choice as to whether or not to utilise Amey; and
- Option 2 would reduce the administrative burden on the Council.

Mr Choudhury, Peterborough Hackney Carriage Federation, had requested permission to address the Committee, this was agreed and the following points were raised:

- Option 2 was preferable as it would save the Licensing Office resources;
- Six monthly tests were supported, as were exemption certificates;
- Option 2 would free up competition in the market; and
- Prices would come down as there would be more competition.

Members debated the options available and questioned officers further. Key points highlighted included:

- Allowing more outlets would give convenience to drivers. There could be a preferred list to ensure that checks for disability and other safety checks would be carried out;
- Retention of Option 3 would create a monopoly and would keep prices high; and
- Option 3 would be the least resource intensive for officers.

Following debate, the Committee agreed that in order to proceed, further information on the Options was required.

RESOLVED:

The Committee agreed to postpone the decision until a later date when more up-to-date paperwork could be provided for options two and three and an Amey representative could be present.

Reasons for the decision:

The decision was made in order to ensure fairness to all parties involved.

Chairman
7.00pm – 7.55pm

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 13 MARCH 2014**

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

Officers Present: Peter Gell, Strategic Regulatory Services Manager
Adrian Day, Licensing Manager
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Allen and Davidson.

2. Declarations of Interest

There were no declarations of interest.

3. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing – Limousine and Speciality Vehicles

The Committee received a report which followed on from its decision at the meeting held on 21 January 2013.

A full consultation had been launched in relation to the Hackney Carriage and Private Hire Licensing Policy in order to ensure that it remained appropriate and fit for purpose.

The purpose of the consultation was to seek responses from all stakeholders who had an interest in or may have been affected by the Hackney Carriage and Private Hire Policy.

The consultation covered many areas of Hackney Carriage and Private Hire Licensing, but for the purposes of the report the Licensing Committee was asked to consider only the licensing of Limousine and Speciality vehicles. Therefore only responses relating to that area were included. The other areas of consultation were to be included in further reports to the Committee at a later date.

The Officer's recommendation was that the Committee approved the licensing of Limousine and Speciality Vehicles as set out in the report with or without changes under Section 75 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 and that the Committee approved the draft Licensing Conditions for Limousine and Speciality Vehicles with or without changes.

The Licensing Manager presented the report. Key points highlighted included:

- The Police were happy with the proposals to license limousines;
- Peterborough had a number of companies which offered the services of limousines and special event vehicles;
- At the current time, the operators, drivers and vehicles were not subject to any form of checks as was usual in the private hire trade;

- Amey had been approved by VOSA to carry out tests for limousines; and
- The vehicles would not be brand-new, as they were likely to be imported and ensuring their safety was important.

Mr Wayne Fitzgerald had submitted a response to the consultation, as included within the report and had further requested permission to address the Committee. This was agreed and in summary, Mr Fitzgerald raised the following key points:

- Weddings and funerals were exempt from private hire legislation and therefore currently it was not possible to provide a service to everybody who would request it i.e. for proms;
- There were only three limousine companies in Peterborough and it would be beneficial for them to be regulated;
- The test currently for private hire vehicles was no different from the MOT test but was nonetheless more expensive;
- As the cars were not likely to be used very often, six monthly testing would most likely be unnecessary;
- There should be no age restriction on licensing speciality vehicles providing they were roadworthy;
- Older, vintage vehicles did not have seatbelts fitted;
- Rather than carrying number plates in the boot of the vehicle, could a sticker be made for the window instead?
- There was no need for the Council to do anything extraneous to what was already legally required.

Members were invited to comment on the report and comments and responses to questions included:

- The mileage of the vehicles would be significantly less than an ordinary private hire vehicle, so twelve month testing may be more appropriate;
- The MOT testing of vehicles was currently under review;
- Making a number plate to keep in the boot of the vehicle was nonsensical and a waste of money; and
- Because there were only a small number of limousines, many depots were not willing to adapt their workshops.

Members further debated the report and possible exemptions. Further concerns were highlighted in relation to the proposed testing cost and frequency of testing for speciality vehicles.

RESOLVED:

The Committee:

1. Approved the licensing of limousine and speciality vehicles as set out in the report, under Section 75 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 with the following change;

‘that speciality vehicles be standard MOT tested annually, and should be licensed for a three year period with the current fee being set at £198’.

2. Approved the draft licensing conditions for limousine and speciality vehicles with the requirement for seatbelts and the display of licence plates being exempt in relation to speciality vehicles.

Chairman
7.00pm – 7.45pm

LICENSING COMMITTEE	AGENDA ITEM No. 4
17 APRIL 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste	
Contact Officer(s):	Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell	Tel. 454437 Tel. 453429

CHANGES IN THE LICENSING POLICY FOR HACKNEY CARRIAGE VEHICLE LICENSING

R E C O M M E N D A T I O N S	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date :
<p>1. To amend condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” so that the exemption applies to all newly presented vehicles for licensing retaining the expiry date for the condition as 15 November 2014.</p> <p>Condition 13.3 to read;</p> <p><i>13.3 The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical disabilities, unless;</i></p> <p><i>a. the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed, or</i></p> <p><i>b. the vehicle is newly presented for licensing, in which case this condition will not apply until the 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.</i></p>	

1. ORIGIN OF REPORT

- 1.1** On the 14 November 2013 the Licensing Committee approved the draft conditions of fitness for Hackney Carriage vehicles, these were adopted as the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”
- 1.2** Following the adoption of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” the council received a letter dated 24 January 2014 from Bindmans LLP acting on behalf of Allied Vehicles Ltd.
- 1.3** Allied Vehicles are the converter / supplier of the Peugeot E7 and have challenged the council in relation to condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”, stating that the condition results in a commercial advantage for one manufacture.

2. PURPOSE AND REASON FOR REPORT

- 2.1** This report relates to the Licensing Committees decision at a meeting held on 14 November 2013 to approve amendments to the council’s conditions of fitness for hackney carriage vehicles. A copy of the report pack is attached at **Appendix A**.

- 2.2 Following the approval these were adopted as the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”. The adopted conditions are attached at **Appendix B**.
- 2.3 Following the amendment of the conditions of fitness the council has received a challenge in writing from Bindmans LLP on behalf of their client Allied Vehicles Ltd in relation to condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”. The letter is attached at **Appendix C**.
- 2.4 Condition 13.3(b) allows an exemption for all newly presented vehicles for licensing until 15 November 2014 from the requirement to have a swivel type occasional seat fitted where this is not available as an option from the manufacturer / converter of the vehicle. On 15 November 2014 the exemption will cease and all newly presented vehicles will be required to have a swivel type occasional seat fitted.
- 2.5 Following the receipt of the challenge the Licensing Committee is asked to consider the comments raised on behalf of Allied Vehicles Ltd in relation to condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”. Then the Committee will be asked to consider officer recommendations to amend the condition.

3. **TIMESCALE**

Is this a Major Policy Item /Statutory Plan?	No
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4. **BACKGROUND INFORMATION**

- 4.1 On 29 July 2013 the Licensing Committee after considering consultation feedback and listening to stakeholders approved the Peugeot E7 Short Wheel Base (SWB) SE and XS models as suitable to be licensed as Hackney Carriage Vehicles in Peterborough.
- 4.2 The Licensing Committee specified that the E7 must also be fitted with an induction hearing loop system as with existing Hackney Carriage Vehicle requirements as set out in council’s existing Conditions of Fitness for Hackney Carriage Vehicles.
- 4.3 In addition the Licensing Committee specified that the E7’s nearside occasional flip down seat must be of a swivel type to accommodate the needs of the physically disabled; this option is already available as a standard feature on all LTI vehicles, however this feature is not available on the Mercedes Benz Vito.
- 4.4 In order for the Peugeot E7 to meet the existing Hackney Carriage Vehicle “Conditions of Fitness” some conditions had to be amended or removed to enable the vehicle to meet the requirements.
- 4.5 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an effect on the service to which the policy relates.
- 4.6 The “Conditions of Fitness” were amended in draft form, changes included the removal of the turning circle requirement, minor specifications relating to the passenger compartment insofar as seat clearance and window dimensions. In addition some outdated conditions were removed as they were deemed no longer relevant or fit for purpose.
- 4.7 The Licensing Committee had previously specified that the E7’s nearside occasional flip down seat must be of a swivel type to accommodate the needs of the physically disabled; as this was a new requirement and was to be applied to all Hackney Carriage Vehicles, provisions for this needed to be included in the amended “Conditions of Fitness”.
- 4.8 The Licensing Committee was asked to consider a proposed condition regarding the swivel seat and possible exemptions for existing vehicles, as follows;

Condition 13.3

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 and this facility is currently not available as an option; where this is the case this condition will not be implemented for (To Be Confirmed) months, and will apply to all newly presented vehicles for licensing from (Date To Be Confirmed) (allowing manufacturers / suppliers time to comply).*

4.9 On 14 November 2013 the Licensing Committee was asked to consider the newly amended draft Conditions of Fitness with the anticipated outcome being that the Committee would approve the draft conditions with or without changes.

4.10 The Licensing Committee heard from Simon Guillatt from Allied Vehicles Ltd, who presented a document from John Halford from Bindmans LLP representing Allied Vehicles Ltd. This is attached at **Appendix D**.

4.11 At the Licensing Committee meeting the draft conditions were discussed, and in particular a newly added condition 13.3 in relation to the requirement to have a swivel type occasional near-side seat fitted.

4.12 For information purposes there are 191 Hackney Carriage Vehicles currently licensed in Peterborough, 178 are LTI vehicles (London Cabs), 9 are Mercedes Benz Vito's, and 4 are Metro-cabs.

- All of the 178 LTI vehicles have the swivel seat fitted.
- None of the Mercedes-Benz Vito's have the swivel seat fitted.
 - It should be noted that the council has not received a Mercedes-Benz Vito to be licensed for the first time since August 2010 so therefore we do not anticipate a significant number being presented in the near future.
- None of the Metro-cabs have the swivel seat fitted (this vehicle is no longer available).

4.13 The Licensing Committee agreed that it would not be cost effective for existing licensed vehicles to be retrofitted, and it was doubtful if it would even be structurally possible. Therefore the committee voted to allow an exemption for all existing licensed vehicles from the requirement to have a swivel type occasional seat.

4.14 The committee then considered newly presented vehicles for licensing, they heard that the swivel seat already came as standard on the LTI (London Cab), it was also available as an optional extra on the Peugeot E7, however it was not currently available on the Mercedes-Benz Vito. The committee discussed if an exemption should be granted allowing manufacturers / suppliers time to comply.

4.15 It was discussed that an exemption could be seen as a commercial advantage / disadvantage by manufacturers / suppliers. The committee agreed that a 12 month exemption should be granted. This was in order to give manufacturers who were unable to currently comply a reasonable time frame to develop modifications or proportionate notice that said vehicles will no longer be considered approved.

4.16 Condition 13.3 as approved by the Licensing Committee.

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 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).

4.17 On 14 November 2013 the Licensing Committee approved the amendments to the conditions of fitness and these were adopted as the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”. These are attached at **Appendix B**.

4.18 Following the committee’s decision to adopt the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles”, a challenge was received from Allied Vehicles Ltd, the converters of the Peugeot E7. The challenge is in relation to condition 13.3(b) Bindmans LLP acting on behalf of Allied Vehicles Ltd believes that “the net result is that one manufacturer has ended up with a commercial advantage that brings no benefit to the taxi using public of Peterborough. The letter from Bindmans LLP is attached at **Appendix C**.

4.19 The Licensing Committee is requested to consider the comments made by Bindmans LLP on behalf of Allied Vehicles Ltd in relation to condition 13.3(b), and approve officer recommendations and amend the condition.

5. RISKS

5.1 Although there have been no risks identified with the adoption of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” in general, it should be noted that particular consideration should be taken by the committee when agreeing any exemptions in relation to condition 13.3(b) insofar as creating any commercial advantages or disadvantages to vehicle suppliers.

6. ANTICIPATED OUTCOMES

The Licensing Committee to formally reconsider condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” and approve officer recommendations to amend the condition, this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

7. REASONS FOR RECOMMENDATIONS

- To consider the challenge received from Allied Vehicles Ltd to review the policy.
- To remove any possible commercial advantage or disadvantage for manufacturers or suppliers.
- To ensure that the policies and procedures continue to be fit for purpose.

8. ALTERNATIVE OPTIONS CONSIDERED

- Retain the status quo.

9. IMPLICATIONS

Corporate Resources

Financial – There are costs associated with undertaking a public consultation exercise, however there are also costs associated where a policy is challenged due to it not being fit for purpose.

Legal – Legal support has been provided by the council’s legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation. Some advice has also been provided by counsel.

Corporate Priorities: Environment Capital
Crime and Disorder / Community Safety

Discrimination and Equality – none arising from this report
Human Resources – none arising from this report
ICT – none arising from this report
Property – none arising from this report
Procurement – none arising from this report

Risk Assessment

Risks associated with policy changes will be assessed, and remedial actions identified where necessary. None identified.

An equality impact assessment was undertaken prior to submitting policy changes for adoption.

Policy changes will not have a disproportionate effect on any of the members of the equality groups.

BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

The Local Government (Miscellaneous Provisions) Act 1976

The Town and Police Clauses Act 1847

Equality Act 2010

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LICENSING COMMITTEE	AGENDA ITEM n/a
14 NOVEMBER 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste	
Contact Officer(s):	Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell	Tel. 454437 Tel. 453429

CHANGES IN THE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

RECOMMENDATIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date : N/A
<p>The Committee is requested to approve the attached draft Conditions of Fitness and adopt these conditions as the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" as follows:</p> <ol style="list-style-type: none"> 1. To approve the above draft conditions with or without amendments; and 2. To consider the possible exemptions available in relation to condition 13.3 (the requirement for the nearside occasional flip down seat to be of swivel type) as referred to in section 6 of this report and; <ol style="list-style-type: none"> a. Agree the appropriate exemption/s; and b. Depending on the exemptions agreed, set a timeframe / implementation date. 	

1. ORIGIN OF REPORT

- 1.1 This report is of a result of the Licensing Committees decision at a meeting held on Monday 29 July 2013 to approve specific models of the Peugeot E7 as suitable to be licensed as a Hackney Carriage Vehicle in Peterborough.
- 1.2 Following this decision there is a need for the council's Conditions of Fitness to be amended in order for the approved models of the E7 to be licensed.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Following the approval from the licensing committee on 29 July 2013 for specific models of the Peugeot E7 to be licensed as Hackney Carriage Vehicles in Peterborough the existing Conditions of Fitness were amended and named the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" and are attached in draft form at (**Appendix A**).
- 2.2 In order for the Peugeot E7 to be licensed specific conditions within the existing Conditions of Fitness are required to be amended or removed to enable the vehicle to meet the specification required, the amended draft reflect the necessary changes.

- 2.3 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for any policy to be appropriate and up to date and fit for purpose.
- 2.4 Officers have taken this opportunity to update the conditions in general to ensure that when adopted the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” will be appropriate and fit for purpose.
- 2.5 Following the committee’s decision the outcome will form part of the Peterborough City Council’s Taxi and Private Hire Licensing Policy and Guidance document.
- 2.6 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3 (a) “To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, 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 INFORMATION

- 4.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.
- 4.2 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.3 Peterborough City Council has various individual policies relating to Taxi and Private Hire Licensing many of which have remained unchanged for many years. Some of the aspects of licensing have been reviewed recently such as the vehicle age policy and the testing requirements for new driver applications.
- 4.4 Officers received a request from Allied Vehicles Ltd to review its policy in relation to the conditions of fitness for hackney carriage vehicles in order for the Peugeot E7 to be considered as suitable and fit for purpose to be licensed as a hackney carriage vehicle in Peterborough.
- 4.5 On 29 July 2013 after consideration the Licensing Committee approved the Peugeot E7 Short Wheel Base (SWB) SE and XS models as suitable to be licensed as Hackney Carriage Vehicles. The committee specified that the E7 must also be fitted with a hearing loop system and that the nearside occasional flip down seat must be of a swivel type to the physically impaired.
- 4.6 In order for the approved Peugeot E7 models to meet the councils criteria for Hackney Carriage Vehicles it is necessary to amend the Current Conditions of Fitness removing or changing those specifications where the E7 cannot comply.
- 4.7 The council originally adopted the Transport for London’s Condition of Fitness, formally known as the Public Carriage Office (PCO), vehicles only equipped with suitable wheelchair facility ramps and securing straps are approved; these vehicles being the LTI TX1, TX2, TX4, the Metro Triple T and the steering rear axle Mercedes-Benz Vito.
- 4.8 The newly drafted “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” reflects the changes required in order to enable the Peugeot E7 to satisfy the criteria

required. In addition to this the conditions have been modernised and made appropriate to current regulatory requirements.

- 4.9 In order for a vehicle to be licensed as a Hackney Carriage in Peterborough it has to be of an approved type. Vehicles will need to meet the criteria set out in the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” and suitably equipped with wheelchair facility ramps and securing straps.

5. RELEVANT CONDITIONS OF FITNESS FOR APPROVAL

- 5.1 The conditions below are those which have been amended in order for the Peugeot E7 to be approved and licensed as a Hackney Carriage Vehicle. The condition number directly relates to the condition number in the newly drafted “Peterborough Conditions of Fitness”

Condition 12.9

Where seats are placed facing each other, there must be a minimum space of 350mm (**previously 425mm**) 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.

Condition 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 (**previously 780mm**) 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.

Condition 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.

(previously read) Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 40mm apart. When not in use, they must not obstruct doorways.

- 5.2 The condition below has been removed as the turning circle requirement no longer exists follow the committees previous decision to approve the Peugeot E7.

“The vehicle must be capable of being turned on either lock so as to proceed in the opposite direction without reversing between two vertical parallel planes not more than 8.535 metres apart”.

6. OCCASIONAL FLIP DOWN SEAT – SWIVEL TYPE

- 6.1 The Licensing Committee’s decision on the 29 July 2013 to approve the Peugeot E7 as suitable to be licensed as a Hackney Carriage Vehicle included the requirement for the vehicle’s nearside occasional flip down seat to be of a swivel type. Therefore an appropriate condition has been added as below;

Condition 13.3

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

- 6.2 Occasional flip down swivel type seats are available on both the Peugeot E7 and newer models of the LTI vehicle, however they are not available on the Mercedes-Benz Vito. These are the 3 types of vehicles approved as suitable to be licensed as Hackney carriage Vehicles in Peterborough.
- 6.3 Due to the structural changes required and the costs involved it is unlikely that the

Mercedes-Benz Vito will be redesigned to provide this feature as an option in the near future, if at all. There are currently 9 Mercedes-Benz Vito's licensed as Hackney Carriage Vehicles in Peterborough.

- 6.4 It should be mentioned that many of the currently licensed Hackney Carriage Vehicles do not have the swivel seat fitted and it would be un-realistic to request a retrofit due to cost and practicality.
- 6.5 The committee is therefore requested to consider the above information and if they see fit issue exemptions to condition 13.3 where deemed appropriate or relevant.
- 6.6 The committee may decide to exempt all vehicles from this condition that were licensed prior to the new Conditions of Fitness being adopted, where the swivel seat is not installed. All existing licensed Hackney Carriage Vehicles that do not have a swivel seat will be able to remain in service.
- 6.7 The committee may decide to offer an exemption for the Mercedes-Benz Vito for a specific time frame which would allow time for the manufacturers / suppliers to explore the possibility of providing the swivel seat. If this is the case the committee should agree a timeframe in months.

The committee may decide to offer a permanent exemption which would allow new Mercedes-Benz Vito's to be licensed indefinitely and not comply with the condition; however it should be noted that this decision would most likely be seen as a commercial advantage in favour of Mercedes by the other manufacturers / suppliers and therefore this decision may be changed.

The committee may decide not to issue an exemption for the Mercedes-Benz Vito, this would mean that following the adoption of the new Conditions of Fitness newly presented Mercedes-Benz Vito's would no longer be suitable for licensing as a Hackney Carriage Vehicle.

- 6.8 Condition 13.3 including the suggested options for exemptions are listed below, exemption a. relates to existing licensed vehicles, exemption's b. and c. relate to the Mercedes-Benz Vito and should be either or, not both.

Condition 13.3

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

THE FOLLOWING EXEMPTIONS ARE TO BE CONSIDERED BY THE LICENSING COMMITTEE AND WILL BE AMENDED OR DELETED AS APPROPRIATE

- 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 [ENTER NUMBER] months, and will apply to all newly presented vehicles for licensing from [ENTER DATE] (allowing manufacturers / suppliers time to comply).*
- c. *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 apply.*

7. RISKS

- 7.1 Although there have been no risks identified with the adoption of the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" in general, it should be noted that particular consideration should be taken by the committee when agreeing any exemptions in relation to condition 13.3; insofar as creating any commercial advantages or disadvantages to vehicle suppliers.

8. ANTICIPATED OUTCOMES

- 8.1 The Licensing Committee to formally adopt the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” and this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

9. REASONS FOR RECOMMENDATIONS

- 9.1 To comply with statutory requirements regarding the regular review of licensing policies.
- 9.2 To consider the request received from Allied Vehicles Ltd to review the policy.
- 9.3 To ensure that the policies and procedures continue to be fit for purpose.

10. ALTERNATIVE OPTIONS CONSIDERED

- 10.1 Retain the status quo.

11. IMPLICATIONS

- 11.1 Financial – There are costs associated with undertaking a public consultation exercise, however there are also costs associated where a policy is challenged due to it not being fit for purpose.
- 11.2 Legal – Legal support has been provided by the council’s legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation. Some advice has also been provided by counsel.

12. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

The Local Government (Miscellaneous Provisions) Act 1976
The Town and Police Clauses Act 1847
Equality Act 2010

PETERBOROUGH CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE VEHICLES

Hackney Carriage Vehicle Specification and Type Approval

SECTION A. 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, the steering rear axle Mercedes-Benz Vito Mercedes Vito, and the Peugeot E7 SE and XS short wheelbase models.

SECTION B. 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 licenced 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 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.4 The applicant must study the Conditions of Fitness set out in Section C 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.
- 2.5 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.
- 2.6 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 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 C of this document.
- 2.7 Any proposed structural alterations to the original specification must be submitted to the Licensing Authority for approval.
- 2.8 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 C. CONDITIONS OF FITNESS

The Conditions of Fitness contained in Section C below became effective on (ENTER DATE), 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 after-market components to be used within the taxi must meet the requirements of the relevant Automotive Electro Magnetic 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 have a safety lip, 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 impairments, unless;

THE FOLLOWING EXEMPTIONS ARE TO BE CONSIDERED BY THE LICENSING COMMITTEE AND WILL BE AMENDED OR DELETED AS APPROPRIATE

- d. *the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed.*
 - e. *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 [ENTER NUMBER] months, and will apply to all newly presented vehicles for licensing from [ENTER DATE] (allowing manufacturers / suppliers time to comply).*
 - f. *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 apply.*
- 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 night time 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.

PETERBOROUGH CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE VEHICLES

Hackney Carriage Vehicle Specification and Type Approval

SECTION A. 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, the steering rear axle Mercedes-Benz Vito Mercedes Vito, and the Peugeot E7 SE and XS short wheelbase models.

SECTION B. 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 licenced 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 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.4 The applicant must study the Conditions of Fitness set out in Section C 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.
- 2.5 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.
- 2.6 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 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 C of this document.
- 2.7 Any proposed structural alterations to the original specification must be submitted to the Licensing Authority for approval.
- 2.8 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 C. CONDITIONS OF FITNESS

The Conditions of Fitness contained in Section C 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.
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- 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 after-market components to be used within the taxi must meet the requirements of the relevant Automotive Electro Magnetic 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.

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- 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 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).*
- 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 night time 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.

BINDMANS LLP



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Dear Mr Gell

Amendments to Peterborough's Hackney Carriage Licensing Policy

Thank you for your e mail of 19 December 2013.

The current policy remains a source of concern for Allied.

In short, Peterborough has (rightly) accepted a broader range of taxis should be available locally. That was a decision made following proper consideration and consultation. The licensing conditions were amended accordingly. It was also decided that they should create a universal standard for all newly licensed vehicles, including a requirement for rear swivel seats which some passengers find very useful. Then, without consultation with Allied (or, it seems, anyone else), a decision was made to vary the policy to enable one manufacturer whose vehicle cannot comply the policy to make adjustments to their vehicle to enable it to do so and for their non-compliant vehicles to be licensed in the meantime. Had that concession been consulted upon and extended to all manufacturers, it might be lawful. For reasons that remain obscure, neither happened. The net result is that one manufacturer has ended up with a commercial advantage that brings no benefit to the taxi using public of Peterborough.

In these circumstances, Allied could proceed to propose, then bring, a judicial review and / or a *Francovich* damages claim, as you will know.

However, Peterborough, has taken a positive step towards an inclusive licensing policy, Allied does not want to seek conflict and there is a simple, and obvious alternative which is for Peterborough to extend the one year swivel seat concession to all manufactures' vehicles.

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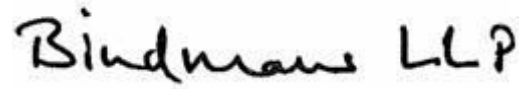
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Please can you ensure that the Licensing Committee gives urgent consideration to this proposal. We would be grateful for confirmation that will happen, and precisely when, within 14 days.

Yours faithfully

A handwritten signature in black ink that reads "Bindmans LLP". The signature is written in a cursive, slightly slanted style.

Bindmans LLP

**Note on additional requirements for the licensing of E7 vehicles
as Hackney carriages in Peterborough**

1. Peterborough has recently reconsidered its conditions of fitness the licensing of vehicles as Hackney carriages locally. An important positive step has been taken: removal of the tight turning circle requirement which meant that only TX taxis and One80s could be licensed locally. That is welcome.
2. However, the replacement policy contains a very unusual feature: a requirement that E7 taxis and One80s have a swivel mounted rear passenger seat to facilitate access by certain disabled passengers.
3. That requirement is not objectionable in itself. Indeed, if it were imposed on the whole Hackney taxi fleet of Peterborough, Allied would have no objections at all. However, as matters stand, it is not to be imposed on TX taxis at all, and indications have been given that discretion will be exercised to exempt One80s. It follows that the requirement will only apply to E7 taxis. These taxis, and their manufacturer – Allied - are being singled out for special treatment. The effect is that E7s licensing Peterborough will cost more than they otherwise would, making them less attractive to buyers.
4. Three points need to be made about this state of affairs.
5. First, as a matter of common law, when a public authority is exercising a decision-making function which affects two or more competing commercial bodies it needs to deal with them fairly and equally unless there is some compelling reason not to (see e.g. *R (on the application of Camelot Group Plc), v National Lottery Commission* [2000] EWHC Admin 391) .
6. Here no reason, less still a compelling one, has been given for treating Allied differently from the other two manufacturers seeking to supply Hackney taxis to the Peterborough market, despite enquiries being made by this firm.
7. Secondly, when a manufacturer's vehicle is manufactured substantially outside the UK, imposing a condition as part of a local licensing policy which means that vehicle is less commercially attractive (i.e. harder to sell because of cost) relative to other vehicles amounts to a restriction on imports which will be unlawful under the EU Treaty unless it can be justified as a proportionate means of achieving a legitimate public health or safety aim.
8. In this case, imposing the requirement for a swivel mounted rear passenger seat on one manufacturer's vehicle, but not others, is inherently disproportionate. If the

aim is to improve the health or safety of disabled passengers, then the way to achieve it is by applying the condition to all vehicles, not just one. Applying it to one, thus increasing the cost of those vehicles on the market relative to others, is likely to mean less, not more, becoming locally available.

9. Thirdly, I am only aware of one other licensing authority that sought to single out a particular manufacturer's vehicles in their Hackney carriage conditions of fitness and require more of them. This was Blackburn Council. When the unlawful effects of its policy were drawn to the Council's attention, it was immediately modified.

John Halford

Partner, Bindmans LLP

14 November 2013