

LICENSING COMMITTEE

THURSDAY 9 FEBRUARY 2023
6.00 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 - 30

Minutes of the Licensing Act 2003 Sub Committee held on:

- 1 July 2022
- 11 August 2022

Minutes of the Licensing Committee held on 7 July 2022

4. Taxi & Private Hire Licensing Policy Amendment – Tail-lift Enabled Vehicles

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Committee Members:

Councillors: Warren, Ayres, Allen, Bi, Sabir, P Hiller, Moyo, C Harper, Wiggin (Chair), Bond (Vice Chairman) and Hussain

Substitutes: Councillors: Hogg, Dowson and Sainsbury

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk



Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on 1 July 2022

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence
3.1 Application Reference	117540
3.2 Sub-Committee Members	Councillor Wiggin Councillor S Bond Councillor Hiller
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Euro Store, 10a Dogsthorpe Road, Peterborough, PE1 3AA
3.5. Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <p>Sale of alcohol for consumption off the premises</p> <ul style="list-style-type: none"> • Monday to Sunday 8:00 to 24:00 <p>Sale of alcohol for consumption off the premises after mediation</p> <ul style="list-style-type: none"> • Monday to Sunday 9.00 to 21.30 <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Euro Store, 10a Dogsthorpe Road, Peterborough, PE1 3AA which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p>

	<p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • The granting of the licence would increase the availability of alcohol in the area leading to a negative impact on the licensing objectives, especially the prevention of crime and disorder objective. • The granting of the licence would have a negative impact on the health and wellbeing of residents and businesses in the area as evidenced in the CIA statement. • The granting of the licence would contribute to anti-social behaviour in the area. <p>Hours for sale of alcohol have been reduced following mediation Prevention and Enforcement Service (PES) had withdrawn their representation.</p>
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>The applicant was Nijole Mikareviciute</p> <p>The applicant's representative was Patrick Burke:</p> <p><u>Responsible Authority</u></p> <p>Joseph Keegan, Public Health</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	<p>There were no pre-hearing considerations.</p>
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regard to the application. The key points raised in the address included the representation submitted against the application by Responsible Authorities.</p> <p><u>Applicant – Nijole Mikareviciute, represented by Patrick Burke</u></p> <p>The representative Patrick Burke on behalf of Nijole Mikareviciute addressed the Sub-Committee. The key points raised during their</p>

address, and following questions from the Sub-Committee were as follows:

- The sale of the premises, an established grocery store, was due to the owner finding the business unviable.
- The applicant had undertaken a recent personal licensing training course.
- After consultation, the police indicated they were happy with the conditions agreed this included that not more than 10% of the store would sell alcohol.
- There were no residents or other responsible authority that had objected, and this was considered a significant factor. The police had referenced a similar shop, which had a licence granted with similar conditions.
- A Member believed that the applicant understood that the shop came within the CIA and that it was not unexpected that the license had not been accepted.

Responsible Authority – Joseph Keegan, Public Health

Joseph Keegan addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- There had been many fixed penalty notices with issues such as anti-social behaviour and spitting in the area.
- Residents felt that they cannot enjoy the area due to the rowdiness and noise pollution due to night-time activity.
- There should have been representation made towards the application recently however Covid had taken a significant amount of time and focus for Public Health.
- The specific area of concern was one of the most deprived areas within Peterborough.
- Research showed that alcohol-related density's impacted on the community, which included issues such as road traffic accidents, suicide and child abuse.
- At present, Central Ward had double hospital admissions due to alcohol than the rest of Peterborough and was one of the most problematic wards in the county.
- There are several alcohol-related issues in the area, which included public defecation, and street drinking, which had impacted on local businesses and the residents.
- Research from the Anti-Social Behaviour Team had highlighted more recent issues in the city.
- There had been a need for more work with police and the Anti-Social Behaviour Team in future.

Summing Up

The applicant responded and summed up key points with regards to the application, which included:

- The initial application had included conditions previously agreed with the police.

	<ul style="list-style-type: none"> • There was another shop in the area with a similar remit. The applicant's shop would be significantly smaller and would store a comparatively reduced amount of alcohol.
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Responsible Authority</u></p> <p>Consideration was given to the representations made by the other persons present at the hearing.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
4. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>The Sub-Committee considered the representations made in objection as follows:</p> <ul style="list-style-type: none"> • The grant of licence would increase the availability of alcohol in the area leading to a negative impact on the licensing objectives, especially the prevention of crime and disorder objective. • The grant of licence would result in a negative impact on the health and wellbeing of residents and businesses in the area as indicated in the CIA statement. • The grant of licence would contribute to alcohol related anti-social behaviour in the area. • Higher average for alcohol related hospital admissions in the CI area.

The Sub-Committee was referred to the Statement of Licensing Policy, the Government Guidance and Cumulative Impact Assessment Statement for the 'Can-Do' New England and Millfield area of Peterborough. The Sub-Committee was mindful that there existed a presumption not to grant unless it could be shown that the operating schedule if applied correctly would not necessarily contribute further to the existing issues in the area.

The Sub-Committee noted that both the Police and the Prevention and Enforcement Service both withdrew their representations against the application, after negotiating amendments to the operating schedule.

The Sub-Committee noted that there were no representations from elected ward members, community groups, businesses or residents.

The Sub-Committee therefore **GRANTED** the licence for the premises, known as Euro Store, 10a Dogsthorpe Road, Peterborough, PE1 3AA, subject to the negotiated additional conditions.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman
Start 1:30pm – End 2:38pm

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Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on 11 August 2022

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Review of Premises Licence
3.1 Application Reference	MAU : 117990
3.2 Sub-Committee Members	Councillor Wiggin (Chair) Councillor S Bond (Vice Chair) Councillor Moyo
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Pippa Turvey, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Review of a premises licence.</p> <p><u>Summary of Premises Licence Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a premises licence review for Lara (International Drinks) – 415 Lincoln Road, Peterborough, PE1 2PF, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the application included:</p> <ul style="list-style-type: none"> • Illicit cigarettes were found hidden in the premises.

	<ul style="list-style-type: none"> • Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes. • Impact on Public Safety as the illicit cigarettes breach EU Standards which is an offence under UK regulations requiring traders to supply safe goods. • The distribution and sale of illicit goods is linked to serious and organised crime
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>The applicant Cambridgeshire Police represented by PC Chris Arnold.</p> <p><u>Licence Holder</u></p> <p>Mr Hevar Zrari</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>Applicant</u></p> <p>PC Arnold addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • There were no questions from the Committee. <p><u>Licence Holder – Mr Hevar Zrari</u></p>

Mr Zrari addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The Licence Holder was on holiday during the seizure of the tobacco. He said he was unaware of illicit tobacco on his premises and was aware of the regulations. He believed that the seized tobacco belonged to someone working with his father. He pointed to his lack of criminal record and efforts to adhere to the rules, emphasising that he would not want to jeopardise his career over a small amount of tobacco.
- Members were advised by Mr Zrari, the Licence Holder, that the person in question was not currently employed by him.
- Mr Zrari confirmed that staffing checks included asking about criminal records. He also had CCTV on his phone and visited the shop to ensure everything was order.
- Mr Zrari confirmed that he was not aware that the unknown person was on the premises while he was away and that his father had not understood the regulations.
- Mr Zrari confirmed that he had reviewed CCTV footage of the shop after being made aware of the raid. He said he was devastated that this event had happened on his premises.
- Mr Zrari confirmed that the CCTV footage would be retained for several days and that he would not have the footage from the days before the incident took place. Mr Zrari was also unsure how the cigarettes entered the premises.
- Mr Zrari confirmed that he was away for two days before the raid took place. He was on a camping holiday in Wales. He had not produced any evidence of the holiday, however, he confirmed that he was willing to invite friends as witnesses to a future hearing.
- The applicant could not confirm if he had notified the authorities that the store had no DPS after the departure of Mr Salih and whether he was registered as the designated premises supervisor.
- Members were advised that Mr Salih had left the shop's employment in July, though he could not be sure.
- Members were advised that there had been no formal notification received from the licence holder that the Designated Premises Supervisor had been removed.

	<p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><u>Licence Holder</u></p> <p>Had not had the time to change over the DPS details.</p> <p><u>Applicant</u></p> <p>PCC Arnold reiterated that the premises had been used for a crime.</p>
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence review, attached to the Sub-Committee report.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the ‘Public Safety’ Licensing Objective.</p>
4. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p>

	<p>The Sub-Committee considered the representations made and in writing from:</p> <ul style="list-style-type: none">• PC Arnold of Cambridge Constabulary• Mr Zrari – Premises Licence Holder <p>The Sub-Committee considered:</p> <p>The business operated as an off licence and was licensed to sell alcohol Monday through to Sunday from 10am to 11pm.</p> <p>The Premises Licence Holder was Mr Hevar Zrari who had held the licence since December 2017; and the Designated Premises Supervisor was Mr Dildar Salih.</p> <p>The premises was visited on 28 April 2022, by HMRC officers. The officers found some 4,540 mixed branded cigarettes which were non UK duty paid.</p> <p>This meant that it was unlawful to sell these cigarettes in the UK as they were illicit tobacco products.</p> <p>These cigarettes would not have been lawfully imported into the UK so it was more likely than not that the cigarettes were smuggled into the UK.</p> <p>The Sub-Committee heard and read that the packets had not had the legally required warnings in English.</p> <p>Such illicit tobacco products deprived HMRC of lawful revenue; conferred an unfair advantage on retailers who stocked them due to the lower cost; and fell outside of the health and safety consumer framework.</p> <p>Such smuggling also funded other more serious crime such as people trafficking and the unlawful drugs trade.</p> <p>In support of retaining the licence, Mr Zrari stated:</p> <ul style="list-style-type: none">• He was away on holiday camping at the time of the visit and had left two days before.• His Father was in charge of the shop with an unnamed individual in his absence.• It had been the unnamed individual who was responsible for the cigarettes.• He kept CCTV footage for a few days only.• There was no DPS currently for the premises. The DPS left in July.
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- He was fully aware of his responsibilities and had not been in trouble before.

Mr Zrari had not brought with him any evidence that he was away on holiday at that time. He had not retained the CCTV footage for April, and had not evidenced when Dildar Salih (the former DPS) left his employment.

The Sub-Committee had not attached much credibility to Mr Zrari's version of events.

In its deliberations, the Sub-Committee were referred to paragraphs 11.26, 11.27 and 11.28 of the Statutory Government Guidance.

In brief:

Para 11.26 - Where the licensing authority is conducting a review on the grounds of that the premises have been used for criminal purposes, its role is to determine what action should be taken in connection with the premises licence, for the promotion of the crime prevention objective.

Para 11.27 - There was certain criminal activity that may arise in connection with the licensed premises which should be treated particularly seriously. These were the use of licensed premises amongst other things, for the sale or storage of smuggled tobacco.

Para 11.28 - Where reviews arose and the licensing authority determined that the crime prevention objective was being undermined through the premises being used to further crimes - ie the selling of illicit tobacco products –it was expected that revocation of the licence – even in the first instance – should be seriously considered.

The Sub-Committee considered what steps, if any, could be taken to promote the objectives in question. The Sub-Committee took a dim view of such criminal activity for the reasons stated above.

The Sub-Committee considered revocation. They were unable to remove the Designated Premises Supervisor from the premises licence, as there was no DPS, a breach of the Act in itself. The Sub-Committee considered attaching additional conditions to the premises licence. The Sub-Committee was of the opinion that this was a serious matter; there was a significant amount of cigarettes seized; and such activity was undertaken purely for monetary gain.

	<p>There were inherent risks attached to such tobacco products that fell outside of the UK regulatory provisions.</p> <p>It was the Sub-Committee's decision therefore to REVOKE the Premises Licence, as this had been appropriate in the Sub-Committee's view, in order to promote the licensing objectives in question.</p>
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Chairman

Start 1.30pm – End 2.25pm

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Transfer of Premises Licence
3.1 Application Reference	MAU: 118164
3.2 Sub-Committee Members	Councillor Wiggin (Chair) Councillor S Bond (Vice Chair) Councillor Moyo
3.3 Officers	Darren Dolby, Regulatory Officer – Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Pippa Turvey, Democratic and Constitutional Services Manager – Clerk to the Sub-Committee
3.4 Applicant	Ali's Kebab, 3 Fitzwilliam Street, PE1 2RU - Mr Okyahail
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a premises licence transfer.</p> <p><u>Summary of Premises Licence Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a premises licence transfer for Ali's Kebab, 3 Fitzwilliam Street, PE1 2RU, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • Following a visit by Home Office Immigration Officers, a total of two persons at the premises were found to be working illegally. • Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommended that revocation of the licence even in the first instance, should be seriously considered where representations had arisen and the licensing authority determined, that the crime prevention objective was being undermined through the premises being used to further crimes. • At the time of the Home Office Immigration Team visit, Mr Mashroh Oryakhail identified himself as

	<p>the owner and business operator. However, AL1 Kebab Ltd were still the premises licence holders.</p> <ul style="list-style-type: none"> • Due to the issue of illegal working highlighted by the Immigration Officers, it was felt that Mr Oryakhail was not a fit and proper person to uphold the licensing objectives.
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>The applicant/representative</p> <p><u>Licence Holder</u></p> <p>PC Chris Arnold</p> <p><u>Other Persons</u></p> <p>Laura Kelsey, Senior Problem Solving Officer, Prevention and Enforcement Service</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	<p>There were no pre-hearing considerations.</p>
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included the representation submitted against the application by Cambridgeshire Constabulary and the Authority's Prevention and Enforcement Service (PES).</p> <p><u>Applicant</u></p> <p>Mr Oryakhail addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • A visit from the immigration services had been undertaken whilst the applicant was in London. He confirmed that his brother was in the shop

while paying a visit, emphasising that his brother was having a meal and not working on the premises. His brother had no personal identification when asked by the Immigration officials.

- The applicant listed some of his monthly expenses, including rent of around £1,000 for the shop.
- Members were advised that the other person eating on the premises at the time of the Immigration visit was a homeless person and not a friend or member of the family.
- The applicant was questioned by Members about his movements at the time of the Immigration visit, including the date of his trip to London.
- It was noted that the applicant recently received a fine for £7,000 from Immigration, which he intended to challenge as he felt that it should not have been issued.

Responsible Authority

PC Chris Arnold addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

PC Arnold confirmed that there had been no further information that could be provided in relation to the review of the licence, and it was factual based on information gathered by the Immigration Compliance & Enforcement team.

Other Persons

Laura Kelsey, PES Senior Officer, People and Communities, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- Ms Kelsey had no further information to add other than the issues raised in the letter of objection regarding the transfer of the licence.
- Members were advised that in circumstances where an immigration penalty notice or fine imposed was in dispute, an objection to a licence application would need to be taken into consideration by the Sub-Committee

Summing Up

All parties were given the opportunity to summarise their submissions.

	<p><u>Applicant</u></p> <p>The applicant reiterated the impact of not having a licence would have on his working life, including the possible loss of his shop.</p> <p><u>Responsible Authority</u></p> <p>PC Chris Arnold reiterated that contravention to the Immigration laws demonstrated the applicant's disregard for the rules.</p> <p><u>Other Persons</u></p> <p>The PES Senior Officer concurred with PCC Arnold's view.</p>
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Responsible Authority</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Peterborough Enforcement Services.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p>

	<p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>The Sub-Committee considered the representations made today and in writing from:</p> <p>The premises in question was Ali's Kebab House, 3 Fitzwilliam Street, Peterborough. The licence was for Late Night Refreshment, permitting the sale of hot food and hot drink between the hours of 11pm and 5am the following day.</p> <p>The representation was submitted by Cambridgeshire Constabulary and supported by Peterborough City Council's Prevention and Enforcement Service acting in the capacity of a Responsible Authority.</p> <p>The current licence holder was AL1 Kebab Ltd. They wished to transfer the licence to Mashroh Oryakhail.</p> <p>Section 42.6 of the Licensing Act permits the Chief Officer of Police to object to the transfer if <i>exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.</i></p> <p>The Sub-Committee had read the papers before them.</p> <p>The Sub-Committee heard in person from:</p> <ul style="list-style-type: none"> • Mr Oryakhail, Business Operator and Transferee • PC Arnold of Cambridge Constabulary • Peterborough City Council's Prevention and Enforcement Service <p>The short facts were:</p> <p>On 18th May this year, immigration officers attended the premises and found two persons working there illegally. These persons did not have a right to work in the UK under the Immigration, Asylum and Nationality Act 2006; and their employment was unlawful.</p>

	<p>During the visit Mr Oryakhail identified himself as the manager and business operator.</p> <p>In support of the transfer, Mr Oryakhail stated:</p> <ul style="list-style-type: none">• His brother was preparing food for himself and an unnamed homeless person.• He was in London at the time of the raid.• A fine has been issued which may or may not be contested. <p>The Sub-Committee had not attached much credibility to the business operator's version of events.</p> <p>The Sub-Committee believed having heard facts, that there had existed exceptional circumstances. The Sub-Committee took a very dim view of those who employ workers not entitled to work in the UK. Often such workers were exploited, HMRC was deprived of legitimate taxes, and such workers were denied their employment rights. It was employment on the cheap.</p> <p>The Sub-Committee had not believed that transfer of the licence to the transferee would promote the licensing objective of Prevention of Crime and Disorder.</p> <p>Therefore, the Sub-Committee REFUSED the transfer as applied for.</p>
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Chairman

Start 2.25pm – End 3.26pm

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

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

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

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

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

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

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

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

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

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

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

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

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

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

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

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

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

Members discussed each of the proposals and a summary included:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED

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

ACTION AGREED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AGREED ACTIONS

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

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

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

REASONS FOR THE DECISION

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

CHAIRMAN
END - 7:47pm

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LICENSING COMMITTEE	AGENDA ITEM No. 4
09 FEBRUARY 2023	PUBLIC REPORT

Report of:	Peter Gell, Assistant Director: Regulatory Services	
Cabinet Member(s) responsible:	Councillor Allen, Deputy Leader and Cabinet Member for Housing, Culture and Communities	
Contact Officer(s):	Gareth Brighton, Licensing & Business Manager	Tel. 864103

TAXI & PRIVATE HIRE LICENSING POLICY AMENDMENT – TAIL-LIFT ENABLED VEHICLES

RECOMMENDATIONS	
FROM:	Deadline date: N/A
<p>It is recommended that the Licensing Committee:</p> <ol style="list-style-type: none"> 1. Consider a revision to Peterborough City Council’s Hackney Carriage and Private Hire Licensing Policy specific to the age requirements of tail lift enabled vehicles existing in trade and for tail lift enabled vehicles being submitted for licensing for the first time. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Licensing Committee following discussions with the licensed Hackney carriage and private hire trade representatives and other key stakeholders.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to enable the Licensing Committee to consider a proposed policy revisions relating to tail lift enabled vehicles taking into account the following:

- The current vehicle requirements outlined in the policy – **Appendix A**
- The proposed requirements for tail lift enabled vehicles - **Appendix B**
- The current provision of tail lift enabled vehicles within the trade and the demand for such vehicles
- The effect of the rising cost of living on vehicles entering the taxi trade
- The views of the private hire trade, the Hackney Carriage trade, PCC’s Passenger Transport Operations Team and the Peterborough Disability Forum
- The implications of the proposed revision on the Council’s 2030 net-zero carbon emission target
- The position of neighbouring authorities in relation to the licensing of tail lift enabled vehicles

2.2 This report is for the licensing committee to consider under its Terms of Reference No. Part 3, Delegations Section 2 – Regulatory Committee Functions:

2.5.2.8 On recommendation by the Licensing Committee all non-statutory policies must be submitted either to Full Council or Cabinet for formal adoption. Thereafter, any minor amendments or modifications, can be adopted by the Licensing Committee.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 Peterborough City Council's current Hackney Carriage and Private Hire Licensing Policy came into effect on 27 July 2022 after being adopted by Full Council.
- 4.2 The vehicle age requirements detailed in the policy determine that petrol and diesel licensed vehicles will be de-licensed when they reach 10 years of age. Petrol and diesel vehicles being licensed for the first time must be no older than 4 years of age. The full policy requirements for vehicles in trade and newly licensed vehicles are outlined in **Appendix A**. There is no category that relates specifically to tail lift enabled vehicles.
- 4.3 Tail lift enabled vehicles are vehicles that have a mechanical device permanently installed (usually to the rear) that is designed to facilitate the handling persons or cargo from ground level to the level of the vehicle bed, or vice versa. This type of vehicle plays a vital role within Peterborough's integrated transport system and is heavily relied upon by disabled passengers alongside the Council's Passenger Transport Operations Team responsible for fulfilling home to school transport routes.
- 4.4 Historically, the record management system used by the Licensing Team has not recorded if a Hackney carriage or private hire vehicle has been fitted with a tail lift. This has recently been amended and this data is now recorded, however, obtaining an exact figure for the number of tail lift enabled vehicles in trade remains difficult; However, it is understood, tail lift enabled vehicles account for less than 3% of taxi and private hire vehicles currently licensed in Peterborough.
- 4.5 The vast majority of the licensed tail lift enabled vehicles are of diesel or petrol fuel type and therefore cease to be licensed under the current policy when they reach 10 years of age. A number of licensed tail lift enabled vehicles are approaching 10 years of age and are due to be de-licensed in the coming 12 months.
- 4.6 The City Council has a duty to transport eligible children from home (or a suitable pick up point) to their appropriate educational placement to allow attendance during normal school hours. This function is provided by the Passenger Transport Operations Team often by way of contracted services such as taxis and minibuses for individual routes.
- 4.7 Currently there are 34 Tail Lift routes operating Education transport on behalf of Peterborough City Council. The total number of children carried on these routes is 145. Peterborough City Council has a statutory duty under the Education Act 1996 to transport these eligible children to their place of education. Failure to be able to provide suitable vehicles for students who are wheelchair users would mean statutory duties are not met.
- 4.8 The cost of living has been increasing across the UK since early 2021. The annual rate of inflation reached 11.1% in October 2022, a 41-year high, affecting the affordability of goods and services for households and businesses. Both the OBR and Bank of England expect the annual inflation rate to ease in 2023. The OBR expects inflation to slow to 3.8% by Q4 2023.
- 4.9 October 2022 marked the 31st month of consecutive year-on-year growth in the price of used vehicles; with a total average increase of 47% on pre-pandemic (October 2019) prices. This, coupled with the rise in the Bank of England base interest rate to 3.5%, has resulted in a significant increase in the cost of purchasing and financing new and used vehicles.

- 4.10 Peterborough City Council is committed to take action to ensure that current provision of vehicles is not impacted as a result of vehicles becoming de-licensed in the next 12 months and to encourage more vehicles into trade to meet future demand.
- 4.11 **See Appendix B** - By extending the life of tail lift enabled vehicles that are already in the trade from 10 years to 12 years, the near-term pressure on tail lift vehicle provision will be alleviated. In 2024, when these vehicles become de-licensed due to their age, it is anticipated that the rate of inflation will have eased, and businesses will be in a healthier financial position to invest in replacement vehicles.
- 4.12 Extending the age of which tail lift enabled vehicles will be accepted for a new licence from 4 years to 8 years will allow older (and therefore lower cost) tail lift vehicles to be submitted for licensing. By 'bringing down the cost' of a newly licensed tail lift vehicles, it is envisaged that more of this type of vehicle will enter the trade; ensuring that there is provision to meet existing and future demand.
- 4.13 Any vehicle entering the Hackney or private hire trade is required to pass an enhanced safety/roadworthiness test at the council's appointed testing station.
- 4.14 In creating the proposed policy revision, the licensing authority has considered the position of neighbouring local authorities in relation tail-lift enabled and disabled access vehicles operating in their district. If the proposed revision is adopted, Peterborough City Council's position will remain broadly similar to that of its neighbours.
- 4.15 **Huntingdonshire**
The Council has a maximum age policy restricting the maximum age on the grant of a Hackney Carriage and Private Hire vehicle on first DVSA application to five years. There is no upper age limit for when we would no longer licence a vehicle as long as the vehicle meets the relevant criteria. Hybrid/Electric/LPG vehicles will be subject to a maximum age policy of seven years after first DVSA registration. Vehicles originally designed to carry more than 8 passengers but converted to carry 8 passengers or less, and specifically converted to carry wheelchairs will be subject to a maximum age policy of seven years after first DVSA registration.
- 4.16 **South Kesteven**
In order to minimize the emission of atmospheric pollutants and encourage the uptake of zero and ultralow emission vehicles, an application for a new hackney carriage or private hire vehicle licence will not be accepted unless the vehicle is less than 5 years old. The vehicle licence can continue to be renewed until it reaches the age of 10 years.
- To support the provision of disabled accessible vehicles (including purpose built vehicles) and encourage the uptake of hybrid, ultra-low and zero emission vehicles (including plug in hybrid, electric and hydrogen fuel cell), the renewal age for these vehicles is extended to 12 years as long as the vehicle continues to pass the necessary compliance test.
- 4.17 **Fenland**
Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. Therefore, at present, we do not intend to implement an upper age limit.

5. CORPORATE PRIORITIES

- 5.1 The recommendation links directly to the following Corporate Priorities:
1. The Economy & Inclusive Growth
 - Environment
 - Homes and Workplaces
 - Jobs and Money
 2. Our Places & Communities

- Places and Safety
- Lives and Work
- Health and Wellbeing

3. Prevention, Independence & Resilience

- Educations and Skills for All
- Adults
- Children

6. CONSULTATION

6.1 The licensing authority has held discussions with key stakeholders in relation to the proposed revision to the licensing policy. These are detailed below:

09 December – Team Manager, Passenger Transport Operations

15 December – Private Hire Federation

22 December – Hackney Carriage Federation

23 December – Little Miracles and Peterborough Disability Forum member

The response from each of these discussions has been overwhelmingly in favour of the proposed revision to the policy.

6.2 It is not proposed to carry out a public consultation for the proposed amendment as it is not considered a major change to the policy.

7. ANTICIPATED OUTCOMES OR IMPACT

7.1 On the 24th of July 2019, at a meeting of Peterborough City Council's Full Council, members unanimously declared a climate emergency and agreed to make the Council's activities net-zero carbon by 2030. The proposed revision to the Hackney Carriage and Private Hire Licensing Policy will not affect the 2030 target as any petrol or diesel tail lift enabled vehicles subject to the proposed change will be required to be de-licensed on, or before, 31 December 2029.

7.2 Recent research undertaken by Scope suggests that four-fifths of disabled people feel anxious using public transport and the coronavirus pandemic has only served to exacerbate this. Alternative accessible-transport solutions such as taxis and PHVs therefore are relied upon by a number of disabled people in the city. It is imperative that the Council works to continue to promote tail-lift enabled vehicles as a transport option in order to ensure that disabled people in Peterborough are able to maintain their independence.

7.3 It is likely that costs of purchasing newer/ more expensive vehicles will be directly passed on to Passenger Transport operation through inflated contract costs and lack of suppliers on what is already an overspent budget.

7.4 The proposed revision will affect less than 3% of taxi and private vehicles currently licensed in Peterborough.

8. REASON FOR THE RECOMMENDATION

8.1 The recommendation is made to ensure that current provision of tail lift enabled vehicles is not impacted as a result of vehicles becoming de-licensed in the next 12 months and to encourage more vehicles into trade to meet future demand.

9. ALTERNATIVE OPTIONS CONSIDERED

9.1 The alternative to the proposed amendment is to maintain the status quo. This has been discounted as this will not address the fundamental issue of tail lift vehicle availability in Peterborough.

10. IMPLICATIONS

Financial Implications

- 10.1 There are no financial implications to the proposed policy amendment

Legal Implications

- 10.2 There are no legal implications to the proposed policy amendment

Equalities Implications

- 10.3 The proposed policy amendment will ensure that current provision of tail lift enabled vehicles is not impacted as a result of vehicles becoming de-licensed in the next 12 months. It is also anticipated that the proposed revision will serve to encourage more tail lift enabled vehicles into trade to meet future demand.
- 10.4 On the 24th of July 2019, at a meeting of Peterborough City Council's Full Council, members unanimously declared a climate emergency and agreed to make the Council's activities net-zero carbon by 2030. The proposed revision to the Hackney Carriage and Private Hire Licensing Policy will not affect the 2030 target as any petrol or diesel tail lift enabled vehicles subject to the proposed change will be required to be de-licensed on, or before, 31 December 2029.
- 10.5 Recent research undertaken by Scope suggests that four-fifths of disabled people feel anxious using public transport and the coronavirus pandemic has only served to exacerbate this. Alternative accessible-transport solutions such as taxis and PHVs therefore are relied upon by a number of disabled people in the city. It is imperative that the Council works to continue to promote tail-lift enabled vehicles as a transport option in order to ensure that disabled people in Peterborough are able to maintain their independence.
- 10.6 It is likely that costs of purchasing newer/ more expensive vehicles will be directly passed on to Passenger Transport operation through inflated contract costs and lack of suppliers on what is already an overspent budget.
- 10.7 The proposed revision will affect less than 3% of taxi and private vehicles currently licensed in Peterborough.

10.8 CARBON IMPACT ASSESSMENT

The current taxi licensing policy provides clear messaging and certainty to the trade regarding expected minimum emissions standards and replacement vehicle ownership periods. A focused package of vehicle requirements provides incentives for vehicle technologies with ultra-low emissions and largest zero emission range

These vehicle types, when in regular use as private hire and Hackney vehicles will have an overall positive impact on reduction of carbon emissions across the City with an ambition that at the next Policy uplift in 2025 that this will be further enhanced by the City's charging infrastructure enabling regular charging point to be in place for trades such as this to easily access a recharge at a reasonable cost within the City, thus encouraging lower emissions from vehicles.

By extending the life of licensed tail lift vehicles (which are predominantly petrol and diesel fueled) from 10 years to 12 years, there is potential for these higher emission vehicles to remain on the road longer. The proposed policy revision will not affect the Council's 2030 carbon neutral ambitions as any petrol or diesel tail lift enabled vehicles subject to the proposed change will be required to be de-licensed on, or before, 31 December 2029.

The proposed policy amendment will affect less than 3% of taxi and private hire vehicles currently licensed in Peterborough.

11. **BACKGROUND DOCUMENTS**

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

11.1 *None.*

12. **APPENDICES**

- 12.1
- The current vehicle requirements outlined in the policy – **Appendix A**
 - The proposed requirements for tail lift enabled vehicles - **Appendix B**

On the 24th of July 2019, at a meeting of Peterborough City Council's Full Council, members unanimously declared a climate emergency and agreed to make the Council's activities net-zero carbon by 2030. The motion commits the Council to achieve 100 percent clean energy across its buildings and services by 2030 and ensuring that **all** strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero-carbon across the entire city by 2030.

PETROL, DIESEL AND OTHER NON ULEV, ZEV VEHICLES			
Vehicles licensed for the first time (new applications)		Hackney Carriage	Private Hire Vehicle
	Max age at time of first being licensed	3 years old	4 years old
	Maximum age limit beyond which the vehicle will not be licensed	11 years old or until 31.12.2029 (whichever is soonest)	9 years old or until 31.12.2029 (whichever is soonest)
	Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
	Age at which the vehicle will be subject to Critical Testing criteria	10 years old	8 years old
Vehicles that are already licensed (renewal applications)		Hackney Carriage	Private Hire Vehicle
	Maximum age limit beyond which the vehicle will not be licensed	15 years old or until 31.12.2029 (whichever is soonest)	10 years old or until 31.12.2029 (whichever is soonest)
	Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
	Age at which the vehicle will be subject to Critical Testing criteria	10 years old	8 years old

VEHICLES (BOTH HACKNEY CARRIAGE AND PRIVATE HIRE) WHICH ARE ULTRA-LOW EMISSION OR ZERO EMISSION

	Ultra-low Emission	Zero Emission
Max age at time of first being licensed	8 Years Old	19 years old
Maximum age limit beyond which the vehicle will not be licensed	15 years old	20 years old
Age at which the vehicle will be subject to six monthly inspections	8 years old	8 years old
Age at which the vehicle will be subject to Critical Testing criteria	12 years old	12 years old

For the purposes of the above, a vehicle is considered to be ULEV or ZEV if:

	ULEV	ZEV
Vehicle type:	It is a Hybrid or Extended Range Electric Vehicle (E-REV)	It is Battery Electric, or Hydrogen Fuel Cell, or Electric
V5C document details:	Taxation class = ALTERNATIVE FUEL CO2 (g/km) = 105g/km (or less)	Taxation Class = ALTERNATIVE FUEL or ELECTRIC CO2 (g/km) = 0g/km

TAIL LIFT VEHICLES* - PETROL, DIESEL AND OTHER NON ULEV, ZEV

TAIL LIFT VEHICLES* - PETROL, DIESEL AND OTHER NON ULEV, ZEV			
Vehicles licensed for the first time (new applications)		Hackney Carriage	Private Hire Vehicle
	Max age at time of first being licensed	8 years old	8 years old
	Maximum age limit beyond which the vehicle will not be licensed	12 years old or until 31.12.2029 (whichever is soonest)	12 years old or until 31.12.2029 (whichever is soonest)
	Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
	Age at which the vehicle will be subject to Critical Testing criteria	8 years old	8 years old
Vehicles that are already licensed (renewal applications)		Hackney Carriage	Private Hire Vehicle
	Maximum age limit beyond which the vehicle will not be licensed	15 years old or until 31.12.2029 (whichever is soonest)	12 years old or until 31.12.2029 (whichever is soonest)
	Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
	Age at which the vehicle will be subject to Critical Testing criteria	8 years old	8 years old

*For the purposes of the above, a vehicle is only considered a “tail lift vehicle” if it meets all the following criteria:

- Fully functioning, permanently fitted tail lift installed to the manufacturer’s specification
- Tail lift lifting capacity of at least 300kg
- Full, up to date certification (e.g. LOLER certification, maintenance documents etc).

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