

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 29 JULY 2013**

Members Present: Councillors Thacker (Chairman), Peach (Vice Chairman), Nawaz, Simons, Jamil, Harrington and Swift

Officers Present: Adrian Day, Licensing Manager
Colin Miles, Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

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

Councillor Harrington was in attendance as a substitute and Councillor Swift was in attendance as a nominated substitute.

The meeting was adjourned for ten minutes to allow the Legal Officer to provide advice to Members around interests.

2. Declarations of Interest

Councillor Jamil declared a personal, non-prejudicial interest in that his two brothers in law were Hackney Carriage drivers.

Councillor Nawaz declare a personal non-prejudicial interest in that his son in law was a Hackney Carriage driver.

Councillor Thacker declared that she had received an email from the London Taxi Company reiterating their consultation responses. The information contained within the submission did not add anything substantial to the committee report and would therefore not be taken into consideration.

3. Minutes of the Sub-Committee Hearings Held Between March 2013 and May 2013

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

- i) 26/03/13 – Review of Premises Licence, Zaika (known as Shalimar)
- ii) 22/04/13 – New Premises Licence, Super Poli, 613 Lincoln Road
- iii) 20/05/13 – New Premises Licence, Maxima, 43-49 Park Road

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

The Committee received a report as a result of officers receiving a request from Allied Vehicles Ltd for the Council to review its conditions of fitness in relation to Hackney Carriage Vehicles. The request was to amend the Council's current criteria in order for the Peugeot E7 to be considered as suitable to be licensed as a Hackney Carriage Vehicle.

The Committee was advised that there was also a need for officers to review the Taxi and Private Hire Licensing Policy in order to ensure it remained appropriate and fit for purpose.

Following approval from the Licensing Committee at its meeting held on 21 January 2013, a 12 week consultation in relation to the Hackney Carriage and Private Hire Vehicle Licensing Policy was launched. The consultation commenced on 1 February 2013 and ended on 25 April 2013.

The purpose of the consultation was to seek responses from all stakeholders who had an interest in, or may be affected by, the Hackney Carriage and Private Hire Policy. It was noted that although the consultation covered many areas of Taxi and Private Hire Licensing, for the purposes of the report before the Licensing Committee, Members were asked to consider only the conditions of fitness for Hackney Carriage Vehicles.

At the time, the E7 vehicle could be licensed as a private hire vehicle, however it did not meet the specification set by Transport for London (TFLs) Conditions. These were the conditions adopted previously by the Council as being the appropriate criteria for Hackney Carriage vehicles in Peterborough.

The Council's adopted policy only approved London type taxi vehicles as approved by the TFLs Condition of Fitness, formally known as the Public Carriage Office (PCO) and suitably equipped with wheelchair facility ramps and securing straps; these vehicles being the LTI TX1, TX2, TX4, the Metro Triple T and the steering rear axle Mercedes-Benz Vito.

Within the UK there were 374 licensing authorities, out of which 367 already licenced the E7 as a Hackney Carriage vehicle. Peterborough City Council was one of the seven authorities who did not allow the E7 to be licensed as a Hackney Carriage vehicle, however it could be licensed as a private hire vehicle.

The Peugeot E7 did not meet all of the conditions required as set out by the TFL as adopted by Peterborough City Council. Where these conditions were not met the Licensing Committee was requested to consider amending the conditions in order for the E7 range, or specific models from the range, to be considered as suitable for licensing as a Hackney Carriage vehicle in Peterborough.

The E7 was available in three models, those being the "S", "SE" and "XS". All three models were available in Short Wheel Base (SWB) and Long Wheel Base (LWB) versions. The following conditions of fitness were those where the Peugeot E7 **did not meet** the current specification:

7. Manoeuvrability requirement

7.1 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.

E7 SWB – turning circle 11.5 metres
E7 LWB – turning circle 11.9 metres

14. Body

14.2 The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pick-up points and for the free access and flow of other vehicles in London's congested streets.

E7 LWB – overall length 5.136 metres

- 15.8 *Where seats are placed facing each other, there must be a minimum space of 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.*

E7 SWB & LWB – as below;

There is a minimum seat distance of 350mm only on the single offside flip seat when the rear triple bench seat is fully forward, to allow greater luggage space, when the seats are in the furthest back position the distance between the offside seat and the rear bench is 600mm and the distance between the other two flip seats is 770mm.

16. Passenger compartment

- 16.2 *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.*

E7 SWB & LWB – 20mm apart

18. Visibility

18.2 *Passenger Visibility*

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 780mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition in drawing format.

E7 SWB & LWB – 750mm minimum vertical distance

- 18.4 *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.*

On Monday 25 February 2013, the Peugeot E7 and the LTI TX4 vehicles had been made available for Members of the Licensing Committee to view. Representatives of Allied Vehicles Limited, the London Taxi Company and Peterborough City Council had been present.

On 18 April 2013 the Peugeot E7 was demonstrated to DIAL, Peterborough Disability Forum. A representative from Allied Vehicles Limited and Peterborough City Council had also been present.

Consultation responses were appended to the Committee report and it was further advised that a petition, containing 84 signatures, had been submitted in favour of the Peugeot E7.

The Legal Officer provided the Committee with an overview of the 'Lunt Case' against Liverpool City Council and their refusal to licence Peugeot E7 vehicles as Hackney Carriages, and its relevance to any decision made by the Committee.

The Committee was requested to consider the responses from the consultation in order to determine if the amending of the said conditions would cause any safety implications or disruption to other road users. It was further advised that the E7 vehicle was available to be viewed by those Members who had not already seen it.

The meeting was adjourned for ten minutes to allow a number of Members to view the vehicle.

Upon reconvening the meeting, there were a number of speakers present who wished to address the Committee. The Chairman requested approval from the Committee and this was agreed.

Inspector Iain Clark, Cambridgeshire Constabulary, addressed the Committee and responded to questions from Members. In summary, the key points outlined included:

- The turning circle on the vehicle was wider than that of the London cab. This would impact on areas such as Broadway and New Road;
- Possible congestion issues in the above areas and the risks this may pose to the public walking around, particularly at night time;
- The vehicle was longer than the London cab, were the taxi ranks suitable?
- Would other vehicles be displaced to other areas of the city, and would this cause illegal parking?
- Would emergency vehicles be impeded in any way from accessing places such as Broadway?
- Would the vehicles be easily identifiable, as the vehicles were already used as private hire vehicles? There needed to be distinguishing features so as not to cause confusion; and
- The current conditions of fitness should remain as they were;

The Licensing Manager advised that the turning circle currently was 8.535 metres and the E7 short wheelbase turn was 11.5 metres and long wheelbase was 11.9 metres.

Bryan Gascoyne, Peterborough Disability Forum, addressed the Committee and responded to questions from Members. In summary, the key points outlined included:

- In April 2013, the E7 vehicle had been examined in detail;
- The basic model would not come up to the requirements of the disability advantages of the London LTI models. However there were a number of models to choose from and optional extras, which could be added to bring it up to standard;
- In some cases the E7 did have better access and egress for wheelchair users, particularly the larger E7 model;
- Most of the private hire companies in Peterborough had a limited number of wheelchair accessible vehicles and therefore anything that would improve the accessibility for wheelchair users had to be seriously considered;

- The biggest advantage was that wheelchairs could be loaded from the rear and be placed forward facing;
- The E7 vehicle should be seriously considered provided that the content of the vehicle was up to the standard of the current LTI vehicle, including a swing seat;
- The extras were available at a comparable cost; and
- Wider and heavier wheelchairs were becoming more commonly used.

Julian Francis, the London Taxi Company, addressed the Committee and responded to questions from Members. In summary, the key points outlined included:

- The future of the London Taxi Company was outlined and it was advised that a new purpose built taxi was to be commissioned;
- A number of other models were also to be brought in, in line with current policy conditions;
- The vehicle did not meet six of the current conditions and the Disability Forum had stated that they would like to add another three items, this meant that there were nine licensing conditions that the vehicle did not meet;
- The Licensing Conditions were being amended to fit a vehicle and not the vehicle fitting the conditions;
- The turning circle had been introduced for a number of reasons, which were outlined to the Committee;
- Public safety had to be taken into consideration as a priority;
- The 'Lunt Case' was referenced and addressed;
- The differences between a private hire taxi and Hackney Carriage needed to be addressed. If not, this could lead to illegal ranking, a collapse of the trade and conflict between the trades;
- The disability access did not have anything over the Mercedes Vito;
- The Committee was urged to accept the Disability Forum's conditions, if the vehicle was approved; and
- New taxi laws, due to be presented to Parliament later on in the year, would enable local authorities to remove certain vehicles if they wished.

Donald Powell and Simon Guillatt, Allied Vehicles, addressed the Committee and responded to questions from Members. In summary, the key points outlined included:

- An overview of Allied Vehicles was provided;
- The E7 vehicle was converted by Allied Vehicles in Glasgow;
- There was no lessening of standards or quality, and the E7 carried the highest standard of safety in the motor vehicle industry;
- The E7 operated successfully as a taxi in the UK and the majority of taxi drivers preferred the model;
- The model offered substantial benefits for disabled users;
- Wheelchair users could be positioned and secured safely within the vehicle;
- There were many consultation responses in favour of licensing the vehicle;
- There were thousands of E7 vehicles operating in hundreds of towns across the country;
- Adding modifications did have a cost implication to the company however this was offset by the benefit to the user; and
- The vehicle would be provided directly to the Local Authority, including any modifications.

Tahir Chaudhary, Peterborough Hackney Carriage Federation, addressed the Committee and responded to questions from Members. In summary, the key points outlined included:

- Mr Chaudhary had over 20 years' experience in the Hackney trade;
- The Federation represented over 50% of the drivers in Peterborough and there had been no comments received in respect of changing the conditions;
- The trade in Peterborough was restricted and the issue of manoeuvrability was an issue in the city centre area particularly;
- There was a shortage of rank space in the city and a large number of vehicles;
- The public's safety needed to be taken into account, particularly at night;
- If the E7 had a comparable turning circle, it would not be an issue;
- The private hire trade used the same vehicles, so there may be confusion between the trades; and
- The petition submitted in favour of the vehicle had been submitted in 2011, so was it still relevant?

Following questions to the speakers, the Legal Officer summarised the options available to the Committee.

Members debated the issue, and comments raised and responses to questions included:

- The vehicle appeared to be far superior for wheelchair users;
- Members were to be mindful of the fact that not all types of vehicle would be available at the taxi ranks at all times;
- The fare level for the vehicle would be the same as current Hackney Carriage fares; and
- Hackney Carriage vehicles were of no specific colour at the current time.

The Licensing Manager advised that the Committee should consider a number of implications regarding risk consequences of amending the conditions, particularly in relation to health and safety. These implications were outlined to the Committee.

RESOLVED:

The Committee approved:

Option 2 - 'To amend the Council's existing conditions of fitness for Hackney Carriage Vehicles so that specific models of the Peugeot E7 met the criteria to be licensed as a Hackney Carriage Vehicle. Creating the "Peterborough Conditions of Fitness of Hackney Carriage Vehicles".'

In approving Option 2, the Committee agreed the following:

1. That the E7 'SE' and 'XS' Short Wheel Base models be adopted for the city; and
2. That further conditions be imposed relating to the inclusion of 'swivel seats' and 'induction hearing loops' within the vehicles.

Reasons for the decision:

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

1.30pm – 3.40pm
Chairman