

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 SEPTEMBER 2014**

Members Present: Councillors Thacker (Chair), Hiller (Vice Chair), Allen, Nawaz, Jamil, Miners, Herdman, Davidson and Lane

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

1. Apologies for Absence

There were no apologies for absence.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting Held on:

3.1 13 February 2014

The minutes of the meeting held on 13 February 2014 were approved as a true and accurate record.

3.2 13 March 2014

The minutes of the meeting held on 13 March 2014 were approved as a true and accurate record.

3.3 17 April 2014

The minutes of the meeting held on 17 April 2014 were approved as a true and accurate record.

3.4 Minutes of the Sub-Committee Hearings Held Between October 2013 and August 2014

The following minutes of the Sub-Committee hearings held between October 2013 and August 2014 were approved as true and accurate records:

- i) 18/11/13 – Mini Poli (Review)
- ii) 13/12/13 – Peterborough International Food Centre (Variation)
- iii) 08/01/14 – Akar Ahmned (Personal Licence)
- iv) 11/03/14 – Solstice (Expedited Review)
- v) 02/04/14 – Tesco Stores, Oundle Road (New Premises)
- vi) 17/04/14 – Solstice (Review)
- vii) 20/05/14 – Little Europe (New Premises) and Centre Café (New Premises)
- viii) 26/06/14 – General Store (New Premises)
- ix) 30/07/14 – Best Deli (Review)

4. CCTV in Hackney Carriage and Private Hire Vehicles Taxi Licensing

The Committee received a report outlining an officer review of the Hackney Carriage and Private Hire Licensing Policy with regard to the adoption of CCTV as a compulsory requirement. The review was undertaken to ensure that the policy remained appropriate and fit for purpose.

The Licensing Manager presented the report and made the following key points:

- The decision to adopt CCTV as a compulsory requirement was made by this Committee five years ago, with the support of the trade.
- Once it was confirmed the Council would not be funding the requirements, this support was removed.
- Work had been undertaken to investigate alternative sources of funding, however the equipment required was high spec and expensive.
- Other local authorities that had imposed similar conditions had been served notice by the Information Commissioner. Southampton City Council had challenged this at tribunal and had lost.
- It was concluded by the Information Commissioner that the recording of video and audio was disproportionate and audio should only be recorded in small sections.
- It was considered that audio would be relied on more often in investigations.

In response to questions from Members, the Licensing Manager clarified:

- There was no official data on optional take up, but enquiries from drivers had been received and it was believed that drivers would choose to take part.
- Oxford County Council had published some strict guidelines and supporting information for a voluntary scheme. If agreed, Peterborough would follow a similar route.
- The equipment in question was not significantly cheaper than it had been five years ago, however it was expected that over the next one or two years the price would decrease.

Members discussed how data control would be regulated in a voluntary scheme. The Licensing Manager referred to the strict guidelines that would be put in place in such a situation, to mitigate the risks of intercepted data making its way onto social media or being used for criminal purposes. If the optional scheme was agreed, there was work to be done to ensure that the Council had the correct equipment and qualifications to receive any data. This may take several months.

RESOLVED: That the Committee approved the removal of the mandatory requirement for hackney carriage and private hire vehicles to have CCTV fitted, and instead made the installation of CCTV optional.

Reasons for the decision:

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

5. Guidelines Relating to the Relevance of Convictions / Cautions Taxi Licensing

The Committee received a report outlining an officer review of the Hackney Carriage and Private Hire Licensing Policy with regard to the "Guidance Relating to the Relevance of Convictions / Cautions Taxi Licensing". The review was undertaken to ensure that the policy remained appropriate and fit for purpose.

The Licensing Manager addressed the Committee and explained that the relevance of convictions was considered when establishing if an applicant was a fit and proper person. The guidelines were to be used as an explanatory tool for applicants and did not reflect any major changes to the Council's approach.

RESOLVED: That the Committee adopted the updated draft guidance as the Council's "Guidance Relating to the Relevance of Convictions / Cautions Taxi Licensing".

Reasons for the decision:

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

6. Review of the Private Hire Operator Licensing Conditions Taxi Licensing

The Committee received a report outlining an officer review of the Hackney Carriage and Private Hire Licensing Policy with regard to the "Private Hire Operator Licensing Conditions". The review was undertaken to ensure that the policy remained appropriate and fit for purpose.

The Licensing Manager addressed the Committee and outlined the main changes proposed to conditions. These were:

- The addition of section 15, "Satellite Offices". This section related to operators setting up an additional bookings location officer under their existing licence. This type of operation was open to abuse by the risk of plying for hire. It was proposed that section 15 was appropriate to regulate this activity.
- The addition of a paragraph relating to private hire trade operating in densely populated areas, such as the city centre. This paragraph outlined the Council's approach to consider each application in such areas individually.

Members discussed how the authority would be alerted to Satellite Offices. The Licensing Manager advised that it was expected that firms would approach the Council, however officers were usually aware of the work of the trade.

It was noted by Members that private hire vehicle business could work harmoniously with hackney carriages in the city centre when operated appropriately. The Strategic Regulatory Services Manager noted the proposal were to consider applications on a case by case basis.

RESOLVED: That the Committee adopted the updated draft licensing conditions as the Council's "Private Hire Operator Licensing Conditions".

Reasons for the decision:

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

7. Change in the Licensing Policy for Hackney Carriage Vehicle Licensing

The Committee received a report seeking an amendment to a condition within the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles", to ensure that the condition was not applicable until 14 November 2014.

The Licensing Manager addressed the Committee and explained that the draft “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” were approved by the Licensing Committee on 14 November 2013. Following the subsequent adoption of these conditions the Council received a letter from Bindmans LLP, acting on behalf of Allied Vehicles Ltd, which challenged condition 13.3(b). It was claimed in this letter that the condition 13.3(b) resulted in a commercial advantage for one manufacturer.

RESOLVED: That condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” be amended so that the exemption applied to all newly presented vehicles for licensing retaining the expiry date for the condition as 15 November 2014.

Condition 13.3 to read;

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, 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.*

Reasons for the decision:

- 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.

Chairman
7.00pm – 8:00pm