

LICENSING COMMITTEE

MONDAY 21 JANUARY 2013

7.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the Meeting held on 22 November 2012** 1 - 2

3.1 **Minutes of the Sub-Committee Hearings held between May 2012 and December 2012** 3 - 50

- | | | |
|-------|----------|---|
| i) | 25/05/12 | Coco – Expedited Review Application |
| ii) | 29/05/12 | Coco – Appeal Against Interim Steps |
| iii) | 20/06/12 | Coco – Review Application |
| iv) | 05/07/12 | Central Park – Variation Application |
| v) | 12/07/12 | 77 Mayors Walk – New Premises Application |
| vi) | 08/08/12 | Seven Eleven – New Premises Application |
| vii) | 12/10/12 | 415 Lincoln Road – Variation Application |
| viii) | 09/11/12 | Tesco – New Premises Application |
| ix) | 03/12/12 | Central Food – New Premises Application |

4. **Cumulative Impact Policy, Late Night Levy and Early Morning Restriction Orders Consultation** 51 - 66

5. **Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing Consultation** 67 - 120



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Committee Members:

Councillors: P Thacker (Chairman), J Peach (Vice Chairman), P Hiller, L Serluca, S Allen, G Nawaz, M Jamil, B Saltmarsh, A Miners and Davidson

Substitutes: Councillors: P Kreling, Johnson and D Harrington

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 22 NOVEMBER 2012**

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

Officers Present: Kerry Leishman, Regulatory Officer
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies were received from Councillors Nawaz and Davidson.

Councillor Kreling was in attendance as a substitute..

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 18 October 2012

The minutes of the meeting held on 18 October 2012 were approved as a true and accurate record.

The Regulatory Officer clarified to the Committee that Cambridgeshire Fire and Rescue Service was a statutory consultee.

4. Peterborough City Council Gambling Act 2005 – Statement of Principles

The Committee received a report on the consultation of the revised Statement of Principles in accordance with the Gambling Act 2005 requirements for all licensing authorities.

Members were informed that the draft revised Statement of Principles had been consulted on in the respective areas under Section 349 of the Gambling Act. Members were also advised that comments made at the Licensing Committee held on 18 October 2012 had been incorporated within the Statement of Principles document.

The Committee were asked to consider and approve the final Statement of Principles and recommend that it be adopted by Full Council on 5 December 2012.

Members were invited to comment on the document and Councillor Hiller stated that he had recently had the opportunity to converse with casino operators and it was clear that the adoption of the Gamcare scheme by casino outlets was a positive and beneficial step.

RESOLVED:

The Committee:

1. Noted the contents of the report;
2. Noted the comments received following public consultation; and
3. Approved the final Statement of Principles and recommend that it be adopted by Full Council on 5 December 2012.

Reasons for the decision:

It was a statutory requirement under Section 349 of the Gambling Act 2005 for Licensing Authorities to prepare, consult, revise and adopt a three-yearly Gambling Act 2005 Statement of Principles.

7.00pm – 7.04pm
Chairman

Expedited Review, Licensing Act 2003 Sub-Committee
 undertaken Friday 25 May 2012

RECORD OF DECISION*

***There is no requirement for a formal hearing of the Sub-Committee to take place to determine the question of interim steps and the determination may take place over the telephone or other ‘remote means’. This expedited review was conducted with Members via email.**

1. Apologies for Absence	Not applicable.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Expedited Review of Licence – Coco, 11-13 Broadway, Peterborough, PE1 1SQ
3.1 Application Reference	64353
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Peach Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Expedited review of existing premises licence.</p> <p><u>Summary of Expedited Review Application</u></p> <p>An Expedited Review was deemed necessary for the following reasons:</p> <ol style="list-style-type: none"> 1. The serious nature of offences committed in the early hours of Monday 21 May 2012, “the conduct constituted an offence for which a person of 21 years of age or over, with no previous convictions could reasonably be expected to be sentenced to imprisonment for three or more years or the conduct involved the use of violence”; 2. Obvious reluctance by the management to co-operate and engage effectively with the Licensing Authority; 3. Other serious breaches to the premises licence had taken place recently including the performance of a lap dancing event against the advice given by the Police Licensing Officer and without a valid authorisation; 4. CCTV coverage at the venue was unsatisfactory and ineffective in protecting staff, customers and property despite recommendations from Police to update this provision; and 5. Information / intelligence existed to suggest that there may have been a continuance of the violence or disorder in reprisal to the

	initial incident.
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder 2. The Promotion of Public Safety
3.7 Parties/Representatives and witnesses present	Not applicable.
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	Not applicable.
3.9 Oral representations	Not applicable.
3.10 Written representations and supplementary material taken into consideration	<u>Responsible Authority – Cambridgeshire Constabulary</u> Consideration was given to the application submitted by Cambridgeshire Constabulary and the certificate under Section 53A(1)(b) of the Licensing Act 2003.
3.11 Facts/Issues in dispute	<u>Issue 1</u> Whether the expedited review application would further support the 'Prevention of Crime and Disorder' Licensing Objective. <u>Issue 2</u> Whether the expedited review application would further support the 'Prevention of Public Safety' Licensing Objective.
4. Decision	The Sub-Committee took account of the contents of the application and the certificate issued under Section 53A(1)(b) of the Licensing Act 2003. The Sub-Committee also considered all of the various options available and found as follows: That the serious nature of the incident, which had occurred at the premises during the early hours of Monday 21 May 2012, warranted the interim step of suspending the licence until a full review hearing was convened. The suspension was to take immediate effect and no licensable activities were to take place at the premises until the review hearing had been convened. The Sub-Committee determined that the imposition of these interim steps was necessary and proportionate for the promotion of the two Licensing Objectives, these being the 'Prevention of Crime and Disorder' and the 'Promotion of Public Safety'. The decision could be appealed by the licensee, an appeal hearing to be held within 48 hours of receipt of representation.

Chairman
(timings not applicable)

Expedited Review - Appeal Against Interim Steps
 Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Tuesday 29 May 2012

RECORD OF DECISION

1. Apologies for Absence	There were no apologies for absence.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Appeal against Expedited Review (interim steps taken) of Licence – Coco, 11-13 Broadway, Peterborough, PE1 1SQ
3.1 Application Reference	64353
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Peach Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Alex Daynes, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Arfan Araf - Licensee
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Appeal against Expedited Review, interim steps taken, of existing premises licence.</p> <p><u>Summary of Appeal against Expedited Review, Interim Steps Taken, Application</u></p> <p>The Licensee, Mr Arfan Araf, had lodged an appeal against the decision of the Licensing Act 2003 Sub-Committee, made on 25 May 2012 by way of expedited review.</p> <p>The Sub-Committee had agreed that due to the serious nature of the incident that had taken place at the premises during the early hours of Monday 21 May 2012, the interim step of suspending the licence, pending a full review hearing, was warranted.</p> <p>The appeal was based on a number of grounds which were outlined in detail during Mr Araf's Solicitor's address to the Sub-Committee, detailed in section 3.9 of this record.</p>
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder 2. The Promotion of Public Safety
3.7 Parties/Representatives and witnesses present	<u>Applicant / Applicant's Representative</u>

	<p>Mr Arfan Araf, the Licensee, was present and was represented by Mr Proctor, Solicitor.</p> <p><u>Responsible Authority</u></p> <p>PC Grahame Robinson was present on behalf of Cambridgeshire Constabulary, the relevant Responsible Authority.</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations or any decisions taken by the Sub-Committee relating to ancillary matters.</p>
<p>3.9 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>Applicant / Applicant's Representative</u></p> <p>Mr Proctor and Mr Arfan Araf addressed the Sub-Committee. Key points highlighted during Mr Proctor's address, and following questions from the Sub-Committee and the Responsible Authority, were as follows:</p> <ul style="list-style-type: none"> • The serious incident had taken place outside of the premises on the street; • The necessary steps would be taken to ensure the Licensing Objectives were upheld going forward; • The interim steps which had been taken by the Sub-Committee were too harsh; • There were events planned during the next four weeks for which tickets had been sold. If the premises were closed for this time, the business would lose a considerable amount of revenue. It would also have severe ramifications for staff members; • Other allegations made against the premises were minor in nature; • The Licensee had worked alongside the Licensing Authority and the Police; • A scheduled lap dancing event had been cancelled following objections raised; • There were on average 50 to 60 people in the premises on a weekend night and there were always two doormen at weekends; • The CCTV system had been updated and all requests to provide CCTV footage to the Police had been complied with; • In the seven years that the premises had been in operation, there had been very few incidents; • Staff training was up to date and the Manager had been suspended following the incident that had occurred on Monday 21 May 2012. <p><u>Responsible Authority – Cambridgeshire Constabulary</u></p> <p>PC Grahame Robinson addressed the Sub-Committee on behalf of Cambridgeshire Constabulary, the relevant Responsible Authority. The key points highlighted during his address and following questions from the Sub-Committee and the Applicant's Representative were as follows:</p> <ul style="list-style-type: none"> • The fighting had started inside the venue and it had then continued outside; • The Designated Premises Supervisor and the Licence Holder had

	<p>not been on the premises at the time of the incident;</p> <ul style="list-style-type: none"> • Some of the males involved had been allowed to re-enter the premises; • There had been no call made to the Police by the premises. A call had been made by a local resident; • The sale of alcohol was permitted until 01.30am, not 02.00am; • The CCTV system clock was delayed by three hours and nine minutes; • After hours sales of alcohol had taken place at the premises; • The interim steps taken during the Expedited Review were necessary as the issues had started inside the premises; • The technical aspect of the CCTV system was good, however the cameras were only adequate and were not located in prime positions; • There had been two potential reviews on the premises in 2011, these had been averted by the implementation of additional conditions; and • A number of minor incidents were outlined including an underage event which had taken place and which had subsequently got out of hand. <p><u>Summing Up</u></p> <p>Both parties were given the opportunity to summarise their submissions and there were no further comments made by either party.</p>
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant / Applicant's Representative</u></p> <p>Consideration was given to the appeal letter submitted by Mr Arfan Araf, dated 24 May 2012, against the application to review the premises made by Cambridgeshire Constabulary.</p> <p><u>Responsible Authority – Cambridgeshire Constabulary</u></p> <p>Consideration was given to the application to review the premises licence, submitted by Cambridgeshire Constabulary as a Responsible Authority, dated 23 May 2012.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the Expedited Review, interim steps taken, against Coco by the Sub-Committee on 25 May 2012 were necessary and proportionate to support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the Expedited Review, interim steps taken, against Coco by the Sub-Committee on 25 May 2012 were necessary and proportionate to support the 'Promotion of Public Safety' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the interim steps taken should be upheld, withdrawn or modified.</p>

4. Decision

The Sub-Committee took account of the contents of the appeal letter received from Mr Araf and the application to review the premises licence submitted by Cambridgeshire Constabulary in their capacity as a Responsible Authority. The Sub-Committee found as follows:-

The suspension of the licence was to be removed, but to apply the following conditions with immediate effect:

- Ensure that the CCTV facility at the premises is to a standard acceptable by the Police and Licensing Authority;
- The Licence Holder or the Designated Premises Supervisor must be on the premises at all times during the sale of alcohol;
- The sale of alcohol to cease at 00.00am (midnight);
- The premises to close at 00.30 am;
- The emergency services be contacted immediately if an incident occurs that is considered to be serious; and
- The Licence Holder and Designated Premises Supervisor work more closely with the Police and Licensing Authority to promote the Licensing objectives and to ensure the conditions of the licence are upheld.

There was no right of appeal against the Licensing Authority's decision in this instance.

Chairman
9.30am – 11.45am

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Wednesday 20 June 2012

RECORD OF DECISION

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 – Coco, 11-13 Broadway, Peterborough, PE1 1SQ
3.1 Application Reference	MAU 064353
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Peach Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance 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 existing premises licence.</p> <p><u>Summary of Review Application</u></p> <p>In accordance with section 53A of the Licensing Act 2003, following the submission of an application for a summary review of the premises licence and the certificate signed by a superintendant from Cambridgeshire Constabulary, the Licensing Authority was required to consider if it was necessary to take interim steps within 48 hours.</p> <p>A consideration hearing had taken place via email on the 25 May 2012 where the Licensing Act 2003 Sub-Committee had determined the interim steps to be applied as per section 53B of the Act. The Licensing Act 2003 Sub-Committee’s decision had been to suspend the premises licence pending the full review hearing.</p> <p>The Premises Licence Holder had made representations, appealing against the decision of the interim step to suspend the premises licence.</p> <p>The Licensing Act 2003 Sub-Committee met on 29 May 2012 to consider the representations of the Premises Licence Holder to appeal the suspension. The Sub-Committee determined that the suspension should be removed and additional conditions placed upon the licence with immediate effect.</p>

	<p>The summary review had regard to an incident of serious disorder occurring on the 21 May 2012, where a number of males had been involved in an incident of serious disorder both inside and outside the premises. Two of the males had been severely beaten and one was (as of 28/5/12) still in a coma at Addenbrookes Hospital. Five males had been charged in connection with the disorder and assaults. Cambridgeshire Constabulary were concerned that further incidents of serious disorder would continue to take place during the appeal period and had recommended that the premises licence should be suspended as an interim step.</p>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder 2. The Promotion of Public Safety</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Responsible Authority</u></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p>Sgt. Saunders And PCSO Constanti were also in attendance, however they did not wish to speak.</p> <p><u>Licensee / Licensee's Representative</u></p> <p>Mr Arfan Araf, the Licensee was in attendance and was represented by Mr Proctor.</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p><u>Applicant / Responsible Authority</u></p> <p>PC Grahame Robinson, Cambridgeshire Constabulary, requested that two additional documents be submitted as evidence for consideration by the Sub-Committee. These were in relation to a recent visit undertaken at the premises. The meeting was adjourned for half an hour to allow the Sub-Committee time to consider this request.</p> <p>The Sub-Committee determined: that the additional evidence was not to be submitted for consideration.</p> <p><u>Licensee / Licensee's Representative</u></p> <p>Mr Proctor, representative for the Licensee, had requested that a document outlining the representations on behalf of Mr Araf be permitted for circulation to all parties.</p> <p>The Sub-Committee determined: that this document was to be permitted for circulation to all parties.</p> <p>Upon commencement of the hearing, Mr Proctor sought clarification from the Legal Officer that the documents requested for inclusion into evidence by Cambridgeshire Constabulary had not been taken into consideration by the Sub-Committee. The Legal Officer confirmed that they had been disregarded.</p>

3.9 Oral representations

Prior to submissions being heard, the Legal Officer sought confirmation from both parties that they were content that the evidence presented at the Expedited Review, held on 29 May 2012, with regards to the serious incident of assault outside the premises on 16 May, had been addressed in substantial detail previously and did not need to be revisited. For further clarification, the Legal Officer advised that following the previous hearing, interim conditions had been put in place and Cambridgeshire Constabulary had submitted additional information in support of their application, dated 11 June 2012.

Both parties agreed that it was not necessary to revisit the previous submissions and the additional information submitted by Cambridgeshire Constabulary would be taken as a starting point.

Applicant / Responsible Authority

PC Grahame Robinson addressed the Sub-Committee and outlined the additional submission made. The key points raised during his address and following questions from both the Sub-Committee were as follows:

- Following the Expedited Review hearing, held on 29 May 2012, in order to prove or disprove the allegations of an unlicensable activity taking place on the premises, Mr Araf was informed by PC Robinson that the CCTV hard drive was to be secured by the Police and that this was to be undertaken as soon as practicable;
- Mr Araf had stated to the Police that he was unable to provide the hard drive on that particular day, 29 May 2012, as he had childcare issues. The Designated Premises Supervisor (DPS), Mr Erjon Pjezergjokaj was also unable to accompany PC Robinson to the premises on this day;
- An appointment to obtain the CCTV hard drive had been secured for 10.00am on Wednesday 30 May 2012;
- Following the conclusion of the Expedited Review hearing, the Police had been informed that both the DPS and the licensee had returned to the premises and then gone to a restaurant in Fitzwilliam Street;
- After waiting for thirty minutes outside of Coco, PC Grahame Robinson and Sgt. Saunders entered the restaurant in Fitzwilliam Street, where Sgt. Saunders had activated his body camera for evidence of the encounter;
- It was explained to the Licensee and DPS that the CCTV needed to be seized and PC Robinson and Sgt. Saunders accompanied the gentleman back to Coco where, after a heated discussion and potential obstruction, the CCTV was seized. This was evidence that Mr Araf, despite being directed by the Licensing Act 2003 Sub-Committee to work more closely with the Police and the Licensing Authority to promote the licensing objectives and to ensure the conditions of the licence were upheld, Mr Araf had remained un-cooperative and obstructive;
- It had taken around 20 minutes to secure the CCTV from Mr Araf;
- The CCTV hard drive had been inspected and it had been established that images prior to 00.16pm on Sunday 20 May 2012, had been deleted, removed or lost;
- Coco had a legal requirement to record images for no less than 28 days. The drive was only 26% full and had images from roughly nine days;
- At 12.10pm on Thursday 24 May, PC Robinson had attended Coco alongside Mr Darren Dolby, Licensing Officer, Mr Shane Gathercole,

Manager, and the DPS. The purpose of this visit was to serve the Expedited Review Notice and to view CCTV images of the alleged lap dance event on Wednesday 16 May 2012;

- PC Robinson had witnessed images of this evening and had requested Mr Araf to copy images from the hard drive. This request had not been fulfilled;
- PC Robinson had re-visited Coco along with Sgt. Saunders on Thursday 31 May. The intention of the visit had been to instruct Mr Araf how to install his CCTV to the satisfaction of the Licensing Authority;
- A request had been made for a camera to be placed overlooking the CCTV hard drive unit, in Mr Araf's personal office. This had been met with severe objection and Mr Araf had become increasingly angry leading to the conclusion of the conversation and instructions from PC Robinson being left with a CCTV engineer who was present at the time;
- PC Robinson had once again attended the premises on Friday 1 June 2012 in the company of Sgt. Nicholson. Mr Araf had apologised for his conduct on the previous day and the CCTV was inspected and found to be of the satisfaction of the Licensing Authority. The venue was subsequently re-opened;
- Recently the licensee had withdrawn from his business, handing over responsibility to Shane Gathercole. This had led to him losing touch with his club;
- The DPS had been present at all times and being a personal licence holder, should have known better in upholding the principles of licensing;
- Mr Arfan had not had any children with him at the restaurant when the Police had arrived;
- The CCTV hard drive was currently in the possession of the Police and work was underway in order to identify how the erased data could be re-instated. Further clarification on this point could not be given at the current time;
- A number of conditions were requested for inclusion on the licence as they were deemed necessary, proportionate and fair in the assisting the licences and DPS to meet their licensing objectives and to provide a safe environment for staff, property and customers. These conditions were as follows:
 - (i) The sale of alcohol to cease at 00.00 hours (midnight);
 - (ii) The premises to close outright at 00.30 hours;
 - (iii) A minimum of two SIA registered doormen will be employed at all times after 21.00 hours on a Thursday, Friday and Saturday night, or when capacity is likely to exceed 100 people on any other day. They will be employed on the main access door and within the venue to;
 - a) prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder;
 - b) to keep out excluded individuals (subject to court or pub watch bans);
 - c) search and exclude persons suspected of carrying illegal drugs or offensive weapons;
 - d) maintain an orderly queue outside the venue; and
 - e) assist customers to leave the premises in a quiet and orderly manner.
 - (iv) Door staff to be vigilant in relation to asking individuals to leave

before they become too drunk. They must ensure the safety of the individual and the public are a priority. PC Robinson requested that the word 'too' be removed from this condition if agreed for inclusion;

- (v) Door supervisors will maintain a record of booking off / on by recording their full name SIA badge number and company they are employed by, and making a full record of any incidents that they have dealt with. This record will be produced to an authorised officer upon demand;
- (vi) An authorised person will be available at all times whilst the premises are open to show / produce CCTV images to an authorised officer upon demand;
- (vii) The Premises Licence holder shall register and ensure regular participation in the Peterborough Pub Watch / Nightsafe scheme;
- (viii) The Premises Licence holder or the DPS must be on the premises at all times the venue is open for the sale of alcohol;
- (ix) The emergency services must be contacted immediately if an incident happens whereby injury or threat of injury occurs or that is otherwise considered to be serious;
- (x) The Licence holder and the DPS will work closely with the Police and Licensing Authority to promote the licensing objectives and ensure the conditions on the licence are upheld.

Licensee / Licensee's Representative

Councillor Thacker requested clarification from Mr Araf as to whether he had fully understood the conditions which had been imposed following the Expedited Review hearing. Mr Araf stated that he did understand, but that he did not agree with having CCTV in his personal office and also the reason that he had arranged to meet PC Robinson the day after the Expedited Review to hand over the hard drive, was that he needed to ensure that he had another in place, as without one, his insurance would have been void.

Mr Proctor addressed the Sub-Committee, and outlined the case for the Licensee. The key points raised during his address and following questions from the Sub-Committee were as follows:

- There was objection to the proposed variance in licensing hours as proposed by the Police;
- The violent incident which had led to the Expedited Review of the premises had occurred in the early hours of a Sunday and Monday morning, therefore the proposal for doorman on Thursdays, Fridays and Saturdays and when the premises capacity was likely to exceed 100 was not proportionate or necessary in relation to the issues already discussed at the previous Expedited Review hearing;
- The letter from Mr Araf made it clear that the incident had happened in an alleyway outside of the club after they had been served alcohol, when they shouldn't have been, by two members of staff inside Coco. The Licensee and DPS had not been on the premises at the time;
- The imposition of a condition stating that either one of them had to be present at all times when alcohol was being sold, had remedied this issue going forward;
- There was no link between the licensing hours and the incident that

	<p>happened;</p> <ul style="list-style-type: none"> • The club did not have a reputation of violent incidents and the individuals who had served the alcohol had subsequently been dismissed; • The imposition of two SIA registered doormen on three nights would be a substantial cost to Mr Araf. Mr Araf had therefore proposed that there would be a minimum of two SIA registered doormen if the capacity were to exceed 100 on any given day; • There were other clubs open until the early hours of the morning and Mr Araf's main business came from these early hours. If his hours were curtailed, he would find himself in financial difficulty; • Mr Araf was doing his best to work alongside the Police, however there was a different interpretation of events of the 29 May 2012; • Why did there need to be a camera in the Licensee's personal office as the violent incident had happened outside; • The incident of lap dancing on 16 May 2012 was only an allegation and no evidence of this had been produced. Mr Araf strongly denied that he had deleted any evidence and admitted that an event had been organised but subsequently cancelled; • Until evidence of any lap dancing event had been produced, the Sub-Committee should not take this allegation into consideration; • The actions taken should be necessary and proportionate in relation to the incident outside of the premises. There had been no further incidents and it was unlikely to be repeated; • Mr Arfan had been having a meal at the time when his childcare was in place. He had not expected the Police to turn up unannounced. • Mr Arfan had been angry due to the request to put a CCTV unit in his personal office and in relation to the unit being taken away leaving him void of insurance. This did not mean that he had been uncooperative. <p>For clarification, Darren Dolby, Regulatory Officer – Licensing, advised that there was currently a condition on the premises licence, which had been in place prior to the interim steps being taken, which specified that a minimum of one SIA registered doorman be employed on a Friday and Saturday night after 21.00 hours, or when capacity was likely to exceed 100.</p> <p>The Sub-Committee questioned Mr Proctor on behalf of Mr Arfan on a number of issues and responses were given as follows:</p> <p><u>Summing Up</u></p> <p>Both parties were given the opportunity to summarise their submissions and there were no further comments made by either party.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant / Responsible Authority – Cambridgeshire Constabulary</u></p> <p>Consideration was given to the application submitted by Cambridgeshire Constabulary and the documents attached to the Sub-Committee report. The following supplementary material, which had been submitted prior to the hearing and not described in the Sub-Committee report, was also taken into consideration:-</p> <ul style="list-style-type: none"> • Letter from PC Grahame Robinson dated 11 June 2012

	<p><u>Licensee / Licensee's Representative</u></p> <p>Consideration was given to the appeal letter submitted by the Mr Araf and documents attached to the Sub-Committee report. The following supplementary material, which had been submitted on the day of the hearing with the agreement of all parties, was also taken into consideration:</p> <ul style="list-style-type: none"> • A document outlining the representations on behalf of Mr Araf.
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the review application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the review application would further support the 'Prevention of Public Nuisance' 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> <ul style="list-style-type: none"> • The additional evidence that had been requested for submission by the Police had not been taken into consideration as it went beyond additional information in support of the original review, and in any event was not served in good time and the respondent had no or little time to take advice and make a response; • The incident of lap dancing, which had allegedly taken place on 16 May 2012, could neither be proved nor disproved owing to the lack of evidence, therefore the Sub-Committee had placed no weight to this allegation when reaching its decision; • Mr Araf had complied with the installation of the CCTV within his premises; and • The two members of staff who had served the individuals involved in the serious incident outside of the premises had been dismissed; <p>In making its determination, the Sub-Committee had regard to the fact that there had been no other serious incidents at the premises either before or after the incident on 20 May 2012. Therefore the appropriateness of the steps for the promotion of the licensing objectives;</p> <p>In its deliberations, the Sub-Committee considered the various options available, including:</p> <ul style="list-style-type: none"> • Suspension of the licence; • Revocation of the licence; • Further amended conditions; and • Removal of the Designated Premises Supervisor. <p>The decision of the Licensing Act 2003 Sub-Committee was therefore to apply conditions and amend conditions as follows:</p>

1. The Designated Premises Supervisor or the Director (or any future licence holder) of Havana Leisure Limited to be on the premises at all times during the sale of alcohol;
2. To ensure that the CCTV facility at the premises is to a standard acceptable by the Police and the Licensing Authority;
3. The sale of alcohol to cease at 00.00am (midnight);
4. The premises to close at 00.30am.
5. Condition 13 on the licence to remain with the addition that the SIA registered doormen maintain a record of the times and dates they worked at the premises, their licence number and any incidents that they dealt with and that record to be produced on demand to a Police Officer or a Licensing Officer of the local Licensing Authority;
6. Condition 14 on the licence to remain in place with the word 'too' to be deleted;
7. Condition 19 on the licence to be deleted; and
8. The appropriate emergency services must be contacted immediately if an incident occurs whereby serious injury is sustained to a customer or customers of the venue.

The Sub-Committee determined that the steps taken were appropriate for the promotion of the Licensing Objectives of the 'Prevention of Crime and Disorder' and the 'Promotion of Public Safety'.

The decision was suspended for 21 days to allow for appeal to the Magistrate's Court. The interim steps were to remain in place until any appeal had been determined.

Chairman
10.00am – 12.15pm

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Thursday 5 July 2012

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	Variation to Premises Licence – Central Park, Park Crescent, Peterborough, PE1 4DX
3.1 Application Reference	MAU 064341
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Jamil
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Enterprise Peterborough
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Variation to existing premises licence.</p> <p><u>Summary of Variation Application</u></p> <p>Enterprise Peterborough had submitted an application to vary the premises licence for Central Park, Park Crescent, Peterborough, PE1 4DX.</p> <p>The application requested the following:</p> <ul style="list-style-type: none"> i) To remove conditions 12, 17, 19-33, 37-44, 46, 47, 49, 53-59, 62, 65-67, 69-72, 74, 75, 100, 101, 102. ii) To increase the maximum occupancy of the licensed premises at any one time to 14,999. iii) To add the condition ‘ A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.’ iv) To add the condition ‘ If it is proposed to play music (other than background music) a suitable cut out device, wired in to the fire alarm system, should be installed so that in the event of the fire alarm sounding the music will be automatically shut down. Once installed this cut out relay must be tested on a weekly basis in conjunction with the fire alarm test. v) To add the condition ‘An adequate number of suitably qualified first aiders will be present at any event where members of the public

	<p>are present. This number should be determined after the completion of an event risk assessment.'</p> <p>vi) To add the condition 'All relevant Health & Safety, Building Control, Planning and any other regulatory authorisations or permissions must be in place and available for inspection by an authorised officer.'</p> <p>vii) To add the condition 'When a licensable event or activity takes place, consideration will be given to suitably qualified security staff and stewards/first aid being employed. The number required will be determined by the Peterborough Safety Advisory Group (SAG) and will be strictly adhered to. Decisions will be based on submission of a comprehensive risk assessment that has been passed as fit for purpose by SAG and will be relevant and proportionate to the event in question.'</p> <p>viii) To add the condition 'The premises licence holder and event organisers are responsible for ensuring that adequate child protection policies are in place for any event involving children and young persons. These policies should be available for inspection by an authorised officer.'</p> <p>No representations had been received from any of the Responsible Authorities in relation to the application.</p> <p>Representations had however been received from a local resident and a local residents group as Interested Parties. A summary of the issues raised included:</p> <ul style="list-style-type: none"> • An increase in litter in the area; • An increase of noise in the area; • Parking issues near the premise; and • Health & Safety issues at the premises.
3.6 Licensing Objective(s) under which representations were made	<p>1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 2. The Promotion of Public Safety</p>
3.7 Parties/Representatives and witnesses present	<p><u>Applicant / Applicant's Representative</u></p> <p>Judith Neal, Enterprise Peterborough.</p> <p><u>Interested Parties</u></p> <p>Councillor John Peach, Ward Councillor Councillor John Shearman, Ward Councillor Mr Derek Brown, Broadway Resident's Association Mr Tim Needham, Local Resident</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 or decisions taken by the Sub-Committee relating to ancillary matters.</p>
3.9 Oral representations	<p>The Licensing Officer addressed the Sub-Committee and advised that notification had been received from Enterprise Peterborough confirming</p>

	that the application had been withdrawn.
3.10 Written representations and supplementary material taken into consideration	Not applicable.
3.11 Facts/Issues in dispute	Not applicable.
4. Decision	The application had been withdrawn by the Applicant, Enterprise Peterborough, and therefore the Sub-Committee was no longer required to consider the application.

Chairman
10.00am – 10.07am

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Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Thursday 12 July 2012

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 – 77 Mayors Walk, Peterborough, PE3 6EX
3.1 Application Reference	064340
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Peach Councillor Saltmarsh
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mrs Evelina Balzakeviciene
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> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises Monday to Sunday 09.00 to 22.00 • Hours premises are open to the public Monday to Sunday 09.00 to 22.00 <p><u>Summary of New Premises Licence Application</u></p> <p>The application had been submitted online via the Electronic Licensing Management System (ELMS). The application had then been forwarded onto the required Responsible Authorities by the Licensing Department in accordance with the regulations and Section 8.24 of Guidance.</p> <p>Representations had been received from a local Councillor and a local resident as Other Persons. A summary of issues raised by these Other Persons included:</p> <ul style="list-style-type: none"> • The potential increase of existing alcohol related incidents and anti social behaviour in the area;

	<ul style="list-style-type: none"> • The history of illegal activity at the premises; • The number of premises in the vicinity selling alcohol; and • The appropriateness of the application due to its locality with schools, residents and the church next to the premises. <p>Representations had also been received from Cambridgeshire Constabulary, Trading Standards, and the Licensing Authority as Responsible Authorities. A summary of issues raised by the Responsible Authorities included:</p> <ul style="list-style-type: none"> • The history of problems at the premises including the three HMRC seizures of illicit goods during May 2010, April 2011 and May 2012, and the failure of a test purchase during June 2011; • The established link with the prior owner and the staff of the new applicant; • The ambiguity over ownership, responsibility and control of the business; and • The concerns over the Applicant's ability to be able to uphold the licensing objectives. <p>A letter had also been received from the Director of Public Health which provided observations regarding the locality and the condition within the application in relation to the 'Protection of Children from Harm' objective.</p> <p>The Applicant's proposed conditions under the licensing objectives were detailed within the application and were outlined within the Sub-Committee report. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions had been interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the licensing objectives had been included in the Operating Schedule.</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 Protection of Children from Harm 2. The Promotion of Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>Applicant / Applicant's Representative</u></p> <p>Mr David Povilonis, the Applicant's Agent, who was present on behalf of the Applicant.</p> <p><u>Responsible Authorities</u></p> <p>Mrs Karen Woods, who presented the case on behalf of Peterborough City Council Trading Standards.</p> <p>Mr Adrian Day, who presented the case on behalf of the Licensing Authority.</p> <p>Sgt. Paul Saunders, who presented the case on behalf of Cambridgeshire Constabulary. PCSO Constanti was also in attendance; however he did not wish to speak.</p>
3.8 Pre-hearing considerations and any decisions taken by	There were no pre-hearing considerations or decisions taken by the Sub-Committee relating to ancillary matters.

the Sub-Committee relating to ancillary matters	
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 / Applicant's Representative</u></p> <p>Mr David Povilonis addressed the Sub-Committee on behalf of the Applicant, who was not present at the hearing. The key points raised during his address and following questions from the Sub-Committee and the Responsible Authorities, were as follows:</p> <ul style="list-style-type: none"> • The previous owner and the current owner were in no way connected; • The previous owner and the current owner may know of each other, but they were not friends; • Mr Povilonis was not aware that Mr Tomas Balzaravicius had been connected directly with the business previously. <p>Prior to the Responsible Authorities addressing the Sub-Committee, the Regulatory Officer advised that there had been issues with identifying who the business operator actually was and the previous licence had been surrendered on 28 July 2011.</p> <p><u>Responsible Authorities – Trading Standards</u></p> <p>Mrs Karen Woods addressed the Sub-Committee and provided an overview of the objections raised to the application by Trading Standards. The key points raised were as follows:</p> <ul style="list-style-type: none"> • Mr Tomas Balzaravicius and Mr Audrius Stalioraitis had been joint owners of the premises in the past and both of their names had been listed on a Food Registration Form; • Miss Aurika Zukauskiene had been registered as the Designated Premises Supervisor (DPS) and the Premises Licence Holder; • Following a review application served by Trading Standards on 29 June 2011 the licence had been surrendered; • Mrs Evelina Balzakeviciene was not known to Trading Standards prior to the current application; • Historically, there had been three seizures of illicit goods undertaken at the premises; • Mr Audrius Stalioraitis had stated that the business had been under 50/50 control between himself and Mr Tomas Balzaravicius; • Both of the gentlemen had previously been interviewed under caution; • There was a signed officer witness statement which identified that Mr Tomas Balzaravicius had been on the premises during an officer's visit; • A food inspection had been carried out at the premises previously and Environmental Health had stated that Mr Tomas Balzaravicius was involved with the premises. Mr Balzaravicius had denied this; • Mr Tomas Balzaravicius had taken over full control of the premises on 1 July 2012, however there was no official paperwork trail to

support this;

- The premises would have to be registered with Environmental Health as a food store. The premises name had changed to 'Adam's Fresh Meat';
- The question of ownership and responsibility for the premises was confusing and it could not be categorically specified.

Mr Adrian Day addressed the Sub-Committee and provided an overview of the objections raised to the application by the Licensing Authority. The key points raised were as follows:

- Crimes had previously been committed on the premises and the same people involved with those crimes were suspected of being involved with the premises at the current time;
- No documents highlighting the transfer or sale of the premises had been produced. This could be construed as being either obstructive or as showing a lack of business acumen;
- The Applicant should be demonstrating that they were aware of business procedures and protocols;
- How much involvement would Mrs Evelina Balzakeviciene really have with the premises;
- The stated conditions, particularly those in relation to the 'Protection of Children from Harm' objective, demonstrated a lack of understanding of the objectives purpose;
- The application form did not appear as if it had been completed with the Applicant's input.

Sgt. Paul Sanders addressed the Sub-Committee and provided an overview of the objections raised to the application by Cambridgeshire Constabulary. The key points raised were as follows:

- The premises was known to the Police and there had been a number of issues in the past;
- The Police had visited the premises on 22 May 2012 and Mr Audrius Stalioraitis had stated that the business had been under 50/50 control between himself and the Applicant until the middle of June 2012 after which time he would hand over full control of the business to the Applicant;
- During the visit undertaken on 22 May 2012, a number of food items were found to be out of date;
- Mr Stalioraitis had mentioned that the Applicant was a friend;
- It had been identified that a Food Registration Form dated October 2010 had the business operators listed as both Mr Audrius Stalioraitis and Mr Tomas Balzaravicius;
- Mr Tomas Balzaravicius had been present at an interview at the store when the Police had attending with the Regulatory Officer and he had stated that he would be working in the store;
- Cambridgeshire Constabulary had made representation against the application on the grounds of 'Crime and Disorder' and 'Public Safety';
- The way the application had been filled in had demonstrated that selling alcohol was just a means to make money.

The Sub-Committee and the Responsible Authorities questioned Mr David

	<p>Povilonis on a number of issues and responses were given as follows:</p> <ul style="list-style-type: none"> • Mr Tomas Balzaravicius was not involved in the application, hence him not being present at the hearing; • Food Shop was a trade name and Mrs Evelina Balzakeviciene was acting as a sole trader. The business had yet to be VAT registered; • The Applicant had input in the completion of the application form; • Mr Audrius Stalioraitis was no longer involved in the business and was not working at the premises; • Mr Povilonis was the accountant for Mr Tomas Balzaravicius and he had known him for five years; • There was no evidence that Mr Tomas Balzaravicius had been involved in the previous business; • If the premises licence was granted, it could be controlled by conditions. <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions and there were no further comments made.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant / Applicant’s Representative</u></p> <p>Consideration was given to the application submitted by Mrs Evelina Balzakeviciene. An email had also been submitted by the Applicant’s Representative, Mr David Povilonis stating who the owners of the business were to be.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • Statement from Trading Standards as a Responsible Authority; • Statement from the Licensing Authority as a Responsible Authority; and • A letter from Cambridgeshire Constabulary as a Responsible Authority. <p>A written statement had also been submitted from the Director of Public Health.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • Email from Councillor Ed Murphy; and • Letter from a local resident.
<p>3.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><u>Issue 2</u></p>

	<p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Protection of Children from Harm' 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> <ul style="list-style-type: none"> • There had been recent history that illegal sales of tobacco and alcohol had taken place; • There had been a recent failed test purchase at the premises; • The Sub-Committee was not satisfied that the 'controlling mind' behind the business could be identified; • The business was not, and had not been, operated responsibly; • More weight had been attached to those submissions made by the Responsible Authorities and Other Persons than to those submitted by the Applicant; • The Sub-Committee believed that Mr Tomas Balzaravicius had had control of, or influence in, the business prior to June or July 2012. <p><u>Decision</u></p> <p>The decision of the Sub-Committee was therefore not to grant the premises licence.</p> <p>In making its determination, the Sub-Committee had regard to the fact that the Applicant had not been present at the hearing and this had placed the Applicant's Representative in a difficult position.</p> <p>Having the benefit of a premises licence meant that there were certain responsibilities that came with that licence. The Sub-Committee remained unconvinced that the Applicant would be able to run the business as a licensed premises and therefore the granting of a licence would not have been appropriate for the promotion of the three Licensing Objectives, those being 'the Prevention of Crime and Disorder' 'the Prevention of Public Nuisance' and the 'Protection of Children from Harm'.</p> <p>The decision was suspended for 21 days to allow for appeal to the Magistrate's Court.</p>

Chairman
13.30pm – 15.05pm

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Wednesday 8 August 2012

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 – Seven Eleven, 335 Lincoln Road, Peterborough, PE1 2PF
3.1 Application Reference	064478
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Saltmarsh
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Seven Eleven PL Limited
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p>There had been no previous licence to sell alcohol at the premises and the premise was to be used as a general store and off licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises Monday to Saturday 09.00am to 21.00pm Sunday 10.00am to 20.00pm • Hours premises are open to the public Monday to Saturday 09.00am to 21.00pm Sunday 10.00am to 20.00pm <p><u>Summary of New Premises Licence Application</u></p> <p>The application had been submitted to the Licensing Authority on 15 June 2012 and had been forwarded to the required Responsible Authorities by the Licensing Department in accordance with the regulations and Section</p>

	<p>8.24 of Guidance.</p> <p>Representations had been received from Cambridgeshire Constabulary and Peterborough City Council Licensing Authority in their capacity as Responsible Authorities. A period of mediation had taken place which had resulted in the withdrawal of the representation made by Peterborough City Council Licensing Authority, this being in response to the Applicant agreeing to a number of additional mediated conditions. However, the Applicant had not agreed to a reduction in hours during which they wished to sell alcohol, as per the representation received from Cambridgeshire Constabulary. This was therefore the only issue for determination by the Licensing Act 2003 Sub-Committee.</p> <p>A summary of the issues raised by Cambridgeshire Constabulary included:</p> <ul style="list-style-type: none"> • The premises was located centrally within the Operation CAN-do area; and • Granting the licence would contribute to an increase in anti-social behaviour and violent behaviour in the area. <p>There had been no further representations made by any of the remaining Responsible Authorities and furthermore, there had been no representations received from any Other Persons.</p> <p>The Applicant's proposed conditions, including mediated conditions, under the four licensing objectives, these being 'The Prevention of Public Nuisance', 'Public Safety', 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm', were detailed within the application form and further outlined within the Sub-Committee report. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions had been interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the Licensing Objectives had been included within the Operating Schedule.</p>
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder
3.7 Parties/Representatives and witnesses present	<p><u>Applicant / Applicant's Representative</u></p> <p>Mrs Monika Borkoloska.</p> <p><u>Responsible Authorities</u></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations or decisions taken by the Sub-Committee relating to ancillary matters.
3.9 Oral representations	The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.

Applicant / Applicant's Representative

Mrs Monika Borkoloska addressed the Sub-Committee. The key points raised during her address and following questions from the Sub-Committee and the Responsible Authority, were as follows:

- The hours which had been requested for the sale of alcohol were to keep in line with the hours the premises were open to the public;
- There were a number of premises trading along Lincoln Road that were open until 02.00am in the morning. The hours requested for the licence were therefore reasonable;
- Mrs Borkoloska had many customers visit her shop after 20.00pm, if her hours were refused, she would be unable to sell alcohol during this busy time;
- Mrs Borkoloska had been running the shop for a year in June 2012 and had another shop situated in the city centre;
- The business was struggling without the sale of alcohol.

Responsible Authority – Cambridgeshire Constabulary

PC Grahame Robinson addressed the Sub-Committee and provided an overview of the objections raised to the application by Cambridgeshire Constabulary. The key points raised were as follows:

- The representation submitted by Cambridgeshire Constabulary, although fair and impartial, reflected the ongoing problems in the Millfield area;
- The premise was a mid-terrace property situated centrally within the Operation CAN-do area. It was located within a densely occupied retail area with residential properties nearby;
- Operation CAN-do had been designed to improve the quality of life of people living and working in the Gladstone area of Central Ward, Millfield and New England;
- The operation had wide support from a number of organisations and agencies;
- The area had been specifically identified as having disproportionately high levels of community tension, crime, anti-social behaviour, dissatisfaction from all communities, and in particular, alcohol and licensing issues;
- There was a direct correlation between the location of licensed premises and reports of noise, littering, violence and other forms of anti-social behaviour;
- The area immediately around 335 Lincoln Road was already saturated with alcohol retail premises;
- There had been a high number of alcohol related incidents and violent crime incidents in the Park Ward and Central North Ward localities in the period between 1 June 2011 and 1 July 2012;
- Operation CAN-Do officers were confiscating alcohol on a daily basis from people drinking in the Lincoln Road area despite the area being under a Designated Public Place Order (DPPO);
- Evidence showed that if the application is granted as applied for it could contribute considerably towards the impact street drinkers had within the area mainly in the early morning and late at night;
- The Licensing Authority had encouraged new premises license

	<p>applicants to amend and reduce their hours of sale of alcohol to 18.00pm. This has been positively adopted by all recent applicants;</p> <ul style="list-style-type: none"> • It was requested that the applied licensable hours of 09:00am to 21:00pm Monday to Saturday and 10:00am to 20:00pm on Sunday (as per application) be reduced to 09:00am to 18:00pm – Monday to Saturday and 10:00 to 18:00pm on Sundays. <p><u>Summing Up</u></p> <p>Both parties were given the opportunity to summarise their submissions.</p> <p><u>Responsible Authority – Cambridgeshire Constabulary</u></p> <p>PC Grahame Robinson stated that the representation submitted was fair and proportionate in relation to the serious ongoing issues in the Millfield area. There were no issues in relation to the Applicant and the acceptance of the additional conditions specified was appreciated, however the Applicant was urged to recognise the issues in the area and to continue working with the authorities to help turn the area into a better safer place for the community.</p> <p><u>Applicant / Applicant’s Representative</u></p> <p>Mrs Borkoloska stated that there were many other premises selling alcohol until late into the night in the area and if her hours were not granted she would lose custom.</p>
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant / Applicant’s Representative</u></p> <p>Consideration was given to the application submitted by Seven Eleven PL Limited.</p> <p><u>Responsible Authority – Cambridgeshire Constabulary</u></p> <p>Consideration was given to a letter from Cambridgeshire Constabulary as a Responsible Authority detailing additional requested conditions and variations to the times applied for in relation to the sale of alcohol.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Prevention of Crime and Disorder’ 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 also considered all of the various options available, those being:</p> <ul style="list-style-type: none"> • Not to grant the premises licence; • To grant the premises licence with additional conditions or a reduction in hours; and • To grant the premises licence as applied for.

Although the Sub-Committee fully supported the ethos of Operation CAN-do, it was in the opinion of the Sub-Committee that there was no evidential basis sufficient to justify a rejection of the new premises application or a reduction in the proposed hours. It was therefore in the view of the Sub-Committee that the hours applied for were not unreasonable for the area.

Decision

The decision of the of the Licensing Act 2003 Sub-Committee was therefore to grant the application as applied for, along with the mediated conditions proposed by Cambridgeshire Constabulary, with the exclusion of the condition relating to the licensable hours.

- The sale of alcohol for consumption off the premises to be:

Monday to Saturday 09.00am to 21.00pm

Sunday 10.00am to 20.00pm

- The hours the premises are open to the public to be:

Monday to Saturday 09.00am to 21.00pm

Sunday 10.00am to 20.00pm

Additional Conditions Proposed by Cambridgeshire Constabulary

1. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand.
2. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
3. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the shop and made available to Police, Council and HMRC Officers upon request.
4. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
5. A ultra-violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.
6. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and HMRC as soon as possible.

7. CCTV recording equipment shall be installed and associated cameras will be maintained once a week, and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon demand.
8. CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.
9. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
10. A means of two way communication will be maintained between the premises and the local Police or CCTV monitoring centre to report incidents.
11. No customers will be admitted, or permitted to leave with open vessels or bottles of alcohol.
12. No alcohol shall be consumed on the premises.
13. The premises license holder will be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
14. No single vessel of beer, lager or cider to be offered for sale.
15. No beer, lager or cider beverage above 6.5% abv to be displayed or offered for sale.
16. All alcohol must be displayed from behind the counter and therefore not accessible to the public.
17. No alcohol to be stored in any area of the premises where the public have access.
18. A refusals log must be kept and made available to an authorised officer upon request.
19. Any persons selling alcohol must be trained and the relevant training records kept up to date.
20. Regular staff training must be carried out in relation to the sale of alcohol and training records updated.
21. Where the DPS is not on site, a specific member of staff must be specified as responsible for the sale of alcohol.

The Sub-Committee was satisfied that the mechanism for reviewing licences was robust and understood that should any issues arise in the future, the licence would be brought back for subsequent review.

Cambridgeshire Constabulary appeared to have a good working relationship with the Designated Premises Supervisor and the Sub-committee hoped that this would continue going forward and a continuation of dialogue was expected between the parties, not only to resolve any issues but to continue and progress the objectives of Operation CAN-Do which were being promoted within the area.

Any Responsible Authority or Other Person, who made relevant representation within the statutory period, could appeal this decision to the Peterborough Magistrates Court, within 21 days of the date of the decision.

Chairman
9.30am – 11.00am

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Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Friday 12 October 2012

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	Variation to Premises Licence – Mini Market, 415 Lincoln Road, Peterborough, PE1 2PF
3.1 Application Reference	MAU 065235
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Iftikhar Usman
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Variation to existing premises licence.</p> <p><u>Summary of Variation Application</u></p> <p>An application had been submitted by Mr Iftikhar Usman to vary the licence for Mini Market, 415 Lincoln Road, Peterborough, PE1 2PF.</p> <p>The application requested the following:</p> <ul style="list-style-type: none"> i) To increase the hours authorised to sell alcohol from 10.00am until 20.00pm to 08.00am until 02.00am; ii) To remove condition 16 – ‘No alcohol shall be consumed on the premises’; iii) To remove condition 20 – ‘No alcohol shall be consumed on the premises’; and iv) To remove condition 18 – ‘No single vessel of beer, lager or cider to be offered for sale’. <p>Representations against the application had been received from Cambridgeshire Constabulary, the Licensing Authority, Peterborough City Council Planning Department, the Local Health Authority and Peterborough City Council’s Noise Pollution Team in their capacity as Responsible Authorities. The representation from the Noise Pollution Team had subsequently been withdrawn following mediation.</p>

	<p>There had been numerous representations received from Other Persons, these being the Millfield and New England Regeneration Partnership (MANERP), the Victoria Park Resident's Association and the Operation CAN-do Neighbourhood Delivery Team (NDT). These three organisations represented the interests of local residents in the area. A representation had also been received from a local Councillor and 30 local residents who signed to acknowledge the Councillors representation. A further two representations have been received from local residents.</p> <p>Representations in support of the application had been received from eleven local residents. The applicant's agent has also produced a 'supporting documentation' pack. Contained within this document were a further three letters of support for the application and a petition signed by 109 persons stating that they supported the application.</p>
3.6	<p>Licensing Objective(s) under which representations were made</p> <p>1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance</p>
3.7	<p>Parties/Representatives and witnesses present</p> <p>Not applicable.</p>
3.8	<p>Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p> <p>There were no pre-hearing considerations or decisions taken by the Sub-Committee relating to ancillary matters.</p>
3.9	<p>Oral representations</p> <p>The Regulatory Officer addressed the Sub-Committee and advised that mediation between the Applicant's Agent and those that had made representations against the application had been ongoing and had ultimately been successful.</p> <p>It was therefore advised that a hearing was no longer required to determine the application.</p>
3.10	<p>Written representations and supplementary material taken into consideration</p> <p>Not applicable.</p>
3.11	<p>Facts/Issues in dispute</p> <p>Not applicable.</p>
4.	<p>Decision</p> <p>The application had been successfully mediated and therefore the Sub-Committee was no longer required to consider the application.</p>

Chairman
9.30am – 9.40am

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Friday 9 November 2012

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 – Tesco Stores Ltd, Wistow Way, Peterborough, PE2 6XN
3.1 Application Reference	065754
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Jamil
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Alex Daynes, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Tesco Stores Ltd
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> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises Monday to Sunday 06.00 to 23.00 • Hours premises are open to the public Monday to Sunday 06.00 to 23.00 <p><u>Summary of New Premises Licence Application</u></p> <p>The application was submitted to the Licensing Authority on 20 September 2012 and to the required Responsible Authorities by the Applicant in accordance with the regulations and section 8.30 of Guidance.</p> <p>Representations had been received from three local residents in their capacity as Other Persons. A summary of issues raised by these Other Persons included:</p> <ul style="list-style-type: none"> • Granting the licence would contribute to anti-social behaviour and violent behaviour in the area;

	<ul style="list-style-type: none"> • Increase in traffic and parking issues at the Napier place precinct; • Increase in litter and vandalism; and • Close proximity to primary school. <p>No representations had been received from any of the Responsible Authorities.</p> <p>The Applicant's proposed conditions under the Licensing Objectives were detailed within the application and were outlined within the Sub-Committee report. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions had been interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the licensing objectives had been included in the Operating Schedule.</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 Protection of Children from Harm 3. The Promotion of Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>Applicant / Applicant's Representative</u></p> <p>Mr Craig Baylis, the Applicant's Solicitor and Mr Paul Roberts, the store manager.</p> <p><u>Other Persons</u></p> <p>Mr Michael Keogh, who made representation against the application.</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 or decisions made by the Sub-Committee.</p>
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 / Applicant's Representative</u></p> <p>Mr Craig Baylis addressed the Sub-Committee on behalf of the Applicant. The key points raised during his address and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> • Tesco utilised a Challenge 25 system for alcohol sales; • A members of staff would routinely patrol the outside of the store; • Adequate car parking was in place; • Internal and external CCTV coverage; and • Regular staff training on licensing objectives and procedures. <p><u>Other Persons</u></p> <p>Mr Michael Keogh 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"> • Local opposition to the store;

	<ul style="list-style-type: none"> • Insufficient parking spaces available; • The store would act as a magnet for anti-social behaviour; and • Alcohol already sold nearby. <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>Mr Craig Baylis highlighted that there had been no representations from the Responsible Authorities against the application. If significant problems arose, the licence could be reviewed.</p>
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant / Applicant’s Representative</u></p> <p>Consideration was given to the application submitted by Tesco Stores Ltd.</p> <p><u>Other Persons</u></p> <ul style="list-style-type: none"> • Letter from Mr Kenneth Campbell, local resident against the licence; and • Email from Mrs Janet Kirk against the opening hours; • Letter and oral representation from Mr Michael Keogh against the application.
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Protection of Children from Harm’ 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> <ul style="list-style-type: none"> • Any future parking issues could be reviewed if needed; • Representations received were more focused on the store than the licence; • Representations received were not enough to amend the sale of alcohol hours compared to store opening hours; • Representations about increases to antisocial behaviour could not be considered as there was no evidence to support it. <p>The Sub-Committee was satisfied that the mechanism for reviewing licenses was robust and understood that should any issues arise in the</p>

	<p>future in relation to Public Nuisance caused by issues such as antisocial behaviour and car parking and in relation to Protection of Children from Harm such as underage alcohol sales, the licence could be brought back for subsequent review.</p>
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	<p>Any Other Person, who made relevant representation within the statutory period, could appeal the decision to the Peterborough Magistrates Court, within 21 days of the date of the decision.</p>
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Chairman
13.30pm – 15.05pm

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on 3 December 2012

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 – Central Food, 176 Lincoln Road, Peterborough, PE1 2NW
3.1 Application Reference	MAU 065897
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Serluca Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Ergin Tasci
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p>There had been no previous licence to sell alcohol at the premises.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises Monday to Sunday 08.30am to 00.00am Bank Holiday Sundays / Christmas Eve / New Years Eve & Good Friday 08.30am to 03.00am • Hours premises are open to the public Monday to Sunday 08.30am to 00.00am Bank Holiday Sundays / Christmas Eve / New Years Eve & Good Friday 08.30am to 03.00am <p><u>Summary of New Premises Licence Application</u></p> <p>The application had been submitted to the Licensing Authority on 17 October 2012 and had been forwarded to the required Responsible Authorities by the Licensing Department in accordance with the regulations and Section 8.24 of Guidance.</p>

	<p>Representations had been received from Cambridgeshire Constabulary, the Licensing Authority and the Local Health Authority in their capacities as Responsible Authorities. There had been no further representations made by any of the remaining Responsible Authorities.</p> <p>There had also been representations received from Other Persons, these being the Millfield and New England Regeneration Partnership (MANERP), a local Councillor acting in his capacity as both a Ward Councillor and as Secretary of the Victoria Park Resident's Association and the Operation CAN-do Neighbourhood Delivery Team.</p> <p>Further representation had been received from a local resident containing a petition which was disregarded as it had not been provided in the correct format.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • An increase in anti-social behaviour in the area; • An increase in crime in the area; • An increase in street drinking in the area; and • The negative impact on the principles of the Operation CAN-do initiative. <p>The Applicant's proposed conditions, including mediated conditions, under the four licensing objectives, these being 'The Prevention of Public Nuisance', 'Public Safety', 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm', were detailed within the application form. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions were to be interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the Licensing Objectives would be included within the Operating Schedule.</p>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Applicant's Representative</u></p> <p>Mr Ergin Tasci, the Applicant, who was represented by Mr David Dadds, Solicitor.</p> <p><u>Responsible Authorities</u></p> <p>Sgt. Stuart Saunders, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p>Mr Peter Gell, Strategic Regulatory Services Manager, who presented the case on behalf of Peterborough City Council.</p> <p><u>Other Persons</u></p> <p>Ms Cate Harding, Neighbourhood Manager, Peterborough City Council.</p> <p>Councillor John Shearman, Park Ward Councillor and Secretary of the Victoria Park Resident's Association.</p> <p>Mr Brian Gascoyne, Millfield and New England Regeneration Partnership</p>

	(MANERP).
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations to be determined by the Sub-Committee.
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 / Applicant's Representative</u></p> <p>Mr David Dadds addressed the Sub-Committee and in the first instance stated that there was an amendment to the hours requested in the application, this being as follows:</p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises <p style="padding-left: 40px;">Monday to Sunday 08.30am to 22.30pm</p> <p>The hours the premises were open to the public was to remain as per the original application.</p> <p>Mr Dadds addressed the points raised within the representations received against the application and the key points highlighted during his address and following questions from the Sub-Committee and the Responsible Authorities, were as follows:</p> <ul style="list-style-type: none"> • The incidents reported to the Police where assistance had been expected for postcode area PE1 2PH could not all be directly attributed to 317 Lincoln Road, a second premises owned and operated by Mr Tasci. Where incidents had been related directly to the premises, positive steps had been taken, including reporting incidents to the Police; • A number of incidents directly relating to the premises had involved a specific individual known to the Police, who had a banning order of the city in certain areas; • The incidents outlined in relation to the premises at 317 Lincoln Road, were in any event, not relevant to the application to be determined by the Sub-Committee; • In relation to the Police Crime Data Analysis, it was difficult to understand without provision of a terms of reference and alcohol related offences averaged at around two a week; • The incidents arising appeared to occur later on a Friday and Saturday night, this would fit more with on premises pubs, bars and restaurants and not off licences due to a lack of a trend throughout the week; • The Police data for the last six months, from St Martins Street to Cobden Avenue was outlined including three burglaries, one drug related incident, one violent crime, one motor vehicle crime and two reports of anti-social behaviour. From these incidents, it was impossible to determine which were directly related to alcohol; • There was no Cumulative Impact Policy for the area; • A judgement on an application should be evidence based, as stated in both National and Council guidance; • The Police had not evidenced that the incidents related to alcohol; • The additional conditions specified by Cambridgeshire

Constabulary in their representation where agreeable with the Applicant apart from:

- i) The start time outlined in the first condition;
- ii) The removal of the words 'Local Authority' from condition six in relation to the provision of CCTV footage as requested;
- iii) The removal of condition eight in relation to maintaining an operational daily CCTV log;
- iv) The inclusion of a specified timescale within condition nine for reporting a technical failure of the CCTV equipment;
- v) The removal of condition 11 in its entirety;
- vi) The removal of condition 14 in its entirety;
- vii) The removal of condition 15 in its entirety;
- viii) The removal of condition 16 in its entirety.

- The Police had not provided any data specifically relating to off licences and the impact they would have on the Licensing Objectives;
- You wouldn't expect the Licensing Authority to act as a Responsible Authority where representations had been received from other parties and the representation made reference to guidance that was no longer in date;
- The change in hours was for each day of the year and any specific notable dates would be dealt with via a temporary event notice should the need arise;
- The Police had not evidenced why the store should not be opened until 10.00am.

Responsible Authorities – Cambridgeshire Constabulary

Sgt. Stuart Saunders addressed the Sub-Committee and provided an overview of the objections raised to the application by Cambridgeshire Constabulary. The key points raised during his address and following questions from the Sub-Committee and the Applicant's Representative, were as follows:

- The Police objected to the granting of a licence in principle due to the number of incidents relating to the premises. Although there were a number of incidents following which positive action had been taken by the Applicant, this did not counteract the fact that there had been repetitive occurrences, particularly in relation to the known individual;
- Another licensed premise in the area would increase the problem of street drinking and nuisance individuals gathering in specific locations. This would impact on the Licensing Objectives;
- To provide evidence for a new premises application was extremely difficult;
- Opening another licensed premise in an area that already had 80 plus licences premises, would have an impact on all of the Licensing Objectives, whether small or significant;
- The CAN-do area was highly diverse in its cultures and was one of the busiest areas in Peterborough;
- There had been a small decrease in crime and anti-social behaviour since Operation CAN-do had been implemented and increasing the number of licensed premises in the area would go against all the hard work undertaken;
- Although the decrease in crime for the area was a good news story,

the National statistics showed that there had been a decrease in crime nationally;

- There had been grants of alcohol licences at the same time as there had been a decrease in crime in the area;
- The plan which had been submitted, showing the layout of the shop, detailed one area where alcohol could not be secured outside of licensed hours. Should the Police conditions requesting this be accepted, the plan would need to be revised;
- A 10.00am start in the area was viewed as being suitable, particularly in relation to children walking past.

Other Persons – Councillor John Shearman

Councillor John Shearman addressed the Sub-Committee on behalf of the residents living in the area of Park Ward surrounding the Lincoln Road area and also on behalf of the Victoria Park Residents Association. The key points raised during his address and following questions from the Sub-Committee and the Applicant's Representative, were as follows:

- In terms of the Prevention of Public Nuisance, the general feeling of local residents was that there were too many alcohol outlets in the area;
- It was difficult to prove that opening another store would have a detrimental effect on the area;
- It was recognised that there was not a Cumulative Impact Policy currently in place in Peterborough;
- Many members of the community felt intimidated both in the daytime and evening walking through the area;
- Many residents would not go out at night, due to the number of people drinking and congregating along footpaths, blocking the way;
- Every morning the area along Taverners Road down towards the Triangle, there are people from Enterprise cleaning up the streets of faeces, urine and vomit;
- The store owner applying for the new premises licence could not be held accountable for that, however an increase in the licensed premises in the area, even by one, would only exacerbate the situation;
- Councillor Shearman was in regular contact with the Neighbourhood Delivery Team in relation to problems in the area.

Other Persons – Mr Brian Gascoyne

Mr Brian Gascoyne addressed the Sub-Committee and the key points raised during his address and following questions from the Sub-Committee and the Applicant's Representative, were as follows:

- Operation CAN-do would not be in operation at all had there not been problems in the area;
- The situation in the area, particularly in relation to people being drunk in the street, was a day to day problem for local residents and affected them considerably;
- In 2005 there were only 16 places you could purchase alcohol along Millfield, this had risen to around 80 and with it an increase in anti-social behaviour and drunken behaviour;
- Whilst it was conceded that the Sub-Committee had to act within the law, the residents of the area should not be overlooked and

forgotten.

Other Persons – Ms Cate Harding

Ms Cate Harding addressed the Sub-Committee and stated that she did not wish to reiterate the points contained within the representation made by the Neighbourhood Delivery Team, but she was available to answer any questions relating to Operation CAN-do.

Summing Up

All parties were given the opportunity to summarise their submissions.

Responsible Authority – Cambridgeshire Constabulary

Sgt. Stuart Saunders stated that the application, within the CAN-do area, was objected to as another licensed premises would contribute significantly to the ongoing problems of crime and disorder and public nuisance, and that being irrespective of the good work undertaken by the Applicant.

Other Persons

There were no further comments made by any of the Other Persons present.

Applicant / Applicant's Representative

Mr Dadds stated that it was the responsibility of the Sub-Committee to work within the law and decisions must be based on evidence. Undue weight must not be given to local politics or local knowledge rather than on the facts before the Sub-Committee.

There had only been two recorded incidents of anti-social behaviour between St Martins Street and Cobden Avenue within the last six month period.

The analysis report from the Police contained no methodology and it did not distinguish the different types of premises. There also appeared to be an upward trend at the weekends which indicated that the issues were more conducive with on-sale premises rather than off-sale premises.

There had been no complaints made to the Environmental Health Department by the Ward Councillor and there were no individual letters of representation made by residents.

The CAN-do area was being tackled by a multi-agency partnership, working towards tackling a number of issues within the community.

In relation to the crime data provided, the hours requested would not undermine the Licensing Objectives.

There had been a grant of other licences in the area whilst there also being a drop in crime. There was therefore not a direct correlation between more licences being granted and an increase in crime.

Mr Tasci ran his businesses responsibly and the Sub-Committee were to be mindful that for any condition to be imposed there had to be evidence

	supporting its need.
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant / Applicant's Representative</u></p> <p>Consideration was given to the application submitted by Mr Ergin Tasci as well as a supporting three page statement and related appendices, dated 21 November 2012.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • The representation submitted by Cambridgeshire Constabulary as a Responsible Authority. This representation included 16 recommended conditions including a variation to the times applied for in relation to the sale of alcohol; • The representation submitted by the Licensing Authority in their capacity as a Responsible Authority; • The representation submitted by the Local Health Authority in their capacity as a Responsible Authority. <p><u>Other Persons</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • The representation submitted by the Millfield and New England Regeneration Partnership (MANERP); • The representation submitted by Councillor John Shearman in his capacity as a Park Ward Councillor and Secretary of the Victoria Park Resident's Association; • The representation received from the Operation CAN-do Neighbourhood Delivery Team (NDT); and • The representation received from a local resident.
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Protection of Children from Harm' Licensing Objective.</p>

4. Decision

The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application, the additional supporting statement received from the Applicant and all of the representations and verbal submissions made in relation to it. The Sub-Committee also considered all of the various options available, those being:

- Not to grant the premises licence;
- To grant the premises licence with additional conditions and/or a reduction in hours; and
- To grant the premises licence as applied for.

Although the Sub-Committee fully supported the ethos of Operation CAN-do, it was in the opinion of the Sub-Committee that there was no evidential basis sufficient to justify a rejection of the new premises application or a reduction in the proposed hours. It was therefore in the view of the Sub-Committee that the hours applied for were not unreasonable for the area.

Decision

The decision of the Licensing Act 2003 Sub-Committee was therefore to grant the application as applied for, along with the imposition of additional conditions as proposed by Cambridgeshire Constabulary.

- The sale of alcohol for consumption off the premises to be:

Monday to Sunday 08.00am to 22.30am

- The hours the premises are open to the public to be:

Monday to Sunday 08.00am to 22.30am

Conditions proposed by Cambridgeshire Constabulary

1. Alcohol sales will be between the hours of 08:30am and 22:30pm daily, and all alcohol will be secured from public view outside of these hours.
2. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand.
3. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall encompass all entrances and exits to the premises, fire exits and all areas where the sale / supply of alcohol occurs.
4. CCTV equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on demand.
5. The Premises License Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and

competent at downloading CCTV footage in a recordable format to the Police on demand.

6. The recording equipment and discs / usb pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
7. In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority as soon as possible and within 12 hours.
8. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
9. No customers will be admitted, or permitted to leave with open vessels or bottles of alcohol.
10. The premises license holder will be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.

The Sub-Committee was satisfied that the mechanism for reviewing licences was robust and that should any issues arise in the future, the licence would be brought back for subsequent review.

Cambridgeshire Constabulary appeared to have a good working relationship with the Designated Premises Supervisor and the Sub-committee hoped that this would continue going forward and a continuation of dialogue was expected between the parties, not only to resolve any issues but to continue and progress the objectives of Operation CAN-do which were being promoted within the area.

Any Responsible Authority or Other Person who made relevant representation within the statutory period, could appeal this decision to the Peterborough Magistrates Court, within 21 days of the date of the decision.

Chairman
13.30pm – 16.30pm

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LICENSING COMMITTEE	AGENDA ITEM No. 4
21 JANUARY 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Neighbourhoods, Housing and Planning	
Contact Officer(s):	Peter Gell, Strategic Regulatory Services Manager Adrian Day, Licensing Manager Kerry Leishman, Licensing Development Officer	Tel. 453419 Tel. 454437 Tel. 453502

CUMULATIVE IMPACT POLICY, LATE NIGHT LEVY & EARLY MORNING RESTRICTION ORDERS

RECOMMENDATIONS	
FROM : Strategic Regulatory Services Manager	Deadline date: April 2013
The Committee is requested to:	
<ol style="list-style-type: none"> 1. Determine whether Officers should proceed with a review of the Statement of Licensing Policy to include a Cumulative Impact Policy within the Operation CAN-do area, due to the increasing concerns of Council Officers, Responsible Authorities and the local community of the impact on the Licensing Objectives; and 2. Note the contents of the report and agree to the further work required to identify what the viable options are when introducing Early Morning Restriction Orders and a Late Night Levy following initial consultation with the Chief Officer of Police and the Cambridgeshire Police and Crime Commissioner. 	

1. ORIGIN OF REPORT

- 1.1 This report is as a result of initial concerns from officers of the council, Responsible Authorities and the local community within the Operation CAN-do area, of the impact on the promotion of the Licensing Objectives due to the perceived saturation of licensed premises within the specific area of the city.
- 1.2 The Licensing Act 2003, as amended by the Police Reform and Social Responsibility Act 2011, (“the 2011 Act”) gives a Licensing Authority the power to make an Early Morning Restriction Order (“EMRO”) if it considers it appropriate for the promotion of the Licensing Objectives. The 2011 Act also conferred on Licensing Authorities a power to introduce a Late Night Levy (“LNL”) enabling authorities to charge a levy to persons who are licensed to sell alcohol late at night.

2. PURPOSE AND REASON FOR REPORT

- 2.1 To consider and note the contents of the report and to seek authority to consult with those bodies specified in Section 5(3) of the Licensing Act 2003 as to the implementation of a Cumulative Impact Policy (CIP) within the Operation CAN-do area attached as **Appendix A**, with a view to coming back to the Licensing Committee for a decision on whether to recommend to Council to adopt a CIP.
- 2.2 To outline the new powers available to Peterborough City Council to make Early Morning Restriction Orders (EMROs) and to outline the new powers to Peterborough City Council to impose Late Night Levies (LNLs) to enable the Licensing Committee to make an informed decision as to whether to authorise the future work as required when deciding on the implementation of either or/and EMROs and LNLs.
- 2.3 This is for the Committee to consider under its terms of reference No. 2.4.1.7 “ to monitor and review policy relating to licensing matter and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes.

3. **TIMESCALE**

Is this a Major Policy Item?	YES (if approved, will form part of the Statement of Licensing Policy)
Date for Relevant Council Meeting	April 2013

4. **BACKGROUND OF CUMULATIVE IMPACT POLICY**

- 4.1 Cumulative impact is not specifically mentioned in the Licensing Act 2003, but means, in the guidance issued under s.182 of the Act, the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises that are concentrated in one area and is a proper matter for the Licensing Authority to consider in developing its Statement of Licensing Policy. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and is not a matter for the Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.
- 4.2 Any CIP implemented would be an amendment to Peterborough City Council’s Statement of Licensing Policy and would need to be reviewed regularly to assess whether they are needed any longer or if those which are contained in the CIP should be amended.
- 4.3 A CIP may be implemented for a designated area (or areas) where the Licensing Authority considers it appropriate to deal with problems arising from licensed premises in that area. These problems may not necessarily be experienced in the vicinity of such premises.
- 4.4 In some areas, where the number, type and density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises.
- 4.5 Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 4.6 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery.
- 4.7 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises.
- 4.8 The effect of adopting a CIP of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates, which are likely to add to the existing cumulative impact, will normally be refused subject to certain limitations, following relevant representations, unless the application can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the Licensing Objectives. If an application does not attract representations, it is deemed granted.
- 4.9 Where applications are refused under the CIP, appeals may be made to the Magistrate’s Court which could, if it chose to do so, exercise its discretion to grant the application or depart from the CIP (though the court would be expected to give reasons for doing so). Furthermore, the establishment of a CIP is susceptible to judicial review.
- 4.10 Any problems experienced with individual premises in a designated area would still need to be dealt with by way of a review. The CIP cannot be used as justification for removing an existing licence, or reducing the hours authorised by that licence. It should therefore be noted that implementation of a CIP should not be expected to reduce problems arising from the night-time economy; rather, it should prevent problems from increasing further, and should be used in tandem with other strategic and enforcement tools available.

4.11 It should be noted that the Police Reform & Social Responsibility Act 2011 contains various provisions that have recently added to or changed the powers previously held by Licensing Authorities. They include the power for Licensing Authorities to make representations against applications and call for their own reviews. Such amendments change the scope that Licensing Authorities have in dealing with problems arising from specific licensed premises and the night time economy as a whole, therefore any consideration to implement a CIP should be seen in this wider context.

5. IMPLEMENTATION OF A CIP

5.1 The steps to be followed in considering whether to adopt a CIP within the Statement of Licensing Policy are outlined below:

- Evidence must be collated to support the decision to implement a CIP, including justification of the designation of a specific area(s) of saturation within the city;
- On the basis of the evidence, the Licensing Authority should produce a draft CIP to be considered initially by the Licensing Committee regarding whether to proceed;
- A full public consultation would be required;
- Following consultation, the draft CIP may be amended following representations, and should again be considered by the Licensing Committee regarding whether to recommend to Full Council to adopt;
- A date to commence the CIP must be agreed and subsequently publicised.

6. EVIDENCE TO SUPPORT THE CUMULATIVE IMPACT POLICY

6.1 Evidence would need to be collated to ensure that the CIP could stand up to judicial review. This could come from the Police, Environmental Protection, Community Safety or even Accident and Emergency figures.

6.2 The evidence would need to demonstrate that the problems being experienced are resulting from, or significantly attributed to, a pocket of licensed premises in any one area; but not specifically attributable to any licensed premises. Many other authorities that have implemented a CIP (as of February 2012 there were 158 CIP's implemented by other Licensing Authorities*) have used 2 years' worth of evidence to support their case.

6.3 Statistical evidence in support of a CIP might include but is not restricted to:

- An overview of licensed premises in a potential designated area, including a breakdown of nightclubs, pubs, takeaways etc;
- Proximity of licensed premises in a potential designated area(s);
- Levels of recorded crimes, showing a breakdown into types of crimes, levels of crime throughout the week and a breakdown of times of day;
- Levels of noise complaints;
- Potential of overall crimes and noise complaints that occur in potential designated area(s);
- Hotspot maps detailing crimes and noise complaints; and
- Accident and Emergency information or statistics.

6.4 The evidence gathered would naturally help to define which area(s) would need to be designated under the CIP; many authorities have used public roads as the defining boundary for the area(s) and would also identify the types of licensed premises to be included.

6.5 Following a recent review of service complaints received by the Licensing and Pollution Control Teams in relation to licensed premises in particular, officers of the council expressed concern over the perceived saturation of licensed premises within the Operation CAN-do area as indicated on Map 1 attached at **Appendix B**.

6.6 At the time of writing this report there are 119 licensed premises in the Operation CAN-do area, situated as indicated on Map 2 attached at **Appendix C**. 93 premises have the authorisation to sell alcohol of these 39 are off sales only, 31 are both on and off and 23 are on sales only. Of the remaining 26 premises, 2 are community halls and the rest are late night refreshment establishments (with the majority being takeaways).

6.7 Statistics compiled by the Safer Peterborough Partnership recently identified that within the Operation CAN-do area ASB behaviour recorded with an alcohol and drug related tags has seen a year on year increase as attached at **Appendix D**. It is advisable when interpreting these figures as

pro-active multi-agency operations will have an impact on the increased numbers It should be noted however that whilst there is an increase in the area as a whole which could be indicative of a concentrated growth; which may continue in the future, it could also be attributed to the confidence in reporting issues due to the increased awareness of Operation Can Do.

7. EARLY MORNING RESTRICTION ORDERS

7.1 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

7.2 An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the Licensing Authority's area;
- Will not apply to any premises on New Years Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars and/or room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

7.3 An EMRO can apply to the whole or part of the Licensing Authority's area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the Licensing Authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.

7.4 If the Licensing Authority already has a CIP in its statement of licensing policy, it should consider the relationship between the CIP and proposed EMRO area, and the potential overall impact on its local licensing policy.

7.5 If the Licensing Authority introduces an EMRO, it will apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period. Licensing Authorities will be required to advertise the proposal to make the EMRO and demonstrate that they have evidence to justify doing so, as well as considering representations, before its introduction.

7.6 The proposed EMRO when advertised should include a short summary of the evidence and manner in which representations can be made in the document as well as details of the proposed EMRO. The proposal must be advertised for at least 42 days ("days" means a period made up of any days and not only working days). The Licensing Authority must publish the proposal on its website and in a local newspaper. If no newspaper exists, it must be published in a local newsletter, circular or similar document. The Licensing Authority must also send a notice of the proposal to all affect people in its area. They are:

- Holders of (and applicants for) premises licences or club premises certificates to which the proposed EMRO would apply;
- Premises users in relation to TENs to which the proposed EMRO would apply;
- Those who have received a provisional statement in respect of a premises to which the proposed EMRO would apply

7.7 Licensing Authorities must, moreover, display a notice of the proposal in the area to which EMRO would apply, in a manner which is likely to bring the proposal to the attention of those who may have an interest in it.

7.8 Those who are affected by a proposed EMRO, Responsible Authorities or any Other Person have 42 days in which to make relevant representations. To be considered relevant, a representation must:

- Be about the likely effect of the making of the EMRO on the promotion of the Licensing Objectives;
- Be made in writing in the prescribed form and manner, setting out the EMRO to which it relates and the nature of the representation;
- Be received within the deadline; and
- If made by a person other than a Responsible Authority, not be frivolous or vexatious.

Representations can be made in relation to any aspect of the proposed EMRO. If a Licensing Authority decides that a representation is not relevant, it should consider informing the person who has made the representation.

7.9 Others may also wish to make representations about the proposed EMRO. These persons could include, but are not limited to:

- Residents;
- Employees of affected businesses;
- Owners and employees of businesses outside of the proposed EMRO area; and
- Users of the late night economy.

7.10 If a relevant representation or representations are received, the Licensing Authority must hold a hearing to consider them (unless the authority and anyone who has made representations agree that this is unnecessary). The Licensing Authority should consider, based on the number of relevant representation received by it and any other circumstances it considers appropriate, whether to hold the hearing over several days, which could be arranged to take place other than on consecutive working days.

7.11 The following key points apply in relation to a hearing about a proposed EMRO:

- The hearing must be commenced within 30 working days, beginning with the day after the end of the period during which representations may be made;
- The hearing does not have to take place on consecutive working days, if an authority considers this to be necessary to enable it to consider any of the representations made by a party or if it considers it to be in the public interest;
- A Licensing Authority must give its determination within 10 working days of the conclusion of the hearing; and
- The authority is not required to notify those making representation of its determination so that the determination may be put before the full council of the authority to decide whether or not to make an EMRO.

7.12 As a result of the hearing, the Licensing Authority has three options:

- To decide that the proposed EMRO is appropriate for the promotion of the Licensing Objectives
- To decide that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should be ended;
- To decide that the proposed EMRO should be modified. In this case, if the authority proposes that the modified EMRO should differ from the initial proposal in relation to the area specified, any day not in the initial proposal in relation to the area specified, the authority should advertise what is in effect a new proposal to make an EMRO in the manner described above, so that further representations are capable of being made.

7.13 If the Licensing Authority is satisfied that the proposed order is appropriate for the promotion of the Licensing Objectives, its determination must be put to the full council for its final decision.

8. LATE NIGHT LEVY

8.1 The decision to introduce the late night levy (“the levy”) is an option available to all Licensing Authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate (“holders”), in relation to premises in the authority’s area, which authorise the sale or supply of alcohol on any days during a period (the “late night supply period”) beginning at or after midnight and ending at or before 6am, regardless of the size and nature of the premises.

8.2 The decision to introduce the levy is for the Licensing Authority to make. The Licensing Authority is expected to consider the need for a levy with the chief officer of police and crime commissioner (“PCC”) for the police area in which it is proposed the levy will be introduced.

- 8.3 The Licensing Authority will decide the design of the levy. This includes the late night supply period, any exemptions or reductions that may apply and the proportion of the revenue (after the Licensing Authority's costs are deducted) which will be paid to the PCC, with the remainder being retained by the Licensing Authority to fund other activities as set out in paragraph 8.15.
- 8.4 When considering whether to introduce a levy, Licensing Authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be full considered prior to implementation.
- 8.5 The levy is a power and some Licensing Authorities will not consider that it is appropriate to exercise it. The Licensing Authority may wish to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.
- 8.6 The late night supply period must begin at or after midnight and end at or before 6am. The period can be for any length of time within these parameters but must be the same every day.
- 8.7 The Licensing Authority should discuss the need for a levy with the relevant PCC and the relevant chief officer of police. The Licensing Authority will then decide whether to move to the next stage in the process and consult on its proposals to introduce a late night levy. The consultation document will state its intention to introduce a levy, its proposed design (including the late night supply period and proposed exemption and/or reduction categories) and the services that the Licensing Authority intends to fund with its share of the levy revenue.
- 8.8 The Licensing Authority will publish the consultation online and in a local newspaper. It will also send written details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol during the period when it is proposed the levy will apply. The consultation is intended to be targeted at those affected by the levy, particularly businesses, the police, residents and other interested parties. The consultation process, including the period, is expected to be proportionate and targeted, so that the type and scale of engagement is relative to the potential impacts of the proposal.
- 8.9 The Licensing Authority (committee) will assess the consultation responses and make a final decision about whether to introduce (or vary) the levy, and, if so, its design. The decision to introduce the levy, and its design, will then be put to the full council to approve.
- 8.10 If the levy is introduced, all licensed premises which are authorised to supply alcohol in the levy period will be affected. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced.
- 8.11 The amount of the levy will be set at a national level. The charge is calculated according to rateable value. This system applies to the existing licence fee and the levy charge will be collected alongside the annual licence fee. The following charges will apply to the levy:

Rateable Value bands (based on the existing fee bands)	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,001 and above	D X 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E X 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Annual levy charge	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

- 8.12 The levy will not apply to Temporary Event Notices (TENS).
- 8.13 Licensing Authorities will have discretion to offer an exemption from the levy to the following categories of premises and schemes:
- (a) Premises with overnight accommodation
 - (b) Theatres and Cinemas

- (c) Bingo halls
- (d) Community Amateur Sports Clubs ('CASCs')
- (e) Community premises
- (f) Country Village pubs
- (g) Business Improvement Districts ('BIDS')
- (h) New Years Eve

Premises will have to meet specific criteria to be considered for these exemptions

- 8.14 The net levy revenue must be split between the Licensing Authority and the relevant PCC. The Licensing Authority must pay at least 70 per cent of the net levy revenue to the police. The Licensing Authority can choose to amend the portion of the net levy revenue that will be given to the PCC in future levy years. This decision must be subject to consultation in the same way as a decision to introduce the levy.
- 8.15 The Licensing Authority will be able to retain up to 30 per cent of the net levy revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. Specifically, these activities must have regard to the connection with the supply of alcohol during the late night supply period and related to arrangements for:
- The reduction of crime and disorder;
 - The promotion of public safety;
 - The reduction or prevention of public nuisance; or
 - The cleaning of any relevant highway or relevant land in the local authority area.
- 8.16 A Licensing Authority can deduct the costs it incurs in connection with the introduction or variation, administration, collection and enforcement of the levy prior to the levy revenue being apportioned between the police and Licensing Authority. As set out in paragraph 8.4 any financial risk relating to the levy revenue, such as lower than expected revenue or higher than expected costs, rests at a local level.

9. ANTICIPATED OUTCOMES

- Further research into the application of Cumulative Impact Policies, Late Night Levy and Early Morning Restriction Orders.
- Formal consultation on the review of the Statement of Licensing Policy to include a CIP in respect to the Op Can Do area.
- Proposals on licensing policy changes in respect of the above to be brought back to the licensing committee.

10. REASONS FOR RECOMMENDATIONS

- To comply with the statutory requirements regarding amendments to the statement of licensing policy in order to include a cumulative impact policy with a view to making sustainable improvements in the Op Can Do area.
- To explore the new powers conferred to the Licensing Authority in the form of EMROs and LNLs.

11. ALTERNATIVE OPTIONS CONSIDERED

Retain the status quo

12. IMPLICATIONS

12.1 Financial

There will be costs associated with undertaking a public consultation.

12.2 Legal

Legal Services will be required to ensure that the decision making process is implemented in accordance with the Licensing Act 2003, and will also be required to provide legal support

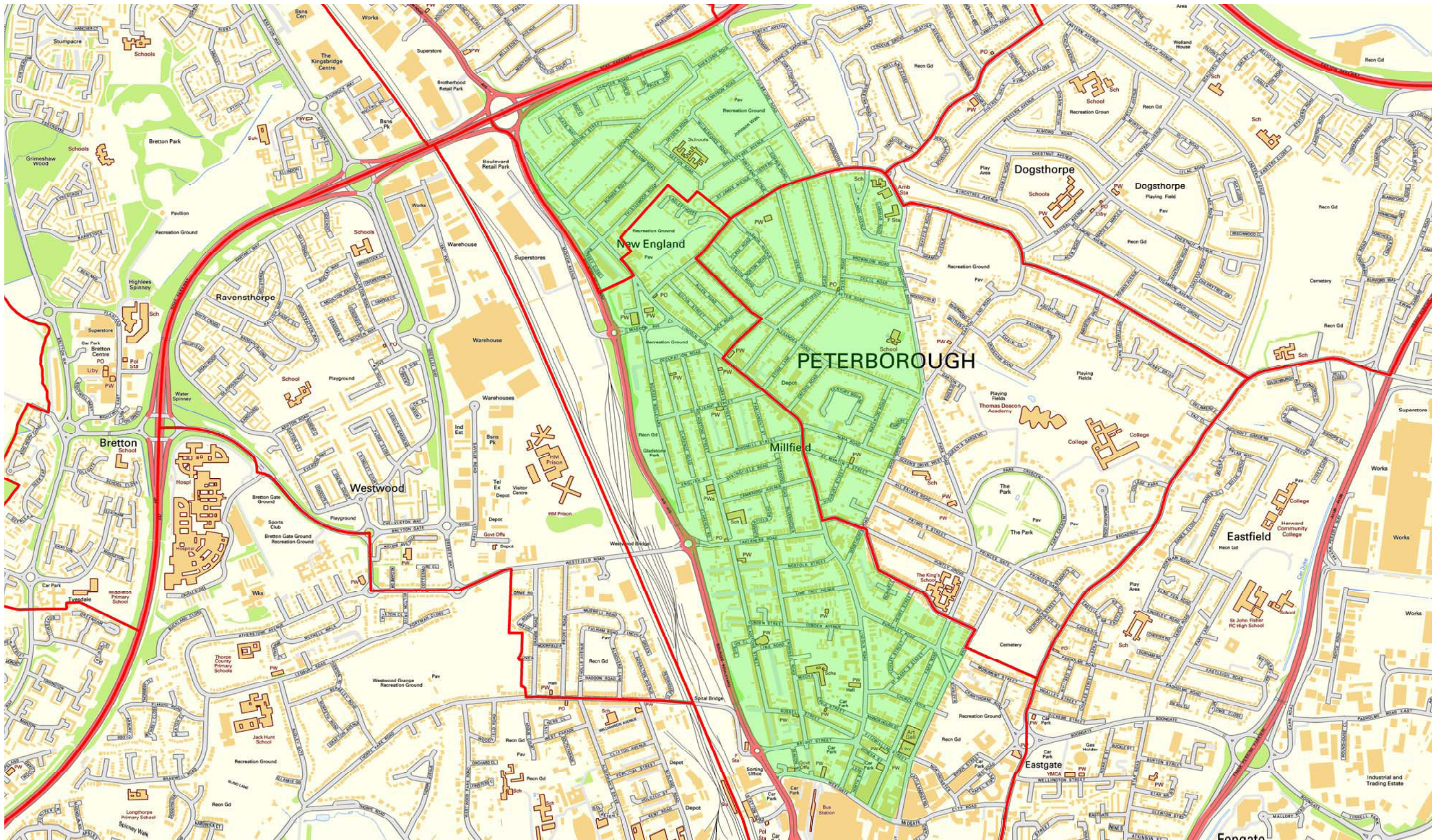
throughout the preliminary investigations and any subsequent decisions made pertaining to the implementation of either and/or EMROs and LNLs.

11. BACKGROUND DOCUMENTS

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

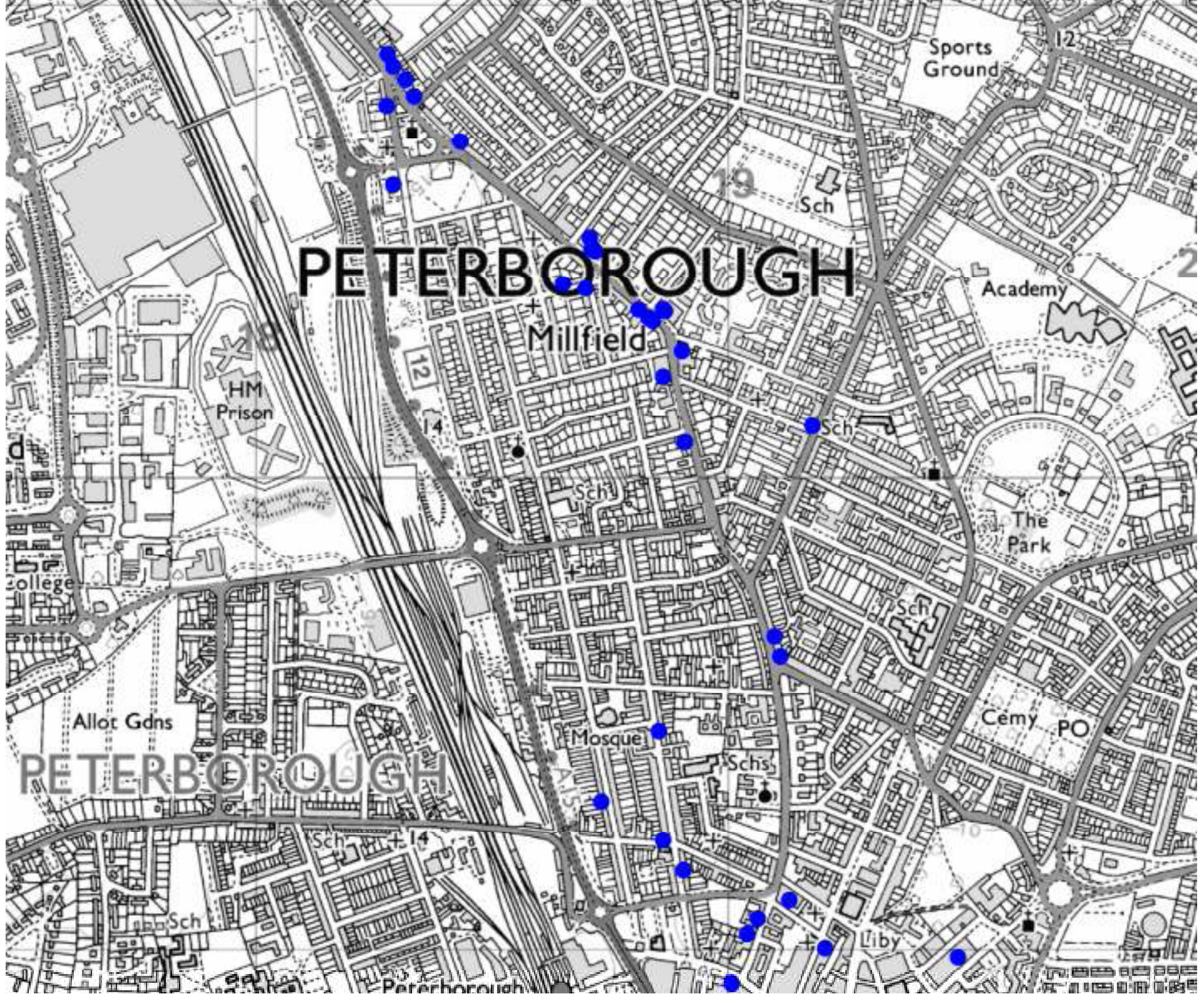
- 11.1 The Licensing Act 2003
Amended guidance issued under section 182 of the Licensing Act 2003
The Police Reform and Social Responsibility Act 2011

* Research conducted by Poppleston Allen Solicitors

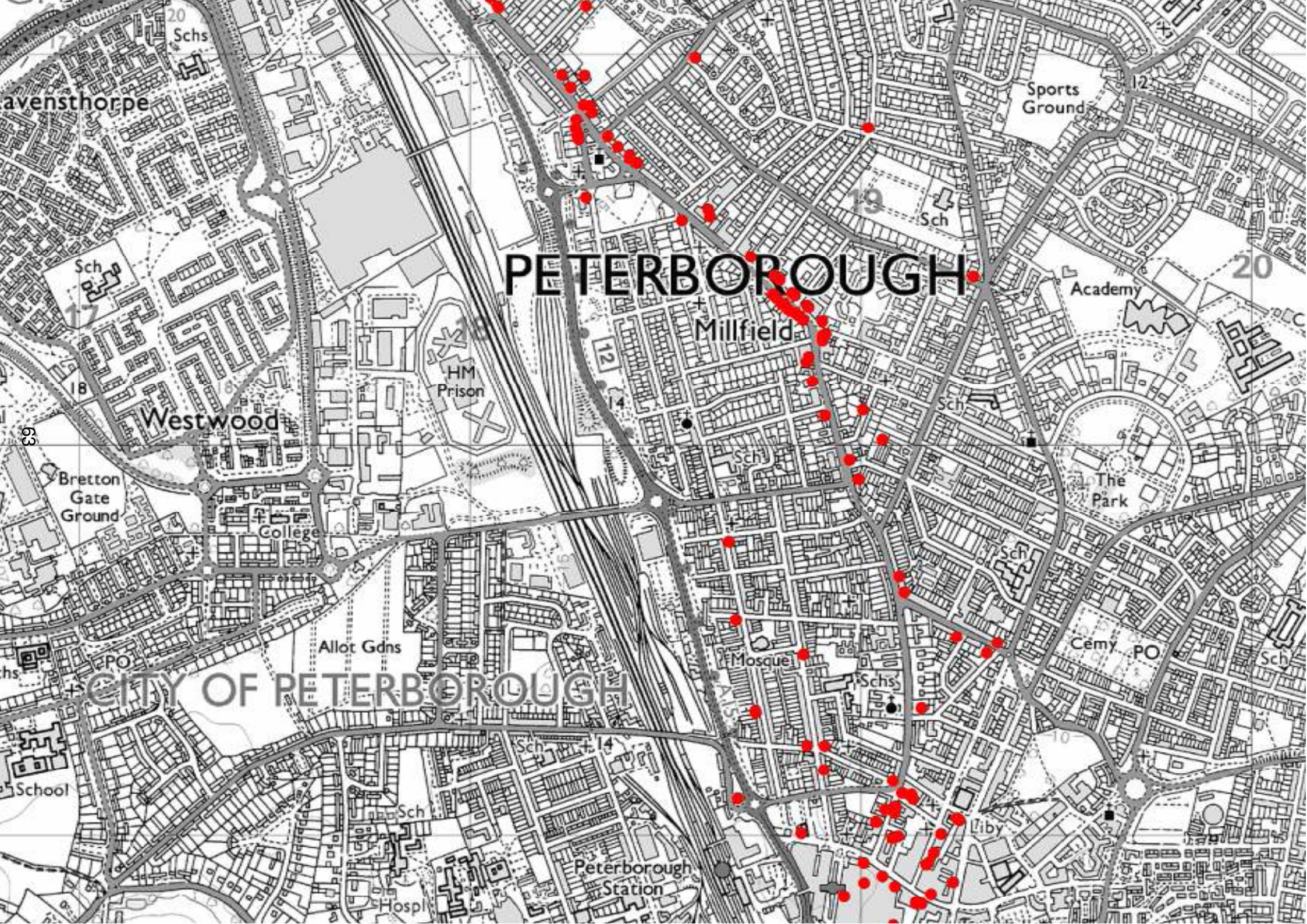


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PETERBOROUGH

CITY OF PETERBOROUGH

avensthorpe

Schs

Sports Ground

12

Sch

19

Sch

20

Academy

Millfield

HM Prison

Westwood

69

Bretton Gate Ground

College

The Park

Allot Gdns

Mosque

Cemy PO

CITY OF PETERBOROUGH

School

Sch

Peterborough Station

Liby

Hospit

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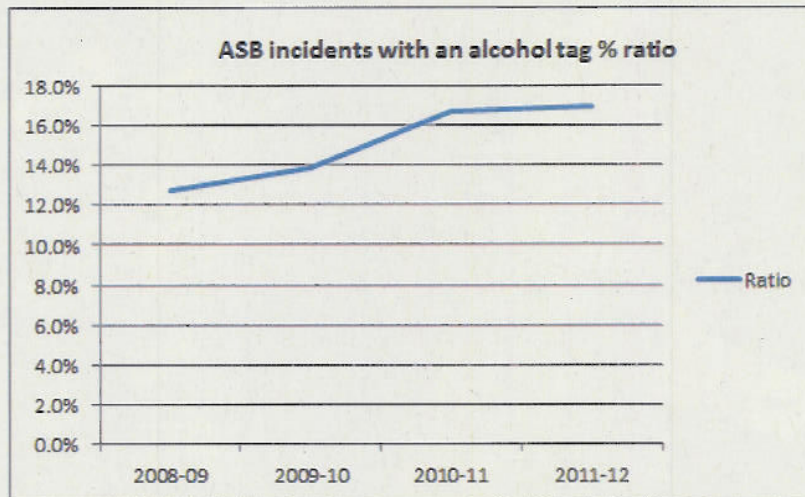
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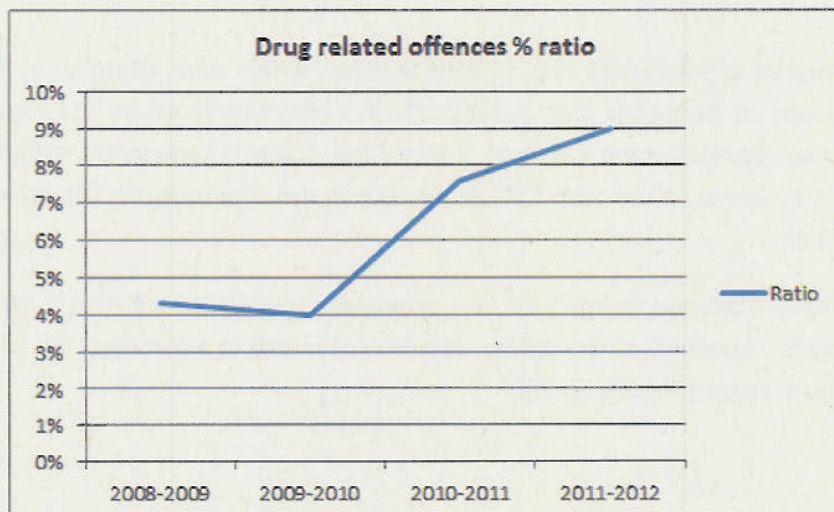
Analysis was conducted with ASB Incident data that contained an alcohol related tag, the proportion of alcohol related incidents within the proposed area has seen year on year increases as shown in table and chart below.

	2008-09	2009-10	2010-11	2011-12
total incidents	2311	2189	2021	1680
alcohol tag	293	302	337	285
Ratio	12.7%	13.8%	16.7%	17.0%



Similar analysis was conducted regarding Drug related offences this again has seen annual increases, though caution is advised when interpreting these figures as pro-active police operations like Operation Riptide will have an impact on the increased numbers.

	2008-2009	2009-2010	2010-2011	2011-2012
Total offences	2238	2155	2052	1926
Drug related offences	97	86	156	173
Ratio	4%	4%	8%	9%



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LICENSING COMMITTEE	AGENDA ITEM No. 5
21 JANUARY 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Neighbourhoods, Housing and Planning	
Contact Officer(s):	Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell	Tel. 454437 Tel. 453429

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

RECOMMENDATIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date: N/A
<p>The Committee is requested to:</p> <ol style="list-style-type: none"> 1. Approve the commencement of a consultation in relation to the policy covering the area's as listed below: <ul style="list-style-type: none"> i) Conditions of fitness for Hackney Carriage Vehicles; ii) Vehicle testing; iii) Driver badge renewal frequency; iv) Limousine and speciality vehicles; v) Private hire operator conditions; vi) Relevance of convictions and cautions; and vii) CCTV. 2. Agree the appropriate duration of the consultation, with the minimum period suggested being 8 weeks and the maximum being 12 weeks. 	

1. ORIGIN OF REPORT

- 1.1 This report is 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 is 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.
- 1.2 There is a need for officers to review the Taxi and Private Hire Licensing Policy in order to ensure that it remains appropriate and fit for purpose.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Members are asked to consider a request from officers for the approval to launch an 8 week consultation in relation to the Hackney Carriage and Private Hire Vehicle Licensing Policy. If approval is given to commence the consultation the launch date for the consultation will be 1 February 2013, with an end date to be confirmed by the Committee.
- 2.2 We will be seeking responses from all stakeholders who have an interest in or may be affected by the Hackney Carriage and Private Hire Policy. A copy of the consultation document is attached at **Appendix A**.

- 2.3 During the consultation period, officers will attend scheduled Licensing Committee meetings on 14 February and 14 March and offer progress reports, practical guidance, also to conduct question and answer sessions for clarity.
- 2.4 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for any policy to be appropriate and up to date and fit for purpose.
- 2.5 Following the consultation period the responses will be collated and a policy will be drafted and presented to the Licensing Committee. The Committee will then be asked to consider all the information available in the associated documents and the draft policy in order to make an informed decision as to the adoption of a final policy.
- 2.6 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3(a) "hackney carriage and private hire vehicle licensing" and No. 2.4.1.7 2 "to monitor and review policy relating to licensing matters".

3. TIMESCALE

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

- 4.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.
- 4.2 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.3 Peterborough City Council has various individual policies relating to Taxi and Private Hire Licensing many of which have remained unchanged for many years. Some of the aspects of licensing have been reviewed recently such as the vehicle age policy and the testing requirements for new driver applications.
- 4.4 Officers received a request from Allied Vehicles Ltd to review its policy in relation to the conditions of fitness for hackney carriage vehicles in order for the Peugeot E7 to be considered as suitable and fit for purpose to be licensed as a hackney carriage vehicle in Peterborough. Currently the E7 can be licensed as a private hire vehicle; however it does not meet the specification set by Transport for London Conditions. These are the conditions adopted previously by the council as being the appropriate criteria for hackney carriage vehicles in Peterborough.
- 4.5 Officers have identified other area's of the taxi licensing service which would benefit from being reviewed in order to maintain the integrity of the service and to ensure that best practice continues. In addition to this the consultation will allow the draft of a single policy document for the Hackney Carriage and Private Hire Licensing service bringing the individual aspects in to the one document.
- 4.6 Just over a year ago the taxi licensing service relocated from Bridge House to the 4th floor Bayard Place, although the service has made some changes in order to adapt to the new location many of the processes, procedures and policies are not ideal for the current location. Therefore it is deemed necessary to review some area's of the business in order to develop processes and procedures that are more suited and appropriate for the new location.

5. SPECIFIC ITEMS INCLUDED IN THE CONSULTATION

5.1 **Conditions of Fitness for Hackney Carriage Vehicles**
(pages 2 to 10 of the consultation document)

5.2 **Vehicle Testing**
(pages 11 to 15 of the consultation document)

5.3 **Driver Badge Renewal Frequency**
(pages 16 to 19 of the consultation document)

5.4 **Limousines and Speciality Vehicles**
(pages 20 to 27 of the consultation document)

5.5 **Private Hire Operator Conditions**
(pages 28 to 33 of the consultation document)

5.6 **Relevance of Convictions and Cautions**
(pages 34 to 46 of the consultation document)

5.7 **CCTV**
(pages 47 to 49 of the consultation document)

6. CONSULTATION SCHEDULE

6.1 Pending the Committee's approval the consultation will be launched on 1 February 2013. Where the Committee recommends an 8 week consultation period the consultation will end on 29 March 2013. Where the Committee recommends a 12 week consultation period the consultation will end on 26 April 2013.

6.2 On the completion of the consultation all feedback will be collated and a draft Hackney Carriage and Private Hire Vehicle Policy will be drafted.

6.3 The draft policy and all associated documentation will then be presented to the Licensing Committee for consideration. The exact date will be dependant on the duration of the consultation and the timeframes for documentation to be prepared.

7. ANTICIPATED OUTCOMES

7.1.1 To commence a formal consultation in order to seek comments in relation to the review of the Hackney Carriage and Private Hire Licensing Policy.

8. REASONS FOR RECOMMENDATIONS

8.1 To comply with statutory requirements regarding the regular review of licensing policies.

8.2 To consider the request received from Allied Vehicles Ltd to review the policy.

8.3 To ensure that the policies and procedures continue to be fit for purpose.

9. ALTERNATIVE OPTIONS CONSIDERED

9.1 Retain the status quo.

10. IMPLICATIONS

10.1 Financial

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

10.2 Legal

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

11. **BACKGROUND DOCUMENTS**

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

The Local Government (Miscellaneous Provisions) Act 1976

The Town and Police Clauses Act 1847

APPENDIX A

Peterborough Taxi and Private Hire Licensing Consultation Document

Following Peterborough City Council's intention to revise its policy in relation to Hackney Carriage and Private Hire Licensing, the council has today 1 February 2013 launched a consultation on the future of Taxi and Private Hire Vehicle licensing in Peterborough.

The council would like organisations representing Peterborough's Hackney Carriage and Private Hire Trades; Licensed Drivers; Private Hire Operators; Vehicle Owners; Commuters; User Groups; Cambridgeshire Constabulary; Suppliers; and any other Stakeholders who have an interest to submit their views on the alternatives listed in this document and the associated draft policy document including the annexes and appendices for future licensing arrangements.

Until the consultation is complete and Peterborough City Council has made a decision on the future of Taxi and Private Hire Vehicle licensing policies, the existing requirements remains in place. Any changes to the Taxi and Private Hire Vehicle Licensing Policy will only be introduced following consideration and approval by the Licensing Committee.

Where there is an operational impact it may not be practical to implement all changes adopted by the policy immediately following the committees recommendation. Where this is the case operational changes will be implemented as soon as practical in order to maintain an efficient service; some changes may be dependant on others being implemented and evaluated prior to their implementation.

We are consulting on the following 7 areas in relation to Taxi and Private Hire Licensing and would like to hear from you regarding any thoughts you may have on the matter.

- Part 1 Conditions of Fitness for Hackney Carriage Vehicles (pages 2 to 10)
- Part 2 Vehicle Testing (pages 11 to 15)
- Part 3 Driver Badge Renewal Frequency (pages 16 to 19)
- Part 4 Limousine and Speciality Vehicles (pages 20 to 27)
- Part 5 Private Hire Operator Conditions (pages 28 to 33)
- Part 6 Relevance of Convictions and Cautions (pages 34 to 46)
- Part 7 CCTV (pages 47 to 49)

Part 1 – Conditions of Fitness for Hackney Carriage Vehicles

Depending on the outcome of the consultation, a combination of options may be adopted.

1. Amend the councils existing conditions of fitness for Hackney Carriage Vehicles so that the Peugeot E7 range meets the criteria to be licensed as a Hackney Carriage Vehicle.
2. Amend the councils existing conditions of fitness for Hackney Carriage Vehicles so that specific models of the Peugeot E7 meets the criteria to be licensed as a Hackney Carriage Vehicle.
3. Retain the councils existing conditions of fitness for Hackney Carriage Vehicles; where only vehicle types currently approved as suitable to be licensed as a Hackney Carriage Vehicles will be licensed.

1. Introduction and Objectives

Introduction

There are currently 185 Hackney Carriage Vehicles licensed in Peterborough, all Hackney Carriage Vehicles have to be of an approved type in accordance with the councils adopted policy.

The council's adopted policy only approves London type taxi vehicles approved by the Transport for London's 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. The relevant sections of the Transport for London conditions of fitness can be viewed at section 3 of this document. (page 3 onwards)

The council has received a request to amend its policy relating to its Hackney Carriage Vehicle conditions of fitness in order to include the Peugeot E7 as an approved vehicle suitable to be licensed as a Hackney Carriage Vehicle. Currently the Peugeot E7 cannot be licensed as a Hackney Carriage Vehicle as it does not fully meet the current criteria; however several E7's are licensed as Private Hire Vehicles as the council's adopted conditions differ between the Hackney Carriage and Private Hire requirements.

In order for the council to consider the request and amend its current conditions of fitness and make a balanced decision it is necessary to consult with all stakeholders who may be affected by the proposals. This document therefore forms a consultation document and comments are invited from all those who could be affected.

In October 2012 Manganese Bronze the parent company of the London Taxi Company (LTI) went into administration and the future the London Taxi is now uncertain. This will have a major impact on the future of taxi licensing in Peterborough due to the councils current conditions of fitness which limits the licensing of Hackney Carriage Vehicles to the LTI and the Mercedes-Benz Vito.

Objectives

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To seek comments and views from all those who could be affected if the council's policy and conditions were to be reviewed.

2. Background and Present Arrangements

Fees

The council has the delegated powers to set fees in relation to Hackney Carriage and Private Hire Vehicle licensing functions, they cannot be used to raise revenue or to make a profit for the council; they can only be set to cover the cost incurred by the licensing function.

Currently the initial fee to licence a Hackney Carriage Vehicle licence is £210 including the initial vehicle test, the annual renewal fee for a Hackney Carriage Vehicle licence is £210 including the annual test. The current fee for the 6 month test for a Hackney Carriage Vehicle is £65.

Current Vehicle Requirements

Existing Hackney Carriage Vehicle requirements are such that in order for a vehicle to be licensed as a Hackney Carriage it has to be of an approved type. The council's adopted policy only approves London type taxi vehicles which meet the Transport for London conditions of Fitness and suitably equipped with wheelchair facility ramps and securing straps. The relevant sections of the Transport for London Conditions of Fitness can be viewed below in section 3.

Vehicles that are currently approved as licensable as Hackney Carriage Vehicles are as follows; the LTI TX1, TX2, TX4, the Metro Triple T, and the steering rear axel Mercedes-Benz Vito Hackney. Vehicles must be new or a maximum of 3 years old at the time of first being licensed.

3. Transport for London – Conditions of Fitness

Below are the specific conditions of fitness relevant to the design, construction, safety and accessibility of Hackney Carriage Vehicles as taken from the Transport for London Conditions of Fitness and adopted by Peterborough City Council.

(The numbering below directly relates to the TFL condition numbers).

5. General construction

- 5.1 *Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category.*

5.2 *Taxis offered for type approval must be so constructed as to facilitate the carriage of disabled persons and must be capable as a minimum of accommodating a disabled person in a DfT reference wheelchair in the passenger compartment.*

6. Steering

6.1 *The steering wheel must be on the offside of the vehicle.*

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.*

7.2 *The wheel turning circle kerb to kerb on either lock must be not less than 7.62 metres in diameter. N.B. These requirements were fully reviewed in 2005 (See PCO Notice 43/05).*

8. Tyres

8.1 *All tyres must comply with the relevant legislation. Specifically, retread tyres must comply with BS AU 144E as amended and be marked accordingly.*

8.2 *Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.*

9. Brakes

9.1 *An anti-lock braking system is to be fitted.*

10. Interior lighting

10.1 *Adequate lighting must be provided for the driver and passengers.*

10.2 *Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. This must be within reach of wheelchair passengers. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.*

11. Electrical equipment

11.1 *Any additional electrical installation and/or after-market components to be used within the taxi must meet the requirements of the relevant Automotive Electro Magnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.*

12. Fuel systems

12.1 *A device must be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device must have its location together with the means of operation and "off" position clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required. Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an*

automatic inertia fuel cut off device. They must also have a manually operated fuel cut off device externally mounted which is easily visible and readily accessible at all times from the outside of the vehicle with its location and means of operation clearly marked.

13. Exhaust emissions standards

- 13.1 New taxi models must meet the current and relevant EC Directive for exhaust emissions, i.e. the respective Euro standard. Current, approved, taxi models must meet prescribed emissions standards.

14. Body

- 14.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- 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.

15. Facilities for the disabled

- 15.1 Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.
- 15.2 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 15.3 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees
- 15.4 The clear height of the doorway must be not less than 1.2 metres.
- 15.5 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
- 15.6 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

- a) be not more than 380 mm from the ground, (measured at the centre of the tread width);
- b) the surface shall be covered in a slip-resistant material;
- c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380 mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-

- a) not be more than 380 mm in height from the ground, (measured at the centre of the step width);
- b) not be less than 250 mm deep;
- c) the surface shall be covered in a slip-resistant material;
- d) have a band of colour across its leading edge which shall contrast with the

remainder of the step and floor covering;

e) not be capable of operation whilst the vehicle is in motion;

f) if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;

g) can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

- 15.7 *The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.*
- 15.8 *Where seats are placed facing each other, there must be a minimum space of 42.5cm 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.*
- 15.9 *Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.*
- 15.10 *A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.*

16. Passenger compartment

- 16.1 *When fitted, occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must be not less than 35.5cm.*
- 16.2 *Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.*
- 16.3 *The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.*
- 16.4 *Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.*
- 16.5 *Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).*
- 16.6 *Colour contrasting sight patches are required on all passenger seats.*
- 16.7 *Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.*
- 16.8 *An induction loop system (or equivalent) must be fitted.*

17. Driver's compartment

- 17.1 *The driver's compartment must be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls.*
- 17.2 *The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, controls must be properly protected from contact with luggage.*
- 17.3 *Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm.*

- 17.4 *Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver.*

18. Visibility

18.1 Driver Visibility

A single-piece, full width rear window must be fitted. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

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.

The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle. A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

- 18.3 *Windows must permit maximum visibility into, and out of, the vehicle. They must have no more than 25% tint value.*

- 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.*

19. Heating and ventilation

- 19.1 *An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.*

20. Door fittings

- 20.1 *An approved type of automatic door securing device must be fitted to passenger doors to prevent them being opened when the vehicle is in motion. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The door must not open from the inside if the driver has the foot brake depressed. The interior door handle must be clearly identified to prevent it being mistaken for any other control.*

21. Fare table and number plate

- 21.1 *A frame must be provided for the fare table and fixed in an approved place. A position for an interior number plate is to be provided with the words "The number of this taxi is...." shown immediately above the position of the plate.*

22. Floor covering

- 22.1 *The flooring of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned.*
- 22.2 *The floor covering must not impede the movement of wheelchairs. The colour of the floor covering must contrast with any upstand areas around it and with the colour of the seats.*

23. Luggage

- 23.1 *Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.*

4. Relevant conditions of fitness for consultation

The Peugeot E7 does not currently meet all of the conditions required as set out by the TFL; where conditions are not met we are seeking your views on amending those conditions in order for the E7 range or specific models from the range to be considered as suitable for licensing as a Hackney Carriage Vehicles in Peterborough.

The E7 is available in 3 models, these being the “S”, “SE” and “XS”, all 3 models are available in Short Wheel Base (SWB) and Long Wheel Base (LWB) versions.

The following conditions of fitness are those where the Peugeot E7 **does not meet** the current specification. During the consultation period council will be working with stakeholders to evaluate the effects, risks or consequences of amending these conditions.

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. Facilities for the disabled

- 15.6 *Should any entrance be more than 380 mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-*
- a) not be more than 380 mm in height from the ground, (measured at the centre of the step width;*
 - b) not be less than 250 mm deep;*

E7 SWB & LWB – b) 170mm deep

- 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.*

E7 SWB & LWB - This is to be tested during the consultation period in order to identify the practical meaning of the term “**when seated**”.

5. Key Features of the Peugeot E7 Range.

- a. Pull Out under floor wheelchair ramp with 300kg weight limit and side guides. **(SE and XS models only)**
- b. Sliding rear bench seat to allow extra luggage space in boot, while still maintaining adequate passenger space for 6 people. **(all models)**
- c. Semi automatic rear door release (operated by driver) to unlock and release the rear passenger doors to help passengers exit or enter the taxi. **(all models)**
- d. Drivers isolation feature (to lock the driver in the front compartment) so passengers can only get into the rear. **(all models)**
- e. Indicator locking (when the indicator is on it locks the opposite doors to stop passengers exiting into the road/traffic). **(all models)**

- f. Fully opening rear windows, to help ventilation in the passenger compartment. **(all models)**
- g. Highly visible front and rear LED taxi signs along with LED rear "doors opening" sign fitted into rear spoiler to warn other motorists. **(all models)**
- h. A full size spare wheel fitted under the rear of the vehicle (so it doesn't get in the way of luggage)
- i. Electric Step(s) operated by the driver to bridge the gap between the road and the taxi floor (especially when there is no kerb available). **(1 manually operated on S model, 1 on SE model, 2 on XS model)**
- j. Forward facing wheelchair restraints, these allow a wheelchair and passenger to be transported forward facing using a 4 point harness system. **(optional on all models £300)**
- k. A swivel nearside rear facing flip seat to help non wheelchair disabled and the elderly exit and enter with ease. **(optional on all models £750)**
- l. 42.8mpg combined from the manual gearbox 2.0 130bhp engine with 172 g/kg carbon dioxide.

Information relating to the Peugeot E7 range of vehicles can be found at http://www.cabdirect.com/vehicles/new_e7. A brochure is also available for viewing on the council's website or at request from the councils main receptions at Bayard Place and the Town Hall. This information has been provided to assist you when making comments in relation to the consultation.

6. Regulatory Impact Assessment

Cost

Whatever the outcome Peterborough City Council is committed to ensuring the costs are proportionate and offer good value, therefore it is not anticipated that there would be any deviation from the standard Hackney Carriage vehicle licensing fee structure.

Part 2 – Vehicle Testing

Depending on the outcome of the consultation, a combination of the following may be adopted.

1. Remove the requirement for a vehicle to have an MOT exemption test.
2. Remove the requirement to book a test via the licensing department.
3. Remove the requirement for a vehicle to be tested at the Unity or Enterprise testing centres.
4. Introduce the requirement to have a standard MOT test.
5. Introduce the requirement to book the MOT test direct with the test centre.
6. Introduce a “vehicle testing centre scheme” consisting of VOSA authorised MOT testing stations that can meet additional criteria as set by the council.
7. Retain the requirement for a vehicle to have an MOT exemption test.
8. Retain the requirement to book a test via the licensing department.
9. Retain the requirement for a vehicle to be tested at the Unity or Enterprise testing centres.
10. Other options deemed suitable as suggested through the consultation process.

1. Introduction and Objectives

Introduction

There are currently 185 Hackney Carriage and 500 Private Hire vehicles licensed in Peterborough. All vehicles are currently required to pass the MOT exemption test prior to being licensed, and then on an annual basis at the time of the renewal of the vehicle licence. On reaching 6 years of age from the date of first registration as indicated on the V5 document the vehicle is required to be tested every 6 months.

The MOT exemption test covers additional items including, the spare tyre, wheelchair ramp where appropriate, airbag lights, first aid kit, fire extinguisher, reversing lights and the fare card.

This document sets out options for the Hackney Carriage and Private Hire Vehicle testing arrangements in Peterborough. It is a consultation document and comments are invited from all those who could be affected by the proposals.

Objectives

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure the licensing service is efficient and cost effective offering value for money to its service users.
3. To simplify arrangements and reduce the administrative burden on drivers and the council without compromising safety standards or reducing the quality of licensed vehicles.

2. Background and Present Arrangements

Fees

The council has the delegated powers to set fees in relation to Hackney Carriage and Private Hire Vehicle licensing functions, they cannot be used to raise revenue or to

make a profit for the council; they can only be set to cover the cost incurred by the licensing function.

Currently the annual renewal fee for a Hackney Carriage Vehicle licence is £210 including the annual test, the annual renewal fee for a Private Hire Vehicle licence is £180 including the annual test. The current fee for the 6 month test for both Hackney Carriage and Private Hire Vehicles is £65. Where a vehicle fails a test there is a fee of £21 for the 3rd and subsequent re-tests if tested within 14 days, and £42 if tested after 14 days.

Current Process

As part of the vehicle licence renewal process reminder packs are sent out to vehicle licence holders 1 month in advance of the renewal date. Licence holders are advised to contact the taxi licensing team in order to make an appointment for the vehicle to attend one of the two designated testing stations in order for the MOT exemption test to be carried out.

3. OPTIONS

Option 1:

Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station instead of the requirement for an MOT exemption test carried out by either of the councils 2 testing stations.

- a. Remove the requirement for a vehicle to have an MOT exemption test.
- b. Remove the requirement to book a test via the licensing department.
- c. Remove the requirement for a vehicle to be tested at the Unity or Enterprise testing stations.
- d. Introduce the requirement to have a standard MOT test carried out by any VOSA authorised MOT testing station.
- e. Introduce the requirement for the driver to book the MOT test direct with the testing station.

Advantages

1. Will simplify current arrangements and partially reduce the administrative burden on both the driver and the council.
2. Will help to reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable contact with the council.
3. Will contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.
4. Encourage competition and therefore generate a more competitive pricing structure and market place.
5. Will provide flexibility for drivers offering an increased availability of test appointments.

Disadvantages

1. The council will not have access to analytical data in regards to MOT failures in order to identify where specific vehicles fail tests frequently.
2. Additional vehicle test requirements that are currently subject to testing under the councils MOT exemption test regime are not tested as part of a standard

VOSA MOT test requirements; these items whilst not being considered crucial to the mechanical safety of the vehicle, for safety purposes are deemed appropriate for passenger and driver safety. They include the certification of the fire extinguisher, first aid kit, fare card, and the safety testing of the wheelchair ramp where appropriate.

Option 2:

Introduce the requirement to have a standard MOT test carried out by only VOSA authorised MOT testing stations which are members of the councils “vehicle testing centre scheme” instead of an MOT exemption test carried out by the councils 2 test stations.

- a. Remove the requirement for a vehicle to have an MOT exemption test.
- b. Remove the requirement to book a test via the licensing department.
- c. Remove the requirement for a vehicle to be tested at the Unity and Enterprise testing stations.
- d. Introduce the requirement to have a standard MOT test carried out by VOSA authorised MOT testing stations that belong to the councils “vehicle testing centre scheme”.
- e. Introduce the requirement to book the MOT test direct with the testing station.

As option 1 above, however the MOT test must be carried out by VOSA authorised testing stations which are members of the councils “vehicle testing centre scheme”. In order for a testing centre to become a member of this scheme they must be able to demonstrate, agree to, or meet the requirements listed below.

Proposed Vehicle Testing Centre Scheme Requirements

- a. The testing centre and the technicians conducting the tests must be VOSA authorised.
- b. When conducting an MOT test the test centre must be able to carry out some additional safety checks (these are to be confirmed following the consultation and will be no more than are required at present). These items must be documented by the test centre and evidence provided to accompany the MOT certificate.
- c. Where a vehicle fails on major faults the test centre must notify the council immediately so that a decision can be made in relation to suspending the licence plate.
- d. They must have in place a documented customer service policy detailing their complaints procedure and complaints handling process.
- e. Records must be kept of customer complaints received. To include the outcome of the investigation in to the complaint.
- f. They must offer competitive prices and ensure value for money.
- g. They must be able to communicate with the council via email and telephone.
- h. Any enquiry from the council must be responded to within a reasonable timescale according to the nature and urgency of the enquiry, with a maximum response time of 2 working days.
- i. Statistical information and vehicle data should be made available on request and on a monthly basis.
- j. Monthly statistics and data should be in spreadsheet form (ms excel or compatible) and in the agreed format.
- k. Data must be provided via email.

It should also be noted that Peterborough City Council:

- a. Will not be entering in to a contract with any MOT test station that is a member of the councils "testing centre scheme".
- b. Is not by way of entering any MOT testing station on its "testing centre scheme" guaranteeing, endorsing or promoting the quality of work or the integrity of that MOT test station.
- c. Will not accept responsibility for handling any test related issues or complaints arising from any tests or re-tests undertaken by the MOT test station, such disputes remain between the customer and the MOT test station. However we will monitor complaints to ensure that they have been dealt with according to the individual policies provided by the testing centres and that the driver has been treated accordingly.
- d. Will not be involved / responsible for the booking of vehicle tests.
- e. Will not be responsible for any payments to any test centre for testing, and likewise will not be responsible for any refunds in relation to testing.
- f. Will reserve the right to remove an MOT testing station for the scheme where it is deemed appropriate to do so.

Advantages

1. Will simplify current arrangements and partially reduce the administrative burden on both the driver and the council.
2. Will help to reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable contact with the council.
3. Will contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.
4. Encourage competition and therefore generate a more competitive pricing structure and market place.
5. Will provide flexibility for drivers offering an increased availability of test appointments.
6. The council will still have access to analytical data in regards to MOT failures in order to identify where specific vehicles fail tests frequently.
7. Additional vehicle test requirements that are currently subject to testing under the councils MOT exemption test regime will continue to be tested and monitored.

Disadvantages

1. There may be a perception that where testing is available through the open market that audit trails on continuity may be affected.

Option 3:

Retain the current requirement to have an MOT exemption test carried out by either of the councils 2 testing stations.

- a. Retain the requirement for a vehicle to have an MOT exemption test.
- b. Retain the requirement to book a test via the licensing department.
- c. Retain the requirement for a vehicle to be tested at the Unity or Enterprise testing stations.

Advantages

1. The council will continue to have access to analytical data in regards to MOT failures in order to identify where specific vehicles fail tests frequently.
2. Additional vehicle test requirements that are currently subject to testing under the councils MOT exemption test regime will remain in place. They include the certification of the fire extinguisher, first aid kit, fare card, and the safety testing of the wheelchair ramp where appropriate.

Disadvantages

1. The administrative burden on both the driver and the council will continue.
2. The number of routine interactions between the driver and the council will continue and hence the benefits of the reduction of any avoidable any interactions will not be achieved.
3. Will not contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.
4. Will not encourage competition and therefore will not generate a more competitive pricing structure and market place.
5. The flexibility for vehicle test appointments will remain limited with the current testing regime.

4. Regulatory Impact Assessment

Cost

The overall level of fees and costs will depend on which option, or combination of options, maybe chosen to replace the present arrangements. Whatever the outcome Peterborough City Council is committed to ensuring the costs are proportionate and offer good value.

Proposed Fees

The table below indicates the proposed fees payable to the council depending on the outcome of the consultation and any amendments to the Taxi and Private Hire Licensing Policy. Where the fee excludes the cost of the vehicle test the driver will be responsible for this cost and will pay the testing centre direct.

	Current Fee	Option 1	Option 2	Option 3
Hackney Carriage Licence Fee	£210 including test	£160 excluding test	£160 excluding test	£210 including test
Private Hire Vehicle Licence Fee	£180 including test	£130 excluding test	£130 excluding test	£180 including test
6 Monthly Test (where applicable)	£65 including test	£10* excluding test	£10* excluding test	£65 including test
* Where 6 monthly test certificates are not supplied to the council by the required date and subsequently it becomes necessary for officers to investigate there will be an additional charge of £5				

Part 3 – Driver Badge Renewal Frequency

Depending on the outcome of the consultation, a combination of the following may be adopted. It should be noted that where any amendments in the driver badge renewal frequency are adopted the ability to renew a badge on an annual basis will remain for those drivers who prefer to do this. Where the option for a 3 yearly renewal is adopted the council will use it's discretion to refuse this option and insist on a badge being renewed on an annual basis where there are concerns in relation to the drivers honesty, integrity or character.

1. Remove the requirement to renew a drivers badge annually.
2. Remove the requirement to provide a PNC check annually.
3. Remove the requirement to provide a DVLA report annually.
4. Introduce the requirement to renew a drivers badge every 3 years.
5. Introduce the requirement to provide an enhanced DBS (Disclosure and Barring Service) check every 3 years. or
6. Introduce the requirement to provide a PNC check every 3 years.
7. Introduce the requirement to provide a DVLA report every 3 years.
8. Retain the requirement to renew a drivers badge annually.
9. Retain the requirement to provide a PNC check annually.
10. Retain the requirement to provide a DVLA report annually.

1. Introduction and Objectives

Introduction

There are currently 920 licensed drivers in Peterborough, drivers who hold a Hackney Carriage badge are licensed to drive both Hackney Carriages and Private Hire Vehicles, however drivers who hold a Private Hire badge are licensed to drive Private Hire Vehicles only.

This document sets out options for the Hackney Carriage and Private Hire Driver badge renewal frequency in Peterborough. It is a consultation document and comments are invited from all those who could be affected by the proposals.

Objectives

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure the licensing service is efficient and cost effective offering value for money to its service users.
3. To simplify arrangements and reduce the administrative burden on drivers and the council without compromising safety standards or reducing the quality of licensed drivers.

2. Background and Present Arrangements

Fees

The council has the delegated powers to set fees in relation to Hackney Carriage and Private Hire Vehicle licensing functions, they cannot be used to raise revenue or to make a profit for the council; they can only be set to cover the cost incurred by the licensing function.

Currently the annual renewal fee for a Hackney Carriage or Private Hire drivers badge is £100 payable to Peterborough City Council. There is also a charge of £10 for the annual PNC (Police National Computer) check and a charge of £5 for the annual DVLA check, both of these fees are payable directly to the relevant agencies.

Current Process

An application to renew a drivers badge must be accompanied by recent Police National Computer (PNC) and Driver & Vehicle Licensing Agency (DVLA) checks; both of these checks can take several weeks to arrive depending on the demand on the agencies at the time.

Application packs are sent out to drivers 3 months in advance of the renewal date in order to allow sufficient time for the driver to apply and receive back the above checks.

On receiving the application form where there are no concerns highlighted by the PNC or DVLA checks application is processed.

3. OPTIONS

Option 1:

Introduce a 3 year renewal process for licensed drivers and associated driver safety checks, introducing an enhanced DBS (Disclosure and Barring Service) check every 3 years.

- a. Remove the requirement to renew a drivers badge annually.
- b. Remove the requirement to provide a PNC check annually.
- c. Remove the requirement to provide a DVLA report annually.
- d. Introduce the requirement to renew a drivers badge every 3 years.
- e. Introduce the requirement to provide an enhanced DBS (Disclosure and Barring Service) check every 3 years.
- f. Introduce the requirement to provide a DVLA report every 3 years.

Advantages

1. Will simplify current arrangements and reduce the administrative burden on both the driver and the council.
2. Will help to reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable visits to the council.
3. Will contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.
4. The enhanced DBS (Disclosure and Barring Service) check will be more robust than the existing PNC (Police National Computer) check.

Disadvantages

1. It is the responsibility of every licensed driver to inform the council of any cautions or convictions (including traffic convictions) within 7 days. Where a driver fails to inform the council this will be highlighted on the annual checks. By increasing the checks to 3 yearly intervals there is a slim possibility of some offences going unnoticed for a period of time.

2. The financial burden of paying for a 3 year licence instead of an annual fee.

Option 2:

Introduce a 3 year renewal process for licensed drivers; however retain the associated annual driver safety checks.

- a. Remove the requirement to renew a drivers badge annually.
- b. Introduce the requirement to renew a drivers badge every 3 years.
- c. Retain the requirement to provide a PNC check annually.
- d. Retain the requirement to provide a DVLA report annually.

Advantages

1. Will partly reduce the administrative burden on both the driver and the council.
2. Will continue to monitor the safety checks of drivers as per the current process.

Disadvantages

2. Will not reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable visits to the council.
3. Will not simplify the process and may in cause more confusion.

Option 3:

Introduce a 3 year renewal process for licensed drivers and associated driver safety checks.

- a. Remove the requirement to renew a drivers badge annually.
- b. Remove the requirement to provide a PNC check annually.
- c. Remove the requirement to provide a DVLA report annually.
- d. Introduce the requirement to renew a drivers badge every 3 years.
- e. Introduce the requirement to provide a PNC check every 3 years.
- f. Introduce the requirement to provide a DVLA report every 3 years.

Advantages

1. Will simplify current arrangements and reduce the administrative burden on both the driver and the council.
2. Will help to reduce the number of routine interactions between the driver and the council and hence help reduce any inconvenience or loss of income by avoidable visits to the council.
3. Will contribute to a more cost effective service freeing up resources enabling issues to be dealt with in a more timely fashion.

Disadvantages

1. It is the responsibility of every licensed driver to inform the council of any cautions or convictions (including traffic convictions) within 7 days. Where a driver fails to inform the council this will be highlighted on the annual checks. By increasing the checks to 3 yearly intervals there is a slim possibility of some offences going unnoticed for a period of time.

2. The financial burden of paying for a 3 year licence instead of an annual fee.

Option 4:

Retain the current annual renewal arrangements and the requirement for the application to be supported by the existing driver safety checks.

- a. Retain the requirement to renew a drivers badge annually.
- b. Retain the requirement to provide a PNC check annually.
- c. Retain the requirement to provide a DVLA report annually.

Advantages

3. Will continue to monitor the safety checks of drivers as per the current process.

Disadvantages

1. Will not simplify the process and will continue to remain an administrative burden on both the driver and the council.
2. Requires recourses that could be redirected in order to develop other areas of the service.

4. Regulatory Impact Assessment

Cost

The overall level of fees and costs will depend on which option, or combination of options, maybe chosen to replace the present arrangements. Whatever the outcome Peterborough City Council is committed to ensuring the costs are proportionate and offer good value.

Proposed Fees

The table below indicates the anticipated fees depending on the outcome of the consultation and any amendments to the Taxi and Private Hire Licensing Policy.

	Current Fee / Option 4 (Annually)	Option 1 (3 yearly)	Option 2 (3 yearly)	Option 3 (3 yearly)
Badge Fee	£100	£280*	£290*	£275*
DVLA Check	£5	£5	£15	£5
PNC Check	£10	N/A	£30	£10
DBS Check	N/A	£44	N/A	N/A
Total Charges	£115 (3 yrs = £345)	£329	£335	£290
* Licenses will be exempt from fee increases introduced during the period of the licence, increases will take effect upon renewal.				

Part 4 – Limousine and Speciality Vehicles

Depending on the outcome of the consultation, a combination of the following may be adopted.

1. Introduce the requirement to licence limousines and speciality vehicles.
2. Introduce the requirements to licence all drivers of limousines and speciality vehicles as private hire drivers.
3. Introduce the requirement to licence all operators of limousines and speciality vehicles.
4. Introduce the requirement to have all limousines and speciality vehicles mechanically tested to a specific standard yet to be decided.

1. INTRODUCTION AND OBJECTIVES

Introduction

Currently Peterborough has several companies that undertake offering the services of limousines and special event vehicles. None of the companies (operators), vehicles or drivers is regulated by us, meaning any person, as long as they hold the appropriate DVLA licence can drive a vehicle.

This document sets out options to seek the approval to amend vehicle specifications to permit the licensing of special event vehicles, including Stretched Limousines and classic cars as Private Hire Vehicles in Peterborough. It is a consultation document and comments are invited from all those who could be affected by the proposals.

Special event vehicles fall in the following categories: -

- Executive vehicles
- Stretched Limousines
- Classic cars

Objectives of Consultation

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure the licensing service is efficient and cost effective offering value for money to its service users.
3. To introduce the regulation of executive vehicles, limousines and classic cars in order to ensure that vehicles are safe and fit for purpose.

2. BACKGROUND AND PRESENT ARRANGEMENTS

Fees

The council has the delegated powers to set fees in relation to Hackney Carriage and Private Hire Vehicle licensing functions, they cannot be used to raise revenue or to make a profit for the council; they can only be set to cover the cost incurred by the licensing function.

Current Process

At present there is no system in place to have speciality vehicles and limousines licensed by Peterborough City Council. The operators, drivers and vehicles are not subject to any form of checks as is the usual private hire trade.

3. OPTIONS

Option 1:

Introduce the requirement to have all limousines and speciality vehicles licensed, including the operator, driver and vehicle. (See Annex 2 at the end of this section for the draft conditions for limousine and speciality vehicles).

- a. Introduce the requirement to have all drivers of limousines and speciality vehicles licensed as private hire drivers.
- b. Introduce the requirement to have all limousines and speciality vehicles licensed as private hire vehicles.
- c. Introduce the requirement to have all operators of limousines and speciality vehicles licensed as private hire operators.

Advantages

1. All drivers will be subject to DBS, DVLA and medical checks.
2. All vehicles will be subject to appropriate mechanical checks at a specific testing station approved by the council.
3. All operators will have to hold an operator licence, and will therefore have a register of all bookings and jobs carried out by the company.
4. Register of bookings means traceability when dealing with customer complaints.
5. Public safety increased due to driver and vehicle checks.
6. Increased public confidence.
7. Will ensure that all vehicles are correctly insured.

Disadvantages

1. Increased officer and administrative workload.
2. Very few testing stations have facilities to test such long vehicles.

Option 2:

Decide not to licence all limousines and speciality vehicles including operators and drivers.

- a. Vehicles not checked, tested or licensed.
- b. Operators not checked, tested or licensed.
- c. Drivers not checked, tested or licensed.

Advantages

1. No increase to officer and administrative workload.
2. No requirement to find a suitable testing station.
3. No requirement to deal with customer complaints.

Disadvantages

1. Operators, vehicles and drivers remain unchecked.
2. Members of the public placed at risk and have low or no confidence in using the service.
3. As many of these types of vehicles are used for school proms, children may be put at risk by the driver or poorly maintained vehicles.
4. No record of any jobs booked with the company or passed to the driver.

4. Regulatory Impact Assessment

Cost

The overall level of fees and costs will depend on which option, or combinations of options are adopted by the council. Whatever the outcome Peterborough City Council is committed to ensuring the costs are proportionate and offer good value.

Proposed Fees

Due to the fact that Limousines are invariably much longer and heavier than normal private hire vehicles to be licensed and tested, testing facilities must therefore be able to handle this specialised type of vehicle. The anticipated fees are listed below, however until the full outcome of the consultation these may vary slightly accordingly.

As the limousines and speciality vehicles will still be classified as private hire vehicles it is not anticipated that Limousine and Speciality Vehicle Operator Licence charges will be any different.

Current Private Hire Operator Licence charges are as follows: -

- 1 vehicle - 5 vehicles = £155
- 6 vehicles - 10 vehicles = £315
- 11 vehicles - 15 vehicles = £475
- 16 vehicles - 20 vehicles = £630
- 21 or more vehicles = £790

The current charge for a private hire drivers badge is £100. It is not expected that this will change for limousine or speciality vehicle drivers as it will still be classified as private hire.

Limousines

- Annual and new application fee - £200 inclusive of test
- Six monthly fee £90 inclusive of test

Speciality Vehicles

- Annual and new application fee - £180 inclusive of test
- Six monthly fee £65 inclusive of test

Speciality vehicles will also have an opportunity to apply for a plate exemption. If an application is accepted then that vehicle will have to carry the plate in the boot compartment, not on display on the external rear of the vehicle.

An application is available for the exemption with the costs being £50 for a first application and £30 for the annual renewal. Once granted the vehicle will be issued with a plate exemption certificate that must be kept in the vehicle.

Annex 2

Proposed Licence Conditions (Draft)

Peterborough City Council reserve the right to consult with VoSA (Vehicle & Operator Services Agency) if it believes a vehicle does not meet the standards set out in the latest version of their document for Guidance for Limousine Operators. The authority may refuse any vehicle upon application that does not meet the criteria.

It is the responsibility of each applicant to ensure that no more than 8 (Eight) passengers are ever transported in the vehicle at any one time. Seating capacity can be defined by the number of seating positions, which again can be defined by sculpting in the seat and/or seatbelts. When signing the vehicle licence application you are confirming that you will adhere to this.

On application for a limousine vehicle licence the applicant must be able to prove that the vehicle is of an approved standard to be used on the UK highway. If a vehicle is less than ten years of age it will require an IVA (Individual Vehicle Approval) certificate, a current MOT test certificate and a V5 vehicle registration certificate. Any vehicle over ten years of age will require a current MOT test certificate and a V5 vehicle registration certificate.

If any applicant is unsure how to obtain the relevant registration documentation, they should contact DVLA and/or VoSA.

Limousines should ideally be Chauffeur driven vehicles, and will not be allowed to be used for standard day to day private hire work.

For the licensing of classic/prestige cars each vehicle must comply with the Road Vehicle (Construction and Use) Regulations. It is expected that the type of vehicle relevant to this category of licensing would be a Rolls Royce, Daimler, Bentley or Jaguar. Also incorporated into this section would be vintage or classic cars. Other vehicles that the authority may be asked to licence could be Kit cars, or something of a more retro nature such as those from television, examples being a Ford Capri or a Reliant three wheeler.

All vehicles when presented for inspection must have all relevant documentation such as the MOT test certificate and a V5 vehicle registration certificate.

All these should ideally be Chauffeur driven vehicles, and will not be allowed to be used for standard day to day private hire work.

Peterborough City Council reserve the right to consult with VoSA (Vehicle & Operator Services Agency) if it believes a vehicle does not meet the standards of road worthiness as set out in the Categorisation of vehicle defects.

It should be noted that at the time of writing there is an exemption under the Local Government (Miscellaneous Provisions) Act 1976, when vehicles are used for weddings and funerals. However, this may change once the results of the law commission consultation are known, and changes made to legislation.

1. **Licensing Requirements**

1.1 The general conditions imposed by Peterborough City Council (hereafter referred to as the Council) for Private Hire Vehicle Operators, Drivers and Vehicles will be applicable to the licensing of stretch limousines unless amended by the following provisions.

1.2 The type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:

- Prom nights
- Theatre trips
- Hen nights
- Stag nights
- Party trips
- Race days

or any other similar events considered by the Council to be special in nature. However, vehicles used solely for weddings and funerals are exempt from the requirements of private hire licensing.

2. **Private Hire Operators Licence**

2.1 Persons taking bookings for private hire work using stretch limousines will be required to hold a private hire operator's licence issued by the Council.

2.2 All bookings of a limousine for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operators licence already issued or granted to an operator within the District or to any new licensed operator.

3. **Private Hire Drivers Licence**

3.1 Any person driving a stretch limousine for private hire will be required to be licensed as a private hire driver by the Council.

4. **Stretched Limousine - Definition**

4.1 A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that is capable of carrying up to but not exceeding 8 passengers. There will be no age limit for first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles as referred to in paragraph 1 page 23.

4.2 In order for the limousine to be considered for licensing, the applicant must prove that the "stretch" was carried out by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines

must have been built by an approved coachbuilder under the QVM programme, (Qualified Vehicle Modifier) for Ford vehicles or the CMC programme (Cadillac Master Coachbuilders). The onus is placed upon the applicant to prove that the vehicle meets the prescribed standards.

4.3 Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.

4.4 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

5. **Vehicle Testing**

5.1 A stretched limousine vehicle will be subject to a **twice yearly mechanical examination** at intervals to be specified by the Council at its authorised testing station (TBC) to determine its safety and suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. **A licence for a stretched limousine will be issued for a period of 6 months only**, renewal subject to a satisfactory retest.

5.2 The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:

- a European Whole Vehicle Type approval, or
- a British National Type approval, or
- an Individual Vehicle Approval (IVA) (formerly known as the Single vehicle Approval scheme (SVA).

5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.

5.4 Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.

5.5 A plate on the door pillar shall confirm the total weight of the vehicle.

5.6 DVLA V5 or equivalent shall be produced to authenticate registration.

6. **Vehicle Requirements**

6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).

- 6.2 Where applicable, an installation certificate must be produced from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- 6.3 The vehicle must display a valid road vehicle excise licence disc.
- 6.4 Vehicles may either be left or right hand drive.
- 6.5 Vehicles must be fitted with at least 4 doors.
- 6.6 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.
- 6.7 Any sunroofs fitted must be securely fastened in a locked position so that passengers are unable to tamper with them. Passengers must not be allowed to exhibit any parts of their anatomy through such openings.
- 6.8 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).

7. **Passengers**

- 7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.
- 7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.
- 7.3 Where passengers in the vehicle consist of persons under the age of 16 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- 7.4 Passengers must not be carried in the front compartment.

8. **Insurance**

- 8.1 The vehicle must have 'hire and reward insurance' to carry out private hire work and a full policy of insurance must be presented before the vehicle is licensed. A insurance cover note will not be accepted.

9. **Alcohol**

- 9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.
- 9.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the licensing Act 2003 permitting the sale or supply of the same.
- 9.2 If there are any passenger's below the age of 18, then there shall be no alcohol on the vehicle.

9.3 Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

10. **Entertainment**

10.1 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).

10.2 Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind.
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

11. **Advertisements**

11.1 No signs, notices or any other markings will be displayed on or in the Vehicle without the written permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

11.2 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

12. **Right of Appeal**

12.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.

12.2 Please note that failure to comply with any of the aforementioned conditions including the general conditions relating to private hire vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

Part 5 – Private Hire Operator’s Licence Conditions

1. Introduction and Objectives

Introduction

Private Hire Operators are licensed to provide pre-booked journeys for passengers at an agreed fare. Legislation states that the journey must be pre-booked with the operator prior to commencing, where a fare is undertaken without being pre-booked it is against the law and the drivers insurance will almost certainly be invalid.

The council has a responsibility to regulate Private Hire Operators in accordance with legislation, when receiving an application as well as considering any legislative requirements local authorities also have the ability to take into consideration local factors or issues that may be relevant when granting a licence.

When considering a new application for an operators licence we will consider the location of the premises, parking arrangements for vehicles and what the effect granting of the licence is likely to have on anyone in the vicinity, this includes residents, the public and other businesses.

Some locations such as the city centre and other densely populated areas do not easily accommodate businesses such as the private hire trade due to the space required for vehicles etc. Due to this we would not grant a licence unless the applicant can demonstrate such measures to ensure that there will not be a detrimental effect on anyone in the vicinity, this will also include any parking infringements by drivers visiting the office that are encouraged due to the location. Any application for a city centre location will also be considered in accordance with the Peterborough City Centre Development Plan.

In granting a licence the authority will attach conditions to the licence, and as part of the authority’s role within regulation it will ensure compliance by the operator to these conditions. Some conditions are prescribed by legislation and are mandatory; others are adopted locally where deemed appropriate or necessary.

It is good practice and appropriate to regularly review the conditions in order to ensure that they remain relevant and are fit for purpose. It should be remembered that where a condition is set by legislation then these cannot be amended or removed and therefore will continue to be attached to all operator licences.

Objectives

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure that all reasonable measures are taken in order to make Peterborough a safe environment for all users of the Taxi and Private Hire services.
3. To seek comments and views from all those who could be affected if the councils policy and conditions were to be amended.

Below you will find our proposals for the revised conditions, these include the mandatory conditions, and therefore we are seeking any comments or suggestions you may have.

It is proposed that the following conditions are attached to the private hire operator's licence. These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

1. **Planning Requirements**

- (a) There shall (where planning legislation and practice requires it) be in force for the premises from which the business is to be conducted a valid planning consent in these cases. Operators must comply fully with any condition attached to such consent.
- (b) Where planning consent is not required written confirmation from the councils planning department will be required.
- (c) In the case of an operator with only one vehicle operating from a residential address and the councils planning department has confirmed that planning permission is not required the following conditions must be adhered to:
 - (i) only one vehicle can operate from the premises
 - (ii) customers must not visit the premises
 - (iii) customers must be picked up away from the premises
 - (iv) any advertising from the premises must have prior approval from the councils planning department.

2. **Records**

- (a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following:-
 - (i) the call sign or other identifying mark used on booking records;
 - (ii) the licence plate number;
 - (iii) the vehicle registration number;
 - (iv) the name and address of vehicle proprietor;
 - (v) a valid current certificate of motor insurance or security for the vehicle together with, where appropriate, a Ministry of Transport certificate and ensure both the driver and vehicle hold a current licence issued by the City Council;
 - (vi) the names and addresses of drivers and the badge numbers of drivers.
- (b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.
- (c) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book, **TO BE HELD AT THE PREMISES FROM WHICH THE BOOKING IS MADE**, the pages of which are numbered consecutively, the following details:-
 - (i) the time and date of each booking;

- (ii) by what method the booking was received, i.e. telephone or personal call;
- (iii) journey from _____ to _____;
- (iv) the name of the hirer; and
- (v) cost of fare quoted for journey.

(Note: If a licence plate number or call sign is used, a record showing the vehicle registration number and the plate number or call sign allocated shall be displayed and kept on the licensed premises.)

- (d) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

4. **Information as to Charges**

No operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first drawing the attention either orally or in writing to the person making the booking, information as to the basis of charge for the hire of the vehicle. The Operator shall ensure that such information is passed to the driver.

5. **Statement of Fares**

Every operator shall cause a statement of fares in a form previously submitted to and agreed by the Council to be fitted and maintained in such a position in each licensed private hire vehicle and in EACH OF the operator's premises so as to be clearly visible at all times to the hirer. The Statement shall clearly show the following:-

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) the retention charge per minute or portion thereof;
- (d) any additional charges.

6. **Term of Licence**

Private Hire Vehicle Operator's Licences shall be granted for a period of one year or such other period as the Council may from time to time determine.

7. **Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that if it is intended that a diesel "Fortwo" Smart Car is to be dispatched to fulfill a booking, it is highlighted with the customer and if requested, an alternative licensed vehicle is supplied.

8. **Disorder**

The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

9. **Change of Address**

- (a) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.
- (b) Where there is a change of address from which the business is conducted, the operator must ensure that all necessary requirements including any planning permissions are in place prior to the business operating from the new location.

10. **Convictions/Cautions**

- (a) The operator shall within seven days disclose to the Council in writing details of any conviction/cautions imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.
- (b) The grant of the Operator's Licence is precedent to the operator holding a valid licence issued by the Department of Trade and Industry.

11. **Facilities for Passengers**

- (a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.
- (b) The operator shall ensure that his/her staff, drivers, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.
- (c) The operator shall ensure that the internal and exterior of **EACH of HIS/HER** premises ARE kept in good repair to the satisfaction of the Council.

12. **Complaints**

- (a) The operator shall, on receipt of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his/her business, immediately notify the complainant of his/her rights to forward the complaint to the Council.
- (b) Any complaint shall be investigated immediately by the operator and the complainant notified of the outcome within 24 hours.
- (c) Where a complaint is investigated by an authorised officer of the Council the operator shall conform to any directions of the officer in respect of that complaint.

13. **Taximeters**

- (a) The operator shall ensure that vehicles operated by him which are fitted with a sealed taximeter, charge a fare or charge calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of the journey. The taximeter being brought into operation at the commencement of the journey.
- (b) The operator must ensure that all vehicles operated by his base station fitted with meters have been sealed by an authorised Officer of the Council.

14. **Acceptance of Bookings**

- (a) The operator must advise all drivers **OF VEHICLES IN RESPECT OF WHICH HE ACCEPTS A BOOKING THAT**, whilst on duty, being in charge of a licensed private hire vehicle HE shall not ply for hire or otherwise:-
 - (i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
 - (ii) cause or procure any other person to tout or solicit on any road or other **PUBLIC** place any person to hire or be carried for hire in any private hire vehicle; or
 - (iii) offer the vehicle for immediate hire whilst the driver is on a road or public place or private property.
- (b) The Operator/Proprietor shall not permit any person not being the holder of a valid licence issued by the City Council to drive a licensed private hire vehicle.

15. **Satellite Offices**

Where a satellite office is in operation the following conditions will apply in addition to those previously mentioned:

- (a) Private hire vehicles must not park illegally on the public highway in the vicinity of the satellite office, breach road traffic legislation or breach parking restrictions or cause obstruction or annoyance to the public, other road users or other businesses.

- (b) Vehicles must not be allowed to congregate in the vicinity of the satellite office unless there is adequate off street parking to accommodate all vehicles.
- (c) Private hire vehicles must only attend the satellite office to undertake pre-booked fares and should depart immediately on the collection of their passenger
- (d) Vehicles should not be dispatched to the satellite office unless the passenger is ready for collection.
- (e) Booking records must be kept in accordance with section 2 of this document.
- (f) Private Hire Marshals must be clearly identifiable to the public and fully aware of their responsibilities in accordance with the conditions as attached to the operators licence and all associated legislation.
- (g) Private Hire Marshals or any other person representing the operator must not approach the public or any perspective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. (This includes handing out business cards to perspective customers without the customer making an initial enquiry).
- (h) Where official marshals are not employed by the operator and existing members of staff of a premises are acting as an agent for the operator, then the agent representing the operator must not approach the public or any perspective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. (This includes handing out business cards to perspective customers without the customer making an initial enquiry).
- (i) Driver's must not take bookings direct from customers.
- (j) Where a driver is temporarily undertaking the role of a marshal, the driver must be clearly identifiable as such and must not be in the vicinity of his vehicle.
- (k) Where a driver is temporarily undertaking the role of a marshal, the driver must not take a booking and then carry out the job himself.

15. Licence Fees

- (a) A licence in respect of which a licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

Part 6 – Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing

1. Introduction and Objectives

Introduction

In licensing drivers safety is paramount, the council has a responsibility to implement such precautionary measures it deems appropriate to protect passengers, members of the public, other road users and drivers themselves from harm. Part of the application process is to determine if an applicant can be deemed a “fit and proper” person to hold a licence. Although there is no general test to determine “fit and proper” the qualities that are deemed appropriate to consider are the applicant’s honesty, integrity and character, and therefore it is essential that previous history of all applicants is considered in order to assess any potential risks or concerns.

Once a driver is issued a licence it remains the duty of the council to assess any information that is made available from reasonable sources where due to the drivers actions or behaviour his or her honesty, integrity or character is in question, and hence there is reason to doubt if the driver is still “fit and proper” to hold a licence.

In order for the council to assess each application on its own merits and to make a determination in relation to whether a person can be deemed “fit and proper” to hold a licence we must consider previous convictions and cautions. Although many applicants consider cautions to be less serious they are an acknowledgement of guilt for the associated offence and therefore most relevant in this process.

It should be mentioned that although a person may have previous convictions and or cautions this does not necessarily mean that the council would refuse to grant a licence. Similarly, where a person has not been convicted of a crime or accepted a caution for an offence that they are automatically deemed “fit and proper”. All relevant history will be considered when making a determination.

This section documents the relevance of convictions and cautions and below you will find our proposals as to what we should consider and therefore are seeking any comments or suggestions you may have.

Objectives

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure that all reasonable measures are taken in order to make Peterborough a safe environment for all users of the Taxi and Private Hire services.
3. To seek comments and views from all those who could be affected if the councils policy and conditions were to be amended.

1. **General**

1.1 **Scope**

This Policy applies to the grant, revocation, suspension or renewal of Operators Licences (“Operator’s Licences”) and Licences to drive hackney carriages and/or private hire vehicles (“Driver’s Licences”) issued by Peterborough City Council (“the Council”).

1.2 **Purpose**

The purpose of this Policy is to facilitate the Council’s duties and responsibilities in determining the impact of convictions and cautions on the grant or renewal of Drivers and Operator’s Licences in accordance with the legislative considerations set out below.

2. **Legislative Background**

2.1 **Licensing Legislation**

The Council licences drivers and operators under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (“the Relevant Legislation”).

2.2 **Grant and Renewal of Licences**

Sections 51, 55 and 59 of the Relevant Legislation prescribe that the Council shall not grant a Driver’s or Operator’s Licence unless satisfied that the applicant is fit and proper for that purpose.

Whilst the relevant legislation is not specific as to what will constitute a fit and proper person for the purpose of determining whether to issue a Licence, it is commonly accepted that any history of offending will be a relevant consideration. The overriding aim of the licensing authority is to protect the public.

2.3 **Suspension or Revocation of Licence**

Section 61 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew a Driver’s Licence in the following circumstances:

- (a) there has been a conviction/caution for an offence involving dishonesty, indecency or violence;
- (b) there has been a conviction or caution for an offence under or a failure to comply with the Relevant Legislation; or
- (c) any other reasonable cause

Similarly, Section 62 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew an Operator’s Licence in the following circumstances:

- (a) there has been an offence under or non-compliance with the Relevant Legislation;

- (b) any conduct on the part of the Operator which renders him unfit to hold a licence;
- (c) any material change since the Licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

2.1 The Council will also have due regard to:

- (a) s.17 of the Crime and Disorder Act 1998 which states ‘without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- (b) The Department for Transport’s Taxi and Private Hire Vehicles: Best Practice Guidance which recognises the need for criminal record checks as an important safety measure and contemplates that a particularly cautious view will be taken in relation to offences of a violent or sexual nature.

3. Disclosure of Convictions/Cautions

- 3.1 All persons (“Applicants”) seeking to obtain an Operator’s and/or Driver’s Licence or will be required to disclose the existence and detail of all relevant convictions and/or cautions they may have.
- 3.2 For the purpose of meeting their disclosure obligations Applicants will be required to obtain an Enhanced Disclosure from the Criminal Records Bureau (“CRB”).
- 3.3 The Council will decide what level of disclosure is required and in doing so will have regard to the Rehabilitation of Offender’s Act 1974 and the Rehabilitation of Offender’s Act 1974 (Exceptions) Order 2002 (“the Order”). In particular, the following is of note:

4. Drivers

- 4.1 Hackney and private hire drivers working with children and/or vulnerable adults are included within the scope of the Order. This means that all convictions, irrespective of age or sentence imposed can be considered if relevant to the application and will not become spent for this purpose.
- 4.2 In view of the application of the Order, the Council will request an Enhanced Disclosure from the CRB the response to which will contain information of any current or spent convictions, cautions, reprimands or warnings as well as for example other relevant information held by the Police. More information about the CRB and the checks that they perform is available on their website.

5. Operators

- 5.1 Private Hire Operators do not fall within the Exemption of the Order, however it is acknowledged that whilst that individual may not be directly responsible for transporting members of the public, they will have access to personal

information about passengers and afforded access to them if they walked into the Operator's office to hire a private hire vehicle.

5.2 In view of the above and requirement of the Relevant Legislation, that Operators are fit and proper persons, the Council will also request a CRB.

5.3 Information obtained from the CRB will be shared only with those authorised to receive it in the course of their duties.

6. **Assessment of Applications**

6.1 **General**

6.2 The Council will not preclude applications from persons who have previous criminal convictions/cautions subject to the application of this Policy. In particular, having a criminal record will not necessarily be a bar from obtaining a Licence. **Each case will be decided on its own merits.**

6.3 The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the Applicant's history may be such that they can never be deemed a fit and proper person. The Council retains absolute discretion as to whether or not a Licence will be granted, having regard to the legislation outlined at paragraph 2 above, all information obtained and observations made during the relevant application process.

6.4 Careful consideration of the evidence provided should be given if an applicant has on more than one occasion been arrested, charged, but not convicted of a serious offence, which suggests on the balance of probabilities that they could pose a danger to the public.

6.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.

6.6 The council is also entitled to use other records and available information when determining applications. This may include information held by the council or other Licensing Authorities and information disclosed by the Police under the Home Office scheme for reporting offences committed by notifiable occupations. Anyone on an Independent Safeguarding Authority (ISA) Barred List will normally be refused a licence. Any licence holder who is subsequently included on an ISA Barred List will normally have their licence revoked.

7. **Impact of Cautions/Convictions**

7.1 Each application will be carefully assessed and in each case the information provided will be considered in relation to the particular circumstances and shall take into account one or more of the following (non-exhaustive) factors:

7.2 **Level of Responsibility.** The Council will consider the level of independence afforded to the Applicant. An Applicant who works alone with

minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.

- 7.3 **Date of Offence(s).** The Council recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period of time will be considered more serious than an isolated minor conviction.
- 7.4 **Attitude of the Applicant.** The Council will look for evidence that the Applicant has been rehabilitated and has demonstrated a determination not to re-offend.
- 7.5 **Mitigating Circumstances.** The Council may ask Applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.
- 7.6 **Sentence Imposed.** The Council will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

8. **Rehabilitation**

- 8.1 The policy prescribes the minimum periods of rehabilitation which will ordinarily need to have elapsed before an Application can be approved. These minimum periods will be considered in conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.
- 8.2 Representatives of the Council tasked with deciding whether or not to approve an Application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an Application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an Application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent or habitual offending history).

9. **Right of Appeal**

- 9.1 Applicants have a right to appeal against decisions made in pursuance of this Policy in the following circumstances:

9.2 **Licences**

A right of appeal arises against the following decisions:

- Refusal to grant or renew an Operator's or Driver's Licence;
- Suspension or revocation of an Operator's or Driver's Licence; and
- The imposition of conditions which may have been placed on the grant of an Operator's or Driver's Licence.

Any such appeal must be made in writing to the Magistrates Court within 21 days of the date of the decision letter having been served.

The appeal will be processed and determined by the Magistrates Court.

10. **Updating and Repeat Checks**

- 10.1 Successful applicants are required to notify the Council within 7 days of any convictions or cautions they may receive after the grant of their Licence/Approval.
- 10.2 Persons wishing to renew their Licence must obtain and provide updated Disclosure Documents annually.

11. **Breaches of this policy**

Licenses

- 11.1 Applicants are prohibited from driving a private or hackney carriage vehicle, or performing the duties of an operator without first having obtained a relevant Licence for this purpose.
- 11.2 Persons who have previously been granted a Driver's or Operator's Licence which has been suspended or revoked are prohibited from continuing to drive or perform the duties of an operator unless they have submitted an appeal in accordance with paragraph 9 of this Policy.

12. **Guidelines**

The following paragraphs offer a general guide on the decision, which might be taken where cautions or convictions are disclosed.

Offences Involving Violence

Offences against Children under 14 years and Young Persons 14 to 17 years

- 12.1 Drivers of hackney carriages and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken when offences of violence involve children or young persons.
- 12.2 Where the commission of an offence involved loss of life a licence will normally be refused. In other cases anyone of a violent disposition will normally be refused to be licensed until they have at least 3 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

Offences against Other Persons

- 12.3 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of at least 3 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered

favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

12.4 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide whilst driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

12.5 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Arson
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm
- Riot
- Assault on the Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 10 years prior to the date of application.

12.6 An application will normally be refused where the applicant has a conviction for an offence such as:

- Racially aggravated criminal damage
- Racially aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 5 years prior to the date of application.

12.7 An application will normally be refused where the applicant has a conviction for an offence such as:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Harassment, alarm or distress (S5 Public Order Act 1986)
- Fear of provocation of violence(S4 Public Order Act 1986)
- Intentional harassment, alarm or distress (S4A Public Order Act 1986)
- Obstruction

- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 3 to 5 years prior to the date of application.

13. **Weapon Offences**

- 13.1 If an applicant has been convicted of possession of a weapon or a weapon related offence, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 to 5 years prior to the date of application.

14. **Sex and Indecency Offences**

- 14.1 Any applicant currently on the Sex Offenders Register will not normally be granted a licence.

Offences against Children under 14 years and Young Persons 14 to 17 years

- 14.2 Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

Offences against Other Persons

- 14.3 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an application will normally be refused where an applicant has a conviction for an offence of:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

- 14.4 An application will normally be refused where the applicant has a conviction for an offence relating to:

- Sexual or indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

- 14.5 An application will normally be refused where the applicant has a conviction for an offence relating to:

- Indecent exposure

- Soliciting (including kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.6 A licence will not normally be granted if an applicant has a conviction for any sex or indecency offence.

15. Dishonesty Offences

15.1 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. It should also be noted that a private hire driver is not bound by a set fare structure and therefore is open to potential abuse by dishonest drivers. Customers often use the trade for journeys to airports and drivers are privy to the knowledge that premises will be empty for a period of time. In addition overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.

15.2 For these reasons a serious view is taken of any convictions involving dishonesty. In general a minimum period of 3 to 5 years free of conviction should be required before an application can be considered favourably. Offences of dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

16. Drug Offences

16.1 A serious view will be taken with regard to any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of such conviction for a period of at least 3 to 5 years.

16.2 An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

16.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

16.4 If there is evidence of persistent drugs use, misuse or dependency a medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years after detoxification treatment.

17. **Driving Offences**

17.1 Private and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and vehicles at all times. Any traffic offence could demonstrate that a driver is not a fit and proper person to hold a Licence. The following is of note:

- **Major offences / High risk offences** (see Annex A for examples of major/high risk offences). An Application received which details one of the major / high risk traffic offences in Annex A, on the DVLA licence, will normally be refused or a current licence suspended or revoked. An application will not normally be approved until the endorsement period has expired (4-11 years) and it is shown that no further motoring convictions have been endorsed on the licence in that period.
- **Minor offences** (see Annex B for examples of minor offences). Where a period of disqualification has been imposed due to the accrual of DVLA penalty points or for a single infringement, an application should not be considered until the driving licence has been restored for a period of 12 months. Should the DVLA licence show a further conviction after the disqualification period then a 12 month period free of conviction should elapse from the date of the latest conviction. If an applicant has had their licence revoked, following six or more penalty points during the first two years since passing their driving test, then a period of 12 months free of further conviction, after passing a further test should have elapsed before granting a licence or approval to work on passenger transport services.

18. **Drunkenness**

18.1 **With a motor vehicle**

A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. Where a disqualification has occurred as a result of a drink driving offence, a period free of conviction of 3 to 5 years should elapse from the restoration of the DVLA licence, before an application will be considered.

18.2 If there is any indication that the applicant is an alcoholic, a medical examination (in accordance with the DVLA Group 2 Medical Standards) shall be arranged by the applicant, at their expense, before an application is considered. If the applicant was an alcoholic, then they will be required to show evidence that they have undergone rehabilitation and have been free from any issues for a period of at least 3 to 5 years.

18.3 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of related convictions could indicate a problem necessitating a medical, as laid down in 18.2.

19. **Discrimination Offences**

19.1 The council will treat any discrimination offence seriously when establishing if an Applicant is fit & proper. A period of 3 to 5 years free of conviction must have elapsed before an application should be considered. If the conviction relates to a racial incident then refer to paragraph 12.6.

20. **Licensing Offences**

20.1 Licensing legislation is designed to ensure the public are protected and as such a serious view will be taken of convictions for offences under the Acts when deciding whether an applicant is fit & proper. In general a period of 3 to 5 years free of conviction must have elapsed before an application should be considered.

20.2 If an applicant has had a licence suspended, revoked or refused by another authority, then checks will be made with that authority to aid the decision making process.

21. **Outstanding Charges and Summonses**

21.1 If an applicant is the subject of any outstanding charge, summons, or is currently on bail awaiting a charging decision, no decision will be made, or licence granted until these outstanding matters are resolved.

Annex A

MAJOR TRAFFIC OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA20	Attempting to drive while disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD80	Causing death by careless, or inconsiderate driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink

DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

Annex B

MINOR TRAFFIC OFFENCES

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type or vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway

Aiding, Abetting, counselling or procuring

Offences as coded above, but with 0 change to 2 (for example CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 change to 4 (for example CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (for example CU10 becomes CU16)

Part 7 – CCTV

1. Introduction and Objectives

Introduction

The protection of the travelling public and drivers of both Hackney Carriage and Private Hire Vehicles is paramount. Many journeys take place late at night or in the early hours of the morning at times when either a passenger or the driver may for no fault of their own find themselves in a vulnerable position. This could be a lone female passenger or a driver who finds himself alone with a group of high spirited passengers. During this period of time passengers are more likely to be under the influence of alcohol or in some cases recreational drugs.

It can be assumed that the installation of CCTV in vehicles can act as a deterrent against crime on both the passenger and the driver, or as support when investigating an alleged crime. However there are many views on what a reasonable specification would be for equipment and what criteria should be expected.

It is considered that to have the full benefits of CCTV then the system should record both audio and video at all times the vehicle is in motion. The images are recorded on to an encrypted hard drive for security reasons and that only authorised officers would have access to the contents when investigating an alleged crime. Systems of this specification are expensive as compared to those of a less secure specification where data is stored on SD cards and can be accessed or tampered with easily.

The Information Commissioners Office (ICO) has the view that audio should not be recorded continually as they feel this is a breach of an individuals civil rights. They suggest that audio should only be recorded in specific circumstances. The commission has taken enforcement action and served notice on some authorities who have proceeded to insist on the installation of CCTV that continually records in vehicles, this action is being challenged in the courts in the spring of this year and as of yet it is unclear on the possible outcome. It should be pointed out that the ICO is not against CCTV in vehicles or the principles behind the installation of it.

Objectives

This consultation has the following main aims.

1. To fulfil the councils commitment to ensure that its policy for Hackney Carriage and Private Hire licensing is current and fit for purpose.
2. To ensure the safety of passengers and drivers are considered at all times.

2. Background and Present Arrangements

Background

In response to a number of incidents against our licensed drivers, Cambridgeshire Police in 2008 set up a monthly Taxi Issues Meeting. This group being chaired by Cambridgeshire Constabulary was also attended by Councillors, Peterborough Mediation, and Peterborough Racial Equality Commission, representatives from the hackney and private hire trade and council officers. After a number of meetings the group highlighted on 6 November 2008 that the installation of CCTV could be a possible solution and were supportive of the installation being made compulsory.

Following a consultation with all stakeholders, on 10 March 2009 a report was presented to the Licensing Committee recommending the adoption of CCTV as a compulsory requirement; this was agreed by the committee. For the decision to be formally implemented it is a requirement for formal notice to be given to the trade. This to date has not happened, at this time there were also significant protests and blockades of council offices with particular concerns relating to the funding of the CCTV. Secondary to this concerns were raised regarding specialist vehicles such as corporate or airport vehicles being forced to have CCTV installed.

The department was asked to explore additional funding options that could support the implementation and offset the costs for the drivers; all attempts to secure funding from various sources were unsuccessful. Due to the current economic climate and the continued reduction in the economy it is anticipated that the trade members are not in a position to provide the financial outlays required by them to fund the installation of CCTV.

Current Situation

The councils Licensing Committee have previously agreed officer recommendations to make the installation of CCTV in all Hackney Carriages and Private Hire Vehicle's mandatory, however the recommendations to date have not been implemented.

Since the recommendations were made to the committee there has been a dramatic downturn in the economy that has had a major effect on the industry, with both sectors of the trade reporting a major fall in the number of fares being undertaken.

With many public and private organisations struggling to maintain services within budgetary restraints the opportunity for funding in order to support the installation of the equipment is not available.

There has been legal action taken against authorities who have attempted to regulate CCTV in its Taxi and Private Hire vehicles of a similar specification to that of our criteria. These cases are still pending in the courts and may prove to be very contentious and revolve around individuals civil rights.

The Information Commissioners Office (ICO) has served notice on one authority (Southampton) as it is the ICO's opinion that requiring taxi operators to record all conversations and images while the vehicles are in use is disproportionate. This is being appealed; however the case is not expected to be heard by the courts until spring of this year. It is anticipated that if it is ruled that conversations cannot be generally recorded this could have a major impact on the effectiveness of CCTV.

This document sets out options for the Hackney Carriage and Private Hire Vehicle CCTV arrangements in Peterborough. It is a consultation document and comments are invited from all those who could be affected by the proposals.

3. OPTIONS

Option 1:

Make recommendations to the licensing committee that the original decision to make the installation of CCTV mandatory in Hackney Carriage and Private Hire Vehicles now be reversed and any conditions in relation to CCTV removed from licenses.

Option 2:

Make recommendations to the licensing committee that the installation of CCTV in Hackney Carriage and Private Hire Vehicles is made optional.

Option 3:

Make recommendations to the licensing committee that the installation of CCTV in Hackney Carriage and Private Hire Vehicles is made optional, however to set a minimum specification for CCTV equipment where is installed.

4. REGULATORY CHANGES

Any changes to the current licensing policies will require consideration and approval by the Licensing Committee.

5. YOUR COMMENTS AND MAKING A SUBMISSION

Your comments

We hope you will take time to consider the options mentioned and respond to us with your comments on how you would like to see the Hackney Carriage and Private Hire Vehicle Licensing requirements taken forward in the future.

We want to hear from you, and in particular your thoughts on the following aspects of the proposals would be very welcome.

- The principles and considerations underpinning the each option.
- Any advantages or disadvantages to be considered.
- The practical implications of any of the options.

We would also welcome any other options that appear to you to provide a workable alternative to the current arrangements.

How to respond

If you wish to make representations concerning any of the proposals contained within this consultation document please ensure that your comments arrive on or before **(enter date here)** (Please quote reference number lpc01/2013 in your correspondence).

You can respond via email to lpc@peterborough.gov.uk or alternatively you can respond in writing to the following address:

Licensing Consultation Officer
Hackney Carriage and Private Hire Licensing Team
4th Floor
Bayard Place
Broadway
Peterborough
PE1 1HZ

If you are responding as a representative of an organisation, please include in your response some background information about the people or organisation you represent.

This consultation is being sent to the organisations and individuals previously listed in this document. If you think any other organisation or person should see it please let us know.

Please note that all representations received may be considered in public by the Council and that the substance of any representations together with the name and address of the person making it could become available for public inspection.

Next steps

Any amendments to the policy will be introduced following full consideration of the responses received and the approval of the Licensing Committee. Until further notice all existing policies and conditions remain unchanged.