

## LICENSING COMMITTEE

THURSDAY 14 NOVEMBER 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 Meetings Held on:

3.1	18 July 2013	3 - 4
3.2	29 July 2013	5 - 10
3.3	Minutes of the Sub-Committee Hearings Held Between July 2013 and September 2013	11 - 18
	i) 17/07/13	
	ii) 16/09/13	

4. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing 19 - 32

#### Emergency Evacuation Procedure – Outside Normal Office Hours

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



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

Committee Members:

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

Substitutes: Councillors: Simons, Johnson and Harrington

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

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 JULY 2013**

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

**Officers Present:** Adrian Day, Licensing Manager  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies were received from Councillor Allen and Councillor Kreling

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting held on 14 March 2013**

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

**4. Taxi Licensing Fees Increase**

The Committee received a report which provided background information surrounding the proposed increase in taxi licencing fees and an overview of the representations received during the statutory notice period.

The Committee was requested to consider the contents of the report, and the representations received, and to set a further date, no later than two months after the first specified date of 1 August 2013, on which the variation would come into force with or without modification.

Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, set out the procedures for increasing the fees for vehicle and operators' licences and any other sums as determined by the Council. The fees charged should be sufficient to cover the service provided and may not result in any profit.

The Committee was advised of the profit and loss for taxi licensing for year 2012/13 and it was demonstrated that the department was running on a deficit of nearly £35k. The only way to address the deficit was to increase the income brought in, as may not be used from elsewhere, thus as there had been no increase in the taxi licensing fees since 2009, an increase was proposed as appropriate.

Since the last increase, an internal review of the service had taken place which identified a number of areas within the regime that were not sufficiently covered by the current fees charged, therefore it was considered necessary to adjust, and in some cases add, new charges and a schedule of the proposed taxi licensing fees was presented to the Committee for consideration.

During debate, comments raised and responses to questions included:

- Further fee increases could be proposed at any time, however it was considered that the current proposals, if agreed by the Committee, would reduce the deficit by the following year;
- There were a number of factors behind the £35k deficit including;
  - i) There had been no fee increases over the previous four years;
  - ii) Services had been re-located, which had caused a drop in efficiency; and
  - iii) Counsel was employed for court cases and the award of costs were, on average, in the region of £200-£250.
- There were plans to reduce the administration side of the service to allow for officers to be less office based, and the provision of a permanent booth at Bayard Place was also proposed. The provision of a value for money service was of the utmost importance to the council;
- If the service remained in deficit, there would be the possibility of further staff reductions;
- There was no upper limit to the number of private hire or hackney carriage vehicles in the city. Capping the number of hackney carriages would lead to an increase in the black market value of licence plates;
- An overview of other additional costs to the service was provided, including provision of door stickers, data requests from insurance companies, doctors note requests, plate transfers, DVLA checks and the printing of fare cards;
- It was reiterated that the service was not permitted to make a profit. Any additional funds were placed into the reserve;
- The consultation process was outlined including adverts being placed in the local newspaper, to which there had been no responses received;
- Vehicles had to be tested every six months for reasons of safety. It was advised that a number of vehicles were failing their first tests; and
- An increase in fees may mean that drivers had less money to spend on the upkeep of their vehicles. In response, it was advised that savings were being explored to pass onto the trade, in particular around the servicing of vehicles.

Following debate and questions to officers, Members acknowledged that times were hard financially, however there had been no fee increases in four years and therefore the proposed increases were deemed appropriate in this instance.

**RESOLVED:**

The Committee noted the contents of the report, had due regard to the representations received and agreed that the variation to the taxi licensing fees, with modification, was to take effect from 1 August 2013.

**Reasons for the decision:**

The decision was made to comply with the statutory requirements regarding increasing the fees for vehicle and operators' licences.

7.00pm – 7.35pm  
Chairman

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

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

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

**1. Apologies for Absence**

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

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

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

**2. Declarations of Interest**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7. Manoeuvrability requirement**

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

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

## **14. Body**

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

E7 LWB – overall length 5.136 metres

- 15.8 *Where seats are placed facing each other, there must be a minimum space of 425mm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.*

E7 SWB & LWB – as below;

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

**16. Passenger compartment**

- 16.2 *Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 40mm apart. When not in use, they must not obstruct doorways.*

E7 SWB & LWB – 20mm apart

**18. Visibility**

18.2 *Passenger Visibility*

*The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 780mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition in drawing format.*

E7 SWB & LWB – 750mm minimum vertical distance

- 18.4 *Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, **when seated**. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.*

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

**RESOLVED:**

The Committee approved:

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

In approving Option 2, the Committee agreed the following:

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

**Reasons for the decision:**

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

1.30pm – 3.40pm  
Chairman

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Wednesday 17 July 2013

**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	Application for New Premises Licence – Iain Gordon-Smith Alcohol, Unit 14, Alfric Square, Peterborough, Cambridgeshire, PE2 7JP
3.1 Application Reference	MAU 067344
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Simons 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	Mr Iain Gordon-Smith
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for new premises licence.</p> <p><b><u>Summary of Variation Application</u></b></p> <p>On the 31 May 2013 a new premises licence application was submitted to the Licensing Authority by Mr Iain Gordon-Smith. The premises was a warehouse and had never had the benefit of any type of alcohol or public entertainment licence. A 'Notice' was displayed in the newspaper on 6 June 2013, in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.</p> <p>The authorisations and times applied for were as follows:</p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b> Monday to Sunday 11.00 to 06.00</li> <li>• <b>Hours premises are open to the public</b> Not given on application form</li> </ul> <p>Representations against the application had been received from Cambridgeshire Constabulary and the Local Health Authority, in their</p>

	capacity as Responsible Authorities.  There had been no representations in support of the application.
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Public Safety 2. The Protection of Children from Harm
3.7 Parties/Representatives and witnesses present	Mr Iain Gordon-Smith (Applicant) Mr George Sugdon (Applicant's Representative) PC Grahame Robinson (Cambridgeshire Constabulary)
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 advised that mediation between the Applicant and those that had made representations against the application had been successful.  It was therefore advised that a hearing was no longer required to determine the application.
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 successfully mediated and therefore the Sub-Committee was no longer required to consider the application.

Chairman  
1.00pm – 1.10pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday 16 September 2013

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Review of Premises Licence – Marisqueira, 62 Cromwell Road, Peterborough, PE1 2EG
3.1 Application Reference	MAU 067710
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 Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Trading Standards
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Review of existing premises licence.</p> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to review the premises licence from Pollution Control, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>The application to review, served by Pollution Control, was received on 22 July 2013, which had included three witness statements from local residents.</p> <p>A representation in support of the review and recommendations had been received from Cambridgeshire Constabulary, a Ward Councillor and 8 local residents.</p> <p>A summary of the issues raised within the representations included:</p> <ol style="list-style-type: none"> <li>1. Continued breaches of premises licence conditions;</li> <li>2. Poor management of the premises; and</li> <li>3. Continued issues with loud music and anti-social behaviour from the premises.</li> </ol> <p>Further representations were received from Councillor Nadeem, Central</p>

	<p>Ward Councillor and eight local residents in their capacity as 'Other Persons' had been received. A summary of the issues raised included:</p> <ol style="list-style-type: none"> <li>1. Continued issues with loud music from the premises;</li> <li>2. Increase with litter issues near to premises; and</li> <li>3. Increase in anti-social behaviour in and near the premises.</li> </ol>
3.6	<p>Licensing Objective(s) under which representations were made</p> <p>1. The Prevention of Public Nuisance.</p>
3.7	<p>Parties/Representatives and witnesses present</p> <p><b><u>Applicant / Responsible Authority</u></b></p> <p>Mr Richard Bowler, who presented the case on behalf of Pollution Control.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p><b><u>Ward Councillor</u></b></p> <p>Councillor Mohammed Nadeem</p> <p><b><u>Other Persons</u></b></p> <p>Councillor Mohamed Jamil, speaking on behalf of Zaf Iqbal, local resident.</p> <p>Mr Aslam Ismail, local resident.</p> <p>Mohammed Kamran, local resident</p> <p>Mohammed Rashid, speaking on behalf of Saeeda Rashid, local resident.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Licensee was not in attendance. The Licensee's representative joined the meeting at 1.40pm.</p>
3.8	<p>Oral representations</p> <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Applicant / Responsible Authority</u></b></p> <p>Richard Bowler, Pollution Control Officer, 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"> <li>• There had been consistent playing of loud music over the weekends;</li> <li>• Doors and windows had been left open by the premises at the time of playing loud music;</li> <li>• Diary sheets had been submitted by local residents, which had demonstrate that music was being played after the licensable hours;</li> <li>• Pollution Control recommend that the Designated Premises</li> </ul>

Supervisor (DPS) be removed from the premises;

- There had been no issues with the illicit or under age sales of alcohol;
- Three recordings of the loud music disturbances were retrieved, which had been recorded by a property adjacent to Marisqueira; and
- There had been no reports of crime related arrests linked to the premises.

#### **Responsible Authority – Cambridgeshire Constabulary**

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

- The Police had visited the premises - Marisqueira on many occasions and had attempted to work with the establishment in persuading them to comply with the licensing rules;
- There had been growing tension building in the Community over how the Marisqueira was conducting their business;
- There had been no drug related arrests made; and
- At a temporary event held at the Marisqueira establishment on 12 and 13 July 2013, the doors and windows were open at the time of playing loud music and following a visit from PC Gary Johnson, it had been identified from CCTV footage that there were people dancing inside and outside the premises after the permitted licensing hours.

#### **Other Persons – Councillor Mohammed Nadeem, Ward Councillor**

Councillor Nadeem addressed the Committee and supported the review of the premises licence as the premises was not fit for purpose in light of all the evidence and witness statements submitted. In addition Councillor Nadeem stated that the License Holder had clearly demonstrated a breach of the license conditions.

#### **Other Persons – Councillor Mohammed Jamil**

Councillor Jamil, representing Mr Zaf Iqbal addressed the Committee and supported the review of the premises licence and was in favour of the Officer recommendations. The key points raised during his address were as follows:

- The premises had changed hands many times;
- The premises was intended to be operated as a café, however, it appeared to be operating as a night club;
- There had been a history of violence attached to the premises;
- The licensee holder had not demonstrated any control over what issues were arising from the premises;
- Local residents were forced to have to deal with disruption to their normal living routines due to loud music;
- Loud music had been played until 1-2am in the morning;
- The issues seem to be with the DPS who was in control of the premises;
- Conditions had been introduced in 2011 to curtail the disturbance that Marisqueira had been causing, however, the conditions were clearly being disregarded; and
- Residents wished to see the removal of the ability to play music.

Mr Aslam Ismail, a local resident living in Cromwell Road, addressed the Committee and supported the review of the premises licence. The key points raised during his address included:

- The Marisqueira premises attracted the wrong clientele to the area;
- There had been sales of drugs witnessed;
- The music disturbance was even affecting residents living a distance away from the premises;
- The Marisqueira premises was intended as a restaurant, but seemed to operate more like a nightclub; and
- The Community concerns and views should be heard as all were affected by the disruption that Marisqueira was causing.

Mr Mohammad Kamran, a local resident living next door to Marisqueira, addressed the Committee and supported the review of the premises licence. The key points raised during his address included:

- It was difficult to get any sleep due to the noise disruption created by Marisqueira;
- Mr Kamran's elderly mother had also been disturbed by the noise created by Marisqueira and was finding it difficult to sleep;
- People that had work commitments were finding it difficult to cope with their day to day working life due to a lack of sleep; and
- The Marisqueira premises should not be playing loud music into the early hours of the morning.

Mr Mohammad Rashid, a local resident representing his daughter, Saeeda Rashid addressed the Committee and supported the review of the premises licence. Mr Rashid supported the views made by other representatives and had no additional information to contribute.

#### **Licensee's Representative**

Miss Ivone Coelho (the DPS) addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee, included:

- Mr Pedro was not available to attend the hearing, due to experiencing recent family issues;
- The DPS had requested for the hearing date to be changed to allow Mr Pedro to attend;
- Mr Pedro currently resided in London;
- The DPS had tried very hard to tackle the issues that had been highlighted to her with regards to the playing of loud music;
- The speaker equipment had been removed in July 2012;
- Every effort had been made to keep the windows and doors shut;
- The DPS had committed many hours in running the business and strived to do her best;
- There was a no tolerance to drugs policy operated at the Marisqueira premises;
- The sale of alcohol was conducted in a responsible way with no alcohol being consumed outside the premises;



	<ul style="list-style-type: none"> <li>Local residents had not approached the DPS regarding the noise issues arising from the premises; and</li> <li>The DPS was always present at the time of when the music was being played at the Marisqueira restaurant.</li> </ul>
3.10 Written representations and supplementary material taken into consideration	<p><b><u>Applicant / Responsible Authority – Pollution Control</u></b></p> <p>Consideration was given to the application and additional information, including a Pollution Control Officer witness statement, submitted by Pollution Control and Cambridgeshire Constabulary and attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Councillor Nadeem and local residents,</p>
3.11 Facts/Issues in dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the review application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p>
4. Decision	<p><b>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:-</b></p> <p>In our deliberations the Sub-Committee considered the various options available, these being:</p> <ul style="list-style-type: none"> <li>To modify the conditions of the premises licence;</li> <li>To exclude a licensable activity from the scope of the licence;</li> <li>To remove the designated premises supervisor from the licence;</li> <li>To suspend the licence for a period not exceeding three months, or;</li> <li>and</li> <li>To revoke the licence.</li> </ul> <p>The decision of this Licensing Act 2003 Sub-Committee was therefore to:</p> <ol style="list-style-type: none"> <li>To remove from the Premises licence permanently: <ul style="list-style-type: none"> <li>Live music;</li> <li>Recorded Music;</li> <li>Facility for making music;</li> <li>Dancing; and</li> <li>Provision of facilities for making music and dance.</li> </ul> </li> <li>Remove the Designated Premises Supervisor (DPS);</li> <li>All licensable activities to cease at 21.30 hours, seven days a week; and</li> <li>Premises to close at 22:00 hours seven days a week, which meant 30 minutes for customers to finish their meals and vacate the premises.</li> </ol>

The reasons for the Committees decision include:

After hearing from the Licensing Officer, the Pollution Control Officer and the Police that despite repeated attempts to advise and assist the Designated Premises Supervisor in adhering to the conditions of the licence that there had been a regrettable history of disregard for those conditions and no willingness demonstrated to make amends for the future.

In addition, hearing from those whom had lodged representations about the continuing noise nuisance late at night despite requests for this to cease. The Sub-Committee noted that the terms of the temporary event notice of 12 and 13 July 2013 were breached.

The Sub-Committee also heard information relating to noise nuisance and low level anti-social behaviour immediately outside the premises which the Committee believed was directly associated with the licensing activities and the opening hours.

It was clear on the information supplied that the premises was poorly managed and there had been little hope of this improving in the near future.

The changes in terms and conditions of the licence were appropriate and necessary in order to promote the licensable objective of prevention of public nuisance.

The Sub-Committee were also disappointed that the premises licence holder did not attend the hearing to personally address the concerns of the responsible authorities, the licensing authority and the local residents.

Chairman  
1.30pm – 3.25pm

<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>14 NOVEMBER 2013</b>	<b>PUBLIC REPORT</b>

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

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

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

**1. ORIGIN OF REPORT**

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

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 Following the approval from the licensing committee on 29 July 2013 for specific models of the Peugeot E7 to be licensed as Hackney Carriage Vehicles in Peterborough the existing Conditions of Fitness were amended and named the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" and are attached in draft form at (**Appendix A**).
- 2.2 In order for the Peugeot E7 to be licensed specific conditions within the existing Conditions of Fitness are required to be amended or removed to enable the vehicle to meet the specification required, the amended draft reflect the necessary changes.
- 2.3 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for any policy to be appropriate and up to date and fit for purpose.

- 2.4 Officers have taken this opportunity to update the conditions in general to ensure that when adopted the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” will be appropriate and fit for purpose.
- 2.5 Following the committee’s decision the outcome will form part of the Peterborough City Council’s Taxi and Private Hire Licensing Policy and Guidance document.
- 2.6 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3 (a) “To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely”, “hackney carriage and private hire vehicle licensing”.

**3. TIMESCALE**

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

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

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

## 5. RELEVANT CONDITIONS OF FITNESS FOR APPROVAL

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

### Condition 12.9

Where seats are placed facing each other, there must be a minimum space of 350mm (**previously 425mm**) between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

### Condition 16.1

The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 750mm (**previously 780mm**) on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass.

### Condition 13.2

Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.

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

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

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

## 6. OCCASIONAL FLIP DOWN SEAT – SWIVEL TYPE

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

### Condition 13.3

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

- 6.2 Occasional flip down swivel type seats are available on both the Peugeot E7 and newer models of the LTI vehicle, however they are not available on the Mercedes-Benz Vito. These are the 3 types of vehicles approved as suitable to be licensed as Hackney carriage Vehicles in Peterborough.
- 6.3 Due to the structural changes required and the costs involved it is unlikely that the Mercedes-Benz Vito will be redesigned to provide this feature as an option in the near future, if at all. There are currently 9 Mercedes-Benz Vito’s licensed as Hackney Carriage Vehicles in Peterborough.

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

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

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

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

**Condition 13.3**

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

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

- a. *the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed.*
- b. *the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not be implemented for [ENTER NUMBER] months, and will apply to all newly presented vehicles for licensing from [ENTER DATE] (allowing manufacturers / suppliers time to comply).*
- c. *the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not apply.*

**7. RISKS**

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

## **8. ANTICIPATED OUTCOMES**

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

## **9. REASONS FOR RECOMMENDATIONS**

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

## **10. ALTERNATIVE OPTIONS CONSIDERED**

- 10.1 Retain the status quo.

## **11. IMPLICATIONS**

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

## **12. BACKGROUND DOCUMENTS**

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

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

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**PETERBOROUGH CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE VEHICLES**

**Hackney Carriage Vehicle Specification and Type Approval**

**SECTION A. APPROVED VEHICLES**

- 1.1 The following vehicles are approved by Peterborough City Council (the Licensing Authority) to be licensed as Hackney Carriage Vehicles: LTI TX1, TX2, TX4, Metro Triple T, the steering rear axle Mercedes-Benz Vito Mercedes Vito, and the Peugeot E7 SE and XS short wheelbase models.

**SECTION B. VEHICLE APPROVAL**

- 2.1 No vehicle will be authorised as a Hackney Carriage Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist the committee may decide to approve the vehicle.
- 2.2 A vehicle must be new or under 3 years old (36 months) at the time it is first licenced and may be licensed up to 15 years of age; calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994. The operating period being subject to compliance with the council's standard of fitness.
- 2.3 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.4 The applicant must study the Conditions of Fitness set out in Section C of this document and provide detailed specifications of the proposed vehicle, or vehicle conversion demonstrating that the vehicle meets the requirements of the Conditions of Fitness. It will also be necessary to arrange a preliminary inspection of the vehicle.
- 2.5 The applicant should address any current guidance issued by the Department for Transport (DfT) [or any replacement body if this should change] for the design of Hackney Carriage Vehicles and indicate to the Licensing Authority the extent to which those guidelines have been accommodated. In particular, applicants should demonstrate that they have taken account of current DfT guidance as regards ergonomic requirements for accessible taxis.
- 2.6 Arrangements must then be made to present the completed vehicle for inspection by the Licensing Authority. When presented, all associated equipment must be present for the inspection and testing of the vehicle; i.e. wheelchair ramps, straps etc. A declaration must be provided by the manufacturer or authorised person that the vehicle conforms to the law and is safe for use as a public carriage, together with a certificate of registration and summarised documentary evidence that the vehicle meets the Conditions of Fitness as stated in Section C of this document.

- 2.7 Any proposed structural alterations to the original specification must be submitted to the Licensing Authority for approval.
- 2.8 The approval of the vehicle will be determined by the Licensing Committee who will consider each application under its own merits. Although a vehicle may meet the criteria as set out by the Conditions of Fitness, where justifiable reasons exist the committee may decide after consideration not to approve the vehicle. Where a vehicle does not completely comply with the Conditions of Fitness, however justifiable reasons exist the committee may decide after consideration to approve the vehicle.

## **SECTION C. CONDITIONS OF FITNESS**

The Conditions of Fitness contained in Section C below became effective on (ENTER DATE), following the approval to adopt the conditions by the Local Authorities Licensing Committee at a meeting held on 14 November 2013.

### **3. General Construction**

- 3.1 Every new type of Hackney Carriage Vehicle must comply with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of approval including the Motor Vehicle (Type Approval) Regulations 1980, and the Motor Vehicles (Construction and Use) Regulations 1984.
- 3.2 Every new type of Hackney Carriage Vehicle offered for approval must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 70/156/EEC as amended. Those Hackney Carriage Vehicles which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of those categories.
- 3.3 Vehicles offered for Hackney Carriage approval must be constructed in a way as to allow the carriage of disabled persons and must accommodate as a minimum a disabled person in a Department of Transport reference wheelchair in the passenger compartment.
- 3.4 No equipment and/or fittings, other than those approved by the Local Authority may be attached to, or carried on the inside or outside of the vehicle.
- 3.5 No modification may be carried out to a Hackney Carriage Vehicle without prior approval from the Licensing Authority.
- 3.6 Before considering any modification to a Hackney Carriage Vehicle, approval must be sought from the Licensing Authority.

### **4. Steering**

- 4.1 The steering wheel must be on the offside of the vehicle.

### **5. Tyres**

- 5.1 All tyres must comply with the relevant legislation and be marked accordingly.
- 5.2 Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.

## **6. Brakes**

- 6.1 An anti-lock braking system is to be fitted.

## **7. Interior lighting**

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

## **8. Electrical Equipment**

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

## **9. Fuel Systems**

- 9.1 Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.

## **10. Exhaust emissions standards**

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

## **11. Body**

- 11.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- 11.2 The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pick-up points in Peterborough's city centre.

## **12. Facilities for the disabled**

- 12.1 Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.
- 12.2 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or

floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.

- 12.3 Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 12.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
- 12.5 The clear height of the doorway must be not less than 1.2 metres.
- 12.6 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
- 12.7 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
  - a. be not more than 380 mm from the ground, (measured at the centre of the tread width);
  - b. the surface shall be covered in a slip-resistant material;
  - c. have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

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

- a. not be more than 380 mm in height from the ground, (measured at the centre of the step width);
  - b. not be less than 250 mm deep;
  - c. the surface shall be covered in a slip-resistant material;
  - d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
  - e. not be capable of operation whilst the vehicle is in motion;
  - f. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
  - g. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
- 12.8 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
  - 12.9 Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.
  - 12.10 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

- 12.11 A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

### **13. Passenger compartment**

- 13.1 Occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must be not less than 35.5cm.
- 13.2 Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.
- 13.3 The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical impairments, unless;

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

- a. the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed.*
- b. the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not be implemented for [ENTER NUMBER] months, and will apply to all newly presented vehicles for licensing from [ENTER DATE] (allowing manufacturers / suppliers time to comply).*
- c. the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not apply.*
- 13.4 The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.
- 13.5 Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
- 13.6 Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).
- 13.7 Colour contrasting sight patches are required on all passenger seats.
- 13.8 Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.
- 13.9 An induction loop system (or equivalent) must be fitted.

### **14. Driver's compartment**

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

## **15. Visibility - Driver**

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

## **16. Visibility - Passenger**

- 16.1 The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 750mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass.
- 16.2 The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle.
- 16.3 A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.
- 16.4 Windows must permit maximum visibility into, and out of, the vehicle. They must have no more than 25% tint value.
- 16.5 Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.

## **17. Heating and ventilation**

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

## **18. Door fittings**

- 18.1 An approved type of automatic door securing device must be fitted to passenger doors to prevent them being opened when the vehicle is in motion.

- 18.2 When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 18.3 The door must not open from the inside if the driver has the foot brake depressed.
- 18.4 The interior door handle must be clearly identified to prevent it being mistaken for any other control.

## **19. Fare table and number plate**

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

## **20. Floor covering**

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

## **21. Luggage**

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

## **22. Taximeter**

The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained as to comply with the requirements of the Council:-

- a. all taximeters must be calendar controlled, approved and sealed by the City Council Taxi Enforcement Section.
- b. the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter and cancel any external "For Hire" sign;
- c. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- d. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
- e. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- f. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the

- vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- g. the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
  - h. the taximeter affixed to the vehicle shall be appropriately set to ensure that the Council's hackney carriage fare scale currently in force in the City is recorded thereon.

**23. Taxi Roof Sign**

- 23.1 A "Taxi" roof sign approved by the council must be fitted and be clearly visible daytime and night time when the taxi is available for hire.

**24. Radio Equipment**

- 24.1 Where equipment for the operation of a two-way radio system is fitted to a taxi, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- 24.2 Any other radio equipment, either in the passenger or driver compartment, must be approved by the council.

**25. Electrical Equipment**

- 25.1 Any additional or non-standard electrical installation to the original vehicle must be installed and tested by a professional installer and be protected by a suitably rated fuse. Any additional installation must comply with all relevant regulations.