

EXTRAORDINARY LICENSING COMMITTEE

**MONDAY 29 JULY 2013
1.30 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 Sub-Committee Hearings Held Between March 2013 and May 2013 **3 - 22**

- i) 26 March 2013
- ii) 22 April 2013
- iii) 20 May 2013

4. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing **23 - 88**



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

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Tuesday 26 March 2013

RECORD OF DECISION

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| 1. Apologies for Absence | There were no apologies for absence received. |
| 2. Declarations of Interest | There were no declarations of interest. |
| 3. Application | Zaika (previously known as Shalimar Gardens), 34 New Road, Peterborough, PE1 1FH |
| 3.1 Application Reference | MAU 066657 |
| 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 Karen S Dunleavy, 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 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Cambridgeshire Constabulary, a Responsible Authority must hold a hearing.</p> <p>A representation in support of the review and recommendations had been received from Cambridgeshire Constabulary, Licensing Authority and the Pollution Team, as Responsible Authorities. No other representations had been received from any of the remaining Responsible Authorities.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • The premises was located beneath the Travelodge Hotel in New Road; • Responsibility of the premises licence holder and designated premises supervisor (DPS) had changed on numerous occasions; • Continued breaches of all four of the licensing objectives; • Continued breaches of premises licence conditions; • Poor management of the premises; • Continued issues with loud music from the premises; • There had been an application received from the Cambridgeshire Police for a licence review, which in essence revealed poor |

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| | <p>management and a lack of regard for the licensing laws by the premises license holder;</p> <ul style="list-style-type: none"> • The police representative provided clarification over the number of Section 19 Closure Notices that had been issued at the premises. The total number had resulted in four instead of three issued; • The premises had recently been repossessed by the landlord due to arrears that had accrued by the license holder; and • A mediation session had been held with the license holder, which had recommended restrictions on the sale of alcohol; removal of live music, recorded music or performance of dance and the introduction of improvements to the overall management of the security and safety at the premises. |
| <p>3.6 Licensing Objective(s) under which representations were made</p> | <p>1. The Prevention of Crime and Disorder; 2. The Protection of Children from Harm; 3. Public Safety; and 4. The Prevention of Public Nuisance.</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><u>Responsible Authorities</u></p> <p>Adrian Day, who was present on behalf of Licensing Authority.</p> <p>Steven Blake, who was present on behalf of Pollution Control Team.</p> <p><u>Licensee / Representative</u></p> <p>Mr Muhammed Khubaib the Licensee was in attendance. The Licensee did have a representative (not a legal representative).</p> |
| <p>3.8 Oral representations</p> | <p>The Police representative addressed the Sub-Committee and outlined the main points with regards to the application, which in summary included:</p> <ul style="list-style-type: none"> • An inspection on the premises had concluded that the license holder had repeatedly chosen to ignore and failed to meet numerous conditions attached to the premises license and the Licensing Act; • Examination of seized CCTV equipment revealed that the hard drive had been removed. Consequently footage of a public disorder incident, which occurred at the premises on New Year's Day was irretrievable; • Enquiries with the landlord over the repossession of the premises had revealed that the license holder was in arrears; • Although all four licensing objectives had been breached, the application for a review was mainly intended for the Committee to consider whether the revised conditions agreed at the mediated session held on 14 March would deter further breaches of public nuisance by the license holder; and • One of the Section 19 Closure Notice that was issued by the Cambridgeshire Police on 1 March 2013, was due to the lack of a DPS. |

Responsible Authority – Licensing Authority

Adrian Day, the Licensing Authority addressed the Sub-Committee. The key points raised in his address, were as follows:

- The premises was not intended as a live music establishment due to its location beneath a hotel;
- A recent Fire Authority inspection had revealed that the premises had incorrectly installed liquid propane gas canisters in the kitchen, which was situated beneath the hotel;
- A recent inspection by the Food Safety Officer, PCC had revealed that there was a lack of cleaning products in place in the kitchen and that the chef was wearing the same apron for the preparation of cooked and raw foods; and
- The Food Safety Officers inspection also revealed that no food hygiene training had taken place on the premises and that there was no obvious signs of any food hygiene standards.

Responsible Authority – Pollution Control

Stephen Blake, Pollution Control addressed the Sub-Committee. The key points raised in his address, was as follows:

- Concerns over the premises operation had been raised with the Pollution Control Team in the summer and November of 2012, due to loud noises;
- The team visited the premises following complaints raised by the hotel. The team discovered that the sound levels were set at a higher level than background volume;
- The team discovered that the speakers were mounted too close to the ceiling, which was unsuitable for the premises due to its location beneath the hotel;
- During the team's visit to the premises, the Pollution Control Officer demonstrated the noise level that would be acceptable in order to avoid disturbance;
- Recent Facebook footage had revealed that the premises had facilitated a party, which had included a performance from a belly dancer. This type of activity was deemed by the team to be unsuitable for the premises, due to its location beneath the hotel; and
- Extensive acoustic works would need to be undertaken by the premises to avoid future disturbance caused by raised noise levels.

Licensee Representative

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

- Issues raised regarding the debt accrued with the landlord were being addressed through Mr Khubaib's Solicitor and a meeting was awaited with the landlord;
- Mr Khabaib's brother was responsible for the premises when he was on holiday in Pakistan;

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| | <ul style="list-style-type: none"> • The CCTV equipment had not been working due to the previous owner’s electrical supply being cut off. The present owner did not think to check whether the CCTV equipment was fully operational when he became the license holder and DPS; • All amendments to the premises license had been agreed at the mediation meeting held on 14 March 2013; and • Mr Ackraham of 62 Russell Street was due to sign the DPS agreement. <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>PC Robinson, Responsible Authority and Applicant summarised the main points of the application review:</p> <ul style="list-style-type: none"> • Mr Khubaib had chosen to ignore guidance provided by the police in relation to the licensing conditions of the premises; • There was a risk to members of the public and children if Mr Khubaib was to retain the premises license; • Residents of the Travelodge had, on numerous occasions, been the victim of noise nuisance created by the premises; and • The Committee was urged to consider other options available to them under the Licensing Act. <p>Adrian Day, Licensing Authority summarised the main points of the application review:</p> <ul style="list-style-type: none"> • The license holder had only improved on some the issues that had been highlighted to him, when prompted by Police and PCC Officers; and • Mr Khubaib appeared to show lack of experience in operating the business and a disregard for the Licensing Act; and • Mr Khubaib was only concerned with producing a profit. <p>Mr Khubaib’s, representative summarised the main points of the application review:</p> <ul style="list-style-type: none"> • The license holder had agreed to uphold all the terms that had been reached through mediation on 14 March 2013. |
| <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 and additional representation, from the Licensing Authority and the Pollution Team was attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Licensing Authority and the Pollution Team.</p> |

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| <p>3.11 Facts/Issues in dispute</p> | <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 ‘Protection of Children from Harm’ Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the review application would further support the ‘Public Safety’ Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the review application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> |
| <p>4. Decision</p> | <p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <ul style="list-style-type: none"> • Four Section 19 Notices had been served between August 2012 and March 2013; • Public disorder on New Year’s Day; • Breaches of the operating conditions. For example, conducting a licensable activity: <ul style="list-style-type: none"> – Without a Designated Premises Supervisor (DPS); – Having no fully functioning CCTV; – Operating without a personal licence holder being present; and – Having no SIA registered door staff contrary to the licence conditions; • Concerns raised by the Polluting Control Team over noise nuisance emanating from the premises; and • The Licensing Authority’s concerns raised over the running of the business. <p>During 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; and • Further amended conditions. <p>The Sub-Committee found that these premises was not being managed properly and responsibly; therefore the Sub-Committee did not consider that the mediated conditions were appropriate in the promotion of the Licensing Objectives or additional conditions attached to the licence would promote the Licensing Objectives of:</p> |

- Crime & Disorder
- Public Safety;
- Public Nuisance; and
- Protection of Children from Harm

The Government Guidance stated at paragraph 11.17 and 11.18:

‘The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there was nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It was expected that licensing authorities would regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action was appropriate.’

The Sub-Committee agreed that the community needed protecting from the operation for the reasons outlined.

The decision of the Licensing Act 2003 Sub-Committee was therefore to revoke the premises licence in its entirety.

Any person party to the proceedings, who was dissatisfied with the decision, could appeal to the Peterborough Magistrates’ Court within 21 days of the decision.

Chairman
13.30pm –15.10pm

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on 22 April 2013

RECORD OF PROCEEDINGS

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| 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 – Super Poli, 613 Lincoln Road, Peterborough, PE1 3HA |
| 3.1 Application Reference | 066813 |
| 3.2 Sub-Committee Members | Councillor Thacker (Chairman) Councillor Hiller 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 Hatice Koc |
| 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 08.00am to Midnight • Hours Premises are Open to the Public Monday to Saturday 08.00am to Midnight <p><u>Summary of New Premises Application</u></p> <p>The application had been submitted to the Licensing Authority 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 Trading Standards, Children's Services, Public Health and the Licensing Authority in their capacity as Responsible Authorities.</p> <p>Further representations from 'Other Persons' had been received as follows:</p> <ul style="list-style-type: none"> • A Ward Councillor, also acting on behalf of the Victoria Park Resident's Association; and |

- The Chairman of the Millfield and New England Regeneration Partnership (MANERP).

A petition in support of the application, containing 213 signatures, had also been delivered to the Licensing Department by Mr Huseyin. All bar one of the signatures pre-dated the date of the application and there were also a number of repeated addresses contained within. It was therefore for the Sub-Committee to determine what weight it attached to the petition.

A summary of the issues raised within the representations included:

- The history of the premises including illicit tobacco and alcohol sales, and underage sales;
- Not satisfied that the new application was 'distanced' from the prior revoked licence;
- Concerns about management of the 'family run' business, which led to the loss of the prior licence, with the same issues reoccurring;
- The premises were situated within the 'Op CAN-do' area which had been evidenced and consulted on in relation to it being a Cumulative Impact Area. A consultation had taken place and the Licensing Committee had recommended to Full Council for its adoption as a Cumulative Impact Area on 17 April 2013;
- The Operating Schedule conditions did not sufficiently address the issues of the historic problems and location;
- There were concerns that the application had been made to circumvent the revocation and lost/late appeal;
- The locality had issues of anti-social behaviour fuelled by alcohol;
- There were historic problems with the management of the family run business and the objectives of the Licensing Act 2003 not being upheld;
- The sale of 'cut price alcohol would exacerbate existing issues; and
- The application had been only submitted as the appeal was out of time, it was no more than cosmetic changes to circumvent the revoked licence and lost / out of time appeal.

On the 6 December 2012 Trading Standards had served an application to review the premises licence following a joint operation with HMRC where illicit alcohol and tobacco was seized, also due to test purchase failures at the premises. The review requested revocation of the licence; this was supported by Cambridgeshire Constabulary, the Director of Public Health, the Neighbourhood CAN-do team and the Millfield and New England Regeneration Partnership (MANERP) residents association, representing Other Persons. A hearing to determine the review application went before the Licensing Sub-Committee on 28 January 2013 and the decision of the Sub-Committee was to revoke the licence.

An appeal to the Magistrates Court was made by the licensee's representative, however the appeal was out of time and therefore rejected by the Magistrates Court on 20 February 2013. Consequently, the premises were currently unlicensed.

The Applicant was Mrs Hatice Koc who was also the proposed DPS (Designated Premises Supervisor), the agent acting on behalf of the Applicant was NARTS. Mrs Koc did not currently hold a personal licence, however her agent had stated that she passed her licensing qualification

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| | on 28 February 2013 and was awaiting a criminal record check which was required when applying for a personal licence. |
| 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 3. The Protection of Children from Harm 4. Public Safety</p> |
| 3.7 | <p>Parties/Representatives and witnesses present</p> <p><u>Applicant / Applicant's Representative</u></p> <p>Mrs Hatice Koc, the Applicant, who was represented by Mr Mahir Kilic, NARTS.</p> <p><u>Responsible Authorities</u></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p>Karen Woods, who presented the case on behalf of Trading Standards.</p> <p><u>Other Persons</u></p> <p>Councillor John Shearman, Park Ward Councillor.</p> <p>Mr Brian Gascoyne, Chairman of MANERP.</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 to be determined by the Sub-Committee.</p> |
| 3.9 | <p>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>Mrs Hatice Koc, supported by Mr Mahir Kilic, addressed the Sub-Committee. The key points highlighted in her address, and following questions from the Sub-Committee and Other Persons, were as follows:</p> <ul style="list-style-type: none"> • There would be two personal licence holders present when alcohol was sold; • All staff would receive 'prevent underage sales' training and copies of all certificates would be supplied to the Licensing Department; • A new stock control system was to be put in place, this would include marking each bottle with the date of purchase with an invisible ink pen, keeping a log of all invoices and checking each product for a UK duty stamp; • Mr Huseyin Koc, Mrs Hatice Koc's husband, had been the owner of the premises when Mr Ewa Walas was the personal licence holder and DPS. He was no longer involved in the business; • Mrs Koc wished to sell the business, however it would be more difficult to find a buyer without the premises having an alcohol licence; • Mrs Koc was apologetic for the previous issues that had arisen at the premises; • Mr and Mrs Koc had never resided at the premises; |

- Mrs Koc had paid the previous owner £8k towards the final lease payment on the shop in order for her to take occupation of the premises;
- It was unclear as to why the letter from Mrs Koc's Solicitors stated that the £8k was towards stock in the shop. This should have stated 'final payment for lease';
- The previous premises owner was no relation to Mrs Hatice Koc;
- Mrs Koc conceded that the business had become too much for her to run, she therefore wished to sell up and move to London;
- Mrs Koc had undertaken a personal licence course; and
- Mrs Ewa Walas was not associated with the premises anymore.

Responsible Authorities – Cambridgeshire Constabulary

PC Grahame Robinson addressed the Sub-Committee and provided an overview of the points raised within the representation submitted by Cambridgeshire Constabulary. The key points highlighted during his address, and following questions from the Sub-Committee, were as follows:

- The premises had historically been contentious and a number of inspections had been carried out;
- It was suspected that the current application was simply a way of circumnavigating the previous licence revocation;
- There were a number of discrepancies in the Applicant's statement;
- There had been a burglary at the premises and the Koc's had given the premises address as their home address;
- The statement given to the Police at the time of the burglary had stated that Mr Hassan Koc was the premises owner, not Mrs Hatice Koc;
- The letter which had been submitted by Sal and Co, the Applicant's Solicitors, stated that the purchase of the premises had yet to be finalised; and
- It was not felt that the imposition of any specific conditions would be sufficient to uphold the Licensing Objectives.

Responsible Authorities – Trading Standards

Karen Woods, Regulatory Officer, addressed the Sub-Committee and provided an overview of the points raised within the representation submitted by Trading Standards. The key points highlighted during her address, and following questions from the Sub-Committee, were as follows:

- The premises had a history of failed test purchases;
- The family, including Mrs Koc's husband and his brother, would still have dealings with the business; and
- It was not felt that this application was an arms length application in relation to the previously revoked licence.

Other Persons – Councillor John Shearman

Councillor John Shearman, Park Ward Councillor and on behalf of the Victoria Park Resident's Association, addressed the Sub-Committee and the key points raised were as follows:

- The previous DPS and Premises Licence Holder was the husband of the Applicant. The current application was therefore viewed as a

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| | <p>way of circumnavigating the previous decision to revoke the premises licence;</p> <ul style="list-style-type: none"> • The local residents were extremely concerned with the number of premises selling alcohol in the area; • There were ongoing anti-social behaviour issues in the area; and • There had been a number of failed test purchases at the premises. <p><u>Other Persons – Mr Brian Gascoyne</u></p> <p>Mr Brian Gascoyne, Chairman of MANERP, addressed the Sub-Committee and reiterated the points raised by the previous objectors, he further added that the comment made by the Applicant in relation to wanting the licence simply to allow her to sell the business quickly, highlighted that she had no awareness of the responsibility around possessing such a licence.</p> <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><u>Responsible Authorities</u></p> <p>There were no further comments from any of the Responsible Authorities.</p> <p><u>Other Persons</u></p> <p>There were no further comments from any of the Other Persons.</p> <p><u>Applicant / Applicant’s Representative</u></p> <p>Mr Kilic stated that the Applicant’s husband and sons would not be involved with the business going forward and it was believed that the premises could be managed well.</p> <p>The Applicant was willing to work alongside the relevant authorities and it was reiterated that there would be two premises licence holders on site at all times.</p> <p>The conditions proposed were robust and the sale of alcohol would not commence until visits had been undertaken by the Police.</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 Hatice Koc, the proposed conditions under the Licensing Objectives and a further letter submitted by Sal and Co. the Solicitors for the Applicant.</p> <p>For the record, it was to be noted that the petition submitted in support of the application was disregarded by the Sub-Committee for the following reasons:</p> <ul style="list-style-type: none"> • The petition clearly stated ‘to keep the licence’ which was revoked on 28 February 2013 without appeal. This application was for a premises licence and therefore the keeping of the licence was not an issue; • Save as to one person, all names appeared to predate the application; and • The Petition added little in support of any of the Licensing |

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| | <p>Objectives.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the representations submitted by Cambridgeshire Constabulary, Trading Standards, the Licensing Authority, Children’s Services and Public Health as Responsible Authorities.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • The representation submitted by a Park Ward Councillor and Secretary of the Victoria Park Resident’s Association; |
| 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> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Public Safety’ Licensing Objective.</p> |
| 4. Decision | <p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all of the representations and verbal 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 and/or a reduction in hours; and • To grant the premises licence as applied for. <p>The premises were situated within the Op CAN-do area of the city, principally the Millfield and New England areas. This area suffered from a proliferation of outlets selling alcohol. Many such outlets traded with ‘off sales’ licences. These premises were mainly off licences and small shops.</p> <p>The CAN-do Operation partnership with the City Council, Police, NHS and community groups was designed to address the issues caused by the sale of alcohol in this area.</p> <p>These issues included alcohol abuse which adversely affected the health of many of the residents who lived within the CAN-do area; street crime; and alcohol fuelled anti-social behaviour. Such issues were a drain on the</p> |

Police and city resources.

The Sub-Committee was very concerned with the increase in alcohol consumption and the detrimental effects it had on the community at large.

The Sub-Committee weighed these concerns against the presumption to grant.

During its deliberations, the Sub-Committee considered the various options available.

The Applicant had offered the following conditions:

- There would be two personal licence holders present during alcohol sales;
- Staff would be trained on preventing the sale of age restricted products to those underage;
- There would be a stock control system implemented;
- There would be a UV ID reading facility for alcohol purchased; and
- Copies of invoices would be kept on the premises and made available to officers for inspection.

The Sub-Committee did not believe that it could attach any conditions that would be appropriate in promoting the Licensing Objectives, furthermore:

- Given the intricate family connections, the Sub-Committee did not believe that the Applicant was sufficiently distant from the previous premises licence holders and did not accept at face value the letter from Sal & Co., dated 25 March this year;
- The number and frequency of failed test purchases was found to be unacceptable. The Protection of Children from Harm caused by alcohol was a priority for central government and for Peterborough City Council;
- The sale of illicit alcohol and tobacco was unacceptable given that not only was it a crime, but the health of the community was taken very seriously, as there can be no confirmation as to the contents of illicit bottles of alcohol;
- The Sub-Committee believed that this type of business would add to the negative cumulative impact in the Operation CAN-do area. The Sub-Committee believed that the grant of the premises licence in this area would give rise to a negative impact on one or more of the Licensing Objectives.

This is in line with the Council's Statement of Licensing Policy at Paragraph 11.6 and Paragraph 13.32 of the Government Guidance.

Decision

The decision of the Licensing Act 2003 Sub-Committee was therefore to refuse the application outright.

The Applicant, any person lodging a valid representation, or a Responsible Authority, could appeal this decision to the Peterborough Magistrates Court, within 21 days of the date of the decision.

Chairman
13.30pm - 15.50pm

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Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Monday, 20 May 2013

RECORD OF DECISION

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| 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 Application, Maxima – 43 Park Road, Peterborough PE1 2TH |
| 3.1 Application Reference | MAU 066980 |
| 3.2 Sub-Committee Members | Cllr Thacker Cllr Peach Cllr Davidson |
| 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 | Mr Dana Aziz |
| 3.5 Nature of Application | <p><u>Application Type</u></p> <p>New Premises Licence</p> <p>The Premises was previously operated as a bed centre and did not benefit from a Premises Licence in order to sell alcohol.</p> <p>Authorisations and Times Applied for (After Mediation)</p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises Monday to Sunday 10.00am to 22.00pm • Hours premises are open to the public Monday to Saturday 08.00am to 22.00pm Sunday 09.00am to 22.00pm <p><u>Summary of Review Application</u></p> <p>On the 27 March 2013, a new premises licence application was submitted to the Licensing Authority by Licensed – Inn – Tuition on behalf of the applicant, Mr Dana Aziz. The premises was formerly a bed sales shop and has never had the benefit of any type of alcohol or public entertainment licence. A 'Notice' was displayed in the newspaper on 4 April 2013, in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42.</p> <p>Representations had been received from the Responsible Authority, however, a mediation session was held and an agreement had been reached</p> |

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| | <p>with the applicant and the representation was withdrawn.</p> <p>A representation in objection had been received from two local residents and a local business in their capacities as 'other persons'</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 • Increase in parking issues. |
| <p>3.6 Licensing Objective(s) under which representations were made</p> | <p>List relevant Licensing Objectives</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder; • Public Safety; • The Prevention of Public Nuisance; and • The Protection of Children from Harm. |
| <p>3.7 Parties/Representatives and witnesses present</p> | <p><u>Applicant</u></p> <p>Mr Dana Aziz the Applicant, who was represented by Mr Paul Byatt.</p> <p><u>Other Persons</u></p> <p>Mr Sugar Ali and Mrs Carole Aldous, residents of Park Road.</p> |
| <p>3.8 Oral representations</p> | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>The Applicants Representative</u></p> <p>Mr Paul Byatt 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"> • Mr Aziz held considerable experience in the retail industry and had owned and managed many shops over the years; • Mr Aziz currently owned a successful business located in Kings Lynn; • Previous businesses that Mr Aziz had owned had undergone routine Local Authority test purchasing exercises, which had resulted in a positive outcome; • Although the premises was known to be located in a high impact area, Mr Aziz was aware that the area was subject to scrutiny and had worked with the Responsible Authorities over the adjustment in licensing times in order to open a responsible business; • The supermarket was primarily intended for the sale of food. It was anticipated that alcohol sales would average around 10%; • The premises had been equipped with 32 CCTV cameras located inside and outside. The Applicant was in a position to access a CCTV application link via his mobile phone and was able to view activity at the premises at anytime; • There was no evidence that the opening of the Maxima supermarket would increase crime and disorder; • Comments made by the objectors regarding the prospective clientele that may visit the supermarket was inappropriate and irrelevant; and |

- The parking issues raised would be a matter for the Council's relevant amenities department and was not a licensing issue.

In response to a question raised by Councillor Peach regarding the Cumulative Impact Policy, the Regulatory Officer confirmed that the Maxima application had been received prior to the policy's agreement at Council and its use in this application would not apply.

Other Persons

Mr Sugar Ali addressed the Sub-Committee and outlined the main points and objections with regards to the application. The key points raised during his address were as follows:

- Residents had experienced people sitting on the walls and drinking large amounts of alcohol purchased from other nearby supermarkets, on a Thursday, Friday or Saturday evenings;
- The windows of surrounding properties in Park Road were only single glazed due to its status of a conservation area. As a result, residents were constantly being disturbed by the noises created by antisocial behaviour;
- Residents had witnessed unsolicited activities of a sexual nature that had taken place in the alleyways near the residents properties on Park Road;
- The parking arrangements had caused concerns to residents due to many visitors to the premises, in that drivers had operated their vehicles unsafely by reversing off the driveway and endangering passersby;
- There had also been cases of car vandalism in the Park Road area; and
- Consideration should be given to lower the proposed licensing operation time to 7.30pm or 8pm, in order to avoid further noise disturbance to residents.

Mrs Carole Aldous addressed the Sub-Committee and outlined the main points of objection with regards to the application. The key points raised during her address were as follows:

- There was no objection to the shop itself or the passing trade that it may experience, but consideration should be given to reducing sale of alcohol in such a high impact area of public disorder;
- Residents would be in favour of additional CCTV cameras being installed outside the premises;
- Consideration should be given to set the sale of alcohol up until 6pm;
- There had been a spate of incidents in the area recently where elderly people had been terrorised by people loitering;
- Parking provisions to accommodate the volume of trade was inadequate and that consideration should be given to review the arrangements currently in place;
- Residents and school children had experienced incidents of traffic accidents and near misses;
- The nearby church had experienced problems with vandalism;
- There was no reason why people should visit a shop to buy alcohol at 9.30am; and
- Maxima had changed the shop opening times many times.

The Lawyer addressed the Committee and advised Members that the

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| | <p>Licensing Act 2003 Sub-Committee held no authorisation to impose any adjustments or any new provisions to the parking arrangements in the area and that Committee were advised to disregard any such consideration.</p> <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>Mr Paul Byatt, the Applicants Representative addressed the Committee and provided responses to the objections made by the 'other persons'. In summary, responses included:</p> <ul style="list-style-type: none"> • The shop opening times had changed a number of times due to the mediation process that had been undertaken with the Responsible Authorities; • The parking concerns raised regarding the area would be a matter for the relevant authority's department to investigate and suggest recommendations to present to the appropriate Committee for decision; • The shop was intended as a food supermarket with an anticipated food sale of 90% and alcohol sales at 10%. • Given the predicted sales figures for alcohol, it was clear that the Applicant had not intend to sell alcohol irresponsibly; • The Applicant was not responsible for drunk people coming into town; however, the applicant was aware that he held a duty to ask any drunk person loitering around the premises to move on; • Under section 182 of the Home Office regulations for Licensing, the Responsible Authorities, such as the Police, had a duty to manage licensing issues in an area; and • Any person had the right to request a review of a Premises Licence if they believed that the licensing regulations were being breached. <p>Mrs Carole Aldous, a resident on Park Road addressed the Committee and commented that the applicant had stated that if the Premises Licence was not granted, the business would not be successful, however, the sales of alcohol was at 10%, which did not make sense. Mrs Aldous also appealed to the Committee and requested that they be responsible for the residents of Park Road when making their decision on whether to grant the Premises Licence.</p> |
| <p>3.9 Written representations and supplementary material taken into consideration</p> | <p><u>Applicant – Mr Dana Aziz</u></p> <p>Consideration was given to the application submitted by Mr Dana Aziz and the additional information regarding the mediated conditions that had been agreed with the Responsible Authorities.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from two local residents and one business as other persons.</p> |
| <p>3.10 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> |

| | |
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| | <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> <p><u>Issue 4</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Public Safety' Licensing Objective.</p> |
| 4. Decision | <p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <ul style="list-style-type: none"> • That the mediated conditions as proposed were appropriate in promoting the Licensing Objectives; • That the police were content with the mediated terms to the operating schedule; • There had been no other representations from any of the other Responsible Authorities; • The application was for a new premises licence and no information was presented, which directly linked the premises with any crime, disorder or public nuisance incidents; and • That CCTV was to be positioned outside the premises covering the shop frontage. <p>During its deliberations, the Licensing Act 2003 Sub-Committee considered the various options available, including:</p> <ul style="list-style-type: none"> • To grant the licence in the same terms applied for; • To grant the licence, but to modify or add conditions (to promote the licensing objectives); • Exclude from the scope of the licence a licensable activity; and • Refuse to grant the licence. <p>The Licensing Act 2003 Sub-Committee's decision was to therefore to Grant the premises licence as applied for with the amended schedule following mediation.</p> |

Chairman
1.30pm – 2.05pm

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| LICENSING COMMITTEE | AGENDA ITEM No. 4 |
| 29 JULY 2013 | PUBLIC REPORT |

| | | |
|--------------------------------|---|----------------------------|
| Cabinet Member(s) responsible: | Councillor Marco Cereste – Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement | |
| Contact Officer(s): | Adrian Day - Licensing Manager Peter Gell - Strategic Regulatory Services Manager | Tel. 454437 Tel. 453429 |

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

| OPTIONS | |
|---|----------------------------|
| FROM : The Licensing Team Licensing Manager Adrian Day | Deadline date : n/a |
| <p>The Committee is requested to approve one of the following options:</p> <ol style="list-style-type: none"> 1. To 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. Creating the “Peterborough Condition of Fitness of Hackney Carriage Vehicles”; 2. To 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. Creating the “Peterborough Conditions of Fitness of Hackney Carriage Vehicles”; or 3. To 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. ORIGIN OF REPORT

- 1.1 This report is of 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 Following the approval from the licensing committee on 21st January 2013, a 12 week consultation in relation to the Hackney Carriage and Private Hire Vehicle Licensing Policy a full consultation was launched. The consultation was launched on 1st February 2013 with an end date of 25th April 2013.

- 2.2 The purpose of the consultation was to seek 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** [taxi consultation document final]
- 2.3 A list of consultee's can be found at **Appendix B**.
- 2.4 It should be noted that although the consultation covered many areas of Taxi and Private Hire Licensing for the purposes of this report the licensing committee are asked to consider only the conditions of fitness for Hackney Carriage Vehicles. Therefore only responses relating to this area have been included. The remaining areas of the consultation will be included on a further report to the committee at a later date.
- 2.5 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.
- 2.6 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.
- 2.7 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? | No |
|--|-----------|

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 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.

- 4.6 Within the UK there are 374 licensing authorities, out of which 367 already licence the E7 as a Hackney Carriage vehicle. Peterborough City Council is one of the 7 authorities who do not allow the E7 to be licensed as a Hackney Carriage vehicle; however it can be licensed as a private hire vehicle.

5. RELEVANT CONDITIONS OF FITNESS FOR CONSULTATION

- 5.1 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.
- 5.2 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. Vehicles must be new or a maximum of 3 years old at the time of first being licensed.
- 5.3 The Mercedes-Benz Vito has a rear steer axel mechanism which allows it to meet the current turning circle requirement. There has been some reports that the mechanism is prone to failure and that some drivers do not engage the system. There are currently 9 Mercedes-Benz Vito's licensed in Peterborough as Hackney Carriage vehicles.
- 5.4 The Peugeot E7 does not currently meet all of the conditions required as set out by the TFL (Transport for London) as adopted by Peterborough City Council. Where these conditions are not met the committee is 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.
- 5.5 The committee is asked to consider the responses from the consultation, including any information provided by speakers at the meeting in order to determine if the amending of the said conditions will cause any safety implications or disruption to other road users.
- 5.6 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:

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.*

6. CONSULTATION RESPONSES

6.1 The consultation was launched on 1st February 2013 for a 12 week period, ending on 25th April 2013. A public notice was published in the Peterborough Telegraph on Thursday 31 January 2013. A copy is attached at **Appendix C**.

6.2 A log of the responses received in relation to the conditions of fitness for hackney carriage vehicles is attached at **Appendix D**.

6.3 All responses received in relation to the conditions of fitness for hackney carriage vehicles have been collated and distributed in full to the Licensing Committee Members.

6.4 On Monday 25th February 2013 the Peugeot E7 and the LTI TX4 were made available for members of the licensing committee to view. Simon Guilliat and Ian Hallam represented Allied Vehicles Limited and Paul Kelsey represented London Taxi Company, and Adrian Day represented Peterborough City Council. The members of the licensing committee who attended the viewing included Cllr Paula Thacker, Cllr John Peach, Cllr Peter Hiller and Cllr Pam Kreling.

The following points of interest were raised by members:

- 1) The possibility of having an audible warning in the passenger cabin to alert passengers if the door is not fully closed. (*This can be installed as an optional extra*).
- 2) There was some concern that the passenger door requires excessive force to close from the fully open position. (*The vehicle demonstrated was new, adjustment may have been required*).

3) When a wheelchair was secured using the inertia restraints although the restraints were fully locked in position some movement of the wheelchair was possible. (*Slight movement is possible in a 2 point restraint system; although a 4 point system is available. In addition for demonstration purposes the wheelchair was empty which will have an effect*).

6.5 The Peugeot E7 will be available for viewing on the day of the licensing committee meeting in order to give any members of the committee to inspect the vehicle.

6.6 On 18th April 2013 the Peugeot E7 was demonstrated to DIAL – Peterborough Disability Forum, forum members present were Bryan Tyler Disability Forum Chair and Brian Gascoyne Disability Forum Lead on Hackney and Private Hire. Simon Guilliat represented Allied Vehicles Limited and John Goodwin represented Peterborough City Council.

6.7 The stakeholders representing trade groups, organisations or businesses who have submitted detailed responses to the consultation will be invited to attend the licensing committee meeting; this is in order to present their responses in person and to be available to answer questions or clarify information as required. These stakeholders are listed below:

- Allied Vehicles Limited
- PHCF – Peterborough Hackney Carriage Federation
- DIAL – Peterborough Disability Forum
- Cambridgeshire Constabulary
- PCC Network Team (Peter Tebb)
- London Taxi Company
- Mr Brian Gascoyne (former secretary of PHCF)

6.8 A petition in favour of the Peugeot E7 signed by 84 drivers / owners dated 13 September 2011 has been submitted, this was compiled prior to the commencement of the consultation.

6.9 A detailed response to the consultation was submitted by Mr Ian Robinson Regulatory Officer (Peterborough City Council). It should be noted that the comments mentioned within this response are the personal opinions of the officer, not those of the service or department. Therefore this response must be treated as a response from an individual and not be considered in anyway as an officer recommendation.

6.10 A summary of the responses received can be found below:

Allied Vehicles Limited

In their response Allied Vehicles has suggested the council amends it conditions of fitness to allow the full range of the E7 to be licensed, subject to the appropriate conditions on colour, livery etc to enable the travelling public to distinguish the E7 from Private Hire vehicles.

They believe that drivers and passengers should enjoy the choice of the vehicle in Peterborough as with elsewhere in the country. They report the E7 as being the UK's most popular partitioned Hackney Carriage being licensed in 98% of licensing authorities.

It will allow users of larger type wheelchairs to travel safely and accommodate wheelchairs that presently are unable to travel in the existing Hackney Carriage fleet. They have mentioned that this is a reasonable adjustment to Peterborough's licensing policy required by the Equality Act 2010 to promote accessibility, and refusing it cannot be justified.

They also go on to say that by refusing to amend the current conditions would also breach EU law as none of the said conditions are proportionate or can be properly justified on public health and safety grounds.

The success of the E7 is due to its lower cost compared to the other approved vehicles. Other benefits include lower operating and repair costs, additional seating and luggage capacity, fewer emissions and markedly better accessibility for wheelchair users.

The E7 is licensed by every UK licensing authority apart from Peterborough and 6 others.

They have expressed concerns in relation to the trading future of LTI and the manufacture and supply of parts for the vehicles that make up the bulk of Peterborough's Hackney Carriage fleet.

No vehicle is made for use of a Hackney Carriage that is truly equally accessible to everyone. The most effective way to meet most people's needs is therefore to facilitate a market where would-be passengers can choose from a range of vehicles.

Allied Vehicles have also made reference to previous legal challenges and attached appendices.

Some wheelchair users can only be turned and secured in the E7 this is demonstrated in a DVD that accompanied the response.

Peterborough Hackney Carriage Federation

The federation is apposed to the Peugeot E7 being licensed as a hackney carriage, they believe that the relevant conditions should remain unchanged and current standards remain in force. They have concerns in relation to the turning circle of the E7 in particular on Broadway where the road is narrow.

They feel that the larger (length) vehicle will have an effect on the limited rank space. They believe that the Peugeot E7 is an inferior vehicle to the purpose built LTI vehicles and will have a detrimental effect on the trade and hackney carriage users in general.

Peterborough Disability Forum

The disability forum gave a very comprehensive response in relation to the technical specification of the E7, in summary they would recommend the E7 to be licensed as a hackney carriage vehicle and suggest it would be beneficial to the majority of people with disabilities in the Peterborough City Council area. They suggest it compares equally with the current LTI TX4 Hackney Carriage vehicle. However their recommendations are subject to the following items being fitted to the vehicle prior to licensing.

- a) The vehicle is fitted with a tip-up "swivel seat" on the nearside to assist passengers with physical disabilities or impairments, prior to seating. This is standard on all LTI TX4 models.
- b) That the vehicle is fitted with an extra step on the off-side of the vehicle in order to assist passengers with physical impairments to alight and dismount in safety and comfort from either side of the vehicle.
- c) That the vehicle is fitted with a "loop system" for those with a hearing impairment.

In addition to the response received from the Peterborough Disability Forum we have contacted Mr Brian Gascoyne, Disability Forum Lead for Hackney and Private Hire, in an attempt to quantify the numbers of larger non-standard type wheelchair users in Peterborough. Whilst the data is not specific it appears to indicate the number of larger type wheelchair users is on the increase.

Cambridgeshire Constabulary

Cambridgeshire Constabulary are not in favour of policy changes to allow the E7 to be licensed as a Hackney Carriage, they feel that the increased turning circle will exacerbate

traffic congestion issues in bottlenecks in the city centre such as Broadway, with a possible delay in traffic flow and a potential increase in “road rage”.

The longer vehicle will cause capacity issues on the ranks, displacing vehicles to park elsewhere, possibly illegally.

The distinction between currently licensed E7’s as private hire vehicles, specific livery would need to be considered.

They believe that the current TFL conditions for fitness should remain as a good guide for maintaining the standard of taxi’s.

Peterborough City Council Networks Team

The Tesco ranks are probably the most heavily used ranks throughout the day and during evening/night-time economy, Broadway is a busy traffic route with a high proportion of buses and significant pedestrian movement

Having E7’s undertake three point turns in the carriageway at this location has the potential to increase local congestion and the likelihood of traffic collisions, but were unable to quantify this in anyway. Whether the increased risks at this busy location are material and sufficient to suggest that E7s should not be permitted as Hackney Carriage vehicles they could not comment.

London Taxi Company

The London Taxi Company in their response have mentioned that the company is now trading following the purchase of the company by Geely UK Ltd in February and have declared that the company is more secure than it has ever been.

They feel that the distinction of the conventional Hackney Carriage (Taxi) is necessary for the travelling public and stops confusion with private hire vehicles. It has been mentioned that if the conditions were amended it would allow converted vans to become licensed and would dilute the recognisable fleet.

With reference to the specific conditions of fitness comments include: The turning circle is required to allow Hackney’s to make a quick secure u-turn in order to pick passengers up on the opposite side of the road thus negating the need for them to cross the road. They have suggested that Allied Vehicles may be able to adapt the E7 to meet the turning circle.

They further mention:

- The TX has two useful features fitted as standard not found in the E7; namely a swivel seat to assist entry for ambulant disabled, and an induction loop (as standard) for those with hearing impairments
- The TX ramp is more stable and secure than the E7
- Allied Vehicles’ E7: ‘High force is needed to open the door: Wheelchair users with limited hand movement had difficulty in opening the door’
- Allied Vehicles’ E7 has ‘less head room than the TX. Some users needed to duck when entering the cab’.
- ‘The door height and width are also greater for the TX, making Wheelchair access better’

Peterborough and District Branch Multiple Sclerosis Society

The society support the change in policy to allow the E7 to be licensed as a Hackney Carriage vehicle, they feel that whilst there are deficiencies in the vehicle in relation to headroom when loading a wheelchair, steepness of the ramp due to floor height above ground, however they feel there are clear advantages with the vehicle by moving the rear

seats backwards and forwards to allow a wheelchair user to travel facing forwards or backwards.

Mr Brian Gascoyne (former secretary PHCF)

The response is in favour of models of the E7 being licensed with adequate features to suit the visually or hearing impaired passengers. He does not favour the licensing of the complete range where basic models would not have the required features.

Concerns have been raised in relation to not amending the conditions insofar as the future manufacturing of the LTI TX series may be questionable, if this was to cease it would only leave the Mercedes Vito as an approved vehicle.

Mr Gascoyne goes on to comment in relation to the current conditions of fitness where the E7 does not meet the criteria; the comments are favourable and supportive of the licensing of the E7 as a Hackney Carriage vehicle. He also comments on the benefits of the E7 over the LTI TX4, such as the addition of side steps allowing greater passenger mobility, and the moveable rear seats allowing the accommodation of larger wheelchairs which cannot currently be transported in the LTI range.

Individual drivers

The main responses from the drivers relate to the lack of choice when it comes to vehicles approved to be licensed as Hackney Carriage vehicles, they also feel that there should be more affordable cost effective vehicles available as an option. They have mentioned that the current LTI TX4 and the Mercedes Vito currently approved are expensive as compared to the E7.

7. VEHICLE INFORMATION

7.1 The key features and benefits of the Peugeot E7 as supplied by Allied Vehicles Ltd.

- a. Wheelchair ramps fitted with safety guide.
- b. Pull Out under floor wheelchair ramp with 300kg weight limit and side guides. **(SE and XS models only)**
- c. The E7 can accommodate a DDA reference wheelchair of 1200mm length.
- d. Sliding rear bench seat to allow extra luggage space in boot, while still maintaining adequate passenger space for 6 people. **(all models)**
- e. 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)**
- f. Drivers isolation feature (to lock the driver in the front compartment) so passengers can only get into the rear. **(all models)**
- g. Indicator locking (when the indicator is on it locks the opposite doors to stop passengers exiting into the road/traffic). **(all models)**
- h. Fully opening rear windows, to help ventilation in the passenger compartment. **(all models)**
- i. 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)**
- j. A full size spare wheel fitted under the rear of the vehicle (so it doesn't get in the way of luggage)
- k. 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)**
- l. 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)**
- m. 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)**
- n. 42.8mpg combined from the manual gearbox 2.0 130bhp engine with 172 g/kg carbon dioxide.

7.2 Emissions and running cost comparison of the Peugeot E7 and the LTI TX4

| | Peugeot E7 | | LTI TX4 | |
|---------------------------|-------------|-------------|-------------|-------------|
| | Manual | Automatic | Manual | Automatic |
| Emissions | 172g/km | 199g/km | 211g/km | 233g/km |
| Fuel Consumption Combined | 42.8mpg | 37.1mpg | 35.2mpg | 32.0mpg |
| Road Tax | £195 | £250 | £270 | £460 |
| Service Intervals | 12500 miles | 12500 miles | 12000 miles | 12000 miles |
| Major Service | 37500 miles | 37500 miles | 36000 miles | 36000 miles |

7.3 Vehicle purchase cost comparison of the Peugeot E7 and the LTI TX4

| | Model | Manual | Automatic |
|------------|----------|---------|-----------|
| Peugeot E7 | S | £25,500 | £27,500 |
| | SE | £26,500 | £28,500 |
| | XS | £28,500 | £30,500 |
| LTI TX4 | Style | £31,995 | £33,995 |
| | Elegance | £33,995 | £35,995 |

8. CONSIDERATIONS

- 8.1 In considering the request to review the conditions of fitness in relation to Hackney Carriage vehicles the committee should regard the following information.
- 8.2 The committee should consider the implications, risks and consequences of amending the conditions in particular any related to safety.
- 8.3 It has been mentioned that the turning circle of the E7 is greater than the current condition allows, the committee should consider the implications of this, the main area of concern is the Broadway taxi ranks where as part of the ranking system drivers are required to carryout at least one u-turn. This has been tested with an E7 by a representative of Allied Vehicles Ltd who was unable to perform a u-turn successfully in this location. The committee will need to consider what weight should be placed on this condition and make a determination proportionate to the alleged risks as mentioned in some of the responses.
- 8.4 If the committee’s decision is to amend the conditions as requested, the committee will need to determine if the conditions should be amended sufficiently so that the E7 meets the criteria, or to remove some or all of the conditions completely.
- 8.5 The committee should be mindful that there are various models of the E7 including the “S”, “SE” and the “XS, also short wheelbase (SWB) and long wheelbase (LWB) versions. Also there are optional extras available some of which the committee may wish to see as mandatory if the E7 is approved in Peterborough following the consideration of the consultations responses.
- 8.6 The committee should also consider that the E7 is already licensed in Peterborough as a Private Hire vehicle; hence if the E7 is approved to be licensed as a Hackney Carriage vehicle there will be a need to have adequate measures in place so that the travelling public can distinguish between the 2 types of vehicles. A solution could be to insist on the mandatory requirement to have the taxi livery prominently displayed as with the Mercedes Vito.
- 8.7 The committee should also consider that the age limit for a Hackney Carriage vehicle is set at 15 years maximum, at reaching this age the vehicle is de-licensed. The age limit for a Private Hire vehicle is set at 10 years maximum, at reaching this age the vehicle is de-licensed. As the E7 is already licensed as a Private Hire vehicle the committee will need to determine if the E7 licensed as a Hackney Carriage vehicle if approved should have a terminal year of 10 years as with the Private Hire version.

Although the Mercedes Vito is licensed as both Private Hire and Hackney Carriage vehicles the 2 versions differ as the vehicle licensed as a Hackney Carriage has the additional rear steer axle mechanism allowing it to meet the current turning circle requirements. Therefore Vito's licensed as Private Hire vehicles have an age limit of 10 years and Vito's licensed as Hackney Carriage vehicles have an age limit of 15 years.

9. RISKS

- 9.1 There have been no risks identified with the licensing of the E7 as a Hackney Carriage in Peterborough in relation to health and safety of the travelling public, drivers or members of the public. Also Allied Vehicles in their response report there have been no safety concerns or problems with the E7 of any kind in any licensing authority.
- 9.2 The current LTI TX4 Hackney Carriage cannot accommodate some of the larger electric wheel chairs therefore they have to be transported in Private Hire vehicles quipped with a rear tail lift.
- 9.3 It has been suggested in the responses from the Cambridge Constabulary, Peterborough City Council's Network Team Manger and the Peterborough Hackney Carriage Federation that the ability not to complete the required u-turn in Broadway could cause congestion in the city centre.

7. ANTICIPATED OUTCOMES

- 7.1 The Licensing Committee to make decision and this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

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
Equality Act 2010

APPENDIX A

Peterborough Taxi and Private Hire Licensing Consultation Document

Peterborough City Council is launching a consultation on the future of Taxi and Private Hire Vehicle Licensing in Peterborough as part of a plan to revise its policy in relation to Hackney Carriage and Private Hire Licensing. The consultation will begin on Friday 1 February 2013 for a period of 12 weeks, and will finish on Thursday 25 April 2013. **For details on how to submit your comments please see page 49.**

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 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 (Peugeot E7) (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 (Peugeot E7)

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 until the outcome is known. This may 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 and benefits of the Peugeot E7 Range.

- a. Wheelchair ramps fitted with safety guide.
- b. Pull Out under floor wheelchair ramp with 300kg weight limit and side guides. **(SE and XS models only)**
- c. The E7 can accommodate a DDA reference wheelchair of 1200mm length.
- d. Sliding rear bench seat to allow extra luggage space in boot, while still maintaining adequate passenger space for 6 people. **(all models)**
- e. 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)**
- f. Drivers isolation feature (to lock the driver in the front compartment) so

- passengers can only get into the rear. **(all models)**
- g. Indicator locking (when the indicator is on it locks the opposite doors to stop passengers exiting into the road/traffic). **(all models)**
- h. Fully opening rear windows, to help ventilation in the passenger compartment. **(all models)**
- i. 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)**
- j. A full size spare wheel fitted under the rear of the vehicle (so it doesn't get in the way of luggage)
- k. 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)**
- l. 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)**
- m. 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)**
- n. 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 www.peterborough.gov.uk/taxilicensingconsultation 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 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 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 to17 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 to10 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 OrderAct1986)
- 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.

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 **Thursday 25 April 2013** (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
The 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.

APPENDIX B

| List of Consultees | |
|--|------------------------|
| Organisation | Contact Method |
| General Public | |
| Public Notice – Published Thursday 31 January 2013 | Peterborough Telegraph |
| Taxi and Private Hire Trade / Groups | |
| PHCF – Peterborough Hackney Carriage Federation | Email |
| Private Hire Drivers Association | Email |
| Private Hire Operators | Post |
| Licensed Drivers / Owners | Post |
| Vehicle Suppliers | |
| Allied Vehicles Limited | Email |
| Bindmans LLP (Representing Allied Vehicles) | Email |
| Cab Direct | Email |
| London Taxi Company (Administrators) | Email |
| London Taxi Company (Paul Kelsey) | Email |
| Service Providers | |
| Enterprise Peterborough (vehicle Testing) | Email |
| Unity Automotive (vehicle testing) | Email |
| Suppliers | |
| Pageantry (CCTV) | Email |
| Xtron (CCTV) | Email |
| Groups | |
| DIAL – Peterborough Disability Forum | Email |
| MS Society | Email |
| PREC – Peterborough Racial Equality | Email |
| Equality & Human Rights Commission | Email |
| PECT – Peterborough Environment City Trust | Email |
| Opportunity Peterborough | Email |
| Peterborough City Council | |
| All Ward Councillors | Email |
| All Parish Councillors | Internal Post |
| Director of Operations | Email |
| Head of Finance | Email |
| Safer Peterborough | Email |
| Head of Legal Services | Email |
| Trading Standards | Email |
| Planning Services | Email |
| Networks - Highway Control | Email |
| Head of Neighbourhoods | Email |
| Head of Operations | Email |
| Passenger Transport | Email |
| Director of Public Health | Email |
| Safeguarding Children | Email |
| Agencies / Authorities | |
| Cambridgeshire Constabulary | Email |
| Cambridgeshire Fire and Rescue | Email |
| VOSA (Peterborough Office) | Email |

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Classifieds

Find it.
Call 01733 555222

Public Notices

PETERBOROUGH CITY COUNCIL

Applications requiring advertising
Planning Application(s) affecting the character or appearance of a Conservation Area:
Ref: 13/00009/HHFUL Barnack 3no. new dormer windows to existing roof front elevation Cherrystones Lattimers Paddock Pilsgate Stamford • Ref: 13/00067/FUL Peterborough Change of use from A1 to A2 8 Bridge Street Peterborough PE1 1DW • Ref: 13/00083/FUL Peterborough Demolish existing low level store rooms on the south elevation and build a two-storey extension that will house a fitness suite, office space and 2 replacement store rooms Kings School Sports Hall Granville Street Peterborough PE1 2UE • Ref: 13/00128/ADV Peterborough Installation of 4 X Internally illuminated fascia signs and 1 X projecting sign, 1 X Externally illuminated fascia sign and 1 X Non illuminated window graphic sign - Retrospective Burger King Queensgate Shopping Centre Westgate Peterborough •

Planning Application(s) affecting the character or appearance of a Conservation Area and setting of a Listed Building:
Ref: 13/00020/HHFUL Castor Proposed store to side of existing garage Land Opposite 2 High Street Castor Peterborough PE5 7BB • Ref: 13/00029/HHFUL Glington Front facing dormer window and first floor rear extension The Elms 7 Rectory Lane Glington Peterborough • Ref: 13/00032/HHFUL Castor Installation of french doors to ground floor garage and construction of two new dormers to replace existing velux windows on first floor 47 Peterborough Road Castor Peterborough PE5 7AX • Ref: 13/00080/HHFUL Maxey Construction of single storey rear extension to kitchen and side extension to garage 9B Castle End Road Maxey Peterborough PE6 9EP •

Development which affects a Right of Way to which Part III of the Wildlife and Countryside Act 1981 applies:
Ref: 12/01065/OUT Peterborough Construction of 2 x 1 bed flats and 5 studio flats Former Coal Yard River Lane Peterborough PE3 6BZ • Ref: 13/00019/FUL Wittering Removal of existing guard hut and replacement with new masonry structure with pitched roof Royal Air Force Wittering Great North Road Wittering Peterborough •

The applications may be inspected online at www.peterborough.gov.uk/publicaccess including the internet terminals in public libraries and online at the **Customer Service Centre at Bayard Place, Broadway** [opening times are 9am-5pm Monday/Tuesday/Thursday/Friday and 11am-5pm on Wednesday - excluding Bank Holidays]. Comments should be submitted to the Head of Planning, Transport and Engineering Services no later than 21 days from publication date - please see the Council's website www.peterborough.gov.uk/representations on how to comment.

PETERBOROUGH CITY COUNCIL

Applications requiring advertising
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Public Notices



Cambridgeshire
County Council

RURAL BUSINESS OPPORTUNITIES - LAND FOR LET

Prospective tenants are invited to apply for a tenancy from 11th October 2013:

- **Marshalls Farm, Farcet** - 98 hectare arable holding with house and buildings
- **Kings Farm, Horningsea** - 63 hectare arable holding with a 28,800 m³ capacity reservoir, house and building
- **Flaggrass Hill Farm, March** - 34 hectare arable holding with buildings
- **Alley Farm, Wisbech** - 52 hectare arable holding with bungalow and building
- **Needham Farm, Elm** - 32 hectare high quality bare land holding. May be available in two lots.
- **Rowells Farm, Warboys** - 108 hectare holding with a large detached house and buildings.
- **Selwyn Lodge Farm, Wisbech St Mary** - 44 hectare bare land holding.
- **Betty's Nose Farm, Benwick** - 3 hectare holding with a semi detached house and buildings. Potential for non agricultural use.
- **Vector Farm, Elm** - 6 hectare arable holding with house, but no buildings
- **Church Farm, Quy** - 1 hectare arable holding with house. Buildings may be available.

Earlier entry may be available on some of the land and houses by agreement. These holdings will be offered for a minimum 5 year term and are aimed at people wanting to establish independent rural businesses.

Full details available from:
<http://www.cambridgeshire.gov.uk/council/property/estate/farms/farmstolet>
For an informal discussion please contact Sarah Shepherd on 01223 699671 or by email at Sarah.shepherd@cambridgeshire.gov.uk
View days will be held on 5th & 7th February 2013. Please see the particulars for the open day for each farm.
Closing date for applications is Friday 22nd February 2013.

www.cambridgeshire.gov.uk

PETERBOROUGH CITY COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

NOTICE IS HEREBY GIVEN that Peterborough City Council intends to consult on its policy regarding Hackney Carriage and Private Hire licensing, in respect of the following categories:

1. Conditions of Fitness for Hackney Carriage Vehicles (Peugeot E7)
2. Vehicle Testing
3. Driver Badge Renewal Frequency
4. Limousine and Speciality Vehicles
5. Private Hire Operator Conditions
6. Relevance of Convictions and Cautions
7. C.C.T.V

The consultation will start on Friday 1 February 2013 with the document being available for public inspection (free of charge) on the Councils website by following the link below and at the Council offices.

www.peterborough.gov.uk/taxilicensingconsultation

A copy can be obtained during normal office hours from the reception at Bayard Place, Broadway, Peterborough or Town Hall, Bridge Street, Peterborough.

If you wish to make representations concerning any of the proposals contained within the consultation document you should send them by email to lpc@peterborough.gov.uk or in writing to the Licensing Consultation Officer, The Licensing Team, 4th Floor, Bayard Place, Broadway, Peterborough, PE1 1HZ to arrive on or before Thursday 25 April 2013. (Please quote reference number lpc01/2013 in your correspondence)

Any changes 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.

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.

The City of Peterborough
Bright Street Eastbound
(Temporary Prohibition of Through Traffic)

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APPENDIX D

| Consultation Responses Received Relevant to the Conditions of Fitness for Hackney Carriage Vehicles | |
|--|-----------------------|
| Organisation | Contact Method |
| Allied Vehicles Limited (Bindmans LLP Representing Allied Vehicles) | Email / Post |
| Taxi and Private Hire Trade | |
| PHCF – Peterborough Hackney Carriage Federation | Email |
| 12 responses from drivers (individual details can be provided where deemed appropriate) | 10 Email 1 Post |
| 84 name petition signed by Drivers / owners in favour of the E7 (dated 13 September 2011) | Post |
| Vehicle Suppliers | |
| London Taxi Company | Email |
| Groups | |
| DIAL – Peterborough Disability Forum | Email |
| Peterborough And District Branch Multiple Sclerosis Society | Email |
| Peterborough City Council | |
| Network Team (Peter Tebb) | Email |
| Agencies / Authorities | |
| Cambridgeshire Constabulary (Inspector Dominic Glazebrook / Inspector Mark Rogers) | Email |
| Cambridgeshire Constabulary (Superintendent Dan Vajzovic, Peterborough Area Commander) | Email |
| Individuals | |
| Mr Brian Gascoyne (previous Secretary of Peterborough Hackney Carriage Federation) | Post |
| Mr Ian Robinson | Email |

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