

## LICENSING COMMITTEE

THURSDAY 18 JUNE 2015

7.00 PM

Bourges/Viersen Rooms - Town Hall

### AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

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

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

3. **Minutes of the Meeting Held on:**

3.1 **18 December 2014** 3 - 4

3.2 **Minutes of the Sub-Committee Hearings Held Between December 2014 and May 2015** 5 - 40

- i) 11/12/14 – 653 Lincoln Road (Review)
- ii) 13/01/15 – Little Europe (New Premises)
- iii) 01/04/15 – Ryllass (New Premises)
- iv) 13/04/15 – Anglia Ruskin University Higher Education Corporation (New Premises)
- v) 15/05/15 – Coop, Oundle Road (New Premises)

4. **Proposed Variation Of Private Hire Vehicle Licensing Requirements** 41 - 60

5. **Three Year Taxi Private Hire Driver Licensing** 61 - 100

6. **Review Of Statement Of Principles – Gambling Act 2005** 101 - 140

7. **Review Of Statement Of Licensing Policy – Licensing Act 2003** 141 - 170

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

### Committee Members:

Councillors: P Thacker (Chairman), P Hiller (Vice Chairman), Coles, A Iqbal, G Nawaz, S Martin, N Shabbir, A Miners, R Herdman and Davidson

Substitutes: Councillors: G Casey, M Jamil, B Saltmarsh, F Fox and A Shaheed

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@peterborough.gov.uk)

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

**Members Present:** Councillors Thacker (Chair), Hiller (Vice Chair), Iqbal, Jamil, Lane, Saltmarsh and Sandford

**Officers Present:** Adrian Day, Licensing Manager  
Ian Robinson, Regulatory Officer  
Colin Miles, Litigation Lawyer  
Philippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Allen, Nawaz, Miners, Herdman and Davidson. Councillors Saltmarsh and Sandford were in attendance as a substitutes.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting Held on:**

**3.1 18 September 2014**

The minutes of the meeting held on 18 September 2014 were approved as a true and accurate record.

**3.2 Minutes of the Sub-Committee Hearings Held Between March 2014 and November 2014**

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

- i) 21/03/14 – Cliftepala (Personal)
- ii) 21/08/14 – Mansfield Snooker Club (Review)
- iii) 17/10/14 – Exeter Arms (New Premises)
- iv) 27/10/14 – 327 Lincoln Road (New Premises)
- v) 11/11/14 – 44 Eastfield Road (New Premises)

**4. Exclusion of the Press and Public**

In accordance with Standing Orders, Members were asked to determine whether agenda item 5, 'Decision Required in Relation to a Private Hire Driver's Licence', which contained exempt information relating to an individual, which was likely to reveal the identity of an individual and in relation to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime, as defined by Paragraph 1, 2 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when this report was discussed or whether the public interest in disclosing this information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exclusion of the press and public for agenda item 5 'Decision Required in Relation to a Private Hire Driver's Licence'.

## **5. Decision Required in Relation to a Private Hire Driver's Licence**

The Committee received a report following a request from the Head of Regulatory Services. The report provided the Committee with information to enable them to consider and determine whether a private hire driver currently on suspension could be deemed a "fit and proper" person to hold a private hire driver's licence.

The Regulatory Officer addressed the Committee, advising of the main issues.

The Licence Holder the Licence Holder's Representative addressed the Committee and responded to questions. The key points in respect of the Licence Holder's representation were highlighted.

All parties then left the room while the Committee debated the application and made their decision.

**RESOLVED:** (four voted in favour, three voted against) That:

- i) the Committee deemed the private hire driver a "fit and proper" person to be granted a private hire driver's licence; and
- ii) the suspension currently imposed be lifted.

### **Reasons for the decision:**

The Committee did not believe the private hire driver possessed a significant threat to the public based on the evidence presented to them.

Chairman  
7.00pm – 8:10pm



Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 11 December 2014

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Review of Premises Licenses, 653 Lincoln Road
3.1 Application Reference	070306
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 Pippa Turvey, Senior Democratic Services Officer – Sub-Committee Clerk
3.4 Applicant	Trading Standards
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Review of Premises Licence</p> <p><b><u>Summary of Application</u></b></p> <p>To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for 653 Lincoln Road, taking into account the representation made by Trading Standards in their capacity as a Responsible Authority and the representations in support of the review by Cambridgeshire Constabulary and Public Health, also Responsible Authorities. The review was brought under the Prevention of Crime and Disorder and Public Safety objectives.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• Illicit tobacco and cigarettes found hidden in the premises and van.</li> <li>• The premises licence holder has pled guilty to 5 offences in relation to illicit tobacco products at Peterborough Magistrates Court on 15 October 2014.</li> <li>• Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes.</li> <li>• Impact on Public Safety as the illicit cigarettes breach EU Standards which is an offence under UK regulations requiring traders to supply safe goods.</li> </ul>

	<ul style="list-style-type: none"> <li>The distribution and sale of illicit goods is linked to serious and organised crime.</li> </ul>
3.6 Licensing Objective(s) under which representations were made	1. Prevention of Crime and Disorder
3.7 Parties/Representatives and Witnesses present	<p><b><u>Responsible Authorities</u></b></p> <p>Karen Woods, Trading Standards PC Grahame Robinson, Cambridgeshire Constabulary</p> <p><b><u>Licence Holder and Representative</u></b></p> <p>Mr Ghulam Jaferi, Licence Holder Mr Jamal Khalil, Licence Holder Representative</p>
3.8 Written Representations	<p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written representation from Public Health, attached to the report at Appendix D.</p>
3.9 Facts/Issues in Dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the update of the premises license conditions would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>
3.10 Oral Representations	<p>The Regulator Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in the address included the administrative error raised in paragraph 2.2 and 2.3 of the report, in relation to a minor variation of conditions the licensing objection of 'Prevention of Crime and Disorder'.</p> <p><b><u>Responsible Authority – Trading Standards</u></b></p> <p>Karen Woods, Trading Standards, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>The application for review had resulted from the seizure of illicit tobacco.</li> <li>The tobacco had been discovered by a search dog in concealed in bin liners underneath the counter.</li> <li>Further illicit tobacco was discovered in a van parked outside the shop.</li> <li>The tobacco was easily accessible at the counter. A test purchase had previously been carried out and illicit tobacco was able to be purchased.</li> </ul> <p><b><u>Licence Holder &amp; Licence Holder Representative</u></b></p> <p>Mr Jaferi, the Licence Holder, and Mr Khalil, the Licence Holder representative, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> <li>It was confirmed that the Sub-Committee and those present had received the newspaper extracts provided by the Licence Holder</li> </ul>

Representative.

- The offences referenced in the report had occurred within a two week time frame in March 2014. During the failed test purchase of illicit tobacco, Mr Jaferi was in London. At the time of the seizure, Mr Jaferi was out of the country.
- Extra staff had been hired in the staff for the time Mr Jaferi was elsewhere. Mr Jaferi was not aware of their actions, however had accepted responsibility of the shop.
- Under section 182 of the Licensing Act 2003, the Sub-Committee could issue an informal warning.
- The Licence Holder paid business rates and tax. He had invested his life savings into the shop. Revoking the alcohol licence would remove 85% of his earnings and he would have to close down.
- It was submitted that there was little chance of further crimes being committed at the premises as the Licence Holder was aware of the close scrutiny he would be under.
- The conditions proposed by Trading Standards were accepted by the Licence Holder and would be adhered to.
- The Licence Holder Representative highlighted several comparable cases in other local authority areas that had received suspension of their licence instead of revocation. It was submitted that these instances were of a more serious nature than the one before the Sub-Committee today.
- It was not known if these examples were within a cumulative impact area, such as the 'Operation Can Do' area.
- It was clarified that the van in which illicit tobacco was discovered was the property of the shop.
- The Designated Premise Supervisor was present at the time of the seizure. It was stated that the DPS knew nothing of the sale of illicit tobacco.

It was clarified by Karen Woods, Trading Standards, that there had been previous prosecutions against the premise regarding out of date food. Mr Jaferi had been the Licence Holder, however sufficient time had passed for this not to be relevant to the review.

The Regulatory Officer explained that extra conditions had been added to the premise licence after a failed test purchase for underage sales. No prosecution had arisen as the failure was part of a 'three strikes' policy, and was the 'first strike'. The Licence Holder had then submitted further conditions, however an administrative error meant that these had not been added to the premise licence.

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

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

- The Police had attempted to work with and educate premise licence holder's in the 'Operation Can Do' area not to sell illicit products.
- It was not considered that Mr Jaferi was a fit and proper person to hold a licence.
- Licences had been previously revoked following such behaviour.
- Authorities should not spend time working with premises that had

	<p>been previously educated and had disregarded that information.</p> <ul style="list-style-type: none"> <li>• A clear message needed to be sent.</li> </ul> <p><b><u>Summing up</u></b></p> <p>Parties were given the opportunity to summarise their submissions.</p> <p><b><u>Licensing Authority</u></b></p> <p>The Regulatory Officer reiterated that the Sub-Committee needed to consider the issues relevant to the Licensing Objective. It was also noted that although the Licence Holder was not present in the shop on the occasions in question, he had employed those individuals that were present.</p> <p><b><u>Licence Holder &amp; Licence Holder Representative</u></b></p> <p>The Licence Holder Representative restated that the Licence Holder was not present during the incidents referred to in the review. He had accepted responsibility. It was suggested that the licensing objectives would not be put at risk if the premise licence was maintain, as the Licence Holder would work more closely with the Licensing Authority. A revocation of the licence would result in the loss of the Licence Holder’s livelihood.</p> <p>The Licence Holder Representative urged the Sub-Committee to either add further conditions to the premises licence or impose a temporary suspension of the premises licence, rather than revocation.</p>
3.11 Decision	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>In their deliberations, the Sub-Committee considered:</p> <ul style="list-style-type: none"> <li>• The Government Guidance and the Council’s own statement of Licensing Policy which reflected the Government Guidance;</li> <li>• Representations in writing and those made to the Sub-Committee at the hearing from all parties;</li> <li>• The letter from the licence holder dated October;</li> <li>• The newspaper reports kindly submitted by the licence holder’s representative; and</li> <li>• The proposed conditions as an alternative to revocation.</li> </ul> <p>The licence holder’s representative had informed the Sub-Committee that Mr Jaferi was out of the country from 11 March so was not able to monitor what was happening in the shop during his absence, and that it was the responsibility of the designated premises supervisor. However, Mr Jaferi was in the country on the 5 March.</p> <p>The tobacco products were being sold by a member of staff without his knowledge.</p> <p>The Sub-Committee disregarded the previous issues of the out of date food prosecution and failed test purchase, given the time that had elapsed.</p>

The options available to the Sub-Committee were:

- (a) to modify the conditions of the premises licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor from the licence;
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence.

It was the Sub-Committee's decision to exclude from the licence, the licensable activity of the retail sale of alcohol as the Sub-Committee did not believe that any conditions would prevent further sales of such products.

Chairman  
1:30pm – 3:05pm

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Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 13 January 2015

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD
3.1 Application Reference	070476
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Hiller Councillor Casey
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Aidas Meckauskas
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b>  Monday to Saturday 09.00 to 21.00 Sunday 10.00 to 20.00</li> <li>• <b>Hours premises are open to the public</b>  Monday to Saturday 09.00 to 21.00 Sunday 10.00 to 20.00</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD, which had attracted representations from a Responsible Authority, a Ward Councillor, a Councillor and Millfield and New England Regeneration Project (MANERP), the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>• Application falls within the Cumulative Impact Area, an area identified</li> </ul>

	<p>within the Councils Statement of Licensing Policy as already saturated with licensed premises.</p> <ul style="list-style-type: none"> <li>• Area suffers with a high level of anti-social behaviour fuelled by alcohol, which could be exacerbated by another off licensed premises.</li> <li>• Evidence does still exist of a negative impact caused by alcohol within the area, e.g. street drinking, alcoholism and domestic violence.</li> <li>• High level of crime in the vicinity.</li> <li>• The proposed DPS (Designated Premises Supervisor) is already responsible for other licensed premises, suggest another DPS for this premises if the licence is granted.</li> <li>• Proposed extra conditions, if the licence is granted in relation to single and double vessels of alcohol above 6.5 abv (alcohol by volume) and public liability insurance.</li> </ul> <p>A summary of the issues raised by persons supporting the application included:</p> <ul style="list-style-type: none"> <li>• Alleged consumption of alcohol in the area is declining due to closure of on-licensed premises</li> <li>• Area improvements by various agencies mean that the problems historically experienced in the direct locality are declining.</li> </ul> <p>The premises is located away from the high concentration area of Can Do.</p>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder</li> <li>2. The Prevention of Public Nuisance</li> <li>3. The Protection of Children from Harm</li> <li>4. Public Safety</li> </ol>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The Applicant, Mr Aidas Meckauskas, and the Applicant's Representatives, Mr Daniel Oscroft.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, Cambridgeshire Constabulary</p> <p><b><u>Ward Councillors</u></b></p> <p>Councillor Swift</p> <p><b><u>Other Persons</u></b></p> <p>Councillor Shearman</p> <p>Brian Gascoyne, MANERP</p>
<p>3.8 Pre-hearing considerations and any decisions taken by</p>	<p>There were no pre-hearing considerations.</p>



the Sub-Committee relating to ancillary matters	
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in her address included were the opening times applied for and the representations received. The Regulatory Officer clarified that the 715 Lincoln Road was situated near to 'Alexander Trading', an off licensed premises, 'The Crown Inn', a on and off licensed premises, 'Lithuanian Food', an off licensed premises and, further away, a mini-mart on Thistle Moor Road.</p> <p><b><u>Responsible Authorities – Cambridgeshire Constabulary</u></b></p> <p>PC Grahame Robinson addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The representation from Cambridgeshire Constabulary was comparatively neutral.</li> <li>• The applicant currently run a Russian restaurant on Broadway and had previously run a store on Lincoln Road.</li> <li>• There were no current concerns with the applicant, who operated his premises well.</li> <li>• Any concerns of the police in relation to the Cumulative Impact area were not considered to be relevant to the application location.</li> </ul> <p><b><u>Other Persons – Councillor Shearman</u></b></p> <p>Councillor Shearman addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• Councillor Shearman was in attendance as a local Councillor and as the Secretary of the Victoria Park Residents' Association.</li> <li>• The residents he represented were opposed to any further premises licences in the 'Op Can Do' area, as they had a knock on affect in Park Ward.</li> <li>• The local area had a high number of licensed premises and high crime levels had been recorded.</li> <li>• The main concern of those living locally was what happened to customers after they left the premises.</li> <li>• In October, in the area PE1 3HD, 475 crimes had been recorded. 165 of these were anti-social behaviour, 74 of these were violent in nature. A comparable number had been recorded for November.</li> <li>• Although these had not been recorded as resulting from alcohol, it was the case that street drinking, alcoholism and domestic violence were often as a result of alcohol.</li> <li>• Councillor Shearman did not agree with the assertion that crime had reduced in the area by up to 90%.</li> </ul> <p>PC Grahame Robinson explained, in response to questions from the Sub-Committee, that often crime statistics from sources such as 'Police UK' were not reliable. He had carried out a search on the same area and had not found any record of crimes linked directly to alcohol consumption. There was a option to tag 'alcohol' when recording crime statistics.</p> <p><b><u>Other Persons – Brian Gascoyne, MANERP</u></b></p>

Mr Brian Gascoyne, MANERP addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- Mr Gascoyne's understanding of the Cumulative Impact Area was that applicants were required to prove a need for further premises licences. There was no need.
- There had been no changes in the area with regard to alcohol related crimes and anti-social behaviour.
- In 2002 the Millfield and New England Regeneration Area had 16 off licenced outlets. In 2015 there was 71 outlets.
- The Millfield area was overrun with off licences, it was suggested that this should not be extended to the northern section of the Cumulative Impact Area as well.

The Regulatory Officer advised the Sub-Committee that the 'need' for a premises licence was not something that could be taken into consideration when deciding whether to grant the premises licence or not.

#### **Applicant's Representative**

Mr Daniel Oscroft addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The applicant understood the opposition attracted by his application, however believed that the application would not add to the cumulative impact in the area.
- It was considered unfair to rely on statistics where the source was not set. The area referred to in relation to statistics was wide ranging and could include hot spots unrelated to the vicinity of the application premises.
- The premises would not primarily function as an off licence. The store small in size and would mainly sell goods other than alcohol.
- The opening hours proposed were less than those of the surrounding premises.
- The premises was located a significant distance away from the more densely licensed area in the 'Op Can Do' zone.
- Cambridgeshire Constabulary had proposed several additional conditions within their representations, should a premises licence be granted. The applicant was happy to include conditions 15 and 17 in his application, subject to the alteration of the word 'measures' to 'vessels'.
- Other than these additions, the proposed conditions reflected the conditions already submitted by the applicant.
- Concern had been raised in relation to the application holding the position of DPS, as they also did for a number of premises.
- As such, it was proposed that an alternative DPS could be found. Two alternative candidates had been found and the proposal accepted, in principal, by the police.
- It was considered that there was no real objection from the police and the applicant would not attract problems to the area.

#### **Ward Councillors – Councillor Swift**

	<p>Councillor Swift, Ward Councillor, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• This was the first time Councillor Swift had supported an application for a premises licence.</li> <li>• A significant number of public houses had disappeared from the area surrounding the application premises. The one remaining public house operated at 50% fewer house than it had done in the past.</li> <li>• The high level of off-licence saturation was within the Millfield area, not the area of this application.</li> <li>• The character of the area had changed. There were no problems with anti-social behaviour or high levels of crime.</li> <li>• The hours applied for by the applicant would not have any additional impact on the area.</li> <li>• Customers should be able to undertake all their shopping in one trip.</li> <li>• It was Councillor Swift's understanding that permission had been given to a superstore in the vicinity. The difference in impact between that and this application was unclear.</li> </ul>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from a Responsible Authority.</p> <p><b><u>Ward Councillors</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Councillor Swift, Ward Councillor.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Councillor Shearman and from Brian Gascoyne, MANERP.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p>

	<p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the ‘Public Safety’ Licensing Objective.</p>
4. Decision	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>In deliberations the Sub-Committee considered:</p> <ul style="list-style-type: none"> <li>- The Council’s own Statement of Licensing Policy at paragraph 11,</li> <li>- The Government guidance at paragraph 13.29 and 13.30,</li> <li>- The representation from the Police and from the Licensing Authority, and</li> <li>- The operating schedule within the application.</li> </ul> <p>The options available to them were:</p> <ul style="list-style-type: none"> <li>- To grant this licence as applied for,</li> <li>- To grant with additional conditions, or</li> <li>- To reject the application.</li> </ul> <p>The Sub-Committee believed that to grant the licence would further add to the cumulative impact within the ‘Op Can Do’ area and would undermine the promotion of the licensing objectives, during the times applied for, for the sale of alcohol.</p> <p>The Cumulative Impact Area was already saturated with such premises and the ‘Op Can Do’ initiative was making progress, and the granting of this licence would impact on the northern area of the cumulative impact policy.</p> <p>The Sub-Committee therefore, decided to refuse the application for a licence for the premises, known as Little Europe, 715 Lincoln Road, Peterborough.</p> <p>The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.</p>

Chairman Cllr Thacker M.B.E  
Start 1:30pm – End 3:15pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on 1, April 2015

**RECORD OF DECISION**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Application of Premises Licence – Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE
3.1 Application Reference	MAU 070898
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Davidson
3.3 Officers	Terri Martin , Regulatory Officer – Licensing Nigel Joseph , Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy , Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p>Authorisations and Times Applied for:</p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b> Monday to Sunday 10.00 to 22.00</li> <li>• <b>Hours premises are open to the public</b> Monday to Sunday 10.00 to 22.00</li> </ul> <p>Authorisations and Times Applied for after mediation</p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b> Monday to Sunday 10.00 to 18.00</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE, which had attracted representations in objection to</p>

	<p>the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• The application fell within the Cumulative Impact (CI) Area, an area identified within the Councils Statement of Licensing Policy as already saturated with licensed premises;</li> <li>• A further off licence was likely to add to the existing crime and anti-social behaviour fuelled by alcohol in the area, which had been subject to a significant concentration of licensed premises;</li> <li>• Evidence exists of the negative impact on the licensing objectives caused by alcohol, and the ease and availability of low cost alcohol which was purchased and abused in the locality; and</li> <li>• The application did not address the CI policy and did not demonstrate that it would not contribute towards issues already experienced.</li> </ul>
<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. The Prevention of Public Nuisance; and  4. The Protection of Public Safety.</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><b><u>Applicant / Responsible Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p><b><u>Other Persons</u></b></p> <p>Brian Gascoyne, who was present on behalf of Millfield and New England Regeneration Partnership (MANERP).</p> <p><b><u>Applicant/Representative</u></b></p> <p>Mr Matas Bagociunas, the Applicant was in attendance and the Applicant's representative, Simon Milburn.</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><b><u>Applicant's Representative</u></b></p> <p>The Applicant's representative Mr Simon Milburn addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The Applicant had opened a small groceries store, which offered organic products;</li> <li>• There had been a two year lease taken out by the Applicant;</li> <li>• Due to the niche market of products offered, the Applicant's business</li> </ul>

had been slower than preferred;

- The application was not aimed to offer the sale of cheap alcohol;
- The Applicant had submitted the application in ignorance of the Cumulative Impact Area) CIA;
- The Applicant was fully aware and understood the issues highlighted within the representations;
- There had been two premises licence applications made in the area since 2013 for the sale of alcohol;
- The Applicant was mindful of the Licensing Objectives;
- The Applicant had reconsidered his application and had submitted a number of additional proposals on the licensing restrictions included within Appendix 1;
- The Applicant had taken on board the suggested additional conditions submitted by the Cambridgeshire Constabulary at Appendix 1 and had offered further enhancements such as the non-refrigeration of alcohol products and the storage of CCTV discs in a safe;
- The applicant wished to provide an all-round organic service, the sale of alcohol was intended to provide a boost to sales. However, a limited range of alcohol products would be made available, but would not necessarily be of organic origin;
- The condition in terms of the sale volume restrictions for alcohol was intended to deter customers that wished to purchase more than one single vessel;
- The applicant had undertaken a number of refurbishments to the premises and wished to see through his investment despite the two year lease remaining on the premises; and
- The applicant could not stop regular drinkers of the nearby park frequenting the Ryllass premises, however, he was fully aware of his responsibility under the licensing law and understood that the sale of alcohol would be scrutinised.

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

- Recent crime statistics had reduced in the area and was anticipated to continue to fall due to the Community Impact Policy in place and Operation Can-Do;
- In light of the amended conditions put forward by the Applicant, the responsible authority had nothing further to add to their representation and would probably not have objected to the application;
- There were two premises, Mini Market and Hypermarket on Lincoln Road, which had been granted licences within the area, which had not contributed to the Cumulative Impact issues; and
- The enhanced conditions put forward by the Applicant had satisfied the Police that there were robust measures to grant the licence.

#### **Other Persons – Mr Gascoyne**

- Recent Anti-Social Behaviour (ASB) reports with regards to the park had raised concerns for MANERP;
- The Applicant had indicated that he would be in control of the business on a long-term basis which was positive; and
- In light of the Cambridgeshire Constabulary reconsidered representation, MANERP was mindful to withdraw the representation

	<p>made subject to the implementation of the stated conditions.</p> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions and included the following:</p> <ul style="list-style-type: none"> <li>• Mr Milburn reiterated that the Applicant would not sell single or double vessels of Alcohol; and</li> <li>• Given the Applicant's apparent financial commitment, he intended to strive to run a successful business despite the two year lease; and</li> <li>• PC Grahame Robinson commented that the submission of additional conditions by the Applicant was encouraging and would remain in place for any new premises holder, should the licence be granted.</li> </ul>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the Application from Mr Matas Bagociunas and the additional conditions attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submissions and conditions attached to the Sub-Committee report from Cambridgeshire Constabulary.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Mr Gasgoyne (MANERP).</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the application would further support 'Public Safety' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p>



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

- Decide to grant the licence in the same terms as it was applied for;
- Decide 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
- Decide to refuse to grant the licence.

The Sub-Committee also gave consideration to the additional conditions submitted by the Applicant, Mr Bagociunas to compliment his original application, in addition to the Pollution Control Conditions agreed.

In addition, the Applicant, also agreed to accept all of the Police conditions submitted within their representation with the addition of:

- I. Recording equipment and discs would be stored in a safe;
- II. A specific wholesale supplier, would be utilised for the purchase of alcohol stock;
- III. A limited range of alcohol would be provided;
- IV. Would not sell any beer, larger or cider above 6.5% abv;
- V. There would not be sale of refrigerated alcohol whatsoever;
- VI. That alcohol would be kept behind the service counter;
- VII. Alcohol would be covered up outside of the sale of alcohol time restrictions;
- VIII. No special offers on the sale of alcohol would be provided;
- IX. There would be no shop frontage advertisement of the sale of alcohol products; and
- X. The sale of alcohol would to be restricted to 10:00am to 6:00pm to replace the original application times of 10:00am to 10:00pm.

The Sub-Committee has also placed great emphasis to a more positive attitude to the application from both the Police and MANERP in light of the additional conditions offered by the Applicant, with MANERP expressly withdrawing their objection and the apparent withdrawal of the Police objection.

The Sub-Committee noted and listened carefully to the representations made to the Committee and considered para 11.5, 11.6 and 11.7 of the Council's special policy with regard to Cumulative effect. The Sub-Committee agreed that granting this licence subject to the specified conditions would not add to the Cumulative Impact on the Licensing Objectives and therefore agreed to GRANT the licence for the premises, known as Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE subject to the conditions at Appendix 1.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 0845 3100575. There is a fee to pay.

Chairman - Start 1:30pm – Finish 3:30pm

**Cambridgeshire Police Conditions:**

The Prevention of Crime and Disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall encompass all entrances and exits to the premises, fire exits and all area where the sale / supply of alcohol occur. A camera will be positioned outside the premises covering the shop frontage.
2. CCTV equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days.
3. The Premises License Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and hand this footage over to the Police / Local Authority on demand.
4. The recording equipment and discs / usb pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
5. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings of the system actions taken are to be recorded.
6. In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority immediately.
7. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
8. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with on-going training to prevent underage sales (Challenge 25) should be recorded in a written format and be available to an authorised officer upon demand.
9. A refusals log will be maintained on a daily basis recording all refused attempted purchases of alcohol.
10. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
11. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the licensed premises and made available to Police, Council and HMRC Officers upon request.
12. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.

13. A ultra-violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.
14. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and HMRC as soon as possible.
15. No single or double vessels of Beer, Lager or Cider above 6.5% Abv (alcohol content) will be offered for sale in the premises.

#### Promote Public Safety

16. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
17. Valid Public liability Insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.
18. No person will be allowed to enter or leave the licensed premises (as defined by the plan) with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.

#### The Protection of Children from Harm

19. Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
20. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 21 years of age.
21. A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.

#### **Peterborough City Council – Pollution Control Conditions:**

1. Music played at the premises shall be background only - For the purposes of this condition, 'background' means music that is inconspicuous i.e. it is possible to hold a conversation at normal volume with the music playing.
2. Disposal of waste bottles into external receptacles where noise will be audible to neighbouring properties must not occur between 23:00 and 07:00 hours.
3. Arrangements must be in place to ensure that waste collection contractors do not collect refuse between 23:00 and 07:00 hours.
4. An adequate number of suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site.

#### **The Applicant's Supplementary Conditions:**

1. The premises is monitored by CCTV internally and externally. All recordings are available on request for 30 days;

2. The premises licence holder will be on duty at the premises at most times that the premises are open to the public;
3. Internal and external lighting fixed to promote the public safety objective;
4. Customers will be asked not to stand around loudly talking in the street outside the premises. Customers will not be admitted to premises above opening hours;
5. All employees of the premises will receive initial and regular six monthly refresher training by the premises licence holder with regards to the conditions attached to the premises licence and the law in relation to the Licensing Act 2003. All training will be recorded and up to date training records of all training given and by/to whom, will be maintained at the premises and produced and made available for immediate inspection upon request;
6. Any incidents of crime and disorder will be recorded in an incident register which will be produced and made available for immediate inspection upon request by the Police;
7. No persons will be allowed to enter or remain on the premises if they are displaying any signs of drunkenness through speech, manner or tone, or their disposition or steadiness on their feet;
8. Any persons who appear to be under the age of 25 will be challenged to produce identification prior to being allowed to purchase alcohol. The only acceptable forms of customer identification will be a valid passport, valid photo ID driving licence or a PASS approved document; and
9. Challenge 25 is in operation and will be displayed inside the premises, at the main entrance to the premises and through any advertising, any literature, notices or websites promoting the premises.

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Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 13 April 2015

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Anglia Ruskin University Higher Education Corporation, Guild House, Oundle Road, Peterborough
3.1 Application Reference	070954
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Davidson Councillor Khan
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Pippa Turvey, Senior Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Anglia Ruskin University Higher Education Corporation
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption <u>on &amp; off</u> the premises</b> Monday to Sunday 11.00 to 23.00</li> <li>• <b>Hours premises are open to the public</b> Monday to Sunday 24 hours</li> </ul> <p><b>AUTHORISATIONS AND TIMES APPLIED FOR AFTER MEDIATION</b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption for <u>on</u> the premises only</b> Monday to Sunday 11.00 to 23.00</li> <li>• <b>Hours premises are open to the public</b> Monday to Sunday 24 hours</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p>

	<p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Anglia Ruskin University Higher Education Corporation, Guild House, Oundle Road, Peterborough, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>• Residents believe that granting an alcohol licence in the residential area and near to schools would lead to street drinking in the area and associated anti-social behaviour.</li> <li>• If a licence is granted there would be an increase in alcohol related incidents which the overstretched Police resources would have to deal with.</li> <li>• Close proximity to 2 primary schools, a place of worship and in an area of an 'aged community'.</li> <li>• A risk that school children may be witness to or victims of public disorder due to street drinking.</li> <li>• An increase in noise related disorder from music being played whilst the licence is in operation which would lead to the demise of local resident's peace and quiet.</li> <li>• An increase in parking issues in the surrounding area.</li> </ul>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder  2. The Prevention of Public Nuisance  3. The Protection of Children from Harm  4. Public Safety</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant's Representative</u></b></p> <p>The Designated Premises Supervisor, Jay Broome, and the Applicant's Representatives, Robert Jordan.</p> <p><b><u>Ward Councillor</u></b></p> <p>Councillor Thurlbourn</p> <p><b><u>Other Persons</u></b></p> <p>S Riseley, Gareth Evans, Hazel McCall, and Sandra Fisher.</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>3.9 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in her address included were the representation submitted against the application by 17 local residents. Amended conditions had been included in the report,</p>



following mediation.

### **Ward Councillor - Thurlbourn**

Councillor Thurlbourn addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- This application, if granted, would be the 17th or 18th premises licence in a square mile.
- There had been issues in the area around crime and disorder, all alcohol related and close to the local school.
- Guild House was embedded into a housing estate and the area around the building was populated mainly by pensioners.
- Councillor Thurlbourn had attempted to open a dialogue with the University on several occasions, with no success.
- Issues were raised in relation to car parking in the area. There were car parks next to Guild House, however students rarely used this as it charged. Residents were worried that people attending events at the University would park in the surrounding area and cause congestion in the evening.
- The locality was home to many families and pensioners and the potential for music to be played late into the evening was troubling. It was suggested that residents' quality of life would decrease.
- Councillor Thurlbourn believed that it would be more appropriate to hold University events in existing community facilities. This would move concern away from the elderly residents and would improve community relations.
- It was suggested that, if approved, the premises licence was limited to end at 7.00pm.

### **Other Persons – S Riseley**

S Riseley addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- She had great difficulty find a parking space in order to visit her elderly father. Concern was expressed that this problem would be exacerbated with the granting of a premises licence.
- Parking problems also gave rise to concerns about highway safety.
- It was suggested that nearby local facilities could be used for University functions, which would be better for the community.
- People in the area were worried that drinking on the site would be a disturbance to the elderly residents.
- It could not be stated, certainly, that all the cars parked in the surrounding streets were students, as local residents used permits and parking wherever possible. There had been trouble in the past with ambulances not being able to access the road.

### **Other Persons – Gareth Evans**

Gareth Evans addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- With the agreement of all parties, Mr Evans circulated pictures of Wharf Road at 9am, highlighting the parking problems faced in the

area.

- Cllr Thulbourn advised that when the University was not open, the parking issues decreased.
- Mr Evans raised concern about the potential for noise disturbance and anti social behaviour mid-week, as a result of a premises licence.

### **Applicant's Representative**

Jay Broome and Robert Jordan addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- Robert Jordan advised that if there was a function on at the University, free parking would be provided for those individuals attending the event.
- The capacity of the building was 75 on the first floor and less than 200 on the second floor.
- The car park could house 154 cars. It was stated that no event would be arranged that could not be catered for by the car park.
- It was noted that it was not feasible to host events of the nature intended by the University in local pubs or facilities. A full fire risk assessment had been undertaken for the Guild House.
- Robert Jordan had previously emailed a local Councillor, although not the Ward Councillor in attendance at this meeting, to meeting with residents on site. This invitation was not taken up.
- In line with the revised conditions outlined in the report, the application had been scaled back to two specified internal areas. An Event Management Plan would be put in place for each event. This would need to be approved by the Licensing Authority, who would be notified 28 day prior.
- It was noted that the Chelmsford and Cambridge locations for the University were licensed and it was hoped that residents' fear regarding parking could be allayed.
- Robert Jordan outline all the matters that would be dealt with within an Event Management Plan, which would be undertaken for each separate event.
- The applicant would be opposed to including any additional conditions that were already reflected within the operating schedule.
- Jay Broome was the proposed Designated Premises Supervisor and was contactable at all times, with remote access.
- It was not believed that there was any proof that the licensing objectives were not being met.
- Jay Broome advised that there was expected to be 15 events a year, maximum. The nature of events would be graduation, open evenings, freshers' week events, etc, to promote the University. Security would be located at the entry points and on the floor, which was current procedure.
- The current charge for the car park was £3 all day, free after 5pm and on Saturday.
- It was set out in the conditions that patrols of the area would take place when music / amplified speech was taking place, to ensure no disturbance was created.

### **Summing Up**

	<p>All parties were given the opportunity to summarise their submissions.</p> <p><b>Other Persons</b></p> <p>S Riseley expressed her disapproval in the manner the applicant had chosen to advertise their application. It was noted, however, that the applicant had complied with all legal requirements. It was suggested that communication with residents of the area could have been better.</p> <p><b>Ward Councillor</b></p> <p>Councillor Thulbourn believed that it was vital for the University to provide free parking for students in the available car parks. The building was embedded in a residential area and without available parking, the roads would become congested.</p> <p><b>Applicant's Representative</b></p> <p>Robert Jordan advised that the University did email a Ward Councillor, although it was not Councillor Thulbourn. It was suggested that at a meeting could be arranged with Ward Councillors and local residents to discuss any issues that they had with the University.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from 17 local residents.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>

4. Decision

**The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-**

The Sub-Committee considered the representations made today and in writing from:

- The Applicant, the Designated Premises Supervisor and the Applicant's Representative;
- Ward Councillor Thulbourn;
- S Riseley and Gareth Evans; and
- 17 Local Residents in the capacity as 'other persons'.

The Ward Councillor and objectors raised concerns regarding off site parking; noise emitted from the premises; an increase in drunkenness in the area and associated anti social behaviour.

The Sub-Committee sympathised with residents' concerns about off site car parking but this was outside of this committee's control, and the applicant stated that during organised function, there would be free on site parking for those attending.

The Sub-Committee considered:

- The Council's own Statement of Licensing Policy
- The Government Guidance
- The operating schedule within the application.

It was noted that there were no objections from the police.

The options available to the committee were:

- To grant this licence as applied for,
- To grant with additional conditions, or
- To reject the application.

The Sub-Committee believed that the revised operating schedule and the additional conditions offered during the mediation process satisfied the licence objectives.

Therefore, the application for a licence for the premises, known as Anglia Ruskin University, Guild House, Oundle Road, Peterborough, was granted subject to the additional agreed mediated conditions.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

The Chairman advised residents that if they were unhappy with the operation of the premises licence they could seek a review of the licence.

Chairman Cllr Thacker M.B.E  
Start 1:30pm – 3:07 End pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on 15, May 2015

**RECORD OF DECISION**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Co-operative Food, (formerly Texaco Petrol Filling Station), Oundle Road, Peterborough, PE2 7DF
3.1 Application Reference	MAU 071103
3.2 Sub-Committee Members	Councillor Thacker MBE (Chairman) Councillor Hiller Councillor Jamil
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Co-operative Group Food Ltd
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>New Premises Licence</p> <p><b>Authorisations and Times Applied For</b></p> <ul style="list-style-type: none"> <li>• Sale of alcohol for consumption off the premises</li> <li>• Monday to Sunday 06.00 to 23.00</li> <li>• Hours premises are open to the public</li> <li>• Not declared on application</li> </ul> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a premises licence from the Co-operative Group Food Ltd, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>Representations in objection to the application had been raised by ‘Other Persons’.</p> <p>A summary of the issues raised within the representations included:</p>

	<ul style="list-style-type: none"> <li>Residents believed that granting an alcohol licence in the residential area and near to a children's play area would lead to street drinking and associated anti-social behaviour;</li> <li>If a licence was granted there would be an increase in alcohol related incidents which the overstretched Police resources would have to deal with; and</li> <li>An increase in littering in the vicinity of the premises.</li> </ul>
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> <li>The Prevention of Nuisance;</li> <li>The Protection of Children from Harm;</li> <li>The Protection of Public Safety; and</li> <li>The Prevention of Crime and Disorder.</li> </ol>
3.7 Parties/Representatives and witnesses present	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Members of the Co-operative Group, the Applicant were in attendance. The Applicant was represented by Richard Arnot.</p> <p><b><u>Ward Councillor</u></b></p> <p>The Ward Councillor, who was present to represent residents.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	<p>A late request had been received from a Ward Councillor, North to be permitted to address the Sub-Committee.</p> <p>The Sub-Committee, agreed to permit Councillor North to speak.</p>
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Applicant's Representative</u></b></p> <p>Richard Arnot, the Applicant's representative addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>The Co-operative Group Food Ltd (Co-op) was the fifth largest retailer in the country with 8.2m members;</li> <li>The former Texaco Garage site was currently in a dishevelled state;</li> <li>The alcohol sale turnover for Co-op stores nationally was 15% which was considered low;</li> <li>The Applicant did not intend to become a dedicated Off Licence;</li> <li>Robust policies were in place for employee training and safeguarding during the purchase of alcohol from any Co-op store;</li> <li>Each Co-op store employed a risk manager who would be trained to safeguard the community and mitigate any issues should they arise from the sale of alcohol;</li> <li>An example was provided on how the Co-op training system was</li> </ul>

delivered to employees new and existing and the length of the course undertaken;

- Co-op employees training included the provision of information on age restricted products and exams undertaken, which was complemented by a buddy system;
- Each Co-op employee was allocated a unique identification number in order to log onto the till cashier system, which also restricted the sale of alcohol by those competent to do so;
- A sale of alcohol refresher training course with exams were undertaken by Co-op employees on an annual basis;
- Internal and external CCTV cameras had been proposed within the Applicant's conditions;
- There was a scan and barcode system installed on cashier tills to remind employees of the alcohol licence responsibility;
- The employee unique identification number provided information about how each sale of alcohol had been applied despite a customer's age. The information would be checked on a regular basis by the Co-op Store Manager;
- The Co-op store would hold an electronic refusals register, which would hold information about whether a store had experienced any issues related to the sale of alcohol;
- Beers and wines would be stored to the back left hand side of the shop with spirits located behind the sales counter to deter shoplifters;
- There would be five personal licence holders out of 20 employees, with at least one always present on site;
- The Committee would be made aware of any systemic failure;
- If the Co-op store presence was to cause intimidation in the area, the Co-op group would relocate the business;
- In terms of the proposed sale of alcohol times between 6am – 11:00pm, the Co-op Group were mindful of the Secretary of State guidance, which advised that sales should be available at shop opening times, which was why the Coop had applied for the specified hours;
- The Police held no objection to the application;
- The only objections received against the application were from two local residents;
- The Coop were aware of the risk of rigorous prosecutions in place under licensing legislation;
- The issues highlighted by the two representatives were historic and could not be attributed to the Co-op;
- The Co-op did not intend to sell fast food;
- The Co-op would provide litter bins;
- The nearby school had not objected to the application;
- It was anticipated that 16 year olds would not want to frequent a camera intensive and illuminated shop front;
- The Co-op was aware that the statement made with regards to the volume of shops within the area was not a licensing consideration;
- It was not known to the Co-op how other businesses operated in terms of the sale of alcohol;
- The Coop held little control in regards to whom would frequent the bus shelter;
- Advice on deliveries had been received from counsel Susanna Fitzgerald Q.C., which had detailed the relevance of the Committee's

	<p>consideration in respect of the store operation times;</p> <ul style="list-style-type: none"> <li>• It was felt by the Co-op that residents would welcome a refurbishment of the site; and</li> <li>• Any complaints received from residents would be dealt with immediately by the store Risk Manager, with thefts dealt with promptly in order to avoid prosecution.</li> </ul> <p><b><u>Ward Councillor</u></b></p> <p>Councillor North addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• A recent door knocking undertaken had ascertained local residents opinion and demonstrated that there had been in the region of 80/20 against the sale of alcohol in the area;</li> <li>• In the main, residents voiced concerns with regards to the safety and up keep of the green areas such as parks and had highlighted historic problems experienced with alcohol consumption with broken glass;</li> <li>• The underage sale measures proposed by the Co-op appeared to be reassuring, however there were concerns raised over how they would stop adults abusing the system;</li> <li>• A local shop's licence on Oakleigh Drive had been revoked at some point for the reasons stated. In addition an alcohol licence application had also been refused about seven years ago on Oakleigh Drive also for the reasons stated;</li> <li>• The community would welcomed somewhere to shop, but concerned about the sale of alcohol and drink in places where children want to play; and</li> <li>• The park area had benefited from no sale of alcohol for a long time.</li> </ul> <p><b><u>Summing Up</u></b></p> <p>The Applicant's representative summarised the application and responded to points raised. In summary responses included:</p> <ul style="list-style-type: none"> <li>• The Cooperative Group Food Ltd could not be held accountable for issues that happened ten years ago, however, they had no interest in contributing to behaviour experienced in the past;</li> <li>• Sales of alcohol by proxy would be dealt with by enforcement of a ban applied by the stores Risk Manager to offenders; and</li> <li>• If bottles, which belonged to the Coop were found in park, the Police would take action as necessary under the Licensing Act 2003.</li> </ul>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from list other persons.</p>



<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the application would further support the ‘Protection of Public Safety’ Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>During its deliberations, the Sub-Committee considered the various options available, including:</p> <ul style="list-style-type: none"> <li>• Decide to grant the licence in the same terms as it was applied for;</li> <li>• Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives); or</li> <li>• Decide to refuse to grant the licence.</li> </ul> <p>The Sub Committee also gave consideration to the conditions (appendix 1), proposed by the applicant, which included:</p> <ul style="list-style-type: none"> <li>• The CCTV system coverage, availability, incident logging and storage;</li> <li>• The premises operation of a proof of age scheme, such as a Challenge 25,</li> <li>• Burglar alarm system;</li> <li>• Panic button system for staff to utilise in the case of an emergency;</li> <li>• Complaints procedure arrangements, such as availability in store and upon request.</li> <li>• Training in relation to age restricted products and in particular the sale of alcohol;</li> <li>• An age cashier till prompt system will be utilised at the premises in respect of age restricted products;</li> <li>• A refusals register arrangement to be maintained; and</li> <li>• Appropriate fire safety and health and safety regulation</li> </ul>

arrangements to be in place at the store.

The Sub Committee, was satisfied that the Applicant's operating schedule was sufficiently robust to address the concerns of the local residents who made representations.

The Sub Committee therefore GRANTED the licence for the premises, known as Co-operative Food, Oundle Road, Peterborough, PE2 7DF, as applied.

Chairman  
Start 10.30 am – Finish 11.23am

## **APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES:**

### **Crime and disorder**

- The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
- There shall be 'CCTV in Operation' signs prominently displayed at the premises.
- An incident log (whether kept in written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
- The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
- The premises will be fitted with a burglar alarm system.
- The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

### **Prevention of Public Nuisance**

- A complaints procedure will be maintained, details of which will be made available in store and upon request.

### **Protection of children from harm**

- All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
- An age cashier till prompt system will be utilised at the premises in respect of age restricted products.
- A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

### **Public Safety**

- The premises licence holder shall ensure that the appropriate fire safety and health and safety regulations are applied at the premises.

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<b>LICENSING COMMITTEE</b>	AGENDA ITEM No. 4
<b>18 JUNE 2015</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Regulatory Officer Ian Robinson	Tel. 453541

**PROPOSED VARIATION OF PRIVATE HIRE VEHICLE LICENSING REQUIREMENTS**

R E C O M M E N D A T I O N S	
<b>FROM:</b> Licensing Dept. Regulatory Officer Ian Robinson	<b>Deadline date:</b> N/A
<p>1. To consider a variation of private hire vehicle requirements (<b>highlighted in bold</b>) to permit the licensing of hybrid or electric vehicles (EVs).</p> <p>2. To consider the removal of the 1300cc stipulation.</p> <p>3. To amend the aforesaid private hire vehicle requirement 1(c) accordingly to read:</p> <p style="padding-left: 40px;">1(c) The cubic capacity of the engine is not less than 1300cc, unless the vehicle in question is a diesel "Fortwo" Smart Car, <b>or alternatively powered by electricity or hybrid technology.</b></p> <p style="text-align: center;">or</p> <p style="padding-left: 40px;">Remove private hire vehicle requirement 1(c) altogether.</p>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Committee following a referral from the Licensing Department.

**2. PURPOSE AND REASON FOR REPORT**

2.1 This report has been submitted to allow the Committee to consider under its Terms of Reference No. 2.5.1.1a) "hackney carriage and private hire vehicle licensing" and 2.5.1.4 namely "To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council".

2.2 The council has received an approach from a licensed operator to amend our requirements to enable him to licence a Nissan Leaf electric vehicle (EV) as a private hire. The conditions, as they stand are out of date and refer to a minimum engine size of 1300cc. As an EV, the vehicle's capacity is not measured by cc. Rather than return to committee with each and every new vehicle appearing on the market, it is anticipated to amend the requirements to allow for new technologies.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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#### 4. MAIN BODY OF REPORT

4.1 One of our licensed Operators is committed to being Peterborough's first truly environmentally friendly private hire company, advertising that his vehicles produce the lowest emissions. He currently operates Toyota Prius and Mercedes Hybrids and now wishes to expand his fleet to include a Nissan Leaf, a fully electric vehicle (EV).

4.2 As it currently stands the Operator would be prevented from licensing the vehicle as the vehicle requirements state:

**1(c) The cubic capacity of the engine is not less than 1300cc, (unless the vehicle in question is a diesel "Fortwo" Smart Car).**

4.3 The conditions (**Appendix A**) currently assume that licensed vehicles will be powered by liquid petroleum or diesel fuel, with a minimum engine size of 1300cc, thereby prohibiting by default any other means of power, such as hybrids or EVs. The conditions therefore require updating to accept new technological developments. It is anticipated that the committee would wish for all other criteria to remain the same to ensure the vehicle still has suitable ingress and egress and the same comfort level. The 1300 cc engine size requirement ensured the licensed vehicles were sufficiently powerful to enable them to undertake the role, whilst ensuring the customer was afforded the necessary comfort. It is acknowledged that the motor industry has improved both economy and engine efficiency, although the committee may still feel that the 1300 cc engine capacity is relevant to ensure the vehicle is fit for purpose and should remain in place.

4.4 Our strategic priorities include the desire to create the UK's environment capital. With that in mind, any request to license more environmentally friendly vehicles as a taxi or private hire vehicle should be encouraged. The Nissan Leaf, as with other EVs produce no direct CO2 emissions, and as electricity can be produced from sustainable sources, these vehicles can be considered to be extremely environmentally friendly.

4.5 Electric taxis / private hires are currently already operating throughout Europe, which includes UK firms. A number of authorities including Nottingham, Cornwall, Blackpool, Blyth and Wigan have already amended their conditions to allow the licensing of EVs. The Council itself have invested in a number of EVs, used by our Civil Enforcement Officers and as pool vehicles for council staff.

4.6 The Office for Low Emission Vehicles (OLEV) offer support and grants to local businesses considering the addition of ultra-low emission vehicles (ULEV). This support /funding coupled with the savings on vehicle excise duty and fuel, makes it understandable that a local private hire firm has expressed an interest in licensing an EV. The council are also currently looking at the feasibility of grants and subsidies for this type of vehicle and the possibility of reduced licensing fees to encourage their uptake.

4.7 The Licensing Department would not wish to remove the requirements laid down in paragraph 4.2, as they serve to ensure the private hire fleet provides a level of comfort and safety to the passenger. It is anticipated that the committee would amend the vehicle requirements to allow the licensing of EVs and other new hybrid technology.

4.8 The Government's guidance regarding the specification for vehicle types that may be licensed states: "the legislation gives local authorities a wide range of discretion over the types of vehicle that they can licence as taxis or private hire vehicles. The appropriate paragraph from these guidelines is attached to the report as **Appendix B**.

4.9 It is acknowledged that EVs still have a limited range. Nissan state the Leaf's range is around 124 miles on a full charge, although Peterborough's Travelchoice indicate the council Leafs are averaging around 80 miles per charge. The Operator anticipates installing a 30A or 63A charger, with charging times of 2-4 hrs and 1-3 hrs respectively, the

council themselves have installed a number of charging points around the city and there are fast charging points at the Nissan dealers in Bretton and A1/A605 services, which offer an 80% charge in 30 minutes. OLEV state by the end of 2014 there was a rapid charge point at every motorway service station and a network of over 500 rapid chargers across the country by March 2015. In researching the feasibility of using an EV as a private hire, the operator has driven a Leaf to Stanstead Airport and back, utilising a 30 minute rapid charger at a motorway service station, although it is highly likely that the Leaf would be used locally.

## **5. CONSULTATION**

### **5.1 The Peterborough Hackney Driver Federation.**

All Peterborough Private Hire Operators

Notification placed on council website.

Sara Thompson, Passenger Transport Operations, Peterborough City Council.

Travelchoice

Amey

Greater Peterborough Partnership

Peterborough Environmental City Trust

### **5.2 The Consultation Letter and single response originating from it can be found in **Appendix C.****

## **6. ANTICIPATED OUTCOMES**

### **6.1. It is anticipated that Members of the Licensing Committee will approve the recommendations, amending the vehicle requirement to facilitate the licensing of electric and hybrid vehicles.**

## **7. REASONS FOR RECOMMENDATIONS**

### **7.1 As detailed in paragraphs 2 – 2.2.**

## **8. ALTERNATIVE OPTIONS CONSIDERED**

### **8.1 The committee may decide not to amend and retain the current private hire vehicle requirements. However that would appear to be a contradiction of our strategic priorities i.e. the desire to create the UK's environment capital.**

## **9. IMPLICATIONS**

### **9.1 There is no direct financial impact on the council and the potential environmental benefits would support the Council environmental commitment.**

### **9.2 Should the Committee decide not to amend and retain the current requirements, the Operator could appeal against the decision to the Magistrates Court within 28 days of the decision being made.**

### **9.3 There are no equalities impact arising from any decision relating to the content of this report. An initial Equality Impact Assessment has been completed and attached as **Appendix D.****

## **10. BACKGROUND DOCUMENTS**

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

Section 48(1&2) Local Government (Miscellaneous Provisions) Act 1976 (attached).

Peterborough City Council Private Hire Vehicle requirements (Condition 1c).

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## PRIVATE HIRE VEHICLES

### Requirements Preceding the Inspection of Vehicles and Guidelines for the Maintenance and Care of Vehicles

A Private Hire Vehicle must:-

- (a) pass an annual test by the City Council - 2 tests per year if over 6 years old
- (b) comply with the following vehicle specification -
  - 1. Type of Vehicle
    - (a) No vehicle shall be of such design and appearance so as to lead any person to believe the vehicle to be a hackney carriage
    - (b) No vehicle shall be licensed unless it is a standard car with a minimum of four doors, or a diesel "Fortwo" Smart Car.  
(Sports saloons, drop-head coupes, convertibles, touring cars, left hand drive cars or London type taxi-cabs will not be accepted) and
    - (c) the cubic capacity of the engine is not less than 1300 cc, (unless the vehicle in question is a diesel "Fortwo" Smart Car).
  - 2. Age of Vehicle
    - (a) No vehicle shall be first licensed which is more than six years old. A vehicle aged between 49 – 60 months must not exceed 65,000 miles and those between 61-72 months must not exceed 75,000 miles.
    - (b) A vehicle shall not be re-licensed which is more than ten years old
  - 3. Coachwork

Saloon cars shall comply with the following:-

    - (a) The width of the rear part of the body, measured six inches below the top and six inches in front of the rear back-rest, shall not be less than 4ft 4ins. This measurement to be made with both rear doors closed.
    - (b) The minimum leg room for passengers using the rear seats shall be 8.5ins, the measurement to be taken from the rear door pillar to the nearest point of the rear seat squab.
    - (c) All doors shall be capable of being opened from both the inside and outside. Two windows capable of being adjusted and secured in any open or partly open position shall be fitted.
    - (d) All glass fitted shall be safety glass, i.e. glass that if fractured does not fly into fragments capable of causing severe cuts. It shall be free of chips or cracks or any other markings which might restrict vision. Tinted glass unless supplied and fitted as standard by the manufactures will not be accepted.
    - (e) The vehicle shall not feature broken, discoloured or cracked glass, either in the windows, windscreen or other parts of the vehicle.
    - (f) No celluloid or other highly inflammable material shall be used for fittings. The roof of the car shall be and kept watertight.

- (g) Every car shall be cellulosed (as often as necessary), and all coachwork shall be maintained in a clean condition and proper state of repair.

4. Seats

The upholstery shall be and kept clean and in good repair. Every vehicle shall be provided with a rug or mat for the inside which must be kept in a clean condition and good repair.

5. Luggage

Every vehicle shall be so constructed as to be capable of carrying a reasonable amount of luggage and adequate means for securing such luggage shall be provided.

6. Interior Markings

There shall be clearly marked and maintained inside the vehicle, in such a position as to be clearly visible at all times to persons conveyed therein the table of fares currently in operation.

7. Safety Equipment

There shall be provided and maintained in a vehicle and at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

8. Advertising

There are specific advertising requirements relating to private hire cars:-

- (a) the vehicle must not be equipped with any sign or notice such as the word 'CAB' or 'TAXI';
- (b) the vehicle must display on the front doors only the words 'PRIVATE HIRE ONLY' in 2" lettering and may if so desired advertise the name and telephone number of the firm employing the vehicle in 2" lettering provided no other form of advertising is displayed and that the words 'Taxi' or 'Cab' are not featured.

taxi/privhire



## VEHICLES

### Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

### Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

### Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

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Telephone: 01733 453406  
Facsimile: 01733 453404  
E-Mail: taxi@peterborough.gov.uk  
Please ask for: Licensing  
Our Ref:  
Your Ref:

**Licensing**

Operations Directorate  
1st Floor, Bayard Place  
Broadway  
Peterborough  
PE1 1FD

Telephone 01733 747474  
Minicom 01733 452421

9<sup>th</sup> March 2015

**Proposed variation to vehicle licensing requirements to incorporate electric / hybrid vehicles.**

The proposal would require the amendment (highlighted in bold) of the aforesaid private hire vehicle requirement 1(c) to read:

1(c) The cubic capacity of the engine is not less than 1300cc, unless the vehicle in question is a diesel "Fortwo" Smart Car, **or alternatively powered by electricity or hybrid technology.**

Following a request to review our current vehicle requirements to enable an electric vehicle to be licensed as a private hire, a report will now be prepared and presented to the Licensing Committee requesting their decision.

If any person should wish to lodge any comment or objection to the proposed change in licensing requirements please submit in writing, no later than Sunday 12<sup>th</sup> April 2015 to the Licensing Department, 1st Floor Bayard Place, Broadway, Peterborough, PE1 1FD or via E-mail: eh.licensing@peterborough.gov.uk

Any objection or comment received will be considered by members of the Licensing Committee when they convene to consider this matter and prior to any final decision being made.

Please note, at the end of the consultation period copies of the responses we receive will be published in a summary of the responses to this consultation. If you do not consent to this you must clearly request that your response be treated as confidential. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. Respondents should also be aware that there may be circumstances in which Peterborough City Council will be required to communicate information to third parties on request in order to comply with its obligations under the Freedom of Information Act 2000.

Licensing Department





**Robinson Ian**

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**From:** Burgh, Sharon <Sharon.Burgh@amey.co.uk>  
**Sent:** 05 March 2015 11:26  
**To:** Robinson Ian  
**Cc:** Prowting, Andrew; Roberts, Keith  
**Subject:** RE: Electric Vehicles

Hi Ian

I have taken advice from both Andy and Keith and confirm there should be no problems with testing electric vehicles. We do already service and inspect PCC Parking Services electric vehicles.

Many thanks

**Sharon Burgh**  
Senior Workshop Administrator  
**Amey Fleet Services Limited**

t: 01733 425419 | e: [sharon.burgh@amey.co.uk](mailto:sharon.burgh@amey.co.uk)  
Nursery Lane | Fengate | Peterborough | PE1 5BG



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**From:** Robinson Ian [<mailto:Ian.Robinson@peterborough.gov.uk>]  
**Sent:** 05 March 2015 10:50  
**To:** Burgh, Sharon  
**Subject:** Electric Vehicles

Hi Sharon, as briefly discussed.

One of our Operators has approached us with a view to licensing a Nissan Leaf as a private hire vehicle. At this stage we are unable to licence it due to our existing vehicle requirements. As a result we intend to approach the committee and future proof our conditions allowing the licensing of electric vehicles etc.

Do you anticipate the Depot would have any issues regarding the testing of this type of vehicle?

Kind regards, Ian

Ian Robinson

Regulatory Officer - Licensing

Governance Directorate  
Peterborough City Council  
1<sup>st</sup> Floor Bayard Place  
Broadway  
Peterborough  
PE1 1FD

(01733) 453541

## Equality Impact Assessment:

### Initial Assessment

**Name:** To consider a variation of private hire vehicle requirements to permit the licensing of hybrid or electric vehicles (EV).

**1). What is the aim of the policy, project or strategy/purpose of activity/service?**

The council has received an approach to licence an electric vehicle (EV) as a private hire. The conditions, as they stand are out of date and refer to a minimum engine size of 1300cc. As an EV, the vehicle's capacity is not measured by cc. Rather than return to committee with each and every new vehicle appearing on the market, it is anticipated to amend the requirements to allow for new technologies.

**2). Will the policy/project/strategy/service have a disproportionate effect on members of the equality groups below? (See Appendix A for further information):**

Equality Group	(✓)	Is the effect Positive, Negative, Neutral or Unclear? Please comment where applicable
Particular age groups		Neutral
Disabled people		Neutral
Married couples or those entered into a civil partnership		Neutral
Pregnant women or women on maternity leave		Neutral
Particular ethnic groups, including Gypsy and Travellers and new arrivals		Neutral
Those of a particular religion or who hold a particular belief		Neutral
Male/Female		Neutral
Those proposing to undergo, currently undergoing or who have undergone gender reassignment		Neutral
Sexual orientation		Neutral

**If there are any negative or unclear affects, you are required to do a full EqIA.**  
Need for a full EqIA? **No**

<b>Date Initial EqIA completed:</b>	9 <sup>th</sup> March 2015
<b>Assessment completed by:</b>	Ian Robinson
<b>Policy Review Date:</b>	

Signed by Head of Service:	
----------------------------	--

**Equality Impact Assessment:**

**Full Assessment**

**1). Name of the policy area or programme with which this assessment is concerned:**

**Lead officer:**

**2). Provide a summary of the policy area/programme in no more than 350 words (see Appendix B for further guidance):**

**3). Why do you feel the policy area/programme will impact the groups identified in the initial assessment? What information/data do you have to support this? (See Appendix B for further guidance):**

**4). What does your evidence show? (See Appendix B for further guidance):**



**5a). Who have you consulted with?**

**5b). If you haven't consulted yet, please list who you are going to consult with and when by:**

**6). Please give examples of how you have or are going to consult with specific groups or communities (e.g. meetings, surveys):**

**7). What will the policy do to mitigate existing inequalities?**

**8). Tick which one of the following best summarises your Equality Impact Assessment:**

A	A positive impact is explicitly intended and very likely.	
B	There is a clear <i>potential</i> to have a positive impact by reducing and removing barriers and inequalities that currently exist.	
C	An adverse impact is unlikely. However, there is insufficient evidence to confirm this statement	
D	There will be a neutral effect, neither positive nor negative	
E	Adverse impact is probable, since certain groups are likely to be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.	
F	Adverse impact is certain for certain groups but the policy as a whole can nevertheless be justified.	

**PLEASE NOTE:**  
If you select “E” or “F” from the above list, it will be necessary to obtain legal advice.

**Legal advice obtained Yes/No    Legal Officer .....**

**9). Expand and explain why that summary best describes your assessment:**

**10). Next Steps (See Appendix C for further guidance):**

What will be done	What expected outcomes as a result:	By whom:	By when:

**11). How are you going to review the policy, project or strategy, and who will be responsible?**

**When EqlA will be reviewed:**

<b>Date EqlA completed:</b>	
<b>Assessment completed by:</b>	
<b>Policy Review Date:</b>	
<b>Signed by Head of Service:</b>	
<b>Signed by Legal Officer</b>	

## Appendix A

## Protected Characteristics

### Age

Where this is mentioned, it refers to a person belonging to a particular age (i.e. 32 years old) or a range of ages (e.g. 18-30 year olds)

### Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

### Pregnancy and maternity

Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

### Race

Refers to the protected characteristics of Race. It denotes a group of people defined by their race, colour and nationality (including citizenship), ethnic or national origins. The following categories are currently used on recruitment application forms:

Group	Type	Group	Type
White	British/English/Scottish/Welsh Irish Italian Portuguese Other European Traveller Other White background	Asian or Asian British	Bangladeshi Indian Kashmiri Pakistani Other Asian background
Black or Black British	African Caribbean Other Black background	Other ethnic group	Chinese Other background
Mixed	White and Asian White and Black African White and Black Caribbean Other Mixed background		

**Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

*Religious groups:*

Christian	Muslim
Hindu	Sikh
Jewish	Other

**Sex**

A man or a woman.

**Gender reassignment**

Gender reassignment refers to those proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

**Sexual orientation**

Where a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Gay man	Bisexual
Gay woman/lesbian	Heterosexual

## Appendix B

### **“Provide a summary of your policy area/programme”**

350 words (3 or 4 paragraphs) should be enough to summarise what the policy is.

Bear in mind that what you write is a public document, so spell out any acronyms and abbreviations in full the first time they are used.

The people reading the description may well have specialist knowledge relating to equality issues. Your purpose, in these paragraphs about your policy, is to provide such people with sufficient preliminary information for them to comprehend the discussion that will follow.

Other things being equal, it will be appropriate to outline the following:

- The policy’s rationale/basis and purposes
- How it operates or will operate in practice
- When it began/will begin
  - Have there been any pilots or trials done?
- How the policy fits in with other policies (e.g. is it a strand within a larger policy area?)
- An indication of the size of the budget

### **“Why do you feel your policy area/programme will impact the identified groups? What evidence do you have to support this?”**

Explain what information you have obtained that has enabled you to come to the decision that these groups will be affected.

Provide the sources of relevant evidence with full biographical details (e.g. paragraph/page references, URLs for documents that can be accessed online). The word “evidence” here is used in the broad sense.

This can include:

- Administrative data (local authority returns, census data etc)
- Results of opinion surveys
- Interviews and focus groups
- Responses to draft equality impact assessments
- Feedback from groups as a result of consultation
- Case studies and project evaluations
- Literature reviews
- Responses to Green and White Papers
- Inspection reports

### **“What does your evidence show?”**

Here you should detail:

- Which diverse groups have been identified as being disadvantaged by the proposals together
- A summary of the negative impacts
- The proposed changes as a result of the research
- Whether the changes to the policy lower the negative impact
- Whether the changes provide opportunities to promote equality of opportunity and improve relations between diverse groups

## Appendix C

### “Next steps”

Here you should indicate the ways in which the EqIA will be followed up and kept under review, by showing progress detailed in a project plan, objectives set in an employees PDR/appraisal etc.

Make sure that, where appropriate, the statements about next steps reflect the “SMART” principles:

- **S**pecific
- **M**easurable
- **A**chievable
- **R**elevant
- **T**ime-bound

Also use the “next steps” section to emphasise the EqIA as a whole as a living document. Therefore, be sure to revise and update it when appropriate, in the light of further evidence, discussion and representations.

As a guide, here is some of what you could mention:

- Plans that are already underway or under active consideration to address challenges and priorities you have highlighted
- Arrangements for monitoring, and for periodic reports to certain groups.
- Arrangements for ensuring that monitoring systems are in place to guarantee regular checks are undertaken on the effects of the policy.
- Arrangements for ensuring that evaluations of any pilot projects take account of the concerns and discussions outlined in your assessment.
- Arrangements for discussing with other agencies and regulatory bodies the scope for taking account of the concerns and discussions in your assessment
- Arrangements for making sure that your assessment is brought to the attention of all relevant colleagues, and in this contributing to reviews of the Department’s single equality scheme.
- Arrangements for disseminating information about your assessment to local authorities and other stakeholders
- Arrangements for improving the information base
- Intentions for drawing up a detailed action plan.

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<b>LICENSING COMMITTEE</b>	AGENDA ITEM No. 5
<b>18 JUNE 2015</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Public Protection Manager Donna Hall	Tel. 453502

**THREE YEAR TAXI / PRIVATE HIRE DRIVER LICENSING**

R E C O M M E N D A T I O N S	
<b>FROM :</b> Licensing Department	<b>Deadline date :</b> N/A
<p>That the Committee note the new information in relation to the Deregulation Act 2015 and as a result, adopt a three year licence, and make a decision as to which of the two associated proposed options to adopt.</p>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee following a referral from the Licensing Department.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to allow the adoption of a three year Taxi & Private Hire driver licence, following the implementation of the Deregulation Act 2015 and on adoption, a decision as to which of the two associated options to adopt.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3(a) 'hackney carriage and private hire vehicle licensing'.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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**4 BACKGROUND**

- 4.1 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 previously allowed for the granting of drivers' licences for hackney carriages and private hire vehicles for a period of three years or such a lesser period as the council may specify. The council opted for annual licence renewal. The Deregulation Act has now amended certain aspects of the Local Government (Miscellaneous Provisions) Act, including section 53, which now states:

***“for a period of three years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”*** This now means a driver's licence may be granted for a period of less than three years, but only in the circumstances of an individual case, not because of any blanket policy.

- 4.2 The fact that the legislation limits the period a licence remains valid, indicates an obligation on the Council to reconfirm the applicant's suitability, before a further licence is granted. In

fact, Section 51 of the same act stipulates a licensing authority shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.

- 4.3 The aim of the local authority licensing the Taxi and Private Hire Vehicle (**PHV**) trades, is to protect the public, whilst ensuring their licensing requirements are not so unreasonable to restrict the supply of Taxi and PHVs. These licensed vehicles form a very important part of the public transport system and are often the only public transport available.
- 4.4 Previously, drivers renewing their licences annually would supply a Subject Access check. Following representations from Cambridgeshire Police and associated agencies, a Subject Access check can no longer be used to ascertain a driver's fitness and the more appropriate Disclosure and Barring Service (DBS) check should be utilised. The DBS check is more thorough and costs £44, as opposed to the £10 Subject Access check. However on initially submitting the check, the DBS applicant then has the opportunity to opt for an annual renewal subscription, costing £13 thereon. On opting for the annual subscription, the driver merely supplies his original certificate which allows the council to check online that there are no new concerns.
- 4.5 Sections 55 and 56 of the **Department for Transport – Taxi and PHV Best Practice Guidance (2010) (Appendix A)** states: *“It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against three year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 of the guidance provide further information about this scheme.*
- 4.6 Paragraph 4.5 indicates an opinion from the DFT that given that a taxi driver is identified as a Notifiable Occupation, Police and the courts should advise the local authority of any cautions or convictions. In our officer's experience this is not always the case, with many cases in Peterborough falling through the net and only being discovered during the annual criminal record check in connection with the driver's licence renewal. Things have improved, with officers facilitating training for Northern Division Police Sergeants, but we still experience incidents where there has been a failure to notify the council. This is corroborated in the Police Consultation response in (**Appendix C**).
- 4.7 The Deregulation Act 2015 is an extensive document and covers a multitude of subjects. The relevant parts of the Act are set out verbatim in **Appendix B**. The purpose of 'the Act' is:
1. To make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals.
  2. To make provision for the repeal of legislation which no longer has practical use.
  3. To make provision about the exercise of regulatory functions and for connected purposes.
- 4.8 In summary, the amendments resulting from the Deregulation Act has changed the legislation affecting taxis and private hire vehicles with respect to licence renewals and the sub-contracting of PHV bookings. With regards to this particular report, the pertinent change is:
- “Making the standard duration for all taxi and PHV driver licences three years and five years for PHV operator licences. Further, it is proposed, that shorter durations will only be granted on a case-by-case basis where this can be justified. This, it is considered, will reduce the financial and administrative burden of having to make more frequent licence renewals.”*

**At this stage we are only looking at driver's licences and may approach the committee on the subject of Private Hire Operators and sub-contracting at a later date.**

As it currently stands, we licence over 1000 Taxi and PH drivers, all of which are renewed annually, over 600 of our drivers renew every August.

4.9 There are two options for consideration:

**Option One:**

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

1. Remove the requirement to renew a driver's licence annually.
2. Remove the requirement to provide a Subject Access check annually.
3. Remove the requirement to provide a DVLA report annually.
4. Introduce the requirement to renew a driver's badge every three years.
5. Introduce the requirement to provide a DBS (Criminal Record check) every three years.
6. Introduce the requirement to provide a DVLA report every three years.

There are a number of perceived advantages and disadvantages:

**Advantages:**

1. Will simplify current arrangements and reduce the administrative burden on both the driver and 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 DBS check will be more robust than the existing Subject Access check undertaken currently.

**Disadvantages:**

1. It is the responsibility of every licensed driver to inform the council of any cautions or convictions (including traffic convictions) within seven days. Where a driver fails to inform the council this will be highlighted on the annual checks. By increasing the checks to three yearly intervals it is possible that some offences could go unnoticed for a substantial period of time.
2. The financial burden of paying for a 3 year licence instead of an annual fee.

**Option Two:**

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

1. Remove the requirement to renew a drivers badge annually.
2. Introduce the requirement to renew a drivers badge every three years.
3. Retain the requirement to provide a DBS (criminal record check) annually.
4. 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 and allow any public safety issues to be discovered quicker.
3. The DBS check will be more robust than the existing Subject Access check undertaken currently.

## Disadvantages

1. Will not reduce the number of routine interactions between the driver and the council as much as Option one.
2. Will not simplify the current process.

## 5. CONSULTATION

### 5.1 Consultees

A Consultation with relevant stakeholders covering a number of issues including this one, took place in February 2013 and the matter was deferred pending the progression of the Deregulation Bill through Parliament. Stakeholders included:

- The Peterborough Hackney and Private Hire licensed drivers
- All Peterborough Private Hire Operators
- Cambridgeshire Constabulary
- Peterborough Disability Forum
- Advert placed in the Peterborough Evening Telegraph.
- Notification placed on council website.

5.2 The Consultation Letter, Public Notice and subsequent responses can be found in **Appendix C**.

5.3 The Peterborough Hackney Federation are in favour of Option One, a three year licence with three year safety checks.

Two responses preferred a Three Year badge with annual safety checks.

Cambridgeshire Constabulary urged against moving away from annual safety checks and corroborated our officer's concerns that the authority is not always notified of driver convictions. They believe a three year badge with annual safety checks will provide the necessary modernisation, whilst retaining the current monitoring of risks to public safety.

## 6. ANTICIPATED OUTCOMES

It is anticipated that Members of the Licensing Committee will decide which of the two options are preferable and on doing so, enable the amendment of the licensing requirements to facilitate three year driver licensing.

## 7. REASONS FOR RECOMMENDATIONS

7.1 As detailed in Paragraphs 4.1 – 4.9

## 8. ALTERNATIVE OPTIONS CONSIDERED

8.1 When initially consulting with the trade we included a third option, which meant retaining the status quo. Following the Deregulation Act, this option is no longer justifiable.

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

Option three is no longer feasible for a number of reasons:

1. Retaining our current requirements would not be in line with the Deregulation Act "*shorter durations than 3 years will only be granted on a case-by-case basis where this can be justified.*"
2. Requires resources that could be redirected in order to develop other areas of the service.

3. Will not simplify the process and will continue to remain an administrative burden on both driver and council.

## **9. IMPLICATIONS**

- 9.1 It is anticipated that if a three year driver's licence is implemented, there would be a reduction in administration time required by the Licensing department in processing subsequent renewals. It would therefore be necessary to re-evaluate the costs of the licence, in order to correctly reflect the appropriate charging rate. This is in line with the Council's commitment to set an appropriate level of charge proportionate to the costs for these licences.
- 9.2 If the cost of a three year licence is discounted to reflect the reduced administrative burden, then this will be reflected in the amount of revenue collected by the council. It should be noted however that financial saving per driver will be limited, the more administration requirements retained the smaller the saving.
- 9.3 A three year licence would increase the financial burden on the driver, requiring them to pay for three years licensing fees in advance. However, it is worthy of note that a three year licence was preferred by those responding to the consultation.
- 9.4 There are no equalities impact arising from any decision relating to the content of this report. An initial Equality Impact Assessment has been completed and attached as **Appendix D**.

## **10. BACKGROUND DOCUMENTS**

Local Government (Miscellaneous Provisions) Act 1976  
Department for Transport – Taxi and Private Hire Vehicle – Best practice guidance  
Deregulation Act 2015

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**TAXI AND PRIVATE HIRE VEHICLE LICENSING:  
BEST PRACTICE GUIDANCE**

March 2010

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

## **DRIVERS**

### **Duration Of Licences**

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

### **Acceptance of driving licences from other EU member states**

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification



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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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# Deregulation Act 2015

## 2015 CHAPTER 20

*Measures affecting business: particular areas*

### **10 Taxis and private hire vehicles: duration of licences**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
  - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
  - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
  - “(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”

*These notes refer to the Deregulation Act 2015 (c.20)  
which received Royal Assent on 26 March 2015*

## **DEREGULATION ACT 2015**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### ***Section 10: Taxis and private hire vehicles: duration of licences***

54. This section amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive taxis and private hire vehicles and licences to operate private hire vehicles.
55. *Subsection (2)* changes the law in such a way as to establish a standard duration of three years for taxi and private hire vehicle driver licences. The section specifies that a licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.
56. *Subsection (3)* changes the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.
57. The section forms part of the law of England and Wales. It applies in England and Wales except in London or Plymouth where different legislation applies.
58. The section comes into force on a day to be appointed by the Secretary of State in a commencement order.



# Classifieds

Find it.  
Call 01733 556222

## 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 Pilgate 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 8BZ • 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](http://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](http://www.peterborough.gov.uk/representations) on how to comment.

### PETERBOROUGH CITY COUNCIL

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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 m<sup>3</sup> 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](mailto: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](http://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 ET)
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](http://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](mailto: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)





## **Peterborough Taxi and Private Hire Licensing Consultation on DRIVER BADGE RENEWAL FREQUENCY**

Following Peterborough City Council's intention to revise its policy in relation to Hackney Carriage and Private Hire Licensing, the council has today launched a consultation on the future of taxi and private hire vehicle licensing in Peterborough.

The council would like organisations representing Peterborough's Hackney Carriage and Private Hire Trades; licensed drivers; private hire operators; vehicle owners; commuters; Peterborough Disability Forum; police; suppliers; and any other stakeholders who have an interest to submit their views on the alternatives listed below for future licensing arrangements.

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

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 CRB (Criminal Record Bureau Check) every 3 years.
6. Introduce the requirement to provide a DVLA report every 3 years.

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 requirement 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.

### **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 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 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, the proof of payment, and the relevant checks the application is processed; where there are no concerns highlighted by the PNC or DVLA checks

## 3. OPTIONS

### Option 1:

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 an enhanced CRB (Criminal Record Bureau 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 CRB (Criminal Record Bureau) 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**

1. 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.
2. Will not simplify the process and may in cause more confusion.

### **Option 3:**

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**

1. 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**Data for discussion

Current badge renewal fee	£100	annually
DVLA check	£5	annually
PNC check	£10	annually

Current cost over a 3 year period £345

**New cost if not discounted**

Proposed badge renewal fee	£300	3 yearly
DVLA check	£5	3 yearly
CRB check	£44	3 yearly

New cost over a 3 year period £349

**Regulatory changes**

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

**5. YOUR COMMENTS AND MAKING A SUBMISSION****Your comments**

We hope you will take time to consider the options and respond to us with your comments on how you would like to see the renewal of the drivers badge 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 each option.
- Any advantages or disadvantages not already considered.
- The practical implications of any of the options.

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

### **How to respond**

If you wish to make representations concerning any of the proposals contained within this consultation document please ensure that your comments arrive on or before **(enter date here)** (Please quote reference number lpc01/2012 in your correspondence).

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

Licensing Consultation Officer  
Hackney Carriage and Private Hire Licensing Team  
4<sup>th</sup> 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 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.



**Day Adrian**

**From:** mohammed qadir [moqadir@hotmail.co.uk]  
**Sent:** 24 April 2013 19:20  
**To:** Licensing Policy Consultation; Chapman Adrian; Gell Peter; Day Adrian;  
[REDACTED]  
**Subject:** Consultation response  
**Attachments:** 2013-04-24.18.31.00.vnt

**PETERBOROUGH HACKNEY DRIVERS FEDERATION**

Response to the  
 Peterborough Taxi and Private Hire Licensing Consultation Document.

This document forms a written representation on behalf of the 92 members of the Peterborough Hackney Drivers Federation, a group which was formed, approximately three years ago, with the purpose of building a working and supportive partnership between the Hackney Drivers of Peterborough, the Police and Peterborough City Council.

As the representative body of the Hackney Carriage profession in Peterborough we wish to forward the views and proposals of our members on the consultation document, with the aim of securing a viable future for the Hackney Carriage profession and the valuable service it offers to the citizens of Peterborough.

We will address the areas of issue in the order that they appear within the consultation document.

**Conditions of fitness for Hackney Carriage Vehicles (Peugeot E7)**

We are opposed to any changes which would allow the introduction of the Peugeot E7 as a suitable vehicle to ply for trade as a Hackney Carriage in Peterborough on the following grounds:

**Liquidation of LTI**

Following rumours of liquidation, the future of LTI is, at this present time, secure, following a successful takeover. Whilst we are prepared to concede that were LTI to close there would be no other option than to look to introduce other vehicles to fulfill the role of the Hackney Carriage, however as this is not the case at this time we feel that its introduction to the discussion will only be a distraction.

**Issues over the suitability of the Peugeot E7**

At the present time all vehicles used as Hackney carriages have to conform to the high standards laid down by the London licensing council, we can see no benefit to users of hackney carriages to lower the standard to allow less well equipped vehicles to ply for trade on the ranks.

The turning circle of the Peugeot E7 is almost 25% greater than that of the LTI meaning that it would need greater space to manoeuvre on and off the already overstretch ranks of the city. Ranks such as Tesco and Broadway are quite narrow and it cannot be stressed enough that the extra manoeuvring required to enter and leave these ranks will put pressure on the drivers performing them, not to mention the obstruction to the public.

17/06/2013



The actual boundaries of the city of Peterborough itself covers a large area but the city centre itself is quite small and largely pedestrianised, leaving very few opportunities to introduce new ranks and the addition of vehicle which are larger and require greater manoeuvring space will put added pressure on the these already overstretch ranks.

Windows which can be easily opened while seated, this seems a fairly straight forward terminology and we fail to see why this should need further detail you can either open the windows or you can't whilst sitting in a wheelchair.

Headroom, once again as with the turning circle these are quite significant differences and we can see no need or benefit to either the public or the trade to introduce such radical changes at this time.

Overall the Peugeot E7 is an inferior vehicle to the purpose built LTI vehicles and we feel its introduction at this time will have a detrimental effect on the trade and hackney carriage users in general.

#### Vehicle Testing

We feel that the introduction of option 2 for MOT testing would offer the best option for drivers, allowing them greater access to MOT stations, reducing waiting time for tests and allowing them greater flexibility over schedules and locations, and once again freeing up council staff to assist in other areas.

MOT stations are regulated by VOSA and we feel that this body regulates the profession well and this reduces the chance of abuse due to lack of monitoring etc.

#### Driver Badge Renewal Frequency

We feel that the introduction of option 3 would be the most acceptable option based on the needs of both the public and the trade and the licensing department.

The present system is cumbersome leading to an ineffective use of council time and staff. By adopting the measures listed in option 3 we feel that the time of council employees could be better used to work with the profession to overcome the problems of touting and illegal flagging, issues which have a direct and detrimental effect on the safety of the public, in addition to the public image and viability of the trade as a whole. Our members would be happy to work with the police and the council to help to alleviate these problems.

We accept that a minority of unscrupulous drivers could take advantage of the longer gap between checks, which could lead to non licensed drivers being on the road however we would propose that the introduction of lengthy bans and swingeing penalties for those who offend would act as huge deterrent against this problem.

We would also like to propose the introduction of a more stringent application process for those who apply to become both Hackney and Private Hire Drivers. The profession is one which is in constant contact with the public, and we feel that in order to provide them with an exemplary service, those providing the service should have to pass a number of written and practical knowledge based tests in addition to a more vigorous oral exam to establish a good level of spoken English

We would also like to draw the councils attention to the impact that deregulation has had on the profession as a whole. The majority of our members have seen their income slashed by up to 50% in the wake of deregulation.

It is not only the financial stability of our members that has suffered, the increase in vehicles has led to increased pressure for rank space within the city centre, increased pollution and pressure on the



infrastructure in general.

We understand that the council is reluctant to reintroduce regulation at this time and with this in mind we feel that the introduction of a more in depth and far reaching test for applicants, as mentioned above, coupled with the continuation of the current conditions for fitness for Hackney Carriage Vehicles, would assist in, at the very least, maintaining the current levels of the profession.

We have been led to believe that the survey carried out to look into the levels of vehicles in Peterborough was neutral concerning the levels of vehicles currently operating in the city. We would like to propose that these results be re examined. While there has undoubtedly been a substantial increase in the population of Peterborough as a whole, there has not been a corresponding increase in the number of people using the services of the Hackney or Private Hire professions. Many people have their own vehicles and whereas once there was reluctance for people to partake of soft drinks in licensed premises, this is no longer the case, and indeed there is a greater variety of soft drinks available to the public. These changes have led to an increasing trend for people to take turns at being the dedicated driver on social occasions.

Additional factors which have had a further impact on the trade are the easy availability and relatively low costs of alcohol from supermarkets, which has led to the number of Public houses in Peterborough has decreased dramatically as more people choose to drink at home.

We feel that all these factors should have been taken into consideration.

#### Limousine and Speciality Vehicles

We have nothing to add to the proposals.

#### Private Hire Operators.

Overall we are supportive of all the initiatives raised in the current proposal document, however we would like assurances on the councils policy regarding the regulations for establishing a private hire office. One particular area of concern is the requirement for parking spaces, we feel that at present the situation with parking spaces is not being policed and in practice a greater number of vehicles are parking at the offices than was disclosed in the planning application. Not only is this a clear abuse of the regulations but this additional parking often caused increased congestion problems for business and residential occupants of the surrounding areas.

#### Relevance of Convictions and Cautions

We have nothing to add to the proposals

#### CCTV

We feel that this should remain optional at the present time. The trade is under considerable financial pressure and drivers are finding it increasingly difficult to secure a satisfactory level of income from the trade, so that added financial burden of having to add cctv to their cabs would cause added financial hardship.

We would like to see the council, assist support and encourage drivers to take up the use of CCTV cameras rather than to make it mandatory in these difficult times.

#### Conclusion

In closing as we have mentioned earlier, we, as a federation, wish to work in partnership with the Police and Peterborough City Council not only to secure a viable future for our members but to give

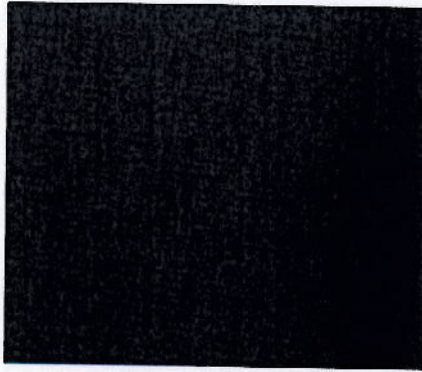
the public of Peterborough a service it can rely on and be proud off. thank you

Your sincerely

Mohammed qadir  
secretary PHDF



## Consultation on the future of taxi and private hire vehicle licensing in Peterborough



Reference number: lpc01/2013

Dear Sir/ Madam

I have been driving hackney carriage in Peterborough for over 15 years with my experience I would like to give you some advice on condition of fitness for hackney carriage vehicles (Peugeot E7). I would like to see black cabs only in Peterborough because I have experienced that the public of Peterborough prefers using black cabs. They are the icon of our city. Regarding Peugeot E7 I would advise if it is not in the law of licensing then it shouldn't be allowed to be a hackney carriage.

Vehicle testing: regarding the vehicle testing situation I would like to be tested by a professional body either city council or someone who has some sort of connection with the city council because going to some carboys we might have some unfit vehicles on the road and get some delays in getting licensed in time.

Drivers badge renewal frequency: I like the idea of three years badge renewal but we must make sure that people are very honest. Very recently I read in the evening telegraph regarding a driver driving a car with no insurance and license in three star ambassadors. I would advise you to have a three year badge renewal and get police check every year.

C.C.T.V.: regarding the CCTV I would like to advise you that with my experience in driving hackney carriage I think it has all the safety that driver require and if you look over the years we have had very little problems regarding black cabs. The problems that we are having are to do with difference in fair prices with private hires. People are getting confused with the prices that are private hire are charging to hackney carriages. During night times when people are drunk they are looking to make excuses with the price of private hire and cause problems with black cab drivers because we use the meter price. For hackney carriages safety we have CCTV police and city council controlled cameras on or near by every taxi rank. So I think we have got lots of safety protection for hackney carriages.

Yours sincerely





**Day Adrian**

**From:** Robinson Ian  
**Sent:** 18 April 2013 11:59  
**To:** Licensing Policy Consultation  
**Subject:** lpc01/2013 - Hackney Carriage & Private Hire licensing consultation

As one of the council Regulatory Officers, working in the Licensing Department, I would like to take the opportunity offered by the consultation process to express my views concerning the proposals (lpc01/2013).

In my opinion the proposals I have chosen to comment on, if adopted, could compromise passenger safety. In addition, the removal of current safety processes, the report repeatedly states, "would reduce the administrative burden on the council". Safety processes should not be seen as a burden, they are yet another tier to ensure the public are safe, which is of course, the primary role of licensing. If adopted, in this current climate, we could also potentially see the changes in policy lead to further reductions in staff. With staff levels reduced, there would be further demands placed on those officers remaining, which would undoubtedly affect their ability to investigate complaints, confine them more to the office and impact on enforcement operations, once again potentially impacting on public safety.

All of these processes, which could be removed if some proposals are adopted, allow officers to check if a vehicle or driver is still eligible for licensing, inspect vehicles for unreported accident damage, check driving licences, criminal records and insurance documents.

### **1. Conditions of Fitness for Hackney Carriage vehicles (Peugeot E7).**

In moving away from the Public Carriage Office Conditions of Fitness, the Peugeot E7 would not be the only vehicle eligible for licensing. If the E7 is approved, then any wheelchair accessible vehicle would be eligible to be licensed as a hackney. The Taxi Federation has already highlighted concerns that there are too many licensed taxis in Peterborough, this was corroborated by the recent survey, which clearly demonstrated that there was no unmet demand.

Allied Vehicles, the E7 Converter indicate that our hackney fleet does not cater for all wheelchair passengers. Even with the addition of the E7, we would still not be able to accommodate every possibility. In order to do that, every vehicle on the rank would need to be capable of carrying everyone from a passenger in a standard sized wheelchair, to someone who needs to be conveyed in a fully recumbent position i.e. a fleet of ambulances.

In reality we provide a larger fleet of wheelchair accessible vehicles than most other authorities. Other authorities have only a small percentage of wheelchair accessible vehicles on their hackney fleet, with the majority of the fleet being saloon or people carrier type vehicles. All of our hackneys are wheelchair accessible and have hearing loops, additional steps or swivel seats fitted as standard, to accommodate other passenger's needs.

If a passenger has more specific needs, we have many adapted vehicles, considerably larger than a London Cab or E7 on our private hire fleet, fitted with tail lifts, which can accommodate any passenger. If a passenger had specific needs that could not be met by a London Cab, they would ordinarily make the necessary travel arrangements when planning a journey.

We currently license a large number of wheelchair accessible vehicles on our private hire fleet, including a number of E7s. These vehicles would be immediately eligible for licensing as a hackney. This, coupled with the fact that a 3 year old E7 and other non-PCO approved vehicles can be purchased relatively cheaply, could cause a sharp rise in hackney numbers, causing further difficulties for the trade.

The cost of a new / used hackney appears to have reduced the amount of new vehicles from entering the trade, we currently licence around 198 hackneys. Five years ago, we had around 210 hackneys, which fell to around 185, when the recession took hold. We have already had to fund additional ranks in the city centre to alleviate the illegal parking issues we were encountering. Any increase in the size of the fleet could send us back to square one.

The E7 is not a purpose built vehicle, it is a conversion. It does not have the same turning circle as our hackneys. No matter how much this aspect is downplayed, it would cause a considerable problem in the city.

Currently the main rank on Broadway requires the taxi driver to perform two u-turns, one when leaving the Imperial Bento filter rank to join the Tesco rank, the other when leaving the Tesco rank with a customer. This



is a busy road, with a great deal of traffic and pedestrians.

The E7 and any other non-approved wheelchair accessible vehicle cannot perform the necessary u-turns on this stretch of road. They would have to perform a three point turn, which would cause unacceptable delays and pose potentially dangerous issues. In order for the E7 and other non-approved vehicles to operate from Broadway, we would need to redesign the ranks and the way they operate.

In addition, I doubt that any of these vehicles have the necessary manoeuvrability to use the Bus Station rank.

Allowing other vehicles to be licensed as a hackney would also dilute the recognition factor of the fleet, which could also prove to be a public safety issue. We would have E7s licensed as both taxis and private hire vehicles. We currently have over 20 Peugeots on the private hire fleet, a mixture of E7, Eurobus and Express, all look the very similar. It would be difficult for a passenger, often after a few drinks to ascertain which Peugeot could legally pick them up.

We are regularly running operations to target and prosecute private hire drivers for unlawfully plying for hire. Even though it is likely to end in prosecution, fine and the loss of a licence, many private hire drivers are willing to pick up unlawfully. Any driver willing to unlawfully ply for hire would find it considerably easier if his private hire looks the same as a hackney.

If a private hire driver picks up without a booking, firstly it is against the law, secondly it generally invalidates the vehicle's insurance cover and thirdly, there is no record of that journey taking place. Therefore, if a passenger is indecently assaulted or a private hire driver assaulted, it would be very difficult for the police to establish driver or passenger details. Diluting the visible appearance of the fleet would make it more difficult to identify whether a vehicle was a hackney or a private hire.

From watching an E7 demonstration, the length of the ramp, coupled with the height of the floor requires the vehicle to be parked further from the kerb to facilitate the loading of the wheelchair; this pushes the vehicle further into the carriageway.

When sitting in a wheelchair in the vehicle, visibility for the passenger appears to be reduced as the windows sit below eye level. The vehicle is also fitted with sliding doors, which provide a degree of difficulty for anyone with mobility issues trying to close it from the front facing passenger seats.

I have no issue with the licensing of the E7 or any other non-approved wheelchair accessible vehicle as a private hire, but foresee a number of issues if we allow the vehicle to be licensed as a hackney.

## 2. Vehicle Testing.

Testing of our licensed vehicles is undertaken by two approved testing stations, **Unity** (formally Conder's Garage), and **Enterprise** (formally the Council Depot). The current testing procedure includes additional criteria, which are not covered in a standard M.O.T. inspection. Vehicles, on passing the test, are issued with a Certificate of Compliance, not an M.O.T. Certificate. To state the obvious, the licensed vehicle's role is to convey the public from A to B as safely as possible and any decision impacting on safety, should be approached with great care.

In the case of Enterprise, the team at the location do not undertake repairs resulting from test failures. Unity, the former dealership for the LTI London Cab, was only permitted to undertake testing on taxis, once they had ceased to hold the LTI dealership and on the understanding that they no longer undertook any of the warranty repairs. These measures were taken to ensure the testers are independent and allay any fears that vehicles could be failed in order for the garage to generate additional income from any repairs.

New proposals could see the removal of our current testing procedure and the introduction of the standard M.O.T. test. From evidence gathered, I believe adopting the standard M.O.T. could lead to potential issues that would compromise the public's safety.

We currently have a close relationship with both Testing Stations. As a result, we are notified of any vehicle the testers deem is unsafe. This enables officers to issue Immediate Suspension Notices and remove the plate, preventing the vehicle from working as a taxi/private hire until the faults have been rectified and the vehicle re-tested.

If the responsibility of testing vehicles passes to any VOSA approved M.O.T. Testing Station, we could lose this relationship, communication and the additional safety net of being able to issue an immediate suspension before the vehicle leaves the testing station. We could not maintain a relationship with testers, if vehicles could be tested at any M.O.T. Testing Station.

We could also lose valuable information concerning poorly maintained vehicles, regular test failures and companies who are not investing money in the maintenance of their fleet.

In removing the requirement for the proprietor to book the mechanical test via the licensing department, we



again run the risk of losing a degree of control. We would have no way of confirming a vehicle had passed the test, until we were in receipt of the Pass sheet / Test certificate. As it stands, if we have concerns, we can check the test booking spread sheet to ascertain when the test was booked and then make enquiries with the relevant Testing Station.

In booking the tests ourselves, we send out paperwork, therefore giving the proprietors reminders and can spread tests throughout the month. This also spreads out the subsequent plate fitting appointments. In allowing proprietors to book their own tests at any M.O.T. Test Station, we could find ourselves in a position where proprietors delay the test until the last possible moment. This could have a knock on effect of drivers being unable to book a test appointment before the plate expires, putting officers in a position where it actually increases workload as a result of them having to locate vehicles to remove plates and chase proprietors.

In addition I am concerned that adopting the M.O.T. Test itself also has issues. On making a Freedom of Information request to VOSA, I am able to state that in the last 24 months:

- One VOSA authorised Examiner was prosecuted for fraudulently issuing an M.O.T.
- Ten nominated testers have been prosecuted for fraudulently issuing an M.O.T.
- VOSA have taken ten cases involving 13 defendants in connection with forged M.O.T. certificates.
- 101 Authorised Examiners had their authorisation withdrawn.
- 620 Authorised Examiners received a warning.
- 162 Nominated Testers were disqualified.

A search on the internet also leads to a number of media stories concerning forged, or the fraudulent issuing of M.O.T. certificates.

One of these articles related to a Peterborough Garage, where the owner received a 50 week suspended prison sentence. Whilst under surveillance, the garage was seen to issue a number of M.O.T. Certificates, despite some of the cars not even entering the garage. Whilst under surveillance on a particular day, ten vehicles were tested, 9 were ascertained not to have been tested properly. During the court case, in mitigation he admitted breaking the law because his business was "under great financial pressure."

From personal experience I am also aware of a Peterborough Garage being implicated in mileage clocking, where a number of Peterborough private hire vehicles allegedly had the milometer's wound back, to enable them to have warranty work undertaken. To put it simply unfortunately, there are some dodgy garages out there.

I would have some real concerns if we lost the current M.O.T. Exemption Test and allowed any M.O.T. Testing Station to test licenced vehicles. The M.O.T. Exemption provides an independent test, undertaken by VOSA approved testers, with no concerns that a tester could fail a vehicle in order for his garage to benefit from potential repair work.

### **3. Driver Badge Renewal Frequency.**

I believe it is incredibly dangerous to consider moving from the annual criminal record check and adopt a 3 year renewal check. The report indicates there would be a "slim possibility of some offences going unnoticed for a period of time"; in my experience this statement is incorrect. As it currently stands, we often discover on an annual check that drivers have been convicted during the licensing year. Despite it being laid down in the conditions of licence that any conviction should be reported within 7 days, drivers still fail to advise of a conviction.

The role of taxi driver is classed as a notifiable occupation and any arrest / charge should result in a disclosure from the police notifying our office. However in reality this regularly does not happen. In reality drivers are convicted, we are not advised by the driver or the police and we subsequently only find out when the driver submits his annual renewal.

Given, the issues we currently have, if criminal record checks are now moved to every three years, a driver could be arrested, convicted, even imprisoned and back out driving again, before we would even be aware of the conviction.

In reality, an annual criminal record check should be the bare the minimum requirement. It may be in the interests of the driver to move to 3 yearly licensing, but in my opinion it isn't in the public interest.

### **7. C.C.T.V.**



These days there are very few branches of the public transport system that do not provide protection to the driver and passenger by installing C.C.T.V. in vehicles.

Given the nature of some of the incidents we are now regularly investigating, there is an even more pressing need for the introduction of C.C.T.V. In recent months we have seen a number of safeguarding issues, allegations against some drivers for inappropriate comments or behaviour, which have led to increased joint working with Social Services and Police. Some of these allegations have involved licensed drivers engaged on local authority contracts.

C.C.T.V. is generally a condition of licence in other aspects of licensing, for example on & off licenses, with licenses not being granted, or premises being shut down if the C.C.T.V. is not working. In all of these cases the CCTV is fitted at the owner's expense.

Much has been said re the current financial climate and the cost to the driver if the mandatory requirement for CCTV is retained. If the vehicle owner is registered, the cost of CCTV can be offset against tax and VAT claimed back, it also leads to reductions in insurance costs offered by some companies.

C.C.T.V. is an important public safety tool and given the number of driver revocations and suspensions for alleged inappropriate behaviour towards females in recent months, I feel it is the only appropriate way to attempt to reduce these issues.

From scanning FLARE, since June 2012 we have had 10 allegations of inappropriate behaviour towards females or children. As a result:

- Two driver's licences have been revoked, one after three separate allegations of inappropriate conversation with female passengers, the other after a licensed driver picked up a 15 year old girl in his taxi and gave her alcohol in return for her performing a sexual act on him.
- One driver was initially suspended after an allegation of indecent assault against a female passenger in his vehicle. The case against him was subsequently dropped due to insufficient evidence. CCTV would have immediately established if the allegation had in fact occurred, proving or disproving the allegations against him.
- Three complaints related to alleged inappropriate comments made to female passengers, again if CCTV had been fitted this could have proved or disproved the allegations towards the driver.
- One driver is currently suspended following an allegation of trying to incite a young female passenger into child prostitution. The alleged incident took place in the vehicle and again, CCTV could have proved or disproved the allegation against the driver.
- One allegation relates to a driver allegedly stalking a female customer and one driver allegedly drove his vehicle at young students who had previously travelled in his vehicle. In both cases, CCTV may have assisted the investigation.

I acknowledge that there has been a downturn in the economy, however this does not appear to be adversely affecting the trade, as the number of licensed vehicles and drivers have increased.

I acknowledge that the Information Commissioner's Office served notice on Southampton council as a result of their mandatory requirement for vehicles to have CCTV, but this was purely due to the recording of conversation, not the recording of images.

The I.C.O. would have no issue if the sound recording was removed from the specification. The City Centre CCTV and most other systems fitted to pubs, clubs and other premises provide a suitable deterrent and evidence of an offence, without the need for sound recording. Southampton would not have been challenged by the I.C.O. if the CCTV in question did not have sound recording.

In addition, making CCTV optional rather than mandatory is in my opinion a complete waste of time. If CCTV is optional, there would be very few willing to spend money they didn't have to.

In my opinion, in the interests of driver and passenger safety CCTV should be a mandatory requirement and at the very least it should be a condition of any of our council Passenger Transport contracts, that any vehicle used to undertake a PCC school contract should be fitted with CCTV. We have a real opportunity to improve passenger and driver safety by fitting CCTV to our licensed vehicles, it would be a crying shame if we allowed unreasonable threats, pressure and politics to make a u-turn



Kind regards

Ian Robinson  
Regulatory Officer  
Taxi Enforcement Office



To find out more about Peterborough City Council please go to: [www.peterborough.gov.uk](http://www.peterborough.gov.uk)  
Please consider the environment before printing this email

## **Cambridgeshire Constabulary response to PCC Taxi and Private Hire Licensing Consultation**

Cambridgeshire Constabulary is the local police service covering the Peterborough Unitary Authority area. In daily business we have regular interaction with the taxi and private hire community as victims, witnesses and offenders. Our responsibility is to ensure the safety of all persons and, where possible, ensure that effective investigations can take place to resolve crimes and anti social behaviour.

The Police recognise the valuable service the taxi and private hire community provides, indeed acknowledging the significant contribution that effective service provision can have on managing the night time economy and improving the public's feeling of safety and well being.

The below feedback is from professional judgement and experience from officers on the Peterborough District.

### **Part 1. Conditions of fitness for Hackney Vehicles**

In relation to the choice of vehicle to be used there are a number of concerns to raise:

1. With the proposal to use the Peugeot E7 will the increased turning circle exacerbate traffic congestion issues in some of the, already bottlenecked locations in the city (e.g. Broadway near Tesco). The result will be a delay in traffic flow and a potential increase in "road rage" problems.
2. As the vehicle is longer will this cause capacity issues in the existing taxi ranks in that not as many vehicles will fit in the ranks, displacing them to park elsewhere, even illegally.
3. Some private hires already use the E7 and use of this as a hackney taxi may be perceived by some as a removal of the taxi driver's status v private hire. Could a specific livery for taxis be considered as is done in many other cities and towns.
4. The TFL conditions for fitness are a good guide for maintaining the standard of taxis and should remain the basis for taxis in Peterborough.

### **Part 2. Vehicle testing**

The mechanical fitness and integrity of the testing is vital to maintain the confidence and safety of the public and partners. It is therefore considered that any dilution of the current testing regime would reduce the high levels of safety currently enjoyed. There is also a risk of reputational damage PCC were the options described to be implemented. The local authority is responsible for licensing vehicles and ensuring appropriate testing is undertaken. The current system ensures that vehicles are roadworthy and kept in a suitable state to ensure passenger and driver safety.

Option 1 appears to abdicate responsibility from PCC in relation to vehicle testing and places all the onus on the driver, this essentially reverts to the same standard as used by private motorists, who do not have the responsibility of carrying fare paying passengers.

Option 2 is a halfway house between the current system and the proposal in option 1. This option requires some buy in from approved service providers and an agreement to provide information to the licensing authority, this may not be practical. It is concerning that there are acknowledged issues around whether continuity of audit trails may be affected. How would the standards be maintained



and checked to satisfy licensing officers that these standards were being maintained and consistently applied.

Option 3 is the current process and provides the best option as the system has integrity, it is a standard test, the licensing authority has access to the information and immediate access to prohibit unfit vehicles. This may be slightly more costly but where the safety of the public and drivers is concerned then the investment is worthwhile. The integrity and reputation of the licensing process would also be retained.

It is vital that the vehicle checking is robust to ensure safety and maintain public confidence.

### **Part 3. Driver Badge Renewal Frequency**

Suitable, timely and transparent checking systems for drivers are vital to the public's confidence in the driving community. Drivers come into contact with vulnerable members of the community and much of their trade comes through the night time economy where members of the public are under the influence of drink and/or drugs and render themselves more vulnerable. To this end there are serious reservations about moving to a system where drivers are checked every 3 years. It is far safer for each driver to be subject to a CRB check and a DVLA check on an annual basis, this is vital for public confidence and the integrity of the drivers. The risks are that those who commit offences or are involved in criminality will go unchecked for a period of time which allows them to do so. The basis of the Bichard report centres round the sharing of information and what happens when the relevant information is not shared appropriately, a system of tri-annual checking heightens those risks significantly. It is acknowledged that "taxi driver" is a notifiable occupation however this is not always disclosed and offenders/suspects are not always processed through custody.

It is also acknowledged that there is a desire for reform and that option 2 would provide a balance of risks against a modernisation of the current system however there would be no support to move to Option 1 or 3. Option 4 would be acceptable.

### **Part 4 Limousine and Speciality Vehicles**

The introduction of the regulation of vehicles and operators in this category is welcomed and supported.

### **Part 5 Private Hire conditions**

These conditions are supported

### **Part 6 Hackney conditions**

These conditions are supported

### **Part 7 CCTV**

The installation of CCTV in private hire and hackney vehicles is fully supported and endorsed by the police. CCTV is widely used as a crime prevention and detection tactic. The use of CCTV protects both the driver and passengers. It allows for greater investigation of crime and potentially an increase in the detection of offences involving the trade in all areas. There are numerous examples where CCTV would have directly influenced the outcome of police investigations. The installation of CCTV would also protect drivers against malicious allegations.



It is acknowledged that this is an area that has been discussed at length for some years now and that there are strong views in relation to installing CCTV much of it relating to the cost of the right system and where that is funded from.

As the options stand Option 1 would be preferable however there may be further options which could be explored to make the policy more workable.

Being cognisant of the recent ruling in the Southampton case regarding the recording of audio on taxi CCTV, it is suggested that, if possible, the CCTV condition is targeted at those times or journeys where there is the greatest risk/threat be that perceived or real. This would cover the night time economy Thursday to Saturday 2000-0600, all school journeys or those where children are travelling in hackneys or private hire. The visual cctv will record continuously and the driver has the ability to activate audio recording in response to an incident. This may have issues of its own but may represent a compromise between full implementation and no installation of CCTV at all.

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## Equality Impact Assessment:

### Initial Assessment

**Name:**

**1). What is the aim of the policy, project or strategy/purpose of activity/service?**

To enable the Licensing Committee to note the new information in relation to the Deregulation Act 2015 and as result, adopt a three year licence.

**2). Will the policy/project/strategy/service have a disproportionate effect on members of the equality groups below? (See Appendix A for further information):**

Equality Group	(✓)	Is the effect Positive, Negative, Neutral or Unclear? Please comment where applicable
Particular age groups		Neutral
Disabled people		Neutral
Married couples or those entered into a civil partnership		Neutral
Pregnant women or women on maternity leave		Neutral
Particular ethnic groups, including Gypsy and Travellers and new arrivals		Neutral
Those of a particular religion or who hold a particular belief		Neutral
Male/Female		Neutral
Those proposing to undergo, currently undergoing or who have undergone gender reassignment		Neutral
Sexual orientation		Neutral

**If there are any negative or unclear affects, you are required to do a full EqIA.**

Need for a full EqIA? Please circle: **No** (Full EqIA: attached)

<b>Date Initial EqIA completed:</b>	05/06/15
<b>/Assessment completed by:</b>	Ian Robinson
<b>Policy Review Date:</b>	

Signed by Head of Service:	
----------------------------	--

**Equality Impact Assessment:**

**Full Assessment**

**1). Name of the policy area or programme with which this assessment is concerned:**

**Lead officer:**

**2). Provide a summary of the policy area/programme in no more than 350 words (see Appendix B for further guidance):**

**3). Why do you feel the policy area/programme will impact the groups identified in the initial assessment? What information/data do you have to support this? (See Appendix B for further guidance):**

**4). What does your evidence show? (See Appendix B for further guidance):**



**5a). Who have you consulted with?**

**5b). If you haven't consulted yet, please list who you are going to consult with and when by:**

**6). Please give examples of how you have or are going to consult with specific groups or communities (e.g. meetings, surveys):**

**7). What will the policy do to mitigate existing inequalities?**

**8). Tick which one of the following best summarises your Equality Impact Assessment:**

A	A positive impact is explicitly intended and very likely.	
B	There is a clear <i>potential</i> to have a positive impact by reducing and removing barriers and inequalities that currently exist.	
C	An adverse impact is unlikely. However, there is insufficient evidence to confirm this statement	
D	There will be a neutral effect, neither positive nor negative	
E	Adverse impact is probable, since certain groups are likely to be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.	
F	Adverse impact is certain for certain groups but the policy as a whole can nevertheless be justified.	

**PLEASE NOTE:**  
If you select “E” or “F” from the above list, it will be necessary to obtain legal advice.

**Legal advice obtained Yes/No    Legal Officer .....**

**9). Expand and explain why that summary best describes your assessment:**

**10). Next Steps (See Appendix C for further guidance):**

What will be done	What expected outcomes as a result:	By whom:	By when:

**11). How are you going to review the policy, project or strategy, and who will be responsible?**

**When EqlA will be reviewed:**

<b>Date EqlA completed:</b>	
<b>Assessment completed by:</b>	
<b>Policy Review Date:</b>	
<b>Signed by Head of Service:</b>	
<b>Signed by Legal Officer</b>	

## Appendix A

## Protected Characteristics

### Age

Where this is mentioned, it refers to a person belonging to a particular age (i.e. 32 years old) or a range of ages (e.g. 18-30 year olds)

### Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

### Pregnancy and maternity

Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

### Race

Refers to the protected characteristics of Race. It denotes a group of people defined by their race, colour and nationality (including citizenship), ethnic or national origins. The following categories are currently used on recruitment application forms:

Group	Type	Group	Type
White	British/English/Scottish/Welsh Irish Italian Portuguese Other European Traveller Other White background	Asian or Asian British	Bangladeshi Indian Kashmiri Pakistani Other Asian background
Black or Black British	African Caribbean Other Black background	Other ethnic group	Chinese Other background
Mixed	White and Asian White and Black African White and Black Caribbean Other Mixed background		

**Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

*Religious groups:*

Christian	Muslim
Hindu	Sikh
Jewish	Other

**Sex**

A man or a woman.

**Gender reassignment**

Gender reassignment refers to those proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

**Sexual orientation**

Where a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Gay man	Bisexual
Gay woman/lesbian	Heterosexual

## Appendix B

### **“Provide a summary of your policy area/programme”**

350 words (3 or 4 paragraphs) should be enough to summarise what the policy is.

Bear in mind that what you write is a public document, so spell out any acronyms and abbreviations in full the first time they are used.

The people reading the description may well have specialist knowledge relating to equality issues. Your purpose, in these paragraphs about your policy, is to provide such people with sufficient preliminary information for them to comprehend the discussion that will follow.

Other things being equal, it will be appropriate to outline the following:

- The policy’s rationale/basis and purposes
- How it operates or will operate in practice
- When it began/will begin
  - Have there been any pilots or trials done?
- How the policy fits in with other policies (e.g. is it a strand within a larger policy area?)
- An indication of the size of the budget

### **“Why do you feel your policy area/programme will impact the identified groups? What evidence do you have to support this?”**

Explain what information you have obtained that has enabled you to come to the decision that these groups will be affected.

Provide the sources of relevant evidence with full biographical details (e.g. paragraph/page references, URLs for documents that can be accessed online). The word “evidence” here is used in the broad sense.

This can include:

- Administrative data (local authority returns, census data etc)
- Results of opinion surveys
- Interviews and focus groups
- Responses to draft equality impact assessments
- Feedback from groups as a result of consultation
- Case studies and project evaluations
- Literature reviews
- Responses to Green and White Papers
- Inspection reports

### **“What does your evidence show?”**

Here you should detail:

- Which diverse groups have been identified as being disadvantaged by the proposals together
- A summary of the negative impacts
- The proposed changes as a result of the research
- Whether the changes to the policy lower the negative impact
- Whether the changes provide opportunities to promote equality of opportunity and improve relations between diverse groups

## Appendix C

### “Next steps”

Here you should indicate the ways in which the EqIA will be followed up and kept under review, by showing progress detailed in a project plan, objectives set in an employees PDR/appraisal etc.

Make sure that, where appropriate, the statements about next steps reflect the “SMART” principles:

- **Specific**
- **Measurable**
- **Achievable**
- **Relevant**
- **Time-bound**

Also use the “next steps” section to emphasise the EqIA as a whole as a living document. Therefore, be sure to revise and update it when appropriate, in the light of further evidence, discussion and representations.

As a guide, here is some of what you could mention:

- Plans that are already underway or under active consideration to address challenges and priorities you have highlighted
- Arrangements for monitoring, and for periodic reports to certain groups.
- Arrangements for ensuring that monitoring systems are in place to guarantee regular checks are undertaken on the effects of the policy.
- Arrangements for ensuring that evaluations of any pilot projects take account of the concerns and discussions outlined in your assessment.
- Arrangements for discussing with other agencies and regulatory bodies the scope for taking account of the concerns and discussions in your assessment
- Arrangements for making sure that your assessment is brought to the attention of all relevant colleagues, and in this contributing to reviews of the Department’s single equality scheme.
- Arrangements for disseminating information about your assessment to local authorities and other stakeholders
- Arrangements for improving the information base
- Intentions for drawing up a detailed action plan.

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<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>18 JUNE 2015</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Peter Gell, Head of Regulatory Services Donna Hall, Public Protection Manager Kerry Leishman, Licensing Development Officer	Tel. 01733 453419 Tel. 01733 453514 Tel. 01733 453502

**REVIEW OF STATEMENT OF PRINCIPLES – GAMBLING ACT 2005**

R E C O M M E N D A T I O N S
<ol style="list-style-type: none"> <li>1. Members are recommended to approve the draft revised Statement of Principles for purposes of consultation between 06 July and 13 September 2015.</li> <li>2. To approve the proposal for consultation of the draft revised Statement of Principles in accordance with section 349 of the Act.</li> </ol>

**1. PURPOSE AND REASON FOR REPORT**

1.1 The purpose of this report is to present and seek approval, for purposes of statutory consultation, the draft revised Statement of Principles prepared in accordance with the Gambling Act 2005.

**2. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
Date for relevant Council meeting	<b>9 DECEMBER 2015</b>	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	<b>N/A</b>

**3. BACKGROUND**

- 3.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 3.2 The Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.
- 3.3 The third three year period began on 31 January 2013 and therefore is due to expire on 30 January 2016. The revised Statement must be drafted and consulted upon prior to it being adopted.

3.4 In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. Like its predecessor, this draft is based on the nationally accepted template produced by the Local Authorities Co-ordinators of Regulatory Services (LACORS), now known as Local Government Regulation overseen by the Local Government Association. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

3.5 A copy of the draft revised Statement of Principles is attached as **Appendix A**.

#### **4. CONSULTATION**

4.1 Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:

- a. Chief Officer of Police for the area;
- b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
- c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

4.2 A ten week consultation is proposed between 06 July 2015 and 13 September 2015.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 Retain the status quo and operate in breach of the Gambling Act 2005 by not reviewing our Statement of Principles in accordance with section 349.

#### **6. IMPLICATIONS**

Financial Implications – Any costs in relation to the production of the Statement of Principles will be met by income from fees.

Legal Implications – As a minimum, Licensing Authorities are required to prepare and publish, every three years, a Statement of the Principles it proposes to apply when exercising its functions under the Gambling Act 2005.

#### **7. APPENDICES**

Appendix A - Draft Revised Statement of Principles

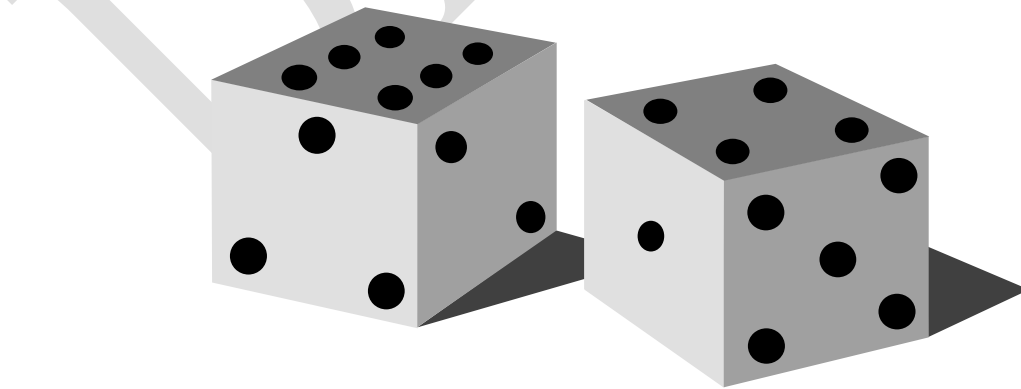
#### **8. BACKGROUND DOCUMENTS**

The Gambling Act 2005  
Guidance to Local Authorities issued by the Gambling Commission

**PETERBOROUGH CITY COUNCIL**

**GAMBLING ACT 2005**

**STATEMENT  
OF  
PRINCIPLES**



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## THE CITY OF PETERBOROUGH

Peterborough is a modern and progressive city with a strong historical character that makes it a stimulating environment in which to live, work and visit. Between 1971 and 1991, Peterborough's population grew by 46 per cent under the New Town expansion scheme.

In the 2011 Census Peterborough had a population of approximately 183,000. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 350,000 people in both the East of England and East Midlands' regions.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the east of England.

It is only 45 minutes from central London and within striking distance of the region's other great cities - being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

When you visit Peterborough you will find a heritage city, an environment city, an event city and a modern exciting cosmopolitan city. Peterborough began the 21st century as part of a newly formed Unitary Authority. – The city, already home to 183,000 people, continues to expand with new housing developments, the largest of which is Hampton, south of the city. – Many of the surrounding villages, such as Eye, Yaxley and Ginton, have also seen great expansion to accommodate the demand for new homes. –

The majority of local people work within the area, although convenient road and rail links allow many people to commute – London is now less than an hour away by train. More leisure and tourism facilities are developing as the population grows.

Despite considerable growth, however, the area retains some beautiful and diverse countryside. – The city has been chosen as one of the UK's four 'Environment Cities', and the Peterborough Environment City Trust leads initiatives to improve the local environment and to develop practical solutions for a more sustainable future. –

~~Peterborough confidently approaches that future as a place with a very long history of innovation and change.~~

Please refer to Appendix 1 for a map of Peterborough.

Our priorities:

~~Creating opportunities – tackling inequalities~~ Education, Skills and University

~~Creating strong and supportive communities~~ Culture, Recreation and the Arts

~~Creating the UK's environment capital~~ Safeguarding Children and Adults

Safe and Cohesive Communities

~~Delivering substantial and truly sustainable growth~~ Environment Capital and Energy Innovation

Growth, Regeneration and Economic Development

## DEFINITIONS

The **Council** means Peterborough City Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

**Members** means Peterborough City Councillors

The **Licensing Committee** means the full committee or a sub committee of no less than three Members.

**Guidance** means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006

**Child** means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

**LA** means Local Authority.

## BACKGROUND

The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing justices.

## PART A - INTRODUCTION

### 1. THE LICENSING OBJECTIVES

1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime,
- Ensuring that gambling is being conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

### 2. STATEMENT OF PRINCIPLES

2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be



published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.

- 2.2 This is the fourth Statement of Principles produced by Peterborough City Council, reviewed ~~due~~ in accordance with statutory requirement.

### **3. CONSULTATION**

3.1 *Peterborough City Council consulted widely upon this statement before finalising and publishing.*

3.2 *The Gambling Act requires that the following parties are consulted by licensing authorities:*

- *The Chief Officer of Police*
- *One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area*
- *One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005*

*For a full list of persons this authority consulted please refer to Appendix 2.*

3.3 The consultation took place between 06 July 2015 and 11 September 2015.

~~This latest draft of the policy contains the minimum of amendments~~ amendments and no ~~changes to the intent or direction of the policy.~~

### **4. APPROVAL OF POLICY STATEMENT**

4.1 *This statement was approved at a meeting of the full council on ~~XX December 2015~~ (date to be inserted) and was published via ~~our~~ Peterborough City Council's website on (date to be inserted). ~~XX December 2015.~~*

4.2 *It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.*

Sections 3 & 4 to be completed following consultation and subject to adoption

### **5. DECLARATION**

5.1 ~~The council~~ Peterborough City Council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

### **6. RESPONSIBLE AUTHORITIES**

- 6.1 As required by regulations licensing authorities are to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 6.2 In accordance with the suggestion in the Gambling Commission's guidance to local authorities this authority designates the Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to Appendix 3 or alternatively via the council website.

## **7. INTERESTED PARTIES**

- 7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.

- 7.2 For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence, if in the opinion of this licensing authority the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfy the above.

- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:

- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the Gambling Commission's guidance for local authorities.

- 7.5 When determining what "sufficiently close to the premises" means (in each case), this authority might include:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and

- The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

7.6 In relation to “persons with business interests that could be affected” it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being “a person with business interests that could be affected by the premises” under consideration. It should be borne in mind however that the “demand test” in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005, therefore unmet demand is not a criterion for a licensing authority in considering an application.

7.7 Factors that this licensing authority is likely to include are:

- The size of the premises;
- The ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- Whether the person making a representation has business interests in that catchment area that might be affected.

7.8 The Gambling Commission recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents’ and tenants’ associations. This authority however will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities applied for.

7.9 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP’s). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

## **8. EXCHANGE OF INFORMATION**

8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the Gambling Commission, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:

- A Constable or Police Force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty’s Commissioners of Customs and Excise

- The Gambling Commission
- The National Lottery Commission
- The Secretary of State
- The Scottish Ministers

8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission as and when it is published on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

## 9. ENFORCEMENT

9.1 Licensing authorities are required by regulation to state the principles they propose to apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.

9.2 This licensing authority's principles are that it shall be guided by the Gambling Commission's guidance and will endeavour to be:

- proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised
- accountable – authorities must be able to justify decisions and be subject to public scrutiny
- consistent – rules and standards must be joined up and implemented fairly.
- transparent – regulators should be open, and keep regulations simple and user friendly; and
- targeted – enforcement should be focused on the problems and minimise side effects

9.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.

- 9.4 The main enforcement and compliance role of the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5 The licensing authority's enforcement concordat is available upon request to the licensing department.

## 10 PUBLIC REGISTER

- 10.1 In accordance with section 156 of the Act, Peterborough City Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view at [www.peterborough.gov.uk](http://www.peterborough.gov.uk). This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

## 11. DECISION MAKING / DELEGATION

- 11.1 When determining applications this licensing authority will have regard to the guidance issued by the Gambling Commission, any relevant code of practice, this policy and the licensing objectives. Determination of applications made to the licensing authority will be made either by the full council, the licensing committee, or a sub-committee of the licensing committee or by authorised officers, in accordance with section 153 of the Act.
- 11.2 Where relevant representations are raised which cannot be resolved by mediation, matters will either be referred to the licensing committee or the sub-committee of the licensing committee.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to Appendix 4.

## 12. LICENSING AUTHORITY FUNCTIONS

- 12.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
  - issue **Provisional Statements**
  - regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
  - issue **Club Machine Permits to Commercial Clubs**

- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

12.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.



## PART B - PREMISES LICENCES

### 13. GENERAL PRINCIPLES

13.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where considered to be appropriate.

13.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority's Statement of Principles

### 13.3 Definition of “premises”

In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter of discussion between the operator and the licensing officer.

The local authority will consider the Gambling Commission's Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

### 13.4 Premises “ready for gambling”

The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future,

consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

### 13.5 Location

Demand issues cannot be considered with regards to the location of premises but that considerations in- issues- in terms of licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### 13.6 Duplication with Other Regulatory Regimes

This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of any application. The licensing authority will listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

### 13.7 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

**13.7.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located in such areas and whether conditions may be suitable such as the provision of door supervisors.

**13.7.2 Ensuring that gambling is conducted in a fair and open way** – This licensing authority has noted that the Gambling Commission has stated that it would

generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Further guidance on this issue may be provided by the Gambling Commission and if so this authority will have regard to it, when available.

- 13.7.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

There is no definition of ‘vulnerable person’ and it is noted that the Gambling Commission are not seeking to offer one, but this could include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

## 13.8 **Conditions**

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects

- 13.9 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

- 13.10 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission’s guidance.

13.11 This authority will also ensure where necessary and deemed appropriate that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

13.12 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.13 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.14 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

## **14. ADULT GAMING CENTRES**

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and

will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.

14.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation
- location of entry
- notices / signage
- **self-barring** schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

## **15. LICENSED FAMILY ENTERTAINMENT CENTRES**

15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, ensure that under 18 year olds do not have access to the adult only gaming machine areas.

15.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- notices / signage
- physical separation of areas
- specific opening hours
- **self-barring** schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- suspected child truancy handling training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

## 16. CASINOS

- 16.1 This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

## 17. BETTING PREMISES

- 17.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's guidance, take into account the size the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that the door supervision is both necessary and proportionate.

## 18. TRACKS

- 18.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 18.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days



when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
  - location of gaming machines
  - supervision of entrances / machine areas
  - notices / signage
  - provision of information leaflets / helpline numbers for organisations such as Gamcare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 18.4 **Betting Machines** – This licensing authority will as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 18.5 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- 18.6 **Applications and plans** – The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

The Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being

sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

- 18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

## 19. BINGO PREMISES

- 19.1 This licensing authority notes that the Gambling Commission's guidance states:

~~It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:~~  
~~all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance~~  
~~only adults are admitted to the area where the machines are located~~  
~~access to the area where machines are located is supervised~~  
~~the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and~~  
~~at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18~~  
Children and young people are allowed not into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

- 19.2 This licensing authority must satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

19.3 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

## **20. TRAVELLING FAIRS**

- 20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

## **21. PROVISIONAL STATEMENTS**

- 21.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expect to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.
- 21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or

- which in the authority's opinion reflect a change in the operator's circumstances

## 22. REVIEWS

- 22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authorities statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- 22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.
- 22.3 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- a) add remove or amend a licence condition imposed by the licensing authority;
  - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
  - c) suspend the premises licence for a period not exceeding three months; and/or
  - d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

22.5 In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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## **PART C - PERMITS / ~~TEMPORARY & OCCASIONAL USE REGISTRATIONS / NOTICES~~**

### **23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 24.2 This licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Act has been committed on the premises



24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

Such measures may include:

- adult machines being in site of bar
- notices / signage

24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

24.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.

24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

## **25. PRIZE GAMING PERMITS**

25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.

25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of

gaming that he or she is intending to offer and the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.

25.3 The licensing authority will determine each application on its own merits.

*(The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)*

25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission's guidance.

25.5 It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## **26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS**

26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.

26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

- 26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.
- 26.4 This licensing authority is aware that it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - the applicant's premises are used wholly or mainly by children and / or young persons
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been lodged by the Gambling Commission or the police.
- 26.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **27 SMALL SOCIETY LOTTERIES**

27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
- Exempt Lotteries (including small society lotteries registered with Peterborough City Council)

27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

[Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:](#)

[http://www.gamblingcommission.gov.uk/gambling\\_sectors/lotteries.aspx](http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx)

## **28. TEMPORARY USE NOTICES**

- 28.1** A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the Gambling Commission.
- 28.2** The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 28.3** There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.
- 28.4** [This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.](#)

## **29. OCCASIONAL USE NOTICES**

- 29.1** This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **30. ADDITIONAL INFORMATION**

Further information on the application process, application forms and applicable fees can be found at [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

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## APPENDIX 2

### LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

#### **Responsible Authorities**

- Cambridgeshire Constabulary – the chief officer of police
- Gambling Commission
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

**One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:**

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association
- All Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website under heading consultation).

**One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:**

- Peterborough City Council – Ward & Parish Councillors
- GamCare
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

## APPENDIX 3

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

#### **THE RESPONSIBLE AUTHORITIES:**

##### **Licensing Team:**

The Licensing Team  
Peterborough City Council  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ  
Telephone: 01733 747474  
Email: [gambling@peterborough.gov.uk](mailto:gambling@peterborough.gov.uk)

##### **The Gambling Commission:**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Tel: 0121 230 6500  
Fax: 0121 237 2236  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

##### **Cambridgeshire Constabulary:**

**Police** Licensing Department  
Cambridgeshire Constabulary North Division  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

##### **Cambridgeshire Fire and Rescue:**

Cambridgeshire Fire & Rescue Service  
Peterborough District  
Dogsthorpe Fire Station  
Dogsthorpe Road  
Peterborough  
PE1 3RE

##### **Pollution Control:**

Pollution Control  
Peterborough City Council  
Bayard Place  
Broadway

Peterborough  
PE1 1HZ

**Planning:**

Planning Services  
~~Stuart House (East Wing) Town Hall~~  
~~St Johns Street Bridge Street~~  
Peterborough  
PE1 ~~1HF5DD~~

**HM Revenue & Customs:**

National Registration Unit  
Portcullis House  
21 India House  
Glasgow  
G2 4PZ

**Safeguarding Children Board:**

Safeguarding Service Manager  
Bayard Place  
Broadway  
Peterborough  
PE1 1FB

**For Vessels the certifying Authority will be:-**

Environment Agency  
Kingfisher House  
Goldhay Way  
Orton Goldhay  
Peterborough  
PE2 5ZR

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## APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X

Decision to give counter notice to temporary use notice		<b>X</b>	
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## APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current proposals for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set).

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£ <del>5</del> 2	£ <del>104,000</del> <sup>1</sup>
B2	£100 ( <del>in multiples of £10</del> )	£500
B3	£2	£500
B3A	£ <del>1</del> 2	£500
B4	£ <del>1</del> 2	£ <del>254</del> 00
C	£1	£ <del>107</del> 0
D Non-money prize (other than a crane grab machine <del>or a coin pusher or penny falls machine</del> )	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize ( <del>other than a coin pusher or penny falls</del> )	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)

<sup>1</sup> with the option of a maximum £20,000 linked progressive jackpot on a premises basis only



D Combined money and <del>non</del> <del>money</del> <u>non-money</u> prize (coin pusher or penny falls machine)	<u>210p</u>	<u>£1520</u> (of which no more than <u>£810</u> may be a money prize)
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<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 7</b>
<b>18 JUNE 2015</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Peter Gell, Head of Regulatory Services Donna Hall, Public Protection Manager Terri Martin, Regulatory Officer - Licensing	Tel. 01733 453419 Tel. 01733 453514 Tel. 01733 453561

## REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

R E C O M M E N D A T I O N S
1. Members are recommended to approve the commencement of the consultation on the Statement of Licensing Policy from 06 July 2015 for a period of ten weeks ending 13 September 2015.

### 1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to present and seek adoption, for purposes of statutory consultation, the draft revised Statement of Licensing Policy which is prepared in accordance with the Licensing Act 2003 and associated guidance.

### 2. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
Date for relevant Council meeting	<b>9 DECEMBER 2015</b>	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	<b>N/A</b>

### 3. BACKGROUND

- 3.1 Under Section 5 of the Licensing Act 2003, it is a requirement for each Council to produce, adopt and publish a Statement of Licensing Policy. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Licensing Policy the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 3.2 The Act requires that the Statement of Licensing Policy is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a five yearly basis.
- 3.3 This is the fourth revision of the policy. However the last revision was limited only to adopt a Cumulative Impact Policy for the 'Op-Can-Do' area of Peterborough in April 2013. The last full revision was consulted between 16/8/2010 to 10/10/2010 and that policy took effect on 07/01/2011. Therefore it is due to expire on 06 January 2016. The revised Statement must be drafted and consulted upon prior to it being adopted.

- 3.4 In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued under section 182 of the Act. Like its predecessor, this draft is based on the nationally accepted template produced by the Local Government Association. The Statement has been updated in line with legislative amendments which have taken place since the last revision in 2010. A summary of the changes in legislation is attached as **Appendix A**.
- 3.5 For clarification, the Cumulative Impact (CI) Policy is included within the review process of the overall policy. The persons listed in section 4.1 of the report will be invited to comment on the existing CI policy.
- 3.6 A copy of the draft revised Statement of Licensing Policy is attached as **Appendix B**.

#### **4. CONSULTATION**

- 4.1 Before determining its Statement for any five year period (as required under s.5 of the Act), the licensing authority must consult the persons listed in s5 (3) as follows:
- a. Chief Officer of Police for the area;
  - b. The Fire Authority for that area,
  - c. Representatives of holders of Premises Licenses
  - d. Representatives of holders of Club Premises Certificates
  - e. Representatives of personal licence holders
  - f. Local Health Board or PCT
  - g. Representatives of businesses and residents in the area

- 4.2 A ten week consultation is proposed between 06 July 2015 and 13 September 2015.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Retain the status quo and operate in breach of the Licensing Act 2003 by not reviewing our Statement of Licensing Policy in accordance with section 5 of the Act.

#### **6. IMPLICATIONS**

Financial Implications – Any costs in relation to the production of the Statement of Licensing Policy will be met by income from fees.

Legal Implications – As a minimum, Licensing Authorities are required to prepare and publish, every five years, a Statement of Licensing Policy on how it proposes to carry out and exercise its functions, with a view to promoting the licensing objectives under the Licensing Act 2003.

#### **7. APPENDICES**

Appendix A - Summary of legislative changes  
Appendix B - Draft Revised Statement of Licensing Policy

#### **8. BACKGROUND DOCUMENTS**

The Licensing Act 2003  
Guidance issued under section 182 – March 2015  
LGA Best Practice Framework for the review of Licensing Policy Statements Oct 2012  
Live Music Act 2012  
Police Reform and Social Responsibility Act 2011  
Policing and Crime Act 2009  
Anti-Social Behaviour, Crime and Policing Act 2014  
Deregulation Act 2015  
The Legislative Reform (Entertainment Licensing) Order 2014

## Legislative Changes Summary - Review of the Statement of Licensing Policy 2015

### **Policing and Crime Act 2009 – Royal Assent November 2009 – in effect January, March, April 2010**

This Act had the following effect:

- Amended the Mandatory licensing conditions attached to licences for alcohol, age policy, irresponsible promotions, smaller measures, free tap water
- Allowed Cllrs to make representations
- Amended offence of persistently selling alcohol to children (from 3 to 2 occasions)
- By adopting section 27 of the Act it required premises which offer 'adult entertainment' on a frequent basis (more than 11 occasions in a calendar year) to hold a Sexual Entertainment Licence under Schedule 3 of the Miscellaneous Provisions Act 1982.

This Policy was adopted by Peterborough City Council on 02 December 2010 with an effective commencement date of 08 February 2011.

### **Police Reform and Social Responsibility Act 2011 – received Royal Assent on 15<sup>th</sup> September 2011 – in effect 22 March 2012**

This Act amended the Licensing Act 2003 by:

- making two new Responsible Authorities, the Licensing Authority and Local Health Board or PCT.
- Interested Party definition removed by removing the vicinity test, anyone can make a rep and they are referred to as 'Any other persons'
- Requires licensing authorities to advertise a notice of the application on its website.
- Reducing evidential burden on licensing authorities by replacing the word necessary with appropriate throughout the Act. The wording change allows more scope in decision making without the requirement to prove it is necessary, only that it is appropriate
- Introduction of Pollution control as a consultee on TEN's, rather than just the police. Relevant persons (Police and Pollution) expands the ability for either to make reps on any objective not just crime and disorder.
- Introduction of Late TEN's, received between 5 and 9 working days prior to the event. No conditions can be applied.
- Ability to attach conditions from a premises licence (where applicable) to a standard TEN
- Extension of how long a TEN can take place, from 96 hours (4 days) to 168 hours (7 days)
- Increase the overall days for a TEN on a premises from 15 days (pa) to 21 days per annum total amount of TEN apps at premises remained at 12
- Increase of penalties for persistently selling alcohol to children fine from £10,000 to £20,000 and closure minimum 48 hours to maximum 336 hours (14 days)
- Suspension of licence or CPC for failing to pay annual fee, 21 day grace period.
- Extended the period for revising policy from three years to five years
- Addition of extra relevant offences in relation to personal licences
- Introduction of EMRO's Early morning restriction orders. Must be agreed by full council, allows councils the ability to restrict the sale of alcohol between the hours of midnight and 6am, or part thereof.
- Ability to adopt late night levy, if adopted it imposes a requirement for premises that sell alcohol between the midnight and 6am to pay a levy. Minimum of 70% of funds raised must go to the police.
- Power for Licensing Authorities to set fees – NOT YET COMMENCED

### **Live Music Act 2012 – received Royal Assent on 8<sup>th</sup> March 2012 – in force 1/10/12**

This Act amended the Licensing Act 2003 by:

- Deregulation of the provision of entertainment facilities
- partially deregulating the performance of live music.
- Unamplified live music taking place between 8am and 11pm in all venues is deregulated
- Amplified live music between 8am and 11pm before an audience of no more than 200 persons on premises authorised to sell alcohol for consumption on the premises and for workplaces and Late night refreshment is deregulated.

- The deregulation can be overturned via review process, if premises are not upholding the objectives, the licence can be reviewed and the committee can impose enforceable conditions.

### **Anti-Social Behaviour, Crime and Policing Act 2014 – received Royal Assent March 2014 - in effect October 2014**

This Act amended the Licensing Act 2003 by:

- Repealed sections 161 to 166 (Closure of identified premises) and replaces with Closure Notices and Closure Orders for premises associated with nuisance or disorder, not just restricted to licensed premises.
- Also DPPO's (Designated Public Places Orders) will become PSPO's (Public Spaces Protection Orders)

### **Statutory Instrument 2014/1252 – The Licensing Act 2003 (Mandatory Conditions) Order 2014 – in effect May 2014**

- Introduced below cost selling of alcohol

### **Statutory Instrument 2014/2440 – The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – in effect October 2014**

- Further amended the Mandatory conditions in regards to irresponsible promotions, removed 'loophole' for irresponsible promotions and provision of table meals, free potable water etc.

### **Deregulation Act 2015 – Royal Assent March 2015 – Some provisions have not yet received a commencement order**

- Introduction of a new authorisation called CAN (Community and Ancillary Sellers Notice) will allow non-profit community premises and ancillary sales of alcohol, proposed three year authorisation for low risk premises within certain restrictions and regulations. NOT YET COMMENCED
- Increase of permitted TEN's at a premises from 12 to 15 per year from 2016
- Amended the period of time a personal licence is valid – now last indefinitely
- Repeals section 148 offence of selling liqueur confectionary to under 16's
- Amendment to LNR (Late Night Refreshment) will allow Local Authorities discretion to exempt LNR as a licensable activity in certain places or, for certain premises or, within certain hours. Policy will need to be adopted. NOT YET COMMENCED
- Removed the requirement to report a lost licence as lost or stolen to the police.
- Exhibition of a film in community premises exempt in certain circumstances, not for profit, capacity limit 500 between 8am and 11pm

### **Statutory Instrument 2014/3253 – The Legislative Reform (Entertainment Licensing) Order 2014 - In effect 6 April 2015.**

- Further deregulated entertainment where the entertainment is by or on behalf of 'Trusted Providers' e.g. health care providers, local authorities and School proprietors. The provision of any entertainment is deregulated if it takes place between 08.00 and 23.00
- Deregulated live and recorded music for community premises where there is no alcohol licence in place, up to 500 people between 8.00 and 23.00
- Deregulated entertainment for travelling circuses, between 8.00 and 23.00 within the movable structure, unless entertainment is a film or boxing and wrestling.
- Deregulated Greco-Roman wrestling and freestyle-wrestling audience up to 1000 between 8.00 and 23.00 inside a premises.
- Increase of capacity for live music where there is an authorisation for on sales, or a workplace from 200 to 500
- Recorded music deregulated where there is an authorisation for on sales, if it takes place between 08.00 and 23.00 with an audience limit of 500



**PETERBOROUGH CITY COUNCIL**

**LICENSING ACT 2003**

**STATEMENT  
OF  
LICENSING POLICY**

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## DEFINITIONS

**Note:** In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

'the Act' means the Licensing Act 2003 (c.17)

'Licensable Activities' means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

'The Guidance' means the guidance issued by the Secretary of State for the Department of Culture, Media and Sport under s.182 of the Act.

'Licensed Premises' includes club premises and events unless the context otherwise requires.

'Designated Premises Supervisor (DPS)' means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

'Regulated Entertainment' ~~includes both entertainment and entertainment facilities. Subject to the qualifying conditions, definitions, and exemptions, attached as appendices, regulated entertainment<sup>1</sup> is:-~~ is defined as;

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to that falling within the performance of live music; the playing of recorded music and the performance of dance.

[In some circumstances, the provision of regulated entertainment is not licensable, for further information please go to www.gov.uk \(and search for entertainment licensing\)](http://www.gov.uk)

'Late Night Refreshment' means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

'Operating Schedule' means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor

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<sup>1</sup> [Removal of provision of facilities by the Live Music Act 2012](#)

- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives
- **‘Interested Party’** means any of the following:
  - A person living in the vicinity of the premise;
  - A body with appropriate authority, representing persons who live in that vicinity;
  - A person involved in a business in that vicinity;
  - A body, with appropriate authority, representing persons involved in such a business.
  - A member of the relevant licensing authority

**‘Other Persons’** means

Persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.<sup>2</sup>

**‘Responsible Authority’** means any of the following: -

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local weights and measures authority (Trading Standards)
- The Council responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The body representing matters relating to the protection of children from harm
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The relevant Licensing Authority
- The Local Health Board

**‘Relevant Representations’** are representations which can be either in support of an application or against the application, (also called an objection) and must be:

- About the effect of the Premise Licence on the promotion of the licensing objectives;
- Are made by an interested party or a responsible authority or any other person, have not been withdrawn and, in the case of representations made by an interested party other persons, they are not in the Council’s opinion frivolous or vexatious.
- Must relate directly to an application and received during the consultation period. Representations received outside the consultation period cannot be considered.
- An objection must relate to the licensable activities requested, how you and the objectives are likely to be adversely impacted by the activity, which the conditions proposed in the operating schedule of the application do not address or do not address sufficiently.

**‘Temporary Event Notice (TEN)’** means a Permitted Temporary Activity involving one or more Licensable Activities subject to various conditions and limitations (see section 9.5). For further information, please go to [www.gov.uk](http://www.gov.uk) (and search for alcohol licensing)-

Standard TEN: Must be received no later than 10 working days prior to the event.

Late TEN: Must be received between 5 and 9 working days prior to the event

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<sup>2</sup> Amended by Police and Social Responsibility Act 2011

## THE CITY OF PETERBOROUGH AND DISTRICT

Peterborough is a modern and progressive City with a strong historical character that makes it a stimulating environment in which to live, work and visit.

In the 2011 Census, Peterborough had a population of approximately 183,000, with an approximate population of 188,400 in 2013. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 350,000 people in both the East of England and East Midlands' regions.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today, Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the East of England. It is only 45 minutes from central London and within striking distance of the regions other great cities being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

An essential contribution to the continued development of the City of Peterborough are the differing types of premises and events licensed under the Licensing Act 2003. There are over 600 licensed premises offering a wide range of leisure activities, such as live music, theatres, sports venues, cinema and a vast range of restaurants offering diverse menus to suit any palate.

The embankment along with the county showground provide facilities for several open-air larger type festivals and concerts. Visitors can enjoy a vast range of outdoor leisure activities and picturesque countryside – including 2,000 acres of riverside parkland. There are two theatres offering drama, ballet and concerts – the Key Theatre and the Cresset Theatre. For sports fans, Peterborough has four sports stadia: football, speedway, ice hockey and greyhound.

Peterborough continues to invest in regeneration, infrastructure and accessibility, with projects within the city centre and the outskirts. This creates a vibrant mix of activities and premises catering for a multi-cultural city, offering a wide range of facilities to residents and visitors.

Peterborough is an intelligence led authority, the Safer Peterborough Partnership is an integrated multi-agency initiative working in partnership with the police and others to tackle many issues, e.g. crime, anti-social behaviour and alcohol related issues. This approach highlighted the 'Op Can Do' area as an area which had reached saturation and a Cumulative Impact Policy was introduced and took effect in April 2013.

~~A number of new developments, including the new city hospital and the improvement of Cathedral Square, provide central elements for new economic growth. Peterborough's profile is strengthened, enabling it to deliver a stronger economy now and in the future.~~

~~Peterborough as a district offers a wide range of leisure activities although a large concentration of premises in the City provides regulated entertainment and/or the retail sale of alcohol in the form of. Other forms of entertainment revolve around public houses, private clubs, cinemas, theatres, and~~

sports venues both within the centre and surrounding villages. Along with takeaways, and late night refreshment premises, a variety of restaurants offer a choice of assorted types of cuisine.

Peterborough offers a large accessible river embankment, along with the county showground providing facilities for several open-air larger type festivals and concerts. Visitors can enjoy a vast range of outdoor leisure activities and picturesque countryside — including 2,000 acres of riverside parkland. Many local venues such as village halls and community centres provide locations for cultural activities.

An essential contribution to the continued development of the City of Peterborough is the differing types of premises and events to be licensed under the Licensing Act 2003 as they provide an essential contribution to the local economy of the District, through tourism and cultural development.

DRAFT



## 1. INTRODUCTION

- 1.1 This Statement of Licensing Policy has been produced in accordance with s.5 of the Licensing Act 2003 (the Act) which requires the Council to review and where [necessary appropriate](#) renew its contents on a ~~3~~ [five](#) yearly basis (subject to changes in legislation or otherwise prescribed by the Secretary of State).
- 1.2 In reviewing the Statement of Licensing Policy the Council has considered the Guidance issued under s.182 of the Act.
- 1.3 This policy provides information and guidance to licence applicants, licence holders, objectors and ~~interested parties~~ [Other Persons](#) on the general approach to be taken by the Council in respect of its obligations under the Act.
- 1.4 This policy is made available in key Council offices and via the Council's website: [www.peterborough.gov.uk](http://www.peterborough.gov.uk) under business.
- 1.5 The contents within the policy have been amended in line with ~~LACORS~~ [Local Government Association \(LGA\)](#) Best Practice Framework for the Review of Licensing Policy Statements.

## 2. DISCLAIMER

- 2.1 The content of the Council's Statement of Licensing Policy is aimed only to provide guidance and should not be interpreted as legal advice. It is strongly recommended that persons obtain their own legal advice if they are not sure of the requirements of the Act and/or the Guidance and Regulations issued in accordance with it.

## 3. LICENSABLE ACTIVITIES

- 3.1 This policy relates to all those activities identified as falling within the provisions of the Act, provided to the public, to registered club members or with a view to profit as defined within the Act. ~~These are as follows:-~~

### 3.2 The Licensing Act 2003 regulates the following activities:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

## 4. OBJECTIVES

- 4.1 The Council has a duty under the Act to carry out its licensing functions by promoting the licensing objectives, which are:-
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.2 Each objective has equal importance.
- 4.3 The Council will also in carrying out its duties have regard to the Guidance, [this policy and any responses to consultation regarding this policy.](#)
- 4.4 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with its neighbouring

authorities, responsible authorities such as the Police, Fire Service, etc., local businesses, licensed trade, residents and others, towards the promotion and delivery of the objectives.

- 4.5 The Council will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. [This must be particularly addressed for applications within the Cumulative Impact area.](#)

- 4.6 [It is recommended and encouraged that all applicants for authorisations enter into informal discussions prior to the submission of an application in order to avoid potential problems and unnecessary hearings and appeals.](#)

## 5. CONSULTATION

- 5.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing functions and the promotion of the licensing objectives. The Council will continue to consult with these parties upon receipt of applications where relevant, and for the further continuation and development of the Licensing Policy.

- 5.2 In ~~preparing~~ ~~reviewing~~ this Policy, the Council ~~will~~ ~~consulted~~ over an ~~8~~ 10 week period ~~16/08/10- 06 July 2015 – 13 September 2015~~ 10/10/10 with the following:

- (a) Chief Officer of Police for the area;
- (b) Fire Authority for the area
- (c) Persons/bodies representative of local holders of premises licenses;
- (d) Persons/bodies representative of local holders of club premises certificates;
- (e) Persons/bodies representative of local holders of personal licenses
- (f) Persons/bodies representative of businesses and residents in its area;

[All responses to the consultation will be given due consideration when determining the final policy.](#)

- 5.3 A review of the policy was carried out by way of consultation with those listed in 5.2 to include a special policy. The consultation took [place](#) between 21/1/13 – 04/03/13.

- 5.4 The special policy was adopted by full council at a meeting held on 17 April 2013. Please see section 11.

## 6. FUNDAMENTAL PRINCIPLES

- 6.1 Licensing is about regulating the carrying on of licensable activities by the appropriate control of licensed premises, qualifying clubs, and temporary events together with the people who manage such premises or hold Personal Licences within the terms of the Act.

- 6.2 In circumstances where conditions are required to be attached to the various authorisations, the focus will be on matters which are within the control of the individual licensee and others in possession of relevant authorisations (please see section 14 for more information on licence conditions).

- 6.3 In setting conditions the Council will primarily focus on the direct impact of the activities taking place at, or resulting from the licensed premises on those living, working or engaged in normal activity in the vicinity of the licensed premises.

- 6.4 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However:

- (a) licensing law is a key aspect of such control and therefore will always form part of an all round approach to the management of the entertainment evening and night-time economy within Peterborough; and
- (b) licensees and Certificate Holders should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden, or with the smoking ban in force, in a smoking shelter, where and to the extent that these matters are within their control.

6.5 Nothing in this policy prevents each licence application being considered on its own merits nor will it override the right of any individual to apply under the terms of the Licensing Act 2003 for a variety of permissions.

6.6 This policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

6.7 If no relevant representations are received from responsible authorities or any other persons, applications must be granted as applied for. The only conditions which will be applied are those proposed within the operating schedule and any applicable mandatory condition(s).

## 7. OTHER LEGISLATION

7.1 Crime and Disorder Act 1998: Under this Act local authorities must have regard to the likely effect of the exercise of their functions, and do all they can to prevent crime and disorder in their area.

7.2 The Council will have particular regard to the likely impact of licensing on related crime and disorder in the district, particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions. Any conditions attached to premises licences and club premises certificates will, so far as possible, consider and reflect the local crime prevention strategies.

7.3 The Council recognises that the Equality Act 2010 places a legal obligation on public authorities and has due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity.

## 8. OTHER REGULATORY SYSTEMS / POLICIES

8.1 By consultation and liaison, the Council will secure the proper integration of this licensing policy with local crime prevention, environment, planning, tourism, race equality schemes and cultural strategies and any other relevant policy, in addition to plans introduced for the management of the City and the night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but, indirectly impact upon them.

8.2 Sexual Entertainment Venues (SEV)-: On 02 December 2010 The Council adopted the amendment to the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982) with an effective commencement date of 08 February 2011. The effect of this means that premises which provide sexual entertainment on a regular basis (more than 11 occasions per year) will be required to obtain a SEV licence under LG(MP)A 1982. If the premises also require the sale and supply of alcohol, licences under both Acts will be required.

8.32 **Planning, building control and the licensing regimes:** Will be separate to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Where a terminal hour has been set as a condition of planning permission for the use of premises for commercial purposes that are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

8.43 **Cultural Strategies:** The Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. As part of implementing cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of the communities.

8.54 **Public Spaces:** The Council wishes to promote a broad range of entertainment within its area including live music, dancing and theatre. To promote this policy the Council may, where appropriate, seek to obtain premises licences for Council owned public spaces within the community such as market squares, village greens, etc.

8.65 **Travelling Circuses:** ~~Under the Licensing Act 2003, circuses will require to be licensed due to their provision of regulated entertainment. However, if~~ Where types of entertainment are present in a performance by a travelling circus they will not be licensable provided that certain qualifying conditions are met. Guidance has listed these qualifying conditions as follows:

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08.00 and 23.00 on the same day
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- The travelling circus has not been located on the same site for more than 28 consecutive days.

It should be noted that the circuses with performing animals will not be permitted, and therefore not licensed, on Council owned land.

## 9. TEMPORARY EVENT NOTICES

9.1 A temporary events notice (TEN) is required for the sale of alcohol by retail, provision of regulated entertainment and/or the provision of late night refreshment, which is to take place at premises, which are currently unlicensed for the activities involved. Applicants are reminded that a limit of fewer than 500 persons at any one time applies to a temporary event and failure to comply with this limit may lead to the event closure or even prosecution. It is strongly recommended, therefore, that a means of recording the number of persons entering and leaving the premises is put into operation. There is nothing to stop a TEN being given for a premises where a premises licence is already in force although does not cover the type of event proposed.

~~Whilst a minimum of 10 working days notice must be given to the Council and the Police for applications, it should be noted that this gives very little time for the Council to process the application and for the Police to respond. Applicants are therefore encouraged to provide a minimum of 28 days notice of a licensable event.~~

9.23 If there are over 500 persons attending the event then this will fall outside the provisions of a temporary event notice and a premises licence will be required.

9.34 Applicants are reminded that an authorisation made under a TEN does not remove their obligations under any other legislation including that of statutory nuisance. Where necessary, permissions should be sought from the appropriate body. The Council strongly recommends that applicants familiarise themselves with these responsibilities which amongst others may include:-

- Planning permission
- Health and Safety
- Noise Pollution
- Erection of temporary structures
- Road closures

- Use of pyrotechnics
- Anti-social behaviour

9.45 As well as the limit on the number of persons permitted under a TEN the following conditions and limitations apply:-

- Duration – they are limited to events lasting for up to ~~96-168~~ hours (7 days);
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, (this will increase to 15 with effect from 1 January 2016) but are subject to the overall aggregate of ~~2145~~ days irrespective of the number of occasions on which they have been used; ~~and~~
- The total number of notices (this includes late and standard TENs) given by an individual within a given period of time calendar year (1 January to 31 December) – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices ~~in a similar period.~~
- The number of late TEN's is limited to 10 in a calendar year for a personal licence holder and two for other people. If these limits are exceeded in a calendar year, the application will be returned as void and the event will not be authorised.
- There must be a minimum period of 24 hours between events authorised under separate TEN's at the same premises by the same premises user or associate.
- Relevant persons - Police and Environmental Health have the opportunity to consider whether they should object, modify or attach conditions to a TEN based on any of the licensing objectives

9.5 When calculating the number of working days for submission of TENs, the day the notice is received and the first day of the event are excluded from the calculation. If a TEN application requests for an event to start before midnight and end after midnight this will count as two days towards the 21 day limitation.

9.6 **Standard and Late Temporary Event Notices:** There are two types of TEN, a standard TEN and a late TEN. These are subject to different processes. A standard TEN is given no later than ten working days before the event to which it relates, and a late TEN is given not before nine and not later than five working days before the event.

9.7 **Standard Temporary Event Notices:** Whilst a minimum of 10 working days' notice must be given to the Council and relevant persons for applications, it should be noted that this gives very little time for the Council to process the application and for the relevant persons to respond. Applicants are therefore encouraged to provide a minimum of 28 days' notice of a licensable event.

9.8 Where a TEN is held on premises where a premises licence or club premises certificate is in place, and the relevant persons believe that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives they can object and/or modify and/or request conditions from the premises licence or club premises certificate to be applied to the TEN.

9.9 Where an objection to a TEN is received from relevant persons and not withdrawn, the licensing authority must hold a hearing to consider the objection, unless all parties agree that this is unnecessary.

9.10 **Late Temporary Event Notices:** are intended to assist premises users who are required for reasons outside their control to provide licensable activities at premises in shorter time scales. However, there is a risk that the event may receive an objection from relevant persons, where this occurs the notice will not be valid and the event will not go ahead, as there is no scope for a hearing or the application of any existing conditions.

## 10. DUPLICATION

- 10.1 So far as is possible, this policy is not intended to duplicate existing legislation and other regulatory regimes that already place obligations on the self-employed, employers and operators of venues both in respect of employers and of the general public when on the premises in question. Therefore, conditions and control measures which would be a duplication of existing legislative requirements, cannot be imposed in the context of licensing law as they are already provided for in other legislation.

## 11. CUMULATIVE IMPACT

### Section 11 is being reviewed as part of this consultation

- 11.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can consider within its licensing policy statement. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises, e.g. a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.
- 11.2 The licensing authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 11.3 Following concerns as to the perceived saturation of licensed premises in the area known as Op Can Do attached as Appendix 1 with a list of streets attached as Appendix 2, the licensing committee approved the consultation of a review of the Statement of Licensing Policy to include a special policy in that area.
- 11.4 The following steps were undertaken by the licensing authority in considering whether to adopt a special policy on cumulative impact for the Op Can Do area:
- Identified concern about the negative impact on the licensing objectives
  - Considered whether there is evidence to support the concerns identified that crime and disorder and nuisance is occurring and is associated with licensed premises
  - Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation
  - Having considered the available evidence and undertaken consultation, the licensing authority determined that it is appropriate to control cumulative impact.

### **Special Policy on Cumulative Effect**

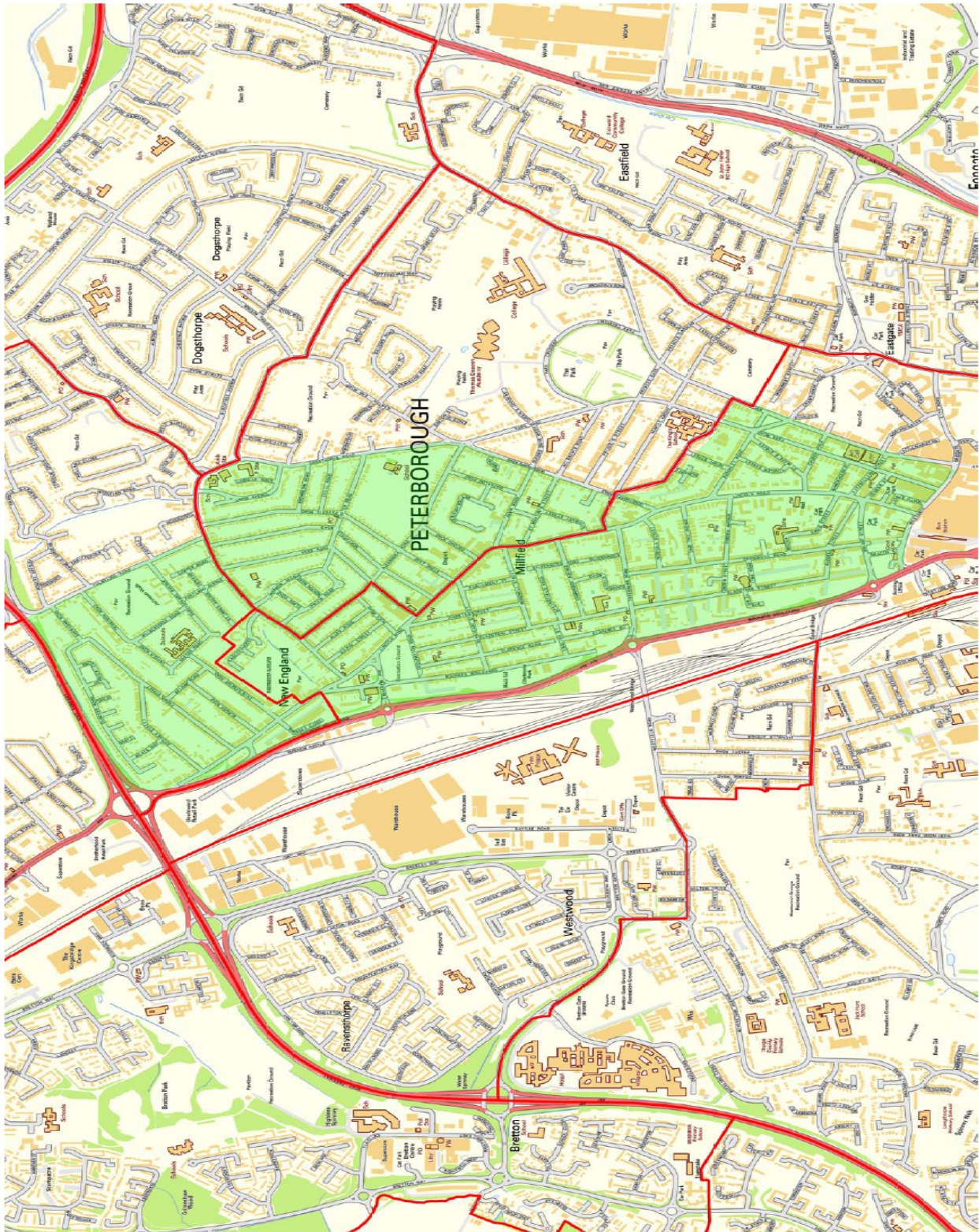
- 11.5 The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to all licensed premises for the Op Can Do area. The special policy took effect on 18 April 2013.
- 11.6 This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 11.7 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 11.8 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the licensing authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to



information, which had been before the licensing authority when it developed its statement of licensing policy.

- 11.9 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary- appropriate conditions would be ineffective in preventing the problems involved.
- 11.10 A special policy will not be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises.
- 11.11 The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.
- 11.12 A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 11.13 A special policy relating to cumulative impact cannot justify, and will not include provisions for a terminal hour in a particular area or impose quotas - based on either the number of premises or the capacity of those premises.
- 11.14 This special policy will be reviewed regularly in line with the statutory requirements to review the Statement of Licensing Policy unless the licensing authority deems it appropriate to review in the interim period.
- 11.15 The absence of a special policy however, does not prevent any responsible authority or other persons making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Map Showing Current CI Policy Area in Green APPENDIX 1



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[Table of Street Names Within the Current CI Area APPENDIX-2](#)

Streets in the Op Can Do area		
Alexandra Road	Keats Way	1-359 Dogsthorpe Road
Allen Road	Keeton Road	40 - 50 Bright Street
Alma Road	Kipling Court	Beckets Close
Bamber Street	Lammas Road	Berry Court
Beech Avenue	Lawn Avenue	Boswell Close
Belham Road	Lime Tree Avenue	Burghley Mansions
Bourges Boulevard	Lincoln Road	Burns Close
Brassey Close	Link Road	Burrows Court
Brownlow Road	Lister Road	Carl Hall Court
Burghley Road	Lynton Road	Caroline Court
Burmer Road	Maskew Avenue	Cecil Pacey Court
Cambridge Avenue	Norfolk Street	Century Square
Cecil Road	North Street	Claridge Court
Chantry Close	Northfield Road	Coleridge Place
Chaucer Road	Norton Road	Connaught Mews
Church Walk	Nursery Close	Cromwell Court
Clare Road	Occupation Road	Dogsthorpe Grove
Clarence Road	Park Road	Dyson Close
Cobden Avenue	Parliament Street	Gillwell Mews
Cobden Street	Peveril Road	Gray Court
Cowper Road	Pope Way	Hamilton Court
Craig Street	Portland Avenue	Ingleborough
Cromwell Road	Russell Street	Johnson Walk
Crown Street	Scotney Street	Kimbolton Court
Dryden Road	Searjeant Street	Lincoln Gate
Eaglesthorpe	Shakespeare Avenue	Loire Court
English Street	Sheridan Road	Manor House Street
Exeter Road	Silverwood Road	Old Court Mews
Fitzwilliam Street	Springfield Road	Oxford Road
Foxdale	St James' Avenue	Parkodi Court
Fulbridge Road	St Mark's Street	Popley Court
Geneva Street	St Martins Street	'Raedwald Court
Gilpin Street	St Paul's Road	Rock Road
Gladstone Street	Stone Lane	Rosehall Court
Granville Street	Summerfield Road	Russell Mews
Green Lane	Taverners Road	Salaam Court
Hankey Street	Tennyson Road	Shelley Close
Harris Street	Thistle Moor Road	St Marks Apartments
Henry Court	Towler Street	St Marks Court
Henry Street	Vere Road	St Martins Mews
Herrick Close	Victoria street	The New Haven
Highbury Street	Warbon Avenue	Tom Lock Court
Windmill Street	Waterloo Road	up to 135 Park Road
Bamber Court	Wilberforce Road	Victoria Place
Walpole Court	York Road	

## 12. LICENSING HOURS / ZONING

- 12.1 EMRO's: Early Morning Restriction Orders, are designed to address recurring problems such as high levels of alcohol –related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 12.2 LNL: Late Night Levy, is a levy imposed on businesses which sell alcohol between midnight and 6am or part thereof. Funds raised by this levy are applied to the costs of policing crime and disorder connected to those sales of alcohol.
- 12.3 The Council has considered the options of adopting EMRO's and/or a LNL and has no desire at this time of implementing either provision. The Council reserves the right to reconsider this decision in the future.
- 12.41 The Council ~~will~~has not adopted fixed trading hours as a matter of policy. It recognises that flexible licensing hours with regard to the sale of alcohol is important to ensure that the concentrations of customers leaving premises simultaneously are avoided.
- 12.25 The Council recognises that providing consumers with greater choice and flexibility is important to a thriving evening and night-time economy however, this will be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 12.63 There is no general presumption in favour of lengthening licensing hours and accordingly the Council may when issuing new licenses or following reviews of existing licenses reject a proposal or grant it with appropriate conditions and/or different hours from those requested.
- 12.74 Shops, stores and supermarkets will normally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the four licensing objectives for restricting those hours. For example, a limitation on licensing hours may be appropriate following Police representations in the case of premises known to be a focus of disorder and disturbance because youths gather there.

## 13. CHILDREN AND LICENSED PREMISES

- 13.1 Conditions requiring the admission of children to any premises will not generally be attached to licences or certificates (except those identified in 13.7). Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club, subject to compliance with the Act.
- 13.2 Where it is deemed necessary appropriate to attach conditions to the licence in relation to access by children, this will be for the prevention of physical, moral or psychological harm to them.
- 13.3 Venue operators seeking premises licences and club premises certificates will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events. It may also be that their own risk assessments have determined that the presence of children is undesirable or inappropriate.
- 13.4 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedules, having regard to their particular type of premises and/or activities:-
- Effective and responsible management of the premises

- Provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Limitations on the hours when children may be present in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs.

13.5 Where no relevant representations are made to the Council, any [proposed offered](#) conditions in the operating schedule will be attached as conditions to the licence or certificate, [subject to paragraph 14.1 below](#) and will be enforceable.

13.6 Following receipt of any relevant representations, the Council will consider and determine each application, on its merits, as to whether to limit access by children or exclude them altogether from licensed premises by attaching any relevant conditions.

13.7 The conditions [limiting](#) and [restricting](#) access by children may include a combination of the following: -

- Limitations on the hours when children may be present in all or parts of the premises
- Requirements for children to be accompanied by adults
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations or exclusions by age when certain specified activities are taking place e.g.
  - Where entertainment or services of an adult or sexual nature for example, lap-, table- or pole dancing, topless bar staff or striptease are commonly provided
  - Where there is a strong element of gambling on the premises (but not where there is a small number of cash prize gaming machines);
  - With a known association to drug activities – taking or dealing;
  - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.

13.8 The Council recognises the Peterborough Safeguarding Children Board as the competent body to advise on these matters.

13.9 **The Portman Group:** The Council commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

13.10 **Proof of Age Schemes:** The Council commends proof of age cards accredited under the Proof of Age Standards Scheme (PASS).

13.11 **Children and Cinemas:** In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

## 14. LICENCE CONDITIONS

[14.1 There are three different types of condition that may be attached to a licence or certificate:](#)  
[Proposed - those conditions offered with the operating schedule of the application:](#)  
[Imposed - attached by licensing authority following a hearing](#)  
[Mandatory - imposed by the Act and can be amended by the Secretary of State.](#)

All conditions should be clear, enforceable, evidenced, proportional, relevant, and capable of being understood.

- 14.21 One of the key concepts of the Act is that any conditions (other than the statutory mandatory conditions and those proposed within the application) attached to licences or certificates can only be imposed to licenses at a hearing following relevant representations. Conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 14.32 The Council will only attach conditions to premise licenses and club certificates where they are necessary-appropriate for the promotion of one or more of the four licensing objectives.
- 14.43 Conditions that are necessary-appropriate for the promotion of the licensing objectives should emerge initially through the operating schedule and risk assessment carried out by a prospective licensee or certificate holder at the time of application, particularly for applications within the cumulative impact area.
- 14.54 The Council will not impose any conditions unless they are proposed volunteered or its discretion has been engaged following relevant representations having been received and upheld. In these circumstances, it may then only impose conditions as are necessary appropriate - to promote the licensing objectives arising out of the consideration of representations.

14.6 The Council will take into account:

- The character of the surrounding area;
- The nature and character of the proposed operation;
- The impact that the activity will have on those living, working or engaged in normal activities in the area concerned.

14.76 Conditions will generally be considered unnecessary- inappropriate if they are already adequately covered by other legislation.

14.8 The pool of conditions cover, among other things, issues surrounding:

- Crime and disorder, incorporating local crime prevention strategies, e.g. CCTV at certain premises;
- Public safety (including fire safety and means of escape);
- Theatres and cinemas (promotion of public safety);
- Anti-social behaviour (inc: public nuisance, provision of clearance of litter outside premises, fly posting);
- Protection of children from harm;

Further information can be found via the Council's website [www.peterborough.gov.uk](http://www.peterborough.gov.uk) under 'business'

14.98 Any conditions not listed in the pool may be specifically tailored by this Council and attached as conditions where appropriate.

14.109 In determining what conditions should be attached to licences and certificates, as a matter of necessity for the promotion of to appropriately promote the licensing objectives, the Council will be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

## 15. ENFORCEMENT

15.1 The Council will establish arrangements with the responsible authorities on enforcement issues in addition to carrying out their own regular inspections. These protocols will provide for the targeting of agreed problem and high-risk premises.



- 15.2 All decisions and enforcement action taken by the Council will have regard to the relevant provisions of the Act, national guidance, [e.g. BRDO \(Better Regulation Delivery Office\) Regulators' Code](#) and the enforcement policy of the Council. To this end, the key principles of consistency, targeting, transparency and proportionality will be maintained.
- [15.3 Responsible authorities may carry out their own enforcement activities such as test purchasing, on and off sales, underage and proxy sales. Any national guidance will be observed when these activities are conducted.](#)
- [15.4 Premises licences and club premises certificates are subject to an annual fee. The Council must suspend these authorisations for the non-payment of the annual fee. Where disputes or administrative errors arise, there is a grace period of 21 days to resolve \(from the due date of the invoice\). If the dispute or error is not resolved, a notice of suspension will be given to the premises providing the date \(minimum of two working days\) when the suspension notice takes effect.](#)
- [15.5 Where an authorisation is suspended, any licensable activities taking place would be unauthorised and subject to further enforcement. Responsible authorities will be notified of suspension notices issued.](#)

## 16. REVIEWS

- [16.1 The licensing authority works in partnership with the responsible authorities to promote the licensing objectives and will aim to give licensees early warning of any concerns identified at a premises.](#)
- 16.24 Reviews of premise licences represent a key protection for the community where matters arise at the premise in connection with any of the four licensing objectives.
- [16.3 There are certain circumstances \(as detailed within guidance\), when the crime prevention objective is being undermined, it is expected that revocation of the licence, even in the first instance will be seriously considered.](#)
- 16.42 At any stage following the grant of a Premises Licence a responsible authority or any [other person interested party](#) may request a review. Evidence would be required based on one or more of the licensing objectives.
- 16.53 If relevant representations are made about a current licence, the Council will hold a hearing to consider them, unless the Council, the applicant and those making representations agree that the hearing is not necessary.
- 16.64 Additionally a review of the licence will normally follow any action by the Police or Local Authority to close down the premises ~~for up to 24 hours~~ on grounds of disorder or public nuisance.
- 16.75 No more than one review will normally be permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a Closure [Notice or Order](#).
- [16.8 Where entertainment is deregulated, between 08.00 and 23.00 and it is having a negative impact on the licensing objectives, a premises licence or club premises certificate can be reviewed to bring the entertainment back under the scope of the authorisation and appropriate conditions can be applied.](#)
- 16.96 A summary review (or expedited) is appropriate for premises experiencing serious crime or disorder. It is a fast track licence review where the Council can attach interim conditions (where appropriate) to a premises licence where the responsible authority consider that the

premises concerned is associated with serious crime or disorder or both. The Council can take the following interim steps:

- Modification of the conditions of the premises licence
- The exclusion of the sale of alcohol (or other licensable activities) from the scope of the licence
- Removal of the DPS
- Suspension of the licence

16.107 The decision takes effect immediately or as soon as the Council directs. The Council will have regard to the Guidance when processing summary reviews.

16.118 Licensing officers may not initiate their own review of premises licences.

## 17. DELEGATION / DECISION MAKING / ADMINISTRATION

17.1 When determining applications the Council will have regard to the Guidance [and this policy](#). Therefore, determination of applications made under the Act will be made by either the Licensing Committee, by a Sub-Committee of the Licensing Committee, or by one or more authorised officers acting in accordance with the Council's Scheme of Delegation. [\(See table of delegations on page 22\)](#)

17.2 A decision made by an officer under the Council's Scheme of Delegation, will be considered a decision made by the Council.

17.3 The Council will consider relevant representations made both in support of or opposition to any application.

17.4 Where a relevant representation is made then the authorised officer will liaise with the applicant and relevant parties to try and reach an agreement between them and the Council, as to the need for final determination by the Licensing Committee or Sub-Committee.

17.5 Where relevant representations are raised which cannot be resolved by mediation, matters will be referred to either of the aforementioned committees for determination.

[17.6 The licensing authority is also a responsible authority and will make representations and review licenses where it considers appropriate. This does not negate the requirement for other responsible authorities or other persons from acting in their own capacity.](#)

[17.7 Where the licensing authority utilises the responsible authority provision, there is separation of responsibilities to ensure procedural fairness and eliminate any conflicts of interest. The officer acting as the responsible authority will be a different officer to that who is acting in its capacity as the licensing authority.](#)

17.86 In cases where only positive relevant representations are received and upon agreement of the Applicant, the Licensing Authority and the [Interested Parties other persons](#) making those representations, it will not be necessary to hold a hearing to determine the application.

17.97 Each application will be determined on its individual merits taking into consideration the four licensing objectives.

17.108 Where it is determined that it is appropriate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned, on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

17.119 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's consideration will balance those representations against the

wider benefits of the community. Furthermore, the Council acknowledges the advice received from the DCMS that the views of local minorities should not be allowed to predominate over the general interests of the community.

- 17.120 It may be ~~necessary~~ appropriate for the Sub-Committee in some circumstances to conduct a site visit. In such circumstances, Members will observe the Members' Licensing Code of Good Practice and Procedure for Licensing Sub-Committee Site Visits.
- 17.134 All parties will receive a fair hearing.
- 17.142 The Council will ensure that Members and Officers having responsibility under the Act will receive appropriate training to administer and enforce the Act.
- 17.153 Upon request, the Licence Committee will receive regular reports on decisions made by officers to ensure that an overall picture of the state of licences in the area is maintained.
- 17.164 The Council will give comprehensive reasons for its decisions and such reasons shall also address the extent to which the decision has been made with regard to this Policy and Guidance.

## 18. APPEALS

- 18.1 **Magistrates' Court Appeals:** Other than in the case of personal licences, all appeals in connection with various decisions made by the Council will be determined by the Magistrates' Court in the area which the premises concerned are situated.
- 18.2 In the case of personal licences, the appeal must be made to the Magistrates' Court ~~for the petty sessions in the~~ in the area in which the Council (or any part of it) which made the decision is situated.
- 18.3 Beginning with the day the appellant was notified by the Council of the decision to be appealed against; the appellant has a period of 21 days to commence his appeal by the ~~giving of a issue of a complaint and~~ notice of appeal to the Justices' Chief Executive for the Magistrates' Court. A fee is payable to the Court and the 21 day period is strict and cannot be extended.
- 18.4 The Council will always be a Respondent to the appeal, but in cases where a favourable decision has been made for an applicant licence holder, club or premises user against the representations of a responsible authority or an interested party or the objections of the chief officer of Police, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal and the person who made the relevant representation or the chief officer of Police will be the appellants.
- 18.5 On determining an appeal, the court may:
- Dismiss the appeal;
  - Substitute for the decision appealed against any other decision which could have been made by the Council; or
  - Remit the case back to the Council to dispose of it in accordance with the direction of the court.
- 18.6 The court may make such order as to costs as it sees fit.
- 18.7 The court, on hearing any appeal, may therefore review the merits of the decision on the facts and consider points of law or address both.
- 18.8 In hearing an appeal against any decision made by the Council, the Magistrates' Court will have regard to this licensing policy statement and the Guidance.

- 18.9 The Court can depart from both if it is justified to do so, depending on the individual circumstances.
- 18.10 This Council, therefore, when determining applications will give comprehensive reasons for its decisions.
- 18.11 Any decision made by the Magistrates' Court will be implemented by the Council immediately.
- ~~18.12 No further appeal against the decision of the Magistrates' Court is available except in the case of closure orders. The Act does not provide for a further appeal and normal rules of challenging decisions of Magistrates' Courts will apply.~~
- ~~18.13 A right of appeal only exists in respect of the terms of a Provisional Statement issued rather than one that is refused because the Licensing Act 2003 does not empower the Council to refuse to issue a provisional statement.~~

## **19. EFFECTIVE DATE AND REVIEW**

- 19.1 This policy statement will take effect on 18 April 2013 following a review to incorporate a special policy.
- 19.2 This policy statement will be kept under review, consulted on, and will remain in existence for a period of up to ~~five~~ 3 years. It ~~will be~~ is subject to review and further consultation ~~before 7 January 2014~~ between 06 July 2015 and 13 September 2015 (subject to changes in legislation prescribed by the Secretary of State).

**20. Table: Recommended Delegations of Functions**

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for Personal Licence	If a Police objection	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Application for Premise Licence/Club Premise Certificate	If a relevant representation made	If no relevant representation made
Application for Provisional Statement	If a relevant representation made	If no relevant representation made
Application to vary Premise Licence/Club Premise Certificate	If a relevant representation made	If no relevant representation made
Application to vary designated Premise Supervisor	If a Police objection	All other cases
Request to be removed as designated Premise Supervisor		All cases
Application for transfer of Premise Licence	If a Police objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review Premise Licence/club Premise Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc		All cases
Decision to object when Local Authority is a Consultee and not the relevant Authority considering the application	All cases	
Determination of a Police objection to a Temporary Event Notice	All cases	

## 21. CONTACT DETAILS

**THE LICENSING AUTHORITY:**

The Licensing Team  
 Peterborough City Council  
 4<sup>th</sup>- 1<sup>st</sup> Floor, Bayard Place  
 Broadway  
 Peterborough  
 PE1 1FDHU  
 T: 01733 747474  
 E: [eh.licensing@peterborough.gov.uk](mailto:eh.licensing@peterborough.gov.uk)

[www.peterborough.gov.uk](http://www.peterborough.gov.uk)  
 (under the Business section)

**THE RESPONSIBLE AUTHORITIES:****Cambridgeshire Constabulary**

Licensing Department  
 Cambs Constabulary North Division  
 4<sup>th</sup> Floor Bayard Place  
 Broadway  
 Bridge Street  
 Peterborough  
 PE1 1EH HZ  
 T: 01733 [424462](tel:01733424462) / [424449](tel:01733424449) [424438](tel:01733424438) / [424449](tel:01733424449)

**Cambridgeshire Fire and Rescue:**

Cambs Fire & Rescue Service  
 Peterborough District  
 Dogsthorpe Fire Station  
 Dogsthorpe Road  
 Peterborough  
 PE1 3RE  
 T: 01733 [353222](tel:01733353222) / [353226](tel:01733353226) [353206](tel:01733353206)

**Safeguarding Children Board**

[Safeguarding Service Manager](#)  
[Child Protection and Review Manager](#)  
[Peterborough City Council](#)  
 Children's Services – Social Care  
 2<sup>nd</sup> Floor, Bayard Place  
 Broadway  
 Peterborough  
 PE1 1FB  
 T: 01733 746020

**Environmental Health - Pollution**

Pollution Control Team  
 Peterborough City Council  
 4<sup>th</sup>- 1<sup>st</sup> Floor, Bayard Place  
 Broadway  
 Town Bridge  
 Peterborough  
 PE1 1HU FD  
 T: 01733 [453571](tel:01733453571) [747474](tel:01733747474)  
 E: [pollution.control@peterborough.gcsz.gov.uk](mailto:pollution.control@peterborough.gcsz.gov.uk)

**Health and Safety:**

e.g. Public houses, nightclubs,  
 shops, restaurants, takeaways,-  
[Community centres managed by  
 a committee](#)

Health & Safety Team  
 Peterborough City Council  
 4<sup>th</sup>- 1<sup>st</sup> Floor, Bayard Place  
 Broadway



Peterborough  
 PE1 1HU FD  
 T: 01733 453574  
 E: [healthandsafety@peterborough.gov.uk](mailto:healthandsafety@peterborough.gov.uk)

Premises **managed** by Peterborough  
 City Council e.g. schools, leisure  
 centres

Health and Safety Executive  
 14 Cardiff Road  
 Luton  
 LU1 1PP  
 T: 01582 444200

### Planning

Planning Services  
 Peterborough City Council  
[Stuart House \(East Wing\)](#)  
[St Johns Street](#)  
[Town Hall](#)  
[Bridge Street](#)  
 Peterborough  
 PE1 1HF5DD  
 T: 01733 453410 27  
 E: [planningcontrol@peterborough.gov.uk](mailto:planningcontrol@peterborough.gov.uk)

### Trading Standards

Trading Standards Department  
 Peterborough City Council  
[4<sup>th</sup>-1<sup>st</sup> Floor, Bayard Place](#)  
 Broadway  
[Town Bridge](#)  
 Peterborough  
 PE1 1HU  
 T: 01733 [453563](#) [453512](#)  
 T: [03454 040506](#) for consumer advice  
 E: [trading.standards@peterborough.gov.uk](mailto:trading.standards@peterborough.gov.uk)

### Public Health

[Director of Public Health](#)  
[Peterborough City Council](#)  
[2<sup>nd</sup> Floor Town Hall](#)  
[Peterborough](#)  
 PE1 1HQ  
 T: 01733 747474  
 E: [publichealth@peterborough.gov.uk](mailto:publichealth@peterborough.gov.uk)

**For vessels carrying more than 12 passengers the certifying authority will be: -**

Maritime & Coastguard Agency  
 Surveyor In Charge  
 Harwich Marine Office  
 East Terrace  
 Walton-on-Naze  
 Essex  
 CO14 8PY  
 T: 01255 682107

**For Vessels carrying 12 or less passengers the certifying authority will be: -**

Environment Agency  
 Kingfisher House  
 Goldhay Way  
 Orton Goldhay  
 Peterborough

PE2 5ZR  
T: 01733 464277

**Further information can be found on the following links:**

Peterborough City Council website; [www.peterborough.gov.uk/business](http://www.peterborough.gov.uk/business)

Home Office website: [www.gov.uk/government/organisations/home-office](http://www.gov.uk/government/organisations/home-office)

Guidance issued under section 182 of the Act:

[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

The Licensing Act 2003: [www.legislation.gov.uk/ukpga/2003/17/contents](http://www.legislation.gov.uk/ukpga/2003/17/contents)

Information Commissioners Office: [ico.org.uk](http://ico.org.uk)