

## **PETERBOROUGH CITY COUNCIL SUMMONS TO A MEETING**

You are invited to attend a meeting of the Peterborough City Council, which will be held in the Council Chamber, Town Hall, Peterborough on

**WEDNESDAY 27 JULY 2022 at 6.00 pm**

### **AGENDA**

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1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 22 June 2022** **5 - 24**

#### **COMMUNICATIONS**

4. **Mayor's Announcements**
5. **Leader's Announcements**

#### **QUESTIONS AND PETITIONS**

6. **Questions from Members of the Public**
7. **Petitions**
  - (a) **Presented by Members of the Public**
  - (b) **Presented by Members**
8. **Petition for Debate - 'Save St George's Community Hydrotherapy Pool'** **25 - 50**
9. **Questions on Notice**
  - (a) **To the Mayor**
  - (b) **To the Leader of Member of the Cabinet**
  - (c) **To the Chair of any Committee or Sub-Committee**
  - (d) **To the Combined Authority Representatives**

#### **RECOMMENDATIONS AND REPORTS**

10. **Executive and Committee Recommendations to Council**

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Chief Executive

19 July 2022  
Town Hall  
Bridge Street  
Peterborough

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**MINUTES OF THE COUNCIL MEETING  
HELD WEDNESDAY 22 JUNE 2022  
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

**THE MAYOR – COUNCILLOR DOWSON**

**Present:**

Councillors Ansar Ali, Imtiaz Ali, Jackie Allen, Steve Allen, Ayres, Barkham, Bi, Bisby, Andrew Bond, Sandra Bond, Burbage, Casey, Cereste, Coles, Day, Dowson, Elsey, Mohammed Farooq, Saqib Farooq, Fenner, Fitzgerald, John Fox, Judy Fox, Harper, Haseeb, Hemraj, Hiller, Hogg, Howard, Hussain, Iqbal, Jamil, Alison Jones, Dennis Jones, Knight, Lane, Moyo, Gul Nawaz, Shaz Nawaz, Over, Perkins, Qayyum, Rangzeb, Ray, Robinson, Rush, Sabir, Sainsbury, Sandford, Seager, Shaheed, Sharp, Simons, Skibsted, Stevenson, Tyler, Warren, Wiggin, Yasin, Yurgutene

**20. Apologies for Absence**

There were no apologies for absence received.

**21. Declarations of Interest**

There were no declarations of interest received.

**22. Minutes of the Council meeting held on 23 May 2022**

The following minutes of the Council meetings held on 23 May 2022 were approved as a true and accurate record:

- Mayor Making Meeting,
- Annual Council Meeting, and
- Extraordinary Meeting,

subject to the following amendment to the Annual Council Meeting minutes:

14. 'Appointment to Committees and Other Authorities'

'9 abstained from voting' to be corrected to '0 abstained from voting' for the vote on the amendment and the vote on the substantive recommendation.

**COMMUNICATIONS**

**23. Mayor's Announcements**

The Mayor promoted the events taking place at Cathedral Square over the weekend to commemorate Armed Forces Day, and encouraged Members to attend.

## **24. Leader's Announcements**

There were no announcements from the Leader.

## **QUESTIONS AND PETITIONS**

### **25. Questions from Members of the Public**

There were no questions from members of the public.

### **26. Petitions**

#### **(a) Presented by Members of the Public**

There were no petitions presented by Members of the public at the meeting.

#### **(b) Presented by Members**

There were no petitions presented by Members at the meeting.

### **27. Questions on Notice**

#### **(a) To the Mayor**

#### **(b) To the Leader or Member of the Cabinet**

#### **(c) To the Chair of any Committee of Sub-Committee**

#### **(d) To the Combined Authority Representatives**

Questions (a)-(d) were raised and taken as read in respect of the following:

1. The Energy Rebate Scheme
2. Progress on St George's Hydrotherapy Pool
3. The opening and temporary closure of the Lido
4. Comments made about the Combined Authority Mayor
5. The felling of a Bretton oak tree (an urgent question, accepted by the Mayor)
6. Public transport to the Manor Drive development

The questions and responses are attached in **APPENDIX A** to these minutes.

## **RECOMMENDATIONS AND REPORTS**

### **28. Executive and Committee Recommendations to Council**

#### **28(a). Cabinet Recommendation – Council Climate Change Action Plan**

The Council received a report from Cabinet in relation to the Council's Climate Change Action Plan.

Councillor Cereste moved the recommendation and reminded Members of the Climate Emergency that the Council declared in 2019 and its commitment to achieving a net-zero carbon impact by 2030. Since this commitment the Council had reduced its carbon emissions by 28%, as well as achieving more accurate measurements for emissions. 25

commitments were included within the Climate Change Action Plan, which it was hoped all Members could support.

Councillor Tyler joined the meeting at this point.

Councillor Simons seconded the recommendation and reserved his right to speak.

Council debated the recommendation and the summary of the points raised by Members included:

- Members were pleased that the work of the group was now to be taken up by the newly-established Climate Change and Environment Scrutiny Committee.
- It was felt that the new committee would give the climate emergency a higher profile and would ensure that all meetings were held in public.
- It was noted that addressing climate change was a key commitment in the Corporate Strategy, which should influence all of the Council's decisions, including setting the budget.
- It was further noted that the Council had set an aim for the whole of the city to be carbon neutral by 2030, which would require significant further action.
- Carbon literacy training continued to be provided to both Members and officers across the Council.
- Members thanked officers for their work with the Working Group.
- It felt by some that the plan could go further in addressing the climate emergency.

As seconder of the recommendation, Councillor Simons advised that he had been pleased to take part in the working group and hoped that the new Climate Change and Environment Scrutiny Committee continued to work well.

A vote was taken on the recommendation and Council **RESOLVED** (unanimous with no Members indicating to vote against or abstain) to:

1. Adopt the Council Climate Change Action Plan, and
2. Give delegation to the Executive Director for Place and Economy to undertake any presentational, factual or other minor amendments to the documents associated with this report prior to publication, provided such amendments do not materially amend the content of the documents.

## 29. Questions on the Executive Decisions Made Since the Last Meeting

Cllr Fitzgerald introduced the report which outlined the record of Executive decisions made since the last meeting.

Members asked questions on the following Executive Decisions

Award contract for cloud based services hosting the Council's revenue & benefits - APR22/CMDN/99

In response to a question from Councillor Wiggin, Councillor Cereste advised that the appropriate steps were being taken to ensure that plans were in place for the renewal of IT contracts as necessary.

Laptop procurement

In response to a question from Councillor Hogg, Councillor Cereste advised that any

Chromebooks that were being replaced by laptops were then being provided to those who could use them, including schools.

Delegated Authority to Enfortis for issuing Fixed Penalty Notices under Section 33(5) of the Environmental Protection Act 1990

In response to a question from Councillor Hogg, Councillor Simons advised that the Enfortis contract had been extended for a further three months.

Approval for contract to be awarded to Milestone to deliver Phase 2 outline business case for Peterborough University access improvement scheme

In response to a question from Councillor Hogg, Councillor Fitzgerald advised that due diligence had been completed in relation to the proposal, which was a vital project.

Amendment to Hotel Loan Facility

In response to a question from Councillor Shaz Nawaz, Councillor Fitzgerald advised that there had been a delay in the delivery of the hotel due to COVID-19 implications around the pace of construction work.

Councillor Coles further advised that the regulations around the pandemic had meant fewer staff were on site and therefore work had commenced at a slower rate.

New Street Cleansing Vehicles

In response to a question from Councillor Hogg, Councillor Simons confirmed that the £31,000 for re-painting had been removed from the budget, as the new vehicles would not be repainted.

Funding for Citizens Advice Peterborough for 2022/23

In response to a question from Councillor Hogg, Councillor Steve Allen advised that the level of funding for the Citizen's Advice Bureau from the Council had reduced, as the Council were provide space for the service at Central Library.

**30. Questions on the Combined Authority Decisions Made Since the Last Meeting**

The Mayor introduced the report which outlined the record of Combined Authority decisions made since the last meeting.

There were no questions asked on decisions of the Combined Authority.

**COUNCIL BUSINESS**

**31. Notices of Motion**

**31(1) Motion from Councillor Hussain**

Councillor Hussain moved his motion and in so doing recognised the work undertaken by many in the Peterborough community to support refugees. It was felt that the benefit of cross-sector organisations coming together to work more efficiently would reduce demand and speed up integration.

Councillor Jackie Allen seconded the motion and reserved her right to speak.

Council debated the motion and the summary of the points raised by Members included:

- It was advised that a potential amendment to this motion had been ruled out of order, which had included an addition to urge the Government to stop its policy of sending people trying to enter the Country to Rwanda.
- Members were supportive of the motion, which underlined the sentiment that Peterborough was a welcoming city.
- Concerns were raised about anti-refugee messaging from Government and Members were urged to consider their reaction to the Government's policies.

As seconder of the motion, Councillor Jackie Allen advised that the core aim of the motion was to provide sanctuary, this also included creating safe spaces in schools and libraries where the children of refugees could feel safe to bring their families also.

As mover of the motion, Councillor Hussain summed up by clarifying that the motion related to those seeking refuge legally, and did not relation to national policy designed to hinder people traffickers or those arriving in the country via illegal means.

A vote was taken on the motion as moved by Councillor Hussain. The Council **AGREED** (unanimous with no Members indicating to vote against or abstain) the motion as follows:

“Peterborough Council recognises the contribution that refugees and migrants seeking sanctuary have made to the city of Peterborough throughout recent history. Peterborough City Council understands the important role it can play in welcoming people who are fleeing violence and persecution by offering them safety and sanctuary. In recognition of this, Peterborough City Council commits to support an initiative to make Peterborough into a recognised ‘City / Council of Sanctuary’.

A total of 99 cities and local authority areas across the country have formally signed up to this scheme within England and 21 cities / regions within Wales, Scotland and Northern Ireland.

It is anticipated that through this pledge and the action plan that will be developed, our city will drive forward the following outcomes:

- Improved community cohesion and integration of refugees and other migrants within the city
- Reduced hate crime incidents relating to new arrivals
- Greater understanding of the experience of refugees and other migrants within the wider population
- Developing systemwide approaches to key challenges that refugees and new arrivals experience within the repatriation process, leading to improved socio-economic medium and long-term outcomes for new arrivals

Peterborough City Council has a track record of taking action consistent with ‘Sanctuary Status’ through past and existing programmes, including welcoming Refugees under the Syrian Vulnerable Persons Resettlement Scheme, and most recently, welcoming Afghan families resettled under the Afghan Relocations and Assistance Policy, and most recently, welcoming families from Ukraine.

Peterborough City Council recognises that a comprehensive, co-ordinated and forward-looking approach is needed if the welfare of people moving into the city, and community cohesion between new and existing communities, are to be supported effectively.

**To become a Council/City of Sanctuary Peterborough Council pledges to take the following actions:**

- **Join the City of Sanctuary ‘Local Authority Network’. In joining the network, we are committing to work towards the Council/City of Sanctuary Award and are agreeing to sign up as a Supporting Organisation.**
- **Establish a Peterborough City of Sanctuary steering group, to be support by relevant officers and including a relevant Member of the Executive and people with the lived experience of seeking sanctuary, to co-produce an action plan which focuses on embedding the principles of City of Sanctuary into the City Council’s strategy, policies and services.**
- **Working with the Peterborough City of Sanctuary Steering Group, commissioned services, community groups, faith groups and charities to support refugees, and migrants seeking sanctuary in Peterborough City.**
- **Celebrate the contribution of refugee and migrant communities through annual events like Refugee Week.**
- **Include information about refugees, and migrants seeking sanctuary in our Equality & Diversity Training for new and existing staff.**
- **Fact-checking and challenging anti-refugee and anti-migrant attitudes wherever they are found.**
- **Reporting on progress for achieving the ‘Council/City of Sanctuary’ status as part of the Council’s monitoring report to the Growth, Resources and Communities Scrutiny Committee.**

Peterborough City Council believes that through this pledge the Council will commit to working proactively with partners across the city to improving outcomes for migrants to our city. While this pledge does not automatically commit the Local Authority to accepting all refugees and migrant seeking sanctuary, the concept of ‘sanctuary’ suggests endeavouring to improve integration and wellbeing for migrants and therefore these outcomes will be the focus of this pledge.”

### **31(2) Motion from Councillor Shaz Nawaz**

Councillor Shaz Nawaz moved his motion and Councillor Sandford seconded the motion.

A vote was taken on the motion as moved by Councillor Shaz Nawaz. The Council **AGREED** (unanimous with no Members indicating to vote against or abstain) the motion as follows:

“Peterborough Council notes the recent announcement by the BBC to cease production of the Look East regional news output from Cambridge and only broadcast a regional news programme based in Norwich.

Peterborough is a key city in the East and having operations based in Norwich means vital and important local stories in Peterborough may be missed.

Peterborough Council expresses deep concern over the plans and believes that as a growing area our region requires more, not less, investment in local journalism.

**Peterborough Council therefore agrees.**

1. **To ask the Chief Executive to write to the Director General of the BBC to oppose these cuts to local and regional news.**

2. **To seek support from other local authorities to highlight the growing importance of our region and that more, not less, local journalism should be focussed on the area in general.”**

### **31(1) Motion from Councillor Jamil**

Councillor Jamil moved his motion and explain that, while he was proud of the city, discrimination was still an issue that needed to be addressed. The motion before Council asked Members to accept a clear definition of islamophobia. It was hoped that this would help begin to address the normalisation of islamophobia in media and politics.

Councillor Shaz Nawaz seconded the motion and reserved his right to speak.

Councillor Hussain moved an amendment to the motion and stated that he had been personally affected by the issues raised within the motion, however, felt it was important that any definition must be accepted by all. The definition put for to Council in the motion was not agreed by the National Police Chiefs Council and it was felt it would be premature to agree the wording at this stage. It was noted that the All-Party Parliamentary Group working on this was due to meet shortly, and suggestion was made that further work be allowed for with this group prior to any agreement.

Councillor Rangzeb seconded the amendment and reserved his right to speak

Council debated the motion and amendment and the summary of the points raised by Members included:

- It was noted that Peterborough MP Paul Bristow was the current Co-Chair of the All-Party Parliamentary Group, however it was suggested that the amendment was factually incorrect.
- Queries were raised about what was meant by claims that the proposed definition could present a hindrance to freedom of speech.
- It was felt that the amendment had left nothing of substance of the original motion.
- Comment was made that the amendment felt too much like party politics, and made reference to the local MP when it was not necessary to do so.
- It was suggested that the amendment had been proposed with practicality in mind, in order to ensure that any law which used the accepted definition would be enforceable.
- Comparisons were made to a previous motion in relation to antisemitism, which was agreed, though not a legally binding definition. It was suggested that, as such, this motion could also be agreed.

As seconder of the amendment, Councillor Rangzeb advised that it would be appropriate to engage with the local MP before agreeing to any definition.

As seconder of the motion, Councillor Shaz Nawaz advised that it was not complicated to agree a definition of islamophobia. It was felt, however, that the amendment submitted to Council was political point scoring. If Members had ideas for strengthening the definition of islamophobia, then they should lobby the Government to speed up their work with the All-Party Parliamentary Group.

As mover of the motion, Councillor Jamil summed up by suggesting that the amendment watered down the motion and removed any resolution to take action. It was felt that the Government weren't taking the issue of islamophobia seriously.

A vote was taken on the amendment from Councillor Hussain (26 voted in favour, 31 voted against, 2 abstained from voting) and the amendment was **DEFEATED**.

A vote was taken on the motion as originally moved by Councillor Jamil. The Council **AGREED** (31 voted in favour, 22 voted against, 6 abstained from voting) the motion as follows:

“Peterborough City Council is proud of its diversity and has a huge asset and a source of great strength. A substantial proportion of its residents are Muslim, who are an integral part of its make-up, playing a huge role in all aspects of the Peterborough City’s life.

Peterborough has a strong history of promoting cohesion and welcoming people from all over the world. Its residents have always united and supported each other in the fight against racism and discrimination in all its forms.

**This Council therefore welcomes, endorses and adopts the working APPG (All-Party Parliamentary Group) definition of Islamophobia, including all of its examples in full, cited as follows:**

**"ISLAMOPHOBIA IS ROOTED IN RACISM AND IS A TYPE OF RACISM THAT TARGETS EXPRESSIONS OF MUSLIMNESS OR PERCEIVED MUSLIMNESS."**

Contemporary examples of Islamophobia in public life, the media, schools, the workplace, and in encounters between religions and non-religions in the public sphere could, considering the overall context, include, but are not limited to:

- Calling for, aiding, instigating or justifying the killing or harming of Muslims in the name of a racist/fascist ideology, or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims as such, or of Muslims as a collective group, such as, especially but not exclusively, conspiracies about Muslim entryism in politics, government or other societal institutions; the myth of Muslim identity having a unique propensity for terrorism and claims of a demographic ‘threat’ posed by Muslims or of a ‘Muslim takeover’.
- Accusing Muslims as a group of being responsible for real or imagined wrongdoing committed by a single Muslim person or group of Muslim individuals, or even for acts committed by non-Muslims.
- Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.
- Accusing Muslim citizens of being more loyal to the ‘Ummah’ (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.
- Denying Muslim populations, the right to self-determination e.g., by claiming that the existence of an independent Palestine or Kashmir is a terrorist endeavour.
- Applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, eg loyalty tests.
- Using the symbols and images associated with classic Islamophobia.
- Holding Muslims collectively responsible for the actions of any Muslim majority state, whether secular or constitutionally Islamic.

**This Council asks the Chief Executive of the Council to:**



1. **Write to our two local members of Parliament and the Secretary of State for Levelling Up, Housing and Communities asking them to listen to Muslim communities and the cross-party group of MPs and peers and to adopt this definition of Islamophobia which classifies discrimination against Muslims as a form of racism.**
2. **Continue to prioritise tackling hate crime and Islamophobia in partnership. Peterborough City Council works with partners such as Cambridgeshire Police, on a rolling basis, and will now coordinate future actions in line with this definition of Islamophobia for all Muslims.”**

## **32. REPORTS TO COUNCIL**

### **32(a) Consultation to Change Scheme of Elections**

The Council received a report in relation to the consultation to change the scheme of elections.

Councillor Coles moved the recommendation and advised that agreement of the recommendations would allow for consultation to commence on moving from elections every three years, with one fallow year, to an ‘all-out’ election every four years. This followed a recommendation from Government to consider ‘all-out’ elections as an option for the avoidance of short-termism, cost saving, greater engagement, stability in leadership and greater support for small party candidate pools.

Councillor Fitzgerald seconded the recommendation and reserved his right to speak.

Council debated the recommendation and the summary of the points raised by Members included:

- It was confirmed that Werrington Neighbourhood Council, though not a formal Parish Council, would be included on the consultee list.
- It was advised that the Liberal Democrat group were happy to support a review, however, would be advocating for the status quo once the results of the consultation were brought back to Council for review.

A vote was taken on the recommendation and Council **RESOLVED** (unanimous with no Members indicating to vote against or abstain) to:

- i. Agree to commence a consultation process with relevant stakeholders on a proposal to change the Council’s scheme for elections by thirds to a scheme for whole council “all-out” elections, with views also sought on the commencement year for such elections being given as either 2023 or 2024, and
- ii. Delegate authority for running the consultation process and reporting back to a special meeting of Full Council to the Head of Constitutional Services in consultation with the Chief Executive and the Director of Law & Governance.

### **32(b) Report of the Peterborough City Council Independent Improvement and Assurance Panel**

The Council received the first report in relation to the work of the Peterborough City Council Independent Improvement and Assurance Panel.

Councillor Fitzgerald moved the recommendation and welcomed Eleanor Kelly to the

Chamber, as Chair of the Panel.

Councillor Steve Allen seconded the recommendation and reserved his right to speak.

Council debated the recommendation and the summary of the points raised by Members included:

- Members welcomed the report and it was felt that a significant corner had been turned with the work of the Financial Sustainability Working Group.
- It was recognised that there was still progress to be made in putting the Council's plans into action.

A vote was taken on the recommendation and Council **RESOLVED** (unanimous with no Members indicating to vote against or abstain) to:

1. Ask the Cabinet to consider the report and respond with the action it wishes to take as a result.
2. Request the Growth, Resources, and Communities Scrutiny Committee to review the report, the Cabinet's response to it and the progress being made with the delivery of the Improvement Plan.

### **32(c) Establishment of a Joint Cambridgeshire and Peterborough Health and Wellbeing Board**

The Council received a report in relation to the establishment of a joint Cambridgeshire and Peterborough Health and Wellbeing Board.

Councillor Howard moved an altered recommendation, with the agreement of the Chamber, which included an additional Member representative on the Board from the opposition, to maintain the spirit of collaboration.

Councillor Hussain seconded the altered recommendation.

Council debated the altered recommendation and the summary of the points raised by Members included:

- It was considered that the alteration, while positive, had come to Council in a sub-optimal manner as a last minute change. It was hoped that in future such matters would be properly discussed with Members prior to coming to Council.

A vote was taken on the altered recommendation and Council **RESOLVED** (unanimous with no Members indicating to vote against or abstain) to:

1. Approve the Terms of Reference, as set out in Appendix A to the report, for inclusion in the Constitution, subject to the addition of 'PCC Opposition Member' to the list of Local Authority Members, and
2. Authorise the Monitoring Officer, in consultation with the Chair of the Constitution and Ethics Committee, to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

### **32(d) Revised Political Proportionality and Committee Seat Allocation**

The Council received a report in relation to the revised political proportionality of the

Council and the committee seat allocation.

Councillor Fitzgerald moved the recommendation and Councillor Coles seconded the recommendation.

A vote was taken on the recommendation and Council **RESOLVED** (unanimous with no Members indicating to vote against or abstain) to agree the allocation of seats on committees subject to political balance arrangements (Appendix 1 to the report).

### **32(e) Notification of Changes to the Executive Delegations**

The Council received a report in relation to changes to the executive scheme of delegations.

Councillor Fitzgerald moved the recommendation and Councillor Coles seconded the recommendation.

A vote was taken on the recommendation and Council **RESOLVED** (unanimous with no Members indicating to vote against or abstain) to note the changes made by the Leader of the Council to the Executive Scheme of Delegations (Appendix A to the report).

The Mayor  
6:00pm – 7:52pm  
22 June 2022

**FULL COUNCIL 22 JUNE 2022  
QUESTIONS AND ANSWERS**

Questions were received under the following categories:

<b><u>PUBLIC PARTICIPATION</u></b>	
<b><u>Questions from members of the public</u></b>	
1.	<b>None</b>

## **COUNCIL BUSINESS**

### **Questions on notice to:**

- a. The Mayor
- b. To the Leader or Member of the Cabinet
- c. To the Chair of any Committee or Sub-committee

#### **1. Question from Councillor Shaz Nawaz (1)**

##### **Councillor Coles, Cabinet Member for Finance and Corporate Governance**

The £150 energy rebate scheme is a step in the right direction but is nowhere near sufficient to address the crisis most people are facing. In view of the significant increase in living costs, what representations have you made to government for further support for those who are struggling in Peterborough?

##### **The Cabinet Member responded:**

The council continues to work directly and with others to always secure the best possible funding for Peterborough and all of our residents especially at this time of such financial difficulty times.

More specifically with regards to the £150 energy rebate, that you mention, I can confirm that Peterborough has been allocated £11,757,900 to make payments to local residents in accordance with the scheme. To date £7,817,400 has been paid directly into bank accounts or credited to council tax accounts with payments & credits being made every week to ensure those most in need receive this help as quickly as possible.

From October 2021 to March 2022 the council administered the Household Support Fund which supported 7822 individuals with Food, Fuel and Essential supplies as well as vouchers in the school holidays for those eligible for Free School Meals.

The Household Support Fund was recently extended which has enabled the council to continue our holiday support with over 26,000 vouchers being issued in Easter and May holidays. A renewed £100k scheme for those not eligible for free school meals was launched on 20<sup>th</sup> June in partnership with Citizens Advice Peterborough and will give up to £50 support for fuel or food as well as access to advice and guidance to maximise income. As well as this we are on track to launch our £550k scheme for pensioners in partnership with Age UK on 27<sup>th</sup> June which will support those of pensionable age who are in need with vouchers of £100.

Additionally, the council work with the Local Government Association and the Society of Unitary Treasurers and collectively lobby for additional funding for the whole sector.

##### **Supplementary question:**

Thank you Councillor Coles for your answer but I don't think you fully answer the question because the question was what representations have you made to government for the support, so if you could answer that question after I ask my

supplementary question. My question is, I'm interested to know in the next 30 days what three things you're going to do to support people with the cost of living crisis?

**The Cabinet Member responded:**

Perhaps in responding to the first part, I would just remind you what's already been done by government to support people who are poorly paid or low incomes. There's a £650 payment for all around the means tested benefits, there's a National Insurance card for low earners, there is a £400 off energy bills, there is a £300 for all pensioner households, that there's 5 pence off per litre fuel duty, and as you've mentioned £150 off council tax which supports 80% of the population on band D or below. Now that's a very big and very expensive package. If you put it all together it really does look that a full time work on the minimum wage should be better off. If you look at median earnings of £29,000, such workers should be only slightly worse off. In answer to what I am going to do in the next 30 days; if you'd like to write to me with any suggestions you have I'd be very happy to receive and put them into a response that I can send off on my behalf too. But as you know with the financial sustainability working group I am very happy to work with you on any suggestions that you might have.

2. **Question from Councillor Yasin**

**Councillor Fitzgerald, Leader of the Council**

Following the extra-ordinary Full Council meeting on 23 May, can the Leader and/or relevant Cabinet Member please provide an update on the reopening of the St George's Hydrotherapy pool.

**The Cabinet Member responded:**

Thank you Mr Mayor, I will defer this to Councillor Allen as it is in his portfolio.

**Cabinet Member, Councillor Allen responded:**

I can confirm to members that officers are indeed undertaking a comprehensive review of the options including those put forward by the labour group leader. It is anticipated that their findings and recommendations will be presented to cabinet in July. As portfolio I can confirm to the chamber I have not been idle on the issue of hydrotherapy provision in the city. I recognise that it's encouraging there is a proposal by a medical practitioner to open a new purpose built facility providing the service where it really belongs namely in the health sector, and I am conscious that in the short term that users are left without a local provision. To that end we are investigating an alternative option which would offer access to hydrotherapy in the city to those that need it. We're looking to trial use of the teaching pool at the regional swimming pool later this year so that it can be used for hydrotherapy. Hydrotherapy requires warm water pool with a temperature of between 32 C 35.5. This we have been advised in our exploratory discussions, could be provided at the teaching pool. I'll be able to tell you more when plans are fully developed. Be assured, we will certainly be talking to the user group about the proposals as they develop in order to establish the practicality of the option and whether available times can be mutually agreed. I hope this will be a solution for people in our city and benefit provider therapy and provide practical alternative facility.

**Supplementary question:**

	<p>So from the answer that you've given, it's quite apparent that we don't have a solution anytime soon, so can you please advise me on where the users of the hydrotherapy pool are supposed to go to attend and get the service that they need in the meantime please?</p> <p><b>The Cabinet Member responded:</b></p> <p>Thank you Councillor Yasin and I share your concerns about the current availability of hydrotherapy in our city. I'm sure many of the users will indeed have made alternative arrangements at facilities around our city but we are working and indeed, the officers are working undertaking a comprehensive review of the options included those put forward by the labour group leader as I mentioned and we will use every endeavour to facilitate and obtain a facility for users. So at the moment I think that some people will indeed have made other arrangements, but we're working strenuously to find alternatives and will have a better answer a more comprehensive answer to your question with alternatives for the July meeting.</p>
3.	<p><b>Question from Councillor John Fox</b></p> <p><b>Councillor Steve Allen, Deputy Leader and Cabinet Member for Communications, Culture and Communities</b></p> <p>With the financial restraints PCC are under at this time I would like to ask the following questions to the Cabinet Member.</p> <ol style="list-style-type: none"> <li>1. Why was the Lido open two months earlier than normal this year?</li> <li>2. What was the running cost to the public to heat the pool and staffing it for those two months?</li> <li>3. What was the income from the attendance figures for those two months?</li> <li>4. Why was it later closed temporarily for maintenance work, is this the case or am I mistaken and should this work not have been carried out prior to opening the Lido?</li> </ol> <p><b>The Cabinet Member responded:</b></p> <p>We all agree that the Lido is a fantastic facility for our city both architecturally and from the perspective of being a cultural and heritage asset. It was originally opened in May 1936 and the building was granted a grade two listing in 2002.</p> <p>As well as being an iconic building the Lido has provided fun an exercise for generations of Peterborough's children and families and long may do so. Now to answer your question with the stats have asked for.</p> <p>This year the Lido opened in late March, one of the few venues which could do so in line with Government COVID restrictions at the time. The weather was favourable and the opening very well received with good attendances. The popularity was probably in part to the pent up demand which builds up during the Covid restrictions, but we wanted to understand if this was the case, so different ideas were trialled, including extending early morning swims and full Easter holiday opening all intended for us to understand the potential for longer seasons in the future and better use of the Lido throughout the year.</p>

	<p>The pool tanks had been refurbished over the winter months, and had to be refilled immediately once finished to maintain structural integrity. Calculations showed that to keep the pool “ticking over” via low chemical dosing and water circulation, but NOT heating, would be more cost effective than filling the tanks, emptying at the end of the season, and refilling the pool in May. This meant that the commissioning phase was shorter and the pool ready for use earlier.</p> <p>The cost of utilities to date is not yet known. Staffing cost were around £28K inclusive of work carried out by the maintenance team, and a proportion of the managers time which is split over a number of sites. Income was around £15K, which was lower than anticipated due to a colder than average Easter, and a short period of shut down which you have mentioned in your question.</p> <p>Indeed, the Lido did have to shut for a short period from 3rd to 5th May due to a pump failure within the plant room. Due to the age and complexity of the Lido unfortunately it is difficult to predict which piece of equipment may fail at which time.</p> <p>Be assured that at the end of the Summer a full review will be completed of the costs and visitor numbers through the season, to help plan for the future seasons.</p> <p><b>Supplementary question</b></p> <p>So what you're saying your figures say that you lost £13K in two months, basically. And also you haven't given me the full costs, which I would like if you wouldn't mind because that does concern me because for obvious reasons which I won't go into because I might lose my temper, so we'll leave it at that for the moment.</p> <p><b>The Cabinet Member responded:</b></p> <p>In any commercial activity it's impossible to predict whether you're gonna make money or lose money on a commercial exercise, if you opened and people don't come you don't make money and that's how the Lido is but it's a fantastic asset to our city and the more we have it open the better.</p> <p>If you want the additional costs that you've asked for, I will get information from the officers and report to you offline Councillor Fox thank you.</p>
4.	<p><b>Question from Councillor Shaz Nawaz (2)</b></p> <p><b>Councillor Fitzgerald, Leader of the Council</b></p> <p>As Leader of the Council, our representative on the Combined Authority and former deputy Metro Mayor, your role is to lead by example. On reflection, do you feel referring to the Combined Authority as a “basket case” was inappropriate to say the least?</p> <p><b>The Leader responded:</b></p> <p>At the time Mr Mayor, I do think it was probably a fair reflection on the state of affairs the combined authority, which is now well publicized, I would have thought Shaz Nawaz here would have not wanted to highlight this even further. But when taken in context of the Ernst Young letter which was published recently in fact on the day of that meeting, I thought it was entirely appropriate, because there are serious</p>



problems there. However, as I said at the public meeting and I have said it numerous times, I will be doing all that I can to help matters and get the combined authority back onto a sound footing both financially and in Governance terms.

**Supplementary question:**

Thank you Councillor Fitzgerald for your response although I am disappointed with that. I did share the definition of plastic basket case with members and the leader and the definition is: a person or thing regarded as useless or unable to cope; or it's a country or organisation that is in severe financial and/or economic difficulties. With that in mind Councillor Fitzgerald, do you think it would be fair for us to sit here 12 months ago call your administration a basket case? And more importantly, second part of the question are you going to take a clear undertaking tonight that you're going to be more mindful and careful with the language you use as the leader of Peterborough City Council?

**The Leader responded:**

In terms of the basket case unable to cope, I would draw everyone's attention to this letter from the auditors Ernst & Young, which says the combined authority is at severe risk of being unable to cope and operate. So if your definition is correct, then my language is correct.

I could have gone further and there were other members that said worse in terms of their damning comments about what is going on there and I'm restricted in what I can say in order to keep confidentiality.

But look be assured, be assured, that in my time at the combined authority, I've helped bring millions to this council in what have been challenging and difficult circumstances. Those challenging and difficult circumstances prevailed today if you talk about this authority, ok I would accept that months ago before I set on the journey of bringing this council round but later in the meeting Mr Mayor we will hear how this council has turned a corner and that we are making progress so that does not apply to us. And the circumstances in which we find ourselves on are one of financial the combined authority not only has financial problems but it has severe governance problems.

These are well reported, so my comments were entirely accurate and if you haven't read it Councillor Nawaz, there's a personal copy of the Ernst Young letter for you which talks about all sorts of manner of issues and I suggest you read it and digest it.

I'm doing all I have can to help the Mayor and to help the board. I've just been in a meeting today, the Chief executive was at that meeting, very cordial, very positive but there is a long way to go to fix the problems so much so that they voluntarily asked for help from DLUHC now and that hopefully will help to move matters on and bring stability in terms of how that combined authority works.

I am mindful and careful of the language what I'm telling you is I thought the language was entirely appropriate.

**URGENT QUESTION from Councillor Day**

**Councillor Simons, Cabinet Member for Waste and Street Scene and the Environment**

Can I ask the Cabinet why the Bretton Oak Tree needs to be felled when the Council's own expert says that there is no conclusive evidence linking the Oak to the damage and that there is only a future risk of damage to properties - is this not unacceptable?

The Cabinet Member responded:

In relation to the felling the Breton oak tree, this is been a difficult decision I must say. The damage already seen in the two properties clearly demonstrates that the houses have subsided. The monitoring undertaken to date shows a pattern of movement consistent with drying shrinkage of clay soils, all other potential causes have been dismissed unless thus, the only possible cause is drying shrinkage associated with moisture extraction from their two oaks trees T1 and T2 at the rear of the properties.

The third expert report also confirmed that damage is probably caused by root induced subsidence. In addition we are aware that the zone of influence of the oak trees roots beyond the two damaged houses and thus further properties may be implicated in the future. This suggests that the problem may get worse not better and the corresponding financial risk to the council is exposed to could increase.

The privately owned oak tree T1 has already been removed by the homeowner, however, uncertainty has been expressed that without DNA analysis it cannot be conclusively proven that roots the oak T2 has caused subsidence to the nearby properties.

The body of evidence did clear however that the balance of probabilities is strong that T2 is the primary cause of the now fully accepted subsidence. That such additional proof was not necessary or reasonable to obtain.

**Supplementary question:**

The council commented that there are four other houses which could possibly be affected in future. To minimise risks they want to remove this ancient oak. Would the cabinet member agree that felling an ancient oak tree to avoid possible risk is like using a sledgehammer to crack a nut.

If other UK councils took the same approach, many thousands of trees could be felled removing carbon sequestration, shade, habitats and all services provided by trees

Would he agree that money cannot possibly be a justification for this approach and why does this oak tree need felling when costings as low as £36,000 have been quoted to put in root barriers? Why are the legitimate concerns of local residents being ignored thank you.

**The Cabinet Member responded:**

The root barrier, sorry. the insurance company have discounted root barriers so there's no, we can't do root barriers. The only reason the ancient oak is to be felled to remove our liability. I can assure you that if there was any way we can get rid of our liability without felling this ancient oak we would have done, I can assure you of that.

	<p><b><u>Questions on notice to:</u></b></p> <p>d. The Combined Authority Representatives</p>
1.	<p><b>Question from Councillor Sandra Bond</b></p> <p><b>Councillor Fitzgerald, Representative on the Combined Authority Board</b></p> <p>It is now over ten years since the new development at Manor Drive Paston was started and many hundreds of new homes have been built in that period. Significant sums of money in Section 106 contributions were paid to Peterborough City Council to provide a bus service for the development and bus stops and shelters were put in place but to date no bus service has been provided.</p> <p>Given that this is now a Combined Authority responsibility and they have the relevant funds, could our Representative on the board tell me what is being done to provide a bus service to Manor Drive as local people are getting fed up with waiting years for it and we assume that the developers would not be happy if they knew that the money has not been used for the purpose for which they were asked to provide it for.</p> <p><b>The Combined Authority Representative responded:</b></p> <p>Unfortunately, as most people know the Manor Drive estate is currently inaccessible for buses as there is nowhere for buses to turn round. Once the nearby development at Norwood has been completed and the spine road there completed, as the combined authority speaking, they hope to then provide a service and improve the bus provision for residents in that area.</p> <p>Supplementary question:</p> <p>Should the Leader agree with me that the establishment of a bus service for this development is well overdue and needs to be given the upmost priority to reduce any further delay?</p> <p><b>The Combined Authority Representative responded:</b></p> <p>I could give you a very simple yes, but I'll do a little bit more. I entirely agree and I think everybody in the chamber, so if we were not making this party political, I think we should all be doing what we can counsellors across the ward from all parties and cabinet members and anybody with influence to try and hurry along that development and try and get a better provision of services for that area which is indeed sadly lacking at the moment. So yes I agree with you!</p>

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<b>COUNCIL</b>	<b>AGENDA ITEM No. 8</b>
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Steve Allen, Cabinet Member for Communication, Culture and Communities	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

**PETITION FOR DEBATE ‘SAVE ST GEORGE'S COMMUNITY HYDROTHERAPY POOL’**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> <i>Director of Law and Governance</i>	<b>Deadline date:</b> <i>N/A</i>
<p>It is recommended that Council either:</p> <ol style="list-style-type: none"> <li>1. Note and take no action for the reasons put forward in the debate; or</li> <li>2. Refer the petition to either Cabinet, a Cabinet Member, or the relevant Scrutiny Committee for consideration having regard to the comments made in the course of debate.</li> </ol>	

**1. PURPOSE AND REASON FOR REPORT**

1.1 A petition has been received by the Council with contains more than 500 valid signatures from people who live, work or study in the city. As such, the right to a debate of the petition by a meeting of the full Council has been triggered, according to the Petitions Scheme.

**2. BACKGROUND AND KEY ISSUES**

2.1 As set out in the Council’s Petitions Scheme, if a petition contains more than 500 signatures from people who live, work or study in the city, it may trigger the right to be debated by a meeting of the full Council.

2.2 On 27 May 2022 a petition was received by the Council from Sue Jolly, which included eligible 769 signatures.

2.3 Ms Jolly requested that the petition be debated at a meeting of Full Council, as per the Petitions Scheme.

2.4 The petition is titled ‘Save St George’s Hydrotherapy Pool’ and calls upon the Council to:

*“Continue with the sale of St George’s Community Hydrotherapy Pool. Do not ‘mothball’ this much-needed service.”*

Further background to the petition included:

*“St George’s has over 4,500 registered users. 250 people of all ages were accessing the pool each week before the pool was temporarily closed due to the pandemic. We, the Friends of St George’s and our service users and supporters, are extremely concerned to learn that the Council*

*has pulled out of the sale of the pool - where continued community access was agreed - to a local aquatic physiotherapist at the eleventh hour.*

*This sale appeared in Phase 1 of 22/23 Budget Proposals which were voted through at Full Council.*

*The Council has stated that it cannot afford to pay the preparation costs for the sale. However, the sale price would more than compensate for this. The refurbishment, re-opening and running costs would be at the buyer's expense, not the Council's.*

*Furthermore, the sale came with a guarantee of 20 hours of community pool use at affordable prices.*

*Therefore, we cannot understand and do not accept the Council's decision to 'mothball' the facility rather than sell it.*

*Not allowing the pool to re-open would have a negative impact on the pool's users. Everyone pays to use the pool to improve their health and wellbeing and for pain relief.*

*85% of St George's users have a disability or long-term health condition. 33% of these have a learning disability too. Others used the pool for rehabilitation, often after accidents or surgery. Anyone might have the need to self-refer to St George's at any time.*

*St George's delivers £1,525,000 value to Peterborough each year and there is no other facility like it in the area.*

*Therefore, we, the undersigned, urge Peterborough City Council to resume negotiations with a local purchaser so that St George's Community Hydrotherapy Pool will be available for use by Peterborough residents in the months and years to come."*

2.5 The initial response from the lead officer is set out at Appendix 1.

### 3. **COUNCIL MOTION**

3.1 At the Extraordinary Council meeting on 23 May 2022 a motion was passed as follows:

*"Council calls upon the leader and the cabinet to urgently examine all possible options for re-opening the St George's Hydrotherapy pool either permanently or temporarily pending alternatives becoming available and to report back on progress to the next available meeting of Full Council."*

3.2 A report was subsequently submitted to Cabinet on 11 July 2022, as set out in Appendix 2. At this meeting Cabinet resolved:

*"Cabinet considered the report and **RESOLVED** to:*

- 1. Agree to the permanent closure of the St George's Hydrotherapy Pool based on the information set out in this report; and*
- 2. Acknowledge and support the work of officers to identify alternative hydrotherapy provision."*

### 4. **IMPLICATIONS**

4.1 There are no financial, legal, equalities, or Carbon Impact implications arising from this report.

4.2 Governance Implications – This report will be debated following the presentation of the petition. The Leader Petitioner has five minutes to present this petition. Members will then be invited to debate the request contained therein. The usual rules of procedure will apply to this debate. Each Member may speak once for no longer than 3 minutes. A Member may not speak again, except on a point of order, by way of a personal explanation, or by way of a statement of accuracy. The

Mayor will invite a vote on the recommendations at the close of the debate.

**5. BACKGROUND DOCUMENTS**

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

5.1 Peterborough City Council Petitions Scheme

**6. APPENDICES**

6.1 Appendix 1 – Officer Response

Appendix 2 – Cabinet Report ‘St George’s Hydrotherapy Pool’ 11 July 2022

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**E-Mail:** Rob.hill@peterborough.gov.uk



Sue Jolly

**Town Hall  
Bridge Street  
Peterborough  
PE1 1HG**

**Telephone - 01733 747474**

10<sup>th</sup> June 2022

Dear Sue

**Petition Response – Save St Georges Hydrotherapy Pool.**

**Request to resume negotiations with a potential purchaser**

Thank you for your recent e-petition which has now closed and attracted 769 signatures.

The decision regarding the Hydrotherapy Pool was raised at a full council meeting on 23<sup>rd</sup> May 2022. During this, the following motion was presented and endorsed by members of the council:

*“Council calls upon the leader and the cabinet to urgently examine all possible options for re-opening the St George's Hydrotherapy pool either permanently or temporarily pending alternatives becoming available and to report back on progress to the next available meeting of Full Council*

Published details of this motion can be found in the following link:

<https://democracy.peterborough.gov.uk/documents/g4700/Decisions%2023rd-May-2022%2023.15%20Council.pdf?T=2>

Consequently, the decision will be re-examined in July's cabinet meeting and recommendations will be presented at the next full council meeting due to be held on the 27<sup>th</sup> July 2022.

Full council meetings are broadcast live on our website and facebook page should you wish to view the debate, and any subsequent decisions will be published.

Yours sincerely,

Rob Hill  
Assistant Director Communities



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<b>CABINET REPORT</b>	<b>AGENDA ITEM No. 6</b>
<b>11 July 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Adrian Chapman, Executive Director: Place and Economy	
Cabinet Member(s) responsible:	Cllr Steve Allen, Deputy Leader and Cabinet Member for Communication, Culture and Communities	
Contact Officer(s):	Rob Hill, Assistant Director: Communities	Tel. 07815 558081

## ST. GEORGE'S HYDROTHERAPY POOL

RECOMMENDATIONS	
<b>FROM:</b> Executive Director: Place and Economy	<b>Deadline date:</b> N/A
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1. Agrees to the permanent closure of the St George's Hydrotherapy Pool based on the information set out in this report; and</li> <li>2. Acknowledges and supports the work of officers to identify alternative hydrotherapy provision.</li> </ol>	

<b>1.</b>	<b>ORIGIN OF REPORT</b>
1.1	<p>This report is submitted to Cabinet in response to a motion passed at Full Council on 23 May, specifically that:</p> <p>“Council calls upon the Leader and the Cabinet to urgently examine all possible options for re-opening the St George's Hydrotherapy pool either permanently or temporarily pending alternatives becoming available and to report back on progress to the next available meeting of Full Council.”</p> <p>An update on progress was provided by the Cabinet Member at the Full Council meeting on 22 June 2022, in response to a question asked by Cllr Yasin.</p>
<b>2.</b>	<b>PURPOSE AND REASON FOR REPORT</b>
2.1	The purpose of this report is to provide Cabinet with the outcome of work undertaken by officers in response to the motion described above, in order that Cabinet can make an informed decision about the future of the Hydrotherapy Pool.
2.2	This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, 'To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.'
<b>3.</b>	<b>TIMESCALES</b>

	<table border="1"> <tr> <td>Is this a Major Policy Item/Statutory Plan?</td> <td><b>NO</b></td> <td>If yes, date for Cabinet meeting</td> <td><b>N/A</b></td> </tr> </table>	Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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<b>4.</b>	<b>BACKGROUND AND KEY ISSUES</b>				
4.1	<p>St George's Hydrotherapy pool was built in 1976 and forms part of the same building occupied by the Heltwate Special School.</p> <p>Prior to the pandemic, the pool was open 48 hours per week to provide support for children and adults with disabilities or long-term health conditions. Opening times were 0930-1730 weekdays and 0900-1300 weekends. Users were made up of referrals from physiotherapists, open public sessions, swimming lessons, parents and baby sessions, aqua fitness, and private hire groups.</p> <p>Since March 2020 the pool has been closed.</p> <p>Prior to its closure, the facility was operated by Vivacity on behalf of the council at a net revenue cost of c.£50,000 per year (includes operator and utilities costs).</p>				
4.2	In March 2022, Full Council set a budget which excluded core revenue funding for the pool. Councillors were made aware, prior to this, of a proposal to sell the facility to a third party who proposed to continue to operate the pool at no cost to the Council.				
4.3	<p>In April 2022, Councillors were notified that officers had recommended that the sale did not proceed following a review of the circumstances surrounding this approach and the broader context within which the council is now operating. The rationale for this recommendation was as follows:</p> <p>(i) A heavily discounted sale price had been agreed with the prospective purchaser, in recognition of the significant investment needed to bring the building up to standard. The discounted sale price of £105,000 had been based on a valuation that had been made prior to covid, and property valuations are likely to have since increased.</p> <p>(ii) Notwithstanding the investment the potential buyer would need to make, estimates to make the pool sale-ready were estimated to cost the council between £30k and £100k, and included:</p> <ul style="list-style-type: none"> <li>• decommissioning the cold-water storage tank and replacing it with a new mains-fed calorifier</li> <li>• various installations and relocations of utility meters and sub meters</li> <li>• replacing the air handling unit</li> <li>• replacing the fire panel with a system that is separated from the school</li> <li>• replacing a fire exit point and windows, and installing mechanical ventilation</li> </ul> <p>(iii) Additionally, representations made by the Heltwate School confirmed their urgent need for additional capacity due to the increased demand for school places.</p> <p>(iv) It is likely that the site on which the pool sits will become available for disposal at a later date, subject to reprovision of the special school elsewhere in the city. Selling part of that site now is likely to significantly hinder the remaining site's future sale and will likely adversely impact its valuation.</p> <p>(v) As part of our financial sustainability work, all our asset-related plans and proposals are subject to intense scrutiny and therefore officers determined that investment of up to £100k to achieve a capital receipt of £105k does not represent best value for the council or the public.</p> <p>These points are discussed in further detail below.</p>				
4.4	In addition, it is noted by officers that hydrotherapy is not a statutory council service. There is undoubtedly strong evidence that shows the benefits of hydrotherapy to pool users, but the recommendation not to proceed with the sale or to reopen the pool under our own management is made following a thorough evaluation of all impacts and implications. Further, alternatives to				

	hydrotherapy provision at St George's are available, and these options are identified later in this report.																											
4.5	<b>Financial Information</b>																											
4.5.1	<p>As described above, a heavily discounted sale price of £105k was agreed with the prospective buyer. The discount was applied against the market value of the site of between £150k and £200k in recognition of the investment needed to bring the pool up to an acceptable standard given that the pool is approaching end-of-life unless significant investment is made. It was estimated that:</p> <ul style="list-style-type: none"> <li>• between £140k and £200k would be required to bring the pool back to sufficient condition to allow it to continue operating – payable by the purchaser</li> <li>• between £30k and £100k would be required to facilitate the sale (the range dependent upon whether or not an extension was planned by the buyer) – payable by the council.</li> </ul>																											
4.5.2	<p>In preparation for this Cabinet report, a full survey has been commissioned to ensure we have both accurate and current information about the likely investment needed to bring the pool up to an acceptable minimum standard based on today's rates as opposed to the previous estimate of between £140k and £200k.</p> <p>The estimate provided below identifies the costs necessary to bring the pool back into use:</p> <table border="1"> <thead> <tr> <th>ITEM</th> <th>£</th> <th>COMMENTS</th> </tr> </thead> <tbody> <tr> <td>Services</td> <td>36,900</td> <td>£20,300 if the pool lining isn't replaced</td> </tr> <tr> <td>Mechanical and Electrical Works</td> <td>144,000</td> <td></td> </tr> <tr> <td>Minor Demolition and Alteration Works</td> <td>29,050</td> <td></td> </tr> <tr> <td>Preliminaries</td> <td>31,493</td> <td>@ 15%</td> </tr> <tr> <td>Main Contractor's Fees</td> <td>12,072</td> <td>@ 5%</td> </tr> <tr> <td><b>Works Cost Estimate</b></td> <td><b>253,515</b></td> <td></td> </tr> <tr> <td>Design Development and Contingency</td> <td>25,351</td> <td>@ 10%</td> </tr> <tr> <td><b>Total Cost</b></td> <td><b>278,866</b></td> <td></td> </tr> </tbody> </table>	ITEM	£	COMMENTS	Services	36,900	£20,300 if the pool lining isn't replaced	Mechanical and Electrical Works	144,000		Minor Demolition and Alteration Works	29,050		Preliminaries	31,493	@ 15%	Main Contractor's Fees	12,072	@ 5%	<b>Works Cost Estimate</b>	<b>253,515</b>		Design Development and Contingency	25,351	@ 10%	<b>Total Cost</b>	<b>278,866</b>	
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4.5.3	In summary, the Council's Section 151 Officer does not support disposal of this asset as it would compromise the site for all future potential uses. She further does not believe the disposal would provide value for money for council taxpayers in Peterborough.																											
4.5	<b>Heltwate School</b>																											
4.5.1	Heltwate School is physically attached to the St George's Hydrotherapy Pool, and currently shares most of its infrastructure, utility supply, metering etc. The school provides places for children with severe learning difficulties, autistic spectrum condition and many additional medical needs. The use of the site was originally a temporary arrangement whilst plans were considered over the expansion of the core school site. The demand for places at Heltwate has continued to grow and the St Georges site will now form part of the long-term provision for the school, along with the existing extension of the site in Bretton using the former Silver Jubilee public house. The number of new Education Health and Care Plans in Peterborough grew 44% since 2021, and we have a statutory duty to those children to meet that demand with appropriate education provision.																											

4.5.2	Historically, the school has had sufficient teaching space in the existing accommodation, but, as part of our due diligence work to ensure we are proceeding appropriately with the sale, officers engaged once again with the school given their knowledge of the increasing demand for SEND school places described above. The site also had limited outdoor space and parking and the additional land will ensure the effective operation of the school with increased numbers of children.
4.5.3	The Headteacher of the school subsequently confirmed their need for additional school places and this has been further endorsed by our Service Director for Education. The formal letter received from the school is attached at <b>appendix 1</b> . A feasibility study for use of the full site will commence if a decision on the site is reached.
4.5.4	The council has a statutory duty to ensure there are sufficient school places to meet demand, and this duty must take priority over any relating to non-statutory services such as hydrotherapy.
4.6	<b>Alternative Ways Forward</b>
4.6.1	<p>Members were invited by the Leader to suggest alternative ideas for exploration by officers as part of the process undertaken since the council motion was passed. The following were put forward for further investigation:</p> <ul style="list-style-type: none"> <li>(i) Sale to the original buyer with a detailed breakdown of costs to the council for completing the sale</li> <li>(ii) Lease option to the original buyer - this enables the provider to take the premises so that delivery of service is not further disrupted, and a sale can take place subsequently</li> <li>(iii) Co-operative model involving the original buyer and the community</li> <li>(iv) Community Asset Transfer to the original buyer with an option to purchase</li> <li>(v) Renegotiate with the original buyer in terms of costs subject to agreement</li> <li>(vi) Explore the viability of a joint venture model with the original buyer</li> </ul> <p>These suggestions are explored in more detail below.</p>
4.6.2	<p><b>Sale to the original buyer with a detailed breakdown of costs to the council for completing the sale</b></p> <p>For the reasons set out earlier in this report, sale of the pool does not represent best value for the council or the public. Up to date estimates have been included earlier in the report, and the costs which need to be met by the council alongside the reduced sale value to offset the investment the buyer would need to make results in a poor financial outcome for the council. Additionally, the sale of part of the whole site on which the pool and Heltwate School sit will adversely impact the need of the school to meet additional capacity, and seriously hinder any future sale of that site and reduce its value, especially given that potential alternative uses will be constrained.</p>
4.6.3	<p><b>Lease option to the original buyer – this enables the provider to take the premises so that delivery of service is not further disrupted, and a sale can take place subsequently</b></p> <p>The option for the original buyer to enter into a lease with the council to operate the pool has been previously discussed with him, and it is not an option that he was prepared to take forward. Officers have since been in discussions with the buyer to reconsider the lease option, but again he has confirmed this option does not present him with a viable way forward.</p>
4.6.4	<p><b>Co-operative model involving the original buyer and the community</b></p> <p>For the school capacity and financial reasons set out above, any alternative delivery vehicle or model will be presented with the same investment challenge to bring the pool back into use. The same issues of limiting future land use and value also apply in this scenario.</p>
4.6.5	<b>Community Asset Transfer to the original buyer with an option to purchase</b>

	<p>A community asset transfer (CAT) of the pool is likely to take one of two forms: a long lease (our model CAT leases are typically for 25 years in order that the asset can be used to support fundraising activity); or a freehold transfer.</p> <p>Officers are already recommending that a freehold <u>sale</u> should not proceed because of our best value obligations, and a freehold <u>transfer</u> at anything below market value will only worsen that best value assessment even further.</p> <p>The option of a short lease has already been offered and rejected by the original buyer, and, whilst a long lease may be more attractive to them, it will constrain the future use of the site, the site's disposal value, and the need for additional school capacity.</p>
4.6.6	<p><b>Renegotiate with the original buyer in terms of costs subject to agreement</b></p> <p>Whilst it may be possible for the buyer to increase his offer and to cover the costs the council will need to incur to facilitate the sale, the revised price he will need to pay will increase to meet that total.</p> <p>Of greater significance however is the fact that sale will prevent the additional school capacity from being met, alongside the restrictions a sale will place on any disposal plans the council may introduce for this site in the future.</p>
4.6.7	<p><b>Explore the viability of a joint venture model with the original buyer</b></p> <p>A joint venture (JV) arrangement would be between the council as the owner of the pool and the original buyer as its operator. Assuming the council provides the facility in this JV, the buyer would likely need to increase their investment in the pool to bring it up to standard, similar to the increased costs described above.</p> <p>However, this arrangement still does not resolve the two fundamental issues of which officers are greatly concerned: the future potential for the site, and the immediate need for additional school capacity.</p>
4.6.8	<p>Separately and for completeness, officers have examined the viability of the council itself reopening the pool and operating it via Vivacity (Peterborough Ltd). To achieve this would require the council to invest the figures set out in 4.5.2 to bring the facility up to standard, as well as cover the revenue costs associated with managing the facility. The operating budget for the pool was removed from the council's budget, as described above, and any capital investment would need to be sourced by grant or asset disposal.</p>
4.6.9	<p>It has been suggested many times that hydrotherapy, where it is providing a medical treatment, should be commissioned by the NHS, and attempts have been made historically to secure funding via this route to operate the pool. This was explored in some detail in 2019, when, in response to representations made to them, the CCG's then Director of External Affairs and Policy wrote:</p> <p><i>“Cambridgeshire and Peterborough CCG have contributed to the funding of the Hydrotherapy pool at St George's in the past on the basis of referrals being made into the service by local GPs. Although the number of referrals made to the service by GPs is very small and ad hoc, there are a number of people utilising the pool without a GP referral and the majority of these people are self-funded.</i></p> <p><i>“While we recognise how valued these services are by those with disabilities, or who require rehabilitative treatment, the CCG does not have a clinical policy in place to support the referrals into the service.</i></p> <p><i>“Taking into account our current financial situation, the high volume of people self-funding without a GP referral, and that there is no clinical policy in place, the CCG has ultimately taken</i></p>

	<i>the decision not to contribute to the funding of the hydrotherapy pool, and not to commission the service for GP referrals.”</i>
4.6.10	Officers are grateful for the suggestions put forward by Members, but regrettably have concluded that none present a viable alternative to the existing recommendation to close the facility in order to protect the council’s best value obligations and for additional classroom space to be created.
4.7	<b>Alternative Provision</b>
4.7.1	If Cabinet approve the recommendation set out in this report to close the Hydrotherapy Pool, there are a number of existing alternative hydrotherapy facilities that are available. It is acknowledged that the alternatives may not suit every user of the St George’s facility, but for many they will offer at least some options for further consideration.
4.7.2	In brief, the existing alternatives include: <ul style="list-style-type: none"> <li>• Addenbrookes Hospital, where we understand those with a medical need can be referred by their GP or specialist</li> <li>• Potentially, facilities at a private care home in Peterborough. At time of writing, officers are awaiting further information from this provider</li> <li>• The Regional Pool training pool – however, following representation from the Friends of St George’s User Group, who visited the Regional Pool recently to assess the viability of the training pool, this suggestion is no longer recommended.</li> </ul>
4.7.3	Officers have had very informal discussions with the original buyer, who has suggested that he may be willing to build a bespoke facility elsewhere in the city if the council were able to help him identify land. We will actively pursue this as a further option if Cabinet agree.
4.7.4	Finally, and as has been widely publicised, Thistle Moor GP Practice, under the leadership of Dr Neil Modha, is exploring the possibility of building a Hydrotherapy Pool on land owned by the surgery. We understand that the details of this are being worked on, and officers are proactively engaging with Dr Modha to support where appropriate. The model being developed will be based on users self-funding with no subsequent revenue pressure on the council.
5.	<b>CONSULTATION</b>
5.1	There has been extensive engagement with various interested parties ahead of this report being published.  Additionally, the Friends of St George’s User Group have provided a written representation for Cabinet to consider, and this is attached at appendix 2.
6.	<b>ANTICIPATED OUTCOMES OR IMPACT</b>
6.1	It is anticipated that Cabinet will review the work undertaken by officers in response to the Council Motion and make an informed decision to permanently close the St George’s Hydrotherapy Pool to both protect the council’s best value obligations and to ensure additional capacity can be accommodated at the Heltwate Special School.
7.	<b>REASON FOR THE RECOMMENDATION</b>
7.1	The rationale leading to the recommendation is set out in this report. It is absolutely recognised and acknowledged that this decision will adversely affect some of the former pool users, but the council needs to prioritise its statutory obligations and its obligation to achieve best value in all its decisions.
8.	<b>ALTERNATIVE OPTIONS CONSIDERED</b>



8.1	The alternative options considered are set out in section 4.7 of this report.
<b>9.</b>	<b>IMPLICATIONS</b>
	<b>Financial Implications</b>
9.1	The financial implications associated with this decision are set out above.
	<b>Legal Implications</b>
9.2	There is no statutory requirement on the council to provide this service.
	<b>Equalities Implications</b>
9.3	It is clear that a number of former pool users will be adversely impacted by a decision to close this facility, and that some of those users will have additional needs or disabilities. The alternative forms of provision set out at 4.7 provide users with opportunities to access hydrotherapy in other locations, and officers are proactively working with both Vivacity and Dr Neil Modha to bring forward additional provision, if possible, where it has no adverse impact on our finances.
	<b>Carbon Impact Assessment</b>
9.5	Summary of assessment: The proposal to close the hydrotherapy pool is likely to result in less energy and water consumption, and slight reductions in travel for pool users and staff. Alternative use of the pool building is likely to follow, but this will be designed to be as energy efficient as possible, with consumption of energy and water being at standard classroom levels.
<b>10.</b>	<b>BACKGROUND DOCUMENTS</b> Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985
10.1	None
<b>11.</b>	<b>APPENDICES</b>
11.1	Appendix 1 - Letter from Headteacher Heltwate School Appendix 2 - Representations from the Friends of St Georges User Group in relation to the St Georges Site (2 part)

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# Heltwate School

PFA Registered Charity No: 1180923




Heltwate School  
Heltwate  
Bretton  
Peterborough  
PE3 8RL

Heltwate St. George's  
Lawn Avenue  
Dogsthorpe  
Peterborough  
PE1 3RB

**Headteacher: Mr Adam Brewster**

: 01733 262878

: [office@heltwate.peterborough.sch.uk](mailto:office@heltwate.peterborough.sch.uk)

29<sup>th</sup> April 2022

Dear Jonathan,

Further to our recent conversations, I was pleased to hear that there has been a rethink about the Heltwate St. George's site. As we discussed, we feel incredibly strongly that it would be a missed opportunity if Heltwate school could not benefit from the additional space of the hydrotherapy pool site. As you are aware the cohort of children attending Heltwate school is rapidly becoming far more complex. They now have many of the characteristics of young people which would previously have attended Phoenix (Lime Academy Orton) but are now attending Heltwate. There has been no investment in the school to help us manage this change from moderate learning needs to severe learning needs.

Presently St. George's hosts our older students mostly with moderate disability, each year the complexity of need increases. On health and safety grounds as the severe needs come through, we are going to need to reduce the numbers who can attend and without additional space I am unsure where these students will go. With the increase in complexity, we need more specialist resources, staff facilities, parking, outdoor space. We already have more students on site than the building was designed for.

The building could very easily be converted to give us some specialist facilities. It could house 2 large teaching spaces or an appropriate sensory hall, provide some PE space, break out rooms, community areas, work experience, alternative provision etc. This in turn would go some way towards compensating for the lack of outdoor space. It would certainly help make St. George's more fit for purpose.

Looking at the new White Paper and the proposed SEND review I think Heltwate and the City need this site to help meet expectations. It could enable us to meet the new curriculum expectations particularly around PE and Music. Alternative provision is difficult to access, it could provide opportunities. I think it would help the authority place the more complex young people which often must be placed out of authority. This has been evidenced this year.

I look forward to further updates.

Thanks

Adam



**ASDAN**  
Registered Centre



**Artsmark  
Gold Award**  
Awarded by Arts  
Council England



**PROUDLY  
SUPPORTING  
THOSE WHO  
SERVE.**

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## **Representation from St George's Friends and Service Users to Peterborough City Council's (PCC) Cabinet concerning the future of the hydrotherapy pool**

### **1. Reasons for re-opening the pool – health**

1.1 St George's Community Hydrotherapy Pool has had a positive impact on over 4,500 PCC registered service users' health.

1.2 250 people of all ages (<1 – 94 years) were paying to access the pool each week. That's 12,500 PCC pool visits per year (50 weeks).

1.3 Service users come from every ward in the city. 9/10 wards where most users live are also the most deprived (ranked 1, 2 or 3 IMD 2019<sup>1</sup>) in Peterborough.

1.4 85% of St George's users have a disability or long-term health condition with 33% a learning disability too. 15 % were using the pool for rehabilitative purposes. Over 60% of users say that their disability or health condition limits their day-to-day activities "a lot."

1.5 For many users, St George's was the only, or the main way to be physically active or to be rehabilitated.

1.6 There is no other hydrotherapy pool in the area.

It has been said that patients can be referred to Addenbrooke's. However, we understand that NHS hydrotherapy will not be provided unless there is a local facility.<sup>2</sup> In addition, we have been advised that Addenbrooke's hydrotherapy pool is not currently operating.

1.7 Evidence of some of the health benefits St George's delivers to its users.

In our survey (N=234) for whom it was relevant:

- 97.5%% of St George's users said that their physical health had greatly improved or improved as result of using the pool
- 98.5% said their mental wellbeing had greatly improved or improved
- 95% that their pain had greatly improved or improved because of using the pool
- 95% of users said that their mobility had greatly improved or improved
- 93% of users said their independence had greatly improved or improved
- 93% said that St George's was an important source of social contact

<sup>1</sup> English Indices of Multiple Deprivation 2019

<sup>2</sup> Cambridge and Peterborough Clinical Commissioning Group Hydrotherapy Policy V3 Jan 2022.

## 1.8 Benefits to the wider health and social care economy included:

- 70% of those for whom it was applicable, and 36% of all survey respondents, reported that they had reduced the number of visits that they made to their general practitioner (GP) as result of hydrotherapy.
- 44% of those for whom this was applicable, and 23% of all survey respondents reported that they had been able to reduce their intake of medication as result of hydrotherapy.
- 49% of those for whom this was applicable, and 27% of all survey respondents reported that they were using the pool to avoid or postpone surgery or hospital procedures

1.9 For the full health report including users' testimonials, please visit - <https://bit.ly/2CkCacl>

1.10 To find out more about the impact hydrotherapy can have - Dominic's story (3:25) <https://youtu.be/Y8hYlqGEKLQ>

1.11 In contrast to this, while the pool has been closed, we hear that many users' physical and mental health has significantly deteriorated. Shared with permission, here is what one user says:

*"Since the Pool had to close my disability has worsened and I became unable to sit & bedbound, following a much-awaited procedure on my spine I should have been back in my wheelchair and hopefully on crutches eventually. BUT the only way to do that would be by exercising in the WARM water of St George's (or any other hoist accessible, **affordable** hydrotherapy Pool). Unfortunately with nothing available I am left bed-bound, with a "very expensive" device (NHS provided) in my back which I can't make the most of, in a **lot of pain** (permanently on **Morphine**) **AND** now I have type 2 Diabetes as a result of unavoidable weight gain through lack of movement!!*

*That doesn't include the effect on my Mental Health!*

*Imagine Covid Isolation, but **only** in your bed, that is and has been my life since St George's shut."*

## 2. Reasons for re-opening the pool - financial

2.1. The sale of St George's to aquatic physiotherapist, Mr Mahamani, appeared in Phase 1 of 22/23 Budget Proposals which were voted through by Full Council. It was obviously considered a good financial proposal then.

2.2 The Council has stated that it cannot afford to pay the preparation costs for the sale. However, the sale price would compensate for this. The Briefing Note for the Extraordinary Meeting 23<sup>rd</sup> May includes costs caused by a proposed expansion. However, we understand Mr Mahamani had withdrawn this requirement, meaning

the costs for preparing the site for sale would be reduced. Mahamani has said this cost would be around £40k to prepare the site for a £105k sale. That's potentially a £65k PCC profit.

2.3 Following the sale, the refurbishment, the re-opening, and the future running costs would be at Mr Mahamani's expense. And he'd be contributing business rates. There would be no cost to PCC.

2.4 In contrast, mothballing St George's means PCC incurs maintenance costs.

2.5 St George's purposefully conservative and robust, evaluative Social Return on Investment (SROI) showed when open, the pool delivered £1,525,000 economic and social value to Peterborough per year. That was £16 of value for every £1 invested. This included savings to Adult Social Care. While closed, this value to Peterborough is lost.

Outcomes	Total value for outcome (£)
<b>1.Pool Users</b>	
1.1 Improved quality of life	71,000
1.2 Improved health and well-being	276,775
1.3 Improved social network	279,762
<b>2. NHS</b>	
2.1 Reduction in number of falls	262,196
2.2 Reduction in the number of visits to GP - NHS costs	21,489
2.3 Reduction in number of items prescribed by GP - NHS costs	1,661
2.3 Reduction in hospital visits and treatment costs - NHS costs	463,444
<b>3. The State</b>	
3.1 Reduction in employment costs	22,442
3.2 Reduction in care needs	126,145
<b>TOTAL</b>	<b>1,524,916</b>

2.6 To view the full report - <https://bit.ly/3txm21C>

2.7 The local community has been involved and invested in St George's in so many ways. Through St George's Friends and Service Users, residents have donated over £25k of support in the form of equipment and refurbishments. The Friends were planning to buy a tracked ceiling hoist as our contribution towards the newly refurbished St George's pool. We think it's important, in so many ways, that we continue to be included and involved as stakeholders in the ongoing discussions please.

### **3. Reasons why the proposed sale to Ranjith Mahamani (Consult Physio Ltd) as previously agreed, continues to be viewed as a good choice by us**

3.1 To retain the health benefits shown in section 1 for some of the city's most vulnerable residents.

3.2 For the financial reasons in section 2. After the preparation costs for the sale, there would be no further cost to the council but all the benefits instead.

3.3 The sale negotiations which took place over several months included St George's hydrotherapy users and their views. We supported the sale. We thought for the future, it was the right and pragmatic thing to do. It seemed in the best interests of everyone.

3.4 The agreement included a guarantee of 20 hours of community access to the hydrotherapy pool per week at affordable prices. These would only rise in line with the retail price index.

3.5 Mr Mahamani is a qualified aquatic physiotherapist. He had been hiring St George's pool for patients every week for the past eight years. He had trained staff and operating systems ready. He was planning to run the pool in a suitably professional way.

3.6 Mr Mahamani planned to refurbish the pool and had already involved pool users' views.

3.7 If valuations or circumstances have changed for this deal, has any attempt been made to renegotiate it?

3.8 If required, on behalf of the service users, we would urge this. We would like every option to be explored.

### **4. Heltwate School**

4.1 We can absolutely sympathise with pressure Heltwate School finds itself in receiving pupils with more complex needs.

4.2 But does the cost of this expansion have to be closing the city's only community hydrotherapy pool? We would like the following to be considered please:

4.3 Pupils from Heltwate School, and other Peterborough Schools, benefitted from using St George's Hydrotherapy Pool. The more complex the pupils' needs; the greater the need for hydrotherapy to be provided. Not only for when these pupils are in school, but for when these young people leave.

4.4 St George's is small; it consists mostly of the pool hall, a plant room and two changing rooms. These would undoubtedly be difficult and costly to convert into a useable school space.

4.5 Does Heltwate's new build at Bretton offer any potential for expansion?



4.6 Or, to the side of the Heltwate St George's School, there is some flat overgrown ground that belongs to it. It's not St George's. Please see photographs below.



Figure 1 Heltwate land from Lawn Avenue



Figure 2 Heltwate land from St Paul's Road

Could this area be suitable for expansion?

4.7 The loss of the only community hydrotherapy pool for the city's residents and for the rising number of pupils with special educational needs and disabilities (SEND) (apart from those at Lime Academy), seems retrograde and potentially short-sighted. Especially if there are alternatives for expansion, or if the expansion is a temporary measure, as no decision has been made on whether the school will eventually relocate.

4.8 In 2018, plans were successfully passed to build a joint Heltwate School and St George's Community Hydrotherapy Pool at Newark Road. If the builder Carillion had not gone into liquidation, Heltwate would have new school and the city a new community hydrotherapy pool. Following this, we should be doing everything possible to salvage the very best outcomes for both the school and the city's hydrotherapy users.

## **5. Conclusion**

5.1 We would like St George's to re-open as soon as practicably possible please.

5.2 As per our petition, we would firstly urge the resumption of sale negotiations with Mr Mahamani.

5.3 If then required, we would encourage and support the exploration of all other options with Mr Mahamani.

5.4 If then required, all other options for re-opening the pool should be explored.

5.5 On behalf of the service users, we would be pleased to be involved and to support this to a successful conclusion wherever possible.

## **Part 2 Representation from St George's Friends and Service Users to Peterborough City Council's (PCC) Cabinet concerning the future of the hydrotherapy pool**

This additional representation is in response the hydrotherapy update provided at Full Council on 22<sup>nd</sup> June.

1. St George's Friends and Service Users welcomes the news that the cabinet is exploring all options for delivering hydrotherapy in the city and will be consulting with the service users' group. Thank you.

2. We were surprised at the presumption that St George's hydrotherapy users have found alternative venues.

2.1 These are examples of the responses received from users who watched the livestream:

*"I was astonished to hear Cllr Steve Allen declare that the St. George's users had made other arrangements for hydrotherapy locally. Could we ask him to NAME ONE PLACE where this is possible for the St. George's users to replicate what was available, please? As he is so certain that this has been done it should be easy for him to share this information."*

*"I can categorically state that I have found no alternative hydrotherapy provision and have not used one since closure. I would be interested to know why Cllr Allen thinks it is so obvious that we have found alternative hydrotherapy."*

2.2 We know users are very keen to return to being active and managing their health and wellbeing at St George's hydrotherapy pool.

*"I have not found an alternative for the hydro pool. As I said in my story on the St George's website, it was somewhere for me to be able to lift my children and have fun with them without any mobility issues which I have on dry land. As a family, we are distraught not to have the access to St George's Hydro Pool."*

3. We were concerned and disappointed that the announcement at Full Council to trial "hydrotherapy" at the Regional's teaching pool was made without any consultation with us.

4. However, at our request, a much-appreciated site visit to the teaching pool at the Regional Fitness Centre was granted. This was to see if it could be a suitable alternative for St George's hydrotherapy users.

4.1 The site visit took place on 28<sup>th</sup> June. Two senior staff members of Peterborough Ltd, two PCC councillors, and two St George's service users were present.

4.2 *The conclusion of the site visit was that the training pool would **not** be a suitable alternative for St George's users. We think we can say that this conclusion was universally agreed amongst us all.*

### **Reasons why the teaching pool is not suitable include:**

5.1 The teaching pool is not deep enough.

- Its depth is 0.75m (2ft 5") - 0.90m (2ft 11").
- To provide adequate support for hydrotherapy exercise a pool would need to be 1.20m (4ft) - 1.50m (4ft 11") deep (chest height).
- St George's, which of course was originally built as children's hydrotherapy pool, is 0.80m (2ft 7") - 1.20m (4ft) deep.
- This problem of depth is increased by the fact that hydrotherapy users would need to share the pool with school swimmers (not ideal in so many ways) and St George's users would need to be placed in the shallow, 0.75m (2ft 5") end.
- A hydrotherapy user who attempted to use the teaching pool when St George's was closed for repairs in 2017 wrote:

*"Tried the children's pool while we were shut for pool maintenance but I found it no use as not deep enough to do exercises I wanted to do. Did nothing to help me."*

5.2 The teaching pool is too cold.

- The teaching pool operates at around 31°C.
- A hydrotherapy pool requires a water temperature of 33 - 35.5°C. St George's generally operated at 35.5°C.
- It would be difficult for staff to raise the temperature because:
  - It would be too hot for the school and swimming class pupils.
  - Owing to the current shortage of chlorine, pools are being advised to keep water temperatures down.

5.3 The teaching pool is not easily accessible for anyone requiring hydrotherapy.

- The pool is accessed by ladders or a set of steps without a handrail.
- This means most hydrotherapy users would need to use a hoist. Being able to access a pool independently is of great importance to many users. Having to use the hoist, when normally able to access independently, would be a deterrent.



- The poolside hoist does not have the seat fittings required by many of St George's users. For example, slings.
- Transport from changing rooms to the poolside hoist would be difficult as an additional mobile hoist would be required. This is sited elsewhere. There are no shower trolleys.
- There is no handrail around the inside the pool. "Handrails are an essential requirement for hydrotherapy pools as they enable therapeutic treatment techniques which require the patient to use them for support." ATACP 2019



*Figure 1 Teaching pool*

#### 6. Difficulties of timetabling hydrotherapy sessions in the teaching pool:

- Hydrotherapy sessions could only take during school sessions - 9am - 3pm. It would require sharing the pool by dividing it in half with hydrotherapy users at the shallow end.
- This is not ideal for the schools or hydrotherapy users. If required, further information can be supplied.
- There might be a whole-pool, hour-long hydrotherapy slot at a lunchtime, when the schools are not present. However, two disabled changing rooms would be unlikely to meet demand.
- There would be no provision for any aquatic physiotherapy advice or service during such sessions.

## 7. Reasons why the Regional Fitness Centre is not best suited to host hydrotherapy sessions

### 7.1 Changing rooms:

- The men's and women's changing rooms are not accessible. (Information can be supplied.)
- There are two accessible changing rooms.
- These would not be sufficient for a public hydrotherapy session.

### 7.2 The teaching pool is sited on the first floor

- It needs to be accessed by the stairs or the lift.
- For all hydrotherapy users with mobility problems, this would cause additional access difficulties.
- The width of the entrance to the lift was less than the required standard for wheelchair access. (Information can be supplied.)
- So many hydrotherapy users with mobility difficulties and wheelchairs accessing the teaching pool at one time, could pose an evacuation problem.

### 7.3 Length of walking distance required to access the teaching pool

- The shortest distance to the pool from the closest Blue Badge car parking space (5 spaces) was approximately 110m. That's a minimum of 220m for both journeys.
- 89% of St George's users report a mobility problem. A previous survey of St George's users found 85% were entitled to a Blue Badge. Generally this might mean someone experienced great difficulty walking more than 50m (DWP PIP).
- We did not find out how far someone might be required to walk if unable to obtain a Blue Badge parking space.
- The number of doors - especially for someone in a wheelchair - made the journey through the building to and from the pool difficult too.
- In contrast, the estimated walking distance to the pool at St George's is between 10m (drop-off point) to 20m (far car park).

8. As there has not been an opportunity to consult with hydrotherapy users, these represent just some of reasons that the teaching pool would not be suitable.

9. Any questions or clarifications on the points raised are welcome.

10. This is a super pool for teaching children; it is not a hydrotherapy pool.

<b>COUNCIL</b>	AGENDA ITEM No. 10(a)
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**ANNUAL AUDIT COMMITTEE REPORT**

Audit Committee, at its meeting on 21 March 2022, received a report in relation to the draft Annual Audit Committee Report.

**IT IS RECOMMENDED** that Council:

1. Approves the Annual Audit Committee Report

The original Audit Committee report and appendix are attached.

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<b>AUDIT COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>21 MARCH 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer	Tel. 296334

<b>ANNUAL AUDIT COMMITTEE REPORT</b>
--------------------------------------

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Fiona McMillan, Director Law and Governance and Monitoring Officer	<b>Deadline date:</b> N/A
<p>It is recommended that Audit Committee approve the draft Annual Audit Committee Report for submission to Council as shown in <b>Appendix 1</b>.</p>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Audit Committee in line with the agreed Work Programme for the Municipal Year 2021 / 2022.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The Audit Committee has been in operation since Annual Council in May 2006 (first meeting June 2006). The Committee has a wide-ranging remit that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of risk management, internal control including internal audit, anti-fraud and the financial reporting framework. These are shown in its terms of reference.

2.2 This report is for the Audit Committee to consider under its Terms of Reference No. 2.2.1.13

*To produce an annual report for consideration by Full Council.*

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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**4. BACKGROUND AND KEY ISSUES**

4.1 The attached Draft Annual Report has been produced (**Appendix A**). The report shows:

- Background to the Committee, its roles, responsibilities and membership.
- An overview and coverage of its remit including Internal Audit, Accounts and Financial Management, External Audit, Risk Management, Control Assurance, Corporate

Governance, and Fraud and Irregularities; and

- Training provided to ensure that suitable challenge and scrutiny is adopted.

4.2 During the year the Audit Committee has undergone some changes to its membership with the appointment of three independent members as part of the recommendations set out by CIPFA in November 2021.

4.3 Items from this meeting will be included fully before the report is presented to Council in July 2022.

## **5. CONSULTATION**

5.1 None required

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 Publication of the report will enable the public to gain an insight into the role of the Committee and will ensure that the Committee can continue to progress and develop in the future. The City Council continues to evolve its Audit Committee in line with best practice to provide effective challenge to the governance arrangements adopted.

6.2 Subject to approval by Audit Committee, it is intended to present the report to Council for noting as part of the Committee's annual update in order to demonstrate the work carried out to improve the governance arrangements across the Council.

## **7. REASON FOR THE RECOMMENDATION**

7.1 To seek endorsement from Members that the Committee is delivering against its terms of reference and provided effective challenge to the organisation

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 None

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 None.

### **Legal Implications**

9.2 None

### **Equalities Implications**

9.3 None

## **10. BACKGROUND DOCUMENTS**

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

10.1 The Councils Constitution

Chartered Institute of Public Finance and Accountancy (CIPFA)

## **11. APPENDICES**



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**PETERBOROUGH CITY COUNCIL AUDIT COMMITTEE  
ANNUAL REPORT  
2021 / 2022**



***Assurance***

***Governance***

***Accountability***

***Risk Management***

***Independence***

# AUDIT COMMITTEE: ANNUAL REPORT 2021 / 2022

INTRODUCTION

MEMBERSHIP AND ROLE OF COMMITTEE

KEY ACTIVITIES DURING THE MUNICIPAL YEAR

PLANS FOR 2022 / 2023



## FOREWORD FROM THE INDEPENDENT CHAIR OF AUDIT COMMITTEE



*I am pleased to provide the Audit Committee's Annual Report for the municipal year 2021 / 2022. The Council is requested to note the work carried out by the Audit Committee in improving the governance arrangements across the Council.*

*The Audit Committee has recently undergone some changes following the reports published by the Department for Levelling Up, Housing and Communities with a focus on strengthening the role of the Council's Audit Committee through the co-opting of 3 independent members to the Committee. This is a new approach for the committee, and I hope it will help this function grow in strength and expertise.*

*The report shows how the Audit Committee has continued to make a positive contribution to the Council's governance and control environments. These cover all aspects, such as internal control; risk management; internal audit; anti-fraud; external audit; and financial reporting.*

*Although I have only been the Chair of the Committee since the end of January 2022, I can see opportunities for the Audit Committee to grow and provide robust challenge to the internal and external controls in place at the Council.*

*I would like to take this opportunity to give thanks to Committee Members and Officers for their contribution in supporting the Audit Committee's work during the year and my role as Chair. Audit Committee Members have supported and challenged officers to ensure our risk, control and governance processes are effective and transparent. Officers have presented well-prepared reports and taken on suggestions to make sure the benefits of this Committee are passed onto our citizens.*

*Going forward, 2022 / 2023 will continue to a testing time for the Council with the resources available becoming more important. How we risk manage our priorities, resources and partnerships will be vital, notwithstanding the risk of fraud.*

*The Audit Committee holds a unique position to challenge and scrutinise the activities of the Council, and with the support of Officers, Councillors and fellow Independent Members, I hope this can continue to be the case.*

**Chair of the Audit Committee  
Chris Brooks**



## INTRODUCTION FROM CHAIR

This is the 14<sup>th</sup> annual report produced by Peterborough City Council's Audit Committee. It is produced in accordance with latest best practice. This report sets out what the Committee has investigated and looked at over the past 12 months in line with the constitution. I am keen that this work continues and is strengthened in light of the unique challenges the Council face over the coming years. I can see that Councillors and officers are working hard to operate the highest standards of governance.

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risks and weakens the control environment, and to oversee the financial reporting process

The key benefits of an Audit Committee can be seen as:

- Raising greater awareness of the need for internal control and the implementation of both internal and external audit recommendations;
- Increasing public confidence in the objectivity and fairness of financial and other reporting;
- Reinforcing the importance and independence of internal and external audit and similar review processes; and
- Providing additional assurance through a process of independent and objective review.

The Terms of Reference for the Audit Committee can be found at **Appendix B** of this report.

This report sets out the work undertaken by the Audit Committee for 2021 / 2022 and specifically highlights those areas where its scrutiny and review process has made a difference to performance.

In the forthcoming year I hope that training for Members becomes a focus, enabling the committee members to best effectively scrutinise the functions of the Council's audit processes.

## STRENGTHENING AUDIT COMMITTEE FOLLOWING EXTERNAL ASSURANCE REPORT

### Independent members of Audit Committee

As part of the External Assurance Review's Governance recommendations, the Council was asked to strengthen the membership and leadership of the Audit Committee by appointing external independent members to the Committee to improve its expertise and independence, in line with considered best practice. On 16th December the Council agreed to commence a recruitment process with a view to appointing an Independent Chair of this committee and two further independent members of the committee for an initial fixed term of four years ending May 2026, with provision for extension. The vacancies were advertised locally and nationally seeking candidates who have had previous experience or knowledge of audit functions and could demonstrate their political independence and suitability to provide robust challenge to the Council's financial management. Full Council appointed three new independent members on 26<sup>th</sup> January 2022 from a strong field of applicants. They are as follows:

**Chris Brooks (new chair of Audit Committee)** is a recently retired Chief Financial Officer and Chartered Accountant (FCA) who has worked in Peterborough for many years as a Finance Director, including with government arms-length bodies, most recently as Chief Financial Officer at the Joint Nature Conservation Committee. He has previously been employed as Director of Finance at the CITB, Tui Travel PLC, BGL Group Ltd, Barclays Bank PLC and Boots PLC. He also



has ten year's public and private sector audit experience with PwC including VFM audits and auditing two county councils.

**Mike Langhorn** ACA is a retired chartered accountant with experience in both the private and charity sectors having acted as Senior Director, Internal Audit in an organisation that runs commodities and derivatives trading exchanges prior to retirement and as director and trustee of a charity dedicated to lifelong learning, full employment and inclusion. He started his career at EY in London and then Cambridge where he qualified as a chartered accountant before moving to the private sector. He has held finance, risk, operational and internal audit leadership positions at Prudential, Egg, Teathers, Itochu and Intercontinental Exchange Inc. In recent years he has also complemented his full-time work with a voluntary role in the charity sector, contributing as a trustee and member of the Board of the National Learning and Work Institute and chairing their Audit Committee.

**Dr Stuart Green** is a professionally qualified accountant, member of CIPFA and ACCA and works as a lecturer at the University of Durham. He has taught across further, higher and professional education on a range of programmes in accounting, finance, banking and taxation. Presently, he teaches and publishes research at Durham University Business School. Roles as a non-executive director at several large organisations help Stuart to embed employability skills and practice-based learning into his teaching; they also help to develop and inform his research. He has recently been appointed as Chair of the Joint Independent Audit Committee of Cleveland Police and Cleveland PCVC and is Vice-Chair (Audit) of the North East Combined Authority Joint Transport Committee.

### Member training and development

The Council was also asked to commission and support a development/support programme for councillors, including a specific programme for the Audit Committee. The governance assurance report found that the Council's Audit Committee has not been scrutinising the council's financial challenges with sufficient urgency or focus and not paying sufficient attention to the strategic risks and issues facing the Council or the Council's MTFS processes. Members needed to be more willing to challenge the assumptions and information presented to them. The Council committed to ensuring all members have the knowledge and skills needed to effectively scrutinise and challenge the Council's financial decisions, governance and procedures. CIPFA and officers first conducted a skills analysis assessment of the Audit Committee with the aim of delivering a targeted and appropriate two-year training and development programme, focusing on financial scrutiny and governance, where the weaknesses have been identified.

## MEMBERSHIP AND MEETINGS

During 2021 / 2022, the Audit Committee met on the following dates:

- 21 June 2021 - Extraordinary
- 29 July 2021 moved from 15 July 2021
- 13 September 2021
- 29 November 2021 moved from 15 November 2021
- 21 February 2022 moved from 24 January 2022
- 21 March 2022

There is a cross representation of all parties in accordance with the make-up of the Council. The members for 2021 / 2022 are attached at **Appendix A**.

## KEY ACTIVITIES DURING THE MUNICIPAL YEAR

### Background

The Audit Committee's **terms of reference** covers 6 main areas:

- Internal Audit
- Internal Control and Corporate Governance
- Annual Accounts
- Risk management
- External Audit
- Counter Fraud and Irregularities

### Internal Audit

Internal Audit provides an independent review of the functions and service delivered across the Council. Its focus is driven by risks and the activities undertaken those of highest risk.

It sets out plans for each year and these are monitored against. Plans change as risks change across the Council and these are reported through to Committee.

**Role of the Committee** – The review of the Internal Audit Plan is a key task for the Committee and provides an opportunity to review the content of the plan and the risks and priorities identified by the Chief Internal Auditor alongside the resourcing. As well as being important to Internal Audit, it is also at the heart of what the Committee do over the year. The audits contained in the plan will feature risk and assurance issues which will be considered as part of the Committee's agenda. Progress reports will be produced and key issues and recommendations arising highlighted to the Committee together with actions taken to address them by management.

In reviewing the annual Audit Opinion, it will also provide assurance towards the Annual Governance Statement.

### Internal Control and Corporate Governance

Each Local Authority operates through a governance framework. This brings together an underlying set of legislative requirements, governance principles and management processes. These are collected in the Local Code of Governance and published as part of the accounts in the Annual Governance Statement. This should be an open and honest statement setting out what works well and where improvements are needed.

Internal controls represent actions / procedures performed by management to increase the likelihood activities achieve their objectives. In other words, control is a response to risk, either to contain the risk to an acceptable level or to increase the likelihood of a desirable outcome. These would cover operational controls, financial controls or compliance controls.

**Role of the Committee:** The Audit Committee has an ongoing role in delivering good governance. It should have oversight of the Local Code and the Annual Governance Statement and monitor progress on actions taken against any shortcomings identified.

Internal controls will be closely linked with reviews of the Annual Governance Statement. It will also need to be scrutinised in relation to any reports produced by Internal Audit, Risk Management, Finance or External Audit.

## Annual Accounts

The Statement of Accounts brings together the major financial statements for the financial year and are prepared in accordance with statutory guidance. The statements and the notes that accompany them give a full and clear picture of the financial position of the Council.

### **Role of the Committee:**

The Audit Committee has a responsibility to receive and approve the Statement of Accounts. This includes the review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

## Risk Management

Risk Management forms part of effective governance. Internal controls are influenced by risks. Effective control will manage an identified risk, perhaps by reducing the likelihood of the risk happening or minimising the impact if it did.

**Role of the Committee:** The ways that the Audit Committee fulfils its role includes:

- oversight of the risk management function and its effectiveness
- reviewing risks and assessing the maturity of the Council
- commenting on changes to Risk Management policies
- understanding the key strategic risks facing the Council

As well as supporting effective risk management, knowledge of the Council's key risks helps the Committee discharge its responsibilities such as reviewing the Internal Audit Plan or Annual Governance Statement.

## External Audit

The external auditors provide an opinion on the Council's Statement of Accounts. Their opinion is provided as to whether they give a true and fair view of the financial position of the Council and if they have been properly prepared. As part of their audit, they will provide a separate report - The Audit Results Report (ISA 260).

**Role of the Committee:** The Audit Committee has a responsibility to receive and note the Audit Results Report on behalf of the Council. This report will be reviewed by the Committee and any issues in the report arising from the audit of the accounts will be considered.

## Counter Fraud & Irregularities

Good governance is the cornerstone of an effective Council. However, there are occasions when standards drop below this, and steps are taken to investigate and correct. Sometimes these also impact on the Council from external sources and these need to be verified.

**Role of the Committee:** Key roles for the Committee include:

- reviewing Counter Fraud strategies and championing good practice across the organisation
- monitoring outputs from fraud works undertaken, whether from specific works or the National Fraud Initiative

## WORK AT MEETINGS

### 21 June 2021 - Extraordinary

- [Statement of Account to those charged with Governance \(ISA 260\)](#)

The Audit Committee received the final statement of accounts for the year ended 31 March 2020. This was presented to the committee by the external auditors Ernst & Young.

### 29 July 2021

- [Annual Internal Audit Opinion 2020/21.](#)

The purpose of this report was to provide an overall opinion on the soundness of the control environment in place to minimise risk to the Council. It was based on the findings of completed audits and activities undertaken by the Internal Audit Team during 2020 / 2021.

- [Review of Effectiveness of the Audit Committee](#)

The Audit Committee reviewed its effectiveness over the past 12 months and the key areas that the Committee focused on. The report also contained an assessment against an existing good practice model in respect of the knowledge and skills expected of an effective audit committee to enable it to effectively discharge its duties.

- [Annual Governance Statement.](#)

The production of the Annual Governance Statement (AGS) forms part of the annual closure of accounts process. This provided the committee with an overview of the processes and procedures in place adopted by the Council to manage its affairs.

- [Verbal Update Ernst & Young \(EY\)](#)

The Audit Committee received a verbal update from the external auditors EY regarding their progress with the Council's statement of accounts.

- [Budget Monitoring Report Final Outturn 2020/21.](#)

The report provided the Audit Committee with the outturn position for both the revenue budget and capital programme for 2020/21. The Committee also noted performance on payment of creditors and collection performance from debtors.

- [Draft Statement of Accounts to those charged with Governance \(ISA260\).](#)

The Committee considered the robustness of financial processes and the financial standing of the Council. The Council achieved this through the publication of the draft Statement of Accounts ahead of the statutory deadline, and also through the completion of a successful external audit process.

- [Annual Report Investigating Fraud 2020/21.](#)

The committee were presented with the work carried out over the past year to minimise the risk of fraud, bribery and corruption occurring in the Council.

## **13 September 2021**

- **[Ernst & Young \(EY\) Audit Plan for the year ended 31 March 2021](#)**

The Audit Plan had been prepared to inform the Council about the responsibilities of its external auditors and how those responsibilities will be discharged. This was prepared by the external auditors in discussion with Council officers.

The plan had been developed to consider the impact of the recent key developments, understanding of the Council and the local government sector, and risks based upon discussion with management.

- **[Use of Consultants.](#)**

Following the review of consultants used by the Council in 2010 it was recommended and agreed that Audit Committee would monitor progress on the overall spend on consultants and agency staff.

- **[Decisions made by Shareholder Cabinet Committee](#)**

The Audit Committee received a report noting the decisions made by the Shareholder Cabinet Committee.

- **[Use of Regulatory Investigatory Powers Act 2000 \(RIPA\)](#)**

The Audit Committee received a report into a recent inspection into the Council's use of RIPA and work that had been undertaken to update the Council's policies.

## **29 November 2021**

- **[Internal Audit Plan 2020/21 Progress Report.](#)**

The report provided an overall opinion on the soundness of the control environment in place to minimise risk to the council. It is based on the findings of the completed internal audits from the Annual Audit Plan 2021 / 2022 as at 30 September 2021.

- **[Treasury Management Mid-Year Update.](#)**

The Committee received an update on the Treasury Management Strategy. The report updated members on the key indicators that the Council adhere to when setting the Treasury Management Strategy.

- **[Use of Consultants.](#)**

Following the review of consultants used by the Council in 2010 it was recommended and agreed that Audit Committee would monitor progress on the overall spend on consultants and agency staff.

- **[Debt write-offs exceeding £10,000](#)**

The Audit Committee received a report outlining the debt over £10,000 that the Council had to write-off. This followed extensive work by the Council and all avenues assessed to collect the outstanding debts.



- [Audit Results report for the year ended 31 March 2021](#)

The Audit Committee received a verbal update from the external auditors on the statement of accounts for the year ended 31 March 2021

- [Invitation to opt into the National Scheme for Auditor Appointments from April 2023](#)

The Audit Committee were asked to recommend to Full Council and confirm to Public Sector Audit Appointments that it will opt into the national scheme for auditor appointments from April 2023.

## **21 February 2022**

- [Internal Audit Plan 2022/23 – Approach to Audit Planning](#)

The report provided Members with details of Internal Audit's annual planning approach and emerging issues and risks that Internal Audit need to provide assurance over. It provided an opportunity for Members to consider these themes and provide input into the development of the Audit Plan.

### **2022/23 Draft Treasury Management Strategy.**

The Audit Committee received the Treasury Management Strategy that was to be presented to Full Council in March 2022. The Audit Committee noted and approved the strategy subject to the strategy being updated to show the risks around the strategy and this being presented to Full Council.

- [Use of Consultants.](#)

Following the review of consultants used by the Council in 2010 it was recommended and agreed that Audit Committee would monitor progress on the overall spend on consultants and agency staff.

- [Investigating Allegations of Fraud](#)

The committee received a report setting out some of the approaches in place to tackle fraud and corruption together with the outcomes. The report identified that the whistleblowing policy is subject to refresh and will be brought back to a future Audit Committee following approval through staffing forums (Joint Consultative Forum)

## **21 March 2022**

- [Internal Audit Plan 2022/23.](#)

The report provided the committee with the final Internal Audit Plan for the year 2022/23. Members were also advised on the work carried out by internal audit over the past three years.

- [Strategic Risk Management Report](#)

The committee received a report outlining the key strategic risks for the Council and how these were to be managed. It was agreed that more regular reporting to the committee would take place going forward.

## FUTURE DEVELOPMENTS AND PLANS FOR 2022 / 2023

Overall, the Audit Committee want to continue to develop and build on our current achievements.

For 2022 / 2023 this will involve:

- Continuing to drive up standards of corporate governance;
- Continuing to equip existing and any new Members to fulfil the Audit Committee's responsibilities by providing or facilitating training on all aspects of the Audit Committee's remit. The Chair will seek views of Members on their concerns and areas of perceived risk and will look to get officers to deliver training throughout the year;
- Assisting and supporting officers to promote the work of the Audit Committee and the roles of internal audit, external audit and risk management;
- Supporting the continued production of high quality and compliant statutory accounts;
- Helping to further increase awareness within the Council of its governance arrangements and areas of risk, with particular emphasis on information for tackling fraud and corruption;
- Areas of growing or increased risk will be explored through the Committee and this may include procurement, value for money, MTFS, strategies for shared services and corporate services and specific "deep dives" to establish compliance against standards; and
- Providing effective challenge to officers, raising awareness for sound internal control arrangements and giving assurance to the Authority that its control arrangements are sound.

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## AUDIT COMMITTEE MEMBERSHIP 2021/22



Chris Brooks – Independent Co-opted Member – Chair of Committee (January 2022 onwards)



Councillor Oliver Sainsbury – Vice-Chair



Councillor Mohammed Haseeb



Councillor Jackie Allen – (January 2022 onwards)

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Councillor Saqib Farooq



Councillor Imtiaz Ali



Councillor Asif Shaheed



Dr Stuart Green – Co-opted Independent Member (January 2022 onwards)



Councillor Aasiyah Jospheh



Mike Ingram – Co-opted Independent Member (January 2022 onwards)

Councillor David Over – Chair (May 2021-January 2022)



## **2.2. Audit Committee**

2.2.1 It is advised that Members undertake relevant training within the past three years in order to hold a seat on this committee.

### **2.2.2 Terms of Reference**

2.2.2.1 To consider the annual report and opinion of the Corporate Director Resources and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

2.2.2.2 To consider summaries of specific internal audit reports as requested.

2.2.2.3 To consider reports dealing with the management and performance of the providers of internal audit services.

2.2.2.4 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

2.2.2.5 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

2.2.2.6 To consider specific reports as agreed with the external auditor.

2.2.2.7 To comment on the scope and depth of external audit work and to ensure it gives value for money.

2.2.2.8 To liaise with the Public Sector Audit Appointments Ltd (PSAA) over the appointment of the council's external auditor.

2.2.2.9 To commission work from internal and external audit.

2.2.2.10 To have oversight of the Regulation of Investigatory Powers policy and processes.

2.2.2.11 Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements.

2.2.2.12 To consider reports in relation to the performance of the Council's companies, alongside comments from the Shareholder Cabinet Committee.

2.2.2.13 To produce an annual report for consideration by Full Council.

## **Regulatory Framework**

- 2.2.2.14 To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- 2.2.2.15 To monitor the effective development and operation of risk management and corporate governance in the council.
- 2.2.2.16 To monitor Council policies on "raising concerns at work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- 2.2.2.17 To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
- 2.2.2.18 To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

## **Accounts**

- 2.2.1.19 To review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 2.2.1.20 To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

## **Independent Members of Audit Committee**

- 2.2.1.21 The Audit Committee will include up to 3 independent co-opted non-voting members sitting alongside 7 elected members. Independent members will be appointed by the Council to serve an initial 4 year term, which may be extended with the agreement of Council.
- 2.2.1.22 The Committee will be chaired by an Independent Member. In the absence of the appointed chair one of the remaining two Independent Members will be appointed as Chair by the Committee.
- 2.2.1.23 The Vice-Chair will be an elected member whose purpose will be to support the Chair and in the event of an equality of votes, to exercise a second or casting vote.
- 2.2.1.24 The role of an Independent Member is to support the Council's Audit Committee in its role to provide independent assurance to the members of Peterborough City Council, and its wider citizens and stakeholders.

- 2.2.1.25 Independent members will be expected to actively participate in meetings of the Audit Committee and demonstrate independence, integrity, objectivity and impartiality in their decision-making. They will support reporting as required to Full Council, including the Annual Audit Committee report.
- 2.2.1.26 Independent members will contribute to the work of the Audit Committee in its role in reviewing the Council's financial affairs, including making reports and recommendations, overseeing internal and external audit arrangements, reviewing and scrutinising financial statements, seeking assurances of compliance with the Treasury Management Strategy and practices and reviewing and assessing the governance, risk management and control of the authority.

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<b>COUNCIL</b>	AGENDA ITEM No. 10(b)
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**BUDGETARY CONTROL FRAMEWORK REPORT**

Constitution and Ethics Committee, at its meeting on 4 July 2022, received a report in relation to the Budgetary Control Framework.

**IT IS RECOMMENDED** that Council:

1. Approves the Budget Policy Framework Procedure Rules, as outlined in Appendix A.

The original Constitution and Ethics Committee report and appendix are attached.

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 4
<b>4 JULY 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Cecilie Booth, Corporate Director Resources	
Cabinet Member(s) responsible:	Cllr Andy Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Cecilie Booth, Corporate Director Resources Kirsty Nutton, Acting Service Director: Financial Services	Tel. 452520 Tel. 384590

## UPDATE BUDGET POLICY FRAMEWORK PROCEDURE RULES

R E C O M M E N D A T I O N S	
<b>FROM:</b> Corporate Director: Resources	<b>Deadline date:</b>
It is recommended that Constitution and Ethics Committee:  APPROVES the updated Budget Policy Framework Procedure Rules, as outlined in Appendix A and RECOMMENDS to Council for approval.	

### 1. ORIGIN OF REPORT

- 1.1 This report is presented to Cabinet following referral from the Corporate Director of Resources, the *S151 Finance Officer*.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Constitution and Ethics Committee the opportunity to review and approve the proposal to update the Budget Policy Framework Procedure Rules, as set out in part 4, section 6 of the Council's constitution.

### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	NA
Date for relevant Council meeting	27 July 2022	Date for submission to Government Dept. ( <i>Please specify which Government Dept.</i> )	NA

### 4. BACKGROUND AND KEY ISSUES

- 4.1 In April 2022 a [report](#) to Cabinet outlined a proposed budget setting process. This was produced on reflection of the challenges presented during the 2022/23 Budget setting and after considering feedback from officers, members and the independent improvement and assurance panel a number of recommended changes to the current process were proposed. These are summarised as follows:

- Setting a balanced budget in a timely manner, which will include bringing forward the current timescales operated.
- The 2023/24 budget will flow from the Medium Term Financial Strategy and the CEO's vision for a Sustainable Council.
- To review the remit and terms of reference of the Financial Sustainability Working Group (FSWG).
- To provide additional training and workshops for members .
- The finance team will work with opposition members to prepare an alternative budget.
- To review the process for consideration of Budget Amendments .
- Future budget reports will be presented in a more user friendly format.

This report seeks to formalise some of those changes within the Council's Budget and Policy Framework Procedure Rules, as part of the constitution. This incorporates revised terms of reference for FSWG to reflect the strengthened role of this group, including its involvement in supporting the delivery of the Council's Improvement Plan.

## **5. CONSULTATION**

5.1 The terms of reference have been considered by the leaders of each political group.

There are no further consultation requirements. This is an enhancement to the budget process.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 Following approval by the Constitution and Ethics Committee on 4 July 2022 and Full Council on 27 July 2022, the revised Budget Policy Framework Procedure Rules will form part of the Council's Constitution, forming an integral part of the Council's Budget Setting Process.

## **7. REASON FOR THE RECOMMENDATION**

7.1 The reason for this proposal is to ensure that the Budget Policy Framework Procedure Rules reflects the:

- Revised approach to the development of a Medium Term Financial Strategy and Revenue & Capital Budget Setting.
- Revised Terms of Reference for the FSWG.

This recommendation will best support the Council to fulfil its statutory obligation to set a lawful and balanced budget by 11 March annually.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 No other options have been considered. This recommendation strengthens the role of the Cross Party Working Group, to ensure it has an active role in the delivery of a sustainable and balanced budget and a Medium Term Financial Strategy.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 There are none.

### **Legal Implications**

- 9.2 The provisions of the Local Government Finance Act 1992 (LGFA 1992) set out what the council must base its budget calculations on and require the council to set a balanced budget, having regard to the advice of its Chief Financial Officer (section 151). The setting of the budget in March each year is a function reserved to Full Council, which will consider the draft budget which has been prepared and proposed by Cabinet. When it comes to making its decision in March each year, the Council is under a legal duty to meet the full requirements of s31A of the LGFA 1992, which includes the obligation to produce a balanced budget.
- 9.3 Once the budget has been agreed by Full Council the Cabinet cannot make any decisions which conflict with it, although variations and year-in-year changes can be made in accordance with the Council's financial regulations.
- 9.4 Councils are under a general duty (Section 151 of the Local Government Act 1972) to make arrangements for 'the proper administration of their financial affairs'. It is for each council to decide on the detail of its budget setting process as part of this overall duty.

### **Equalities Implications**

- 9.5 There are none.

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 Council Constitution Part 4, Section 6

## **11. APPENDICES**

- 11.1 *Appendix A- Revised Budget Policy Framework Procedure Rules – To follow*

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## Section 6 - Budget and Policy Framework Procedure Rules

### 1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to initiate and implement it.

### 2. PROCESS FOR DEVELOPING THE COUNCIL'S BUDGET

- 2.1 The Council's Medium Term Financial Strategy (MTFS) will be reviewed and reported on a quarterly basis throughout the year. The Cabinet will consider the revised financial assumptions and Financial Strategy on these occasions. The Corporate Director of Resources will confirm the Medium Term Financial Strategy and Budget timetable at the Annual Council meeting, alongside confirmation of the meeting calendar.
- 2.2 This approach will ensure members are fully abreast of the latest financial assumptions and the financial strategy being worked towards. This will support the delivery of the Council's corporate priorities and will include identified budget proposals for consideration by the Joint Meeting of Scrutiny Committees prior to submission to Council.
- 2.3 The Executive shall consider the Council's Budget and Medium Term Financial Strategy in line with the following high-level timetable. This will include consideration of the MTFS assumptions with the Revenue and Capital Budgets, the Asset Investment Strategy, Capital Strategy and the Treasury Management Strategy being recommended in the February Budget Setting Council meeting,

Timescales	Update
June/July	MTFS Quarter 1 Update
September	MTFS Quarter 2 Update
December	MTFS Quarter 3 Update
February	Council Budget Setting meeting, including: MTFS Quarter 4 update including other associated strategies (eg Treasury Management) Budget Setting Report, including: <ul style="list-style-type: none"> <li>• Council Tax Resolution</li> <li>• Revenue and Capital Budgets for the following year</li> <li>• Section 25 Statement</li> </ul>

- 2.4 Prior to formal documentation being presented to Joint Meeting of Scrutiny Committees or the Executive, budget proposals and revised financial assumptions will be developed and reviewed by the Corporate Leadership Team (CLT) and

Cabinet Policy Forum (CPF). These will then be considered by the Financial Sustainability Working Group (FSWG). The FSWG will be required to support and contribute to the development of these budget proposals and develop additional proposals that will contribute towards containing expenditure within the approved budget for the current financial year and balancing the budget in future financial years. These options will be discussed with Cabinet Members and the FSWG (terms of reference for the group is attached Appendix 1).

### **MTFS Quarterly Update**

- 2.5 The MTFS Quarterly update report will provide an updated financial assessment of the Council's financial assumptions and the financial strategy being implemented, for members to note. This will be presented to Joint Meeting of Scrutiny Committees or the Executive. However, where the report outlines identified budget proposals for consideration, these will follow the required consultation and decision-making process, based on the financial impact, in line with the Council's budget virement policy, and the change in policy or service provision, and the impact will be clearly outlined in an Equality Impact Assessment. All budgetary changes for the following financial year will be outlined within the Budget Setting Report.

### **Budget Setting Meeting**

- 2.6 Following the Local Government Provisional Finance Settlement In late December/ early January, Cabinet will formally publish the proposed Revenue and Capital budget alongside a revised Medium Term Financial Strategy (MTFS) and if required, it will be subject to a consultation process, which will commence at this time. As part of the consultation process, the Cabinet shall formally consult on the budget proposals with all scrutiny committees at a joint meeting on these proposals. The Cabinet shall also consult with local stakeholders, including residents, partner organisations and businesses, to ensure that decisions made reflect the views of the community and members.
- 2.7 Following consultation, the final Revenue and Capital budget and consolidated MTFS will be considered by the Executive and presented to Council at the Budget Setting Council Meeting for approval, no later than 25 February. This will ensure the Council fulfills its duty to ensure a lawful and balanced budget and to set the Council Tax by 11 March in a timely manner.
- 2.8 At any stage during the year, Cabinet Members may also consult and seek advice from any Scrutiny Committee about relevant service issues in relation to the formulation of budget proposals. Scrutiny committees have the ability to develop their own proposals as part of any themes they are reviewing as part of their work programme. Any such proposals will be reported to Cabinet and Cabinet will formally respond when recommending their budget proposals.
- 2.9 The Growth, Resources and Communities Scrutiny Committee will have overall oversight of the Strategic Financial Planning including, budget and finance issues, including Council Tax and the Treasury Management Strategy.

### **3. PROCESS FOR DEVELOPING THE POLICY FRAMEWORK**

- 3.1 Where statutory deadlines allow, at least two months before a plan or strategy in the policy framework needs to be adopted by Council, the relevant Scrutiny Committee will consider initial proposals for the plan or strategy. Details of any consultation processes shall be included in relation to each of these matters in the Forward Plan, where the plan or strategy is being recommended by the Cabinet. The consultation process shall be published and available on the Council's website.
- 3.2 Any representations made to the relevant Scrutiny Committee shall be taken into account when considering the initial proposals and shall be reflected in any report dealing with them. If the matter is one where a Scrutiny Committee has carried out a review of policy, then the outcome of that review will also be considered alongside the initial proposals.
- 3.3 The Scrutiny Committee may consult local stakeholders, any or all Members and any such persons or communities as they shall consider appropriate, allowing a period of four weeks for them to respond to the initial proposals, unless there are special factors that make this timescale inappropriate. If there are, it will inform the consultees of the time for response when the proposals are referred to them.
- 3.4 With the exception of the Corporate Priorities, the relevant Scrutiny Committee will submit its proposals, including any views received during the consultation process, to the Cabinet for them to determine and make recommendations to Council.

#### **4. ADOPTION OF BUDGET AND POLICY FRAMEWORK**

- 4.1 The Cabinet will consider the comments of the Scrutiny Committees and, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the scrutiny committee.
- 4.2 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from the relevant Scrutiny Committees.
- 4.3 Where, at a Council meeting, a Member wishes to move an alternative budget to be adopted by the Council, they must not propose a budget which would mean setting an unlawful / deficit budget. If a Member wishes to propose an alternative budget, they must consult with the Chief Finance Officer and the Council's finance team a month before formal notice (referred to in section 4.5) is required. This is to ensure the financial implications have been adequately assessed.
- 4.4 Where at a Council meeting a Member wished to move amendment(s) to the budget to be adopted by the Council they must not propose amendments which would mean setting an unlawful/deficit budget. An amendment should not include a proposed change to the level of council tax, or significant changes to the financial assumptions of service delivery, which would otherwise require consultation.

- 4.5 Members must give formal notice in writing of the proposed amendment(s) or an alternative budget to the Chief Finance Officer no later than 12 noon 10 working days before the Council meeting (not including the day of the meeting). An alternative budget, is deemed to be one that could propose a different level of council tax. Any other amendments must comply with the rules relating to amendments to motions in the Council Standing Orders. Such notice shall be circulated to all Members and the alternative proposal(s) will be dealt with as amendments in the order they are received by the Proper Officer.
- 4.6 The Council's decision will be published on the Council's website. The Proper Officer will notify the Leader of the Council's decision and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- 4.7 The amended proposals will be considered by the Chief Financial Officer by no later than 12 noon 5 clear working days before the day of the Council meeting, excluding the day of the meeting itself. The Chief Financial Officer will confirm the legality and impact of all proposed amendments. Any that, in the Chief Financial Officer's opinion, are unlawful shall be rejected. The Chief Financial Officer will share all amended proposals, together with Finance sign off and comments, with the Chief Executive and Monitoring Officer by 5pm 5 clear working days before the day of the Council meeting, excluding the day of the meeting itself. All proposed amendments will be shared with all Elected Members, by email, by the Chief Financial Officer by 12 noon 3 clear working days before the Council meeting, excluding the day of the meeting itself.
- 4.8 If the Leader objects to the decision of the Council, he or she shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- 4.9 The Council meeting must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- 4.10 The Council shall at that meeting make its final decision which shall be published on the Council's website, and shall be implemented immediately.
- 4.11 These procedures only applies to plans which relate to executive functions. Plans that relate to non-executive functions will be reported to the relevant committee prior to submission to Council.



## **5. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 5.1 Subject to the provisions of paragraph 6 below, the Executive may only take decisions which are in line with the Budget and Policy Framework. If the Executive wishes to make a decision which is contrary to the Policy Framework, or contrary to/not wholly in accordance with the Budget approved by the Council, then that decision may only be taken by the Council. In approving the Medium Term Financial Strategy, the Council will specify the level of virement within the budget. Any other changes to the Budget and Policy Framework are reserved to the Council.
- 5.2 The Executive shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether a decision would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by the Executive to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 below apply, However the decision may only be taken:
- (a) if it is not practical to convene a quorate meeting of the full Council;
  - (b) if the Chair of the Growth, Resources and Communities Scrutiny Committee agrees that the decision is a matter of urgency;
  - (c) In the absence of the Chair of the Growth, Resources and Communities Scrutiny Committee, the Chair of the Scrutiny Committee relevant to the decision must give consent;
  - (d) In the absence of both Chairs, the consent of the Mayor or Deputy Mayor will suffice.
- 5.3 The reasons for urgency and why it is not practical to convene a quorate meeting of the Council, along with the Chairman of the relevant scrutiny committee's consent to the decision being taken as a matter of urgency, must be noted on the record of the decision
- 5.4 Following the decision, the decision taker will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **6. IN-YEAR CHANGES TO BUDGET OR POLICY FRAMEWORK**

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive, an individual member of the Executive or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- (a) Which will result in the closure, amendment or discontinuance of a service or part of service to meet a budgetary constraint;
  - (b) Which are necessary to ensure compliance with the law, ministerial direction or government guidance;
  - (c) Where the changes do not exceed virement limits set by Council;

- (d) A policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 7.1 Where a Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- 7.2 Where the Monitoring Officer and/or Chief Financial Officer are of the opinion that the decision in question is contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's Budget then they shall prepare a report to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council.
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, a scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
  - (a) endorse a decision or proposal of the Executive decision taken as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way;
  - (b) amend the Council's Financial Regulations or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way;
  - (c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Financial Officer.

## Financial Sustainability Working Group – Terms of Reference

### Objective

The Council is driving forward its plan to deliver a Future Sustainable Council, which includes the delivery of a Corporate strategy and performance framework, a Medium Term Financial Strategy and a balanced revenue and capital budget. There is an expectation from Government, expressed within the DLUHC review (2021) that the Council will move to this sustainable budget position by the 2023/24 financial year.

The Council has drafted an Improvement Plan in response to the DLUHC review and put in place an Independent Improvement and Assurance Panel, which will support the Council (members and Officers) to achieve financial sustainability.

The Financial Sustainability Working Group is a core cross party working group of members, which will work in partnership, with a common goal of supporting the delivery of the improvement plan and longer-term financial sustainability, with key activities including

- Reviewing the Council's expenditure and services, ideas presented by officers
- Producing ideas of their own for officers to evaluate with a view to recommending a sustainable, balanced budget to Cabinet for the next financial year and the medium term.
- Reviewing the current year financial position including the delivery of the savings programme and making recommendations to be incorporated as part of a revised budget, in order to strengthen the current financial position and deliver savings and efficiencies at the earliest opportunity.
- Reviewing the Progress of the delivery against the Improvement plan objectives and making recommendations to be considered which will support the delivery of these.

These terms of reference set out the purpose, membership and operations of this new cross party working group.

### Purpose

The primary purpose of the Financial Sustainability Working Group (FSWG) is to support the delivery of a Future Sustainable Council and a balanced and sustainable budget by:

- A thorough review of all the Council's expenditure and income budgets;
- The formulation of a balanced and sustainable budget for the following financial year, which is within the Council resource envelope;
- The formulation of a Medium Term Financial Strategy covering a period of 3-5 years.
- Reviewing budget ideas and proposals presented by senior officers and agreeing which of those ideas are incorporated in the budget and which require further work to be undertaken;
- Identifying new savings, income generation and efficiency opportunities and work with officers to develop these to bring back to the group for review;
- Reviewing the Council's on the budget position during the current financial year including:

- Revenue Budget
- Capital programme
- Reserve levels
- Savings Programme delivery
- Asset disposals
- The delivery of the outcomes outlined within the Councils Improvement Plan

### **Constitution & powers**

This is a working group of Cabinet and any recommendations would be made to Cabinet for consideration and approval.

### **Membership**

The FSWG shall comprise of:

- Group Leaders and their Deputies;
- The Finance Spokesperson for each Group;
- The Cabinet Member for Finance.

Substitution arrangements will not apply.

The Financial Sustainability Working Group shall appoint a Chair and Vice -Chair at its first Meeting. The quorum of the Working Group shall be half plus one based on the agreed membership at the start of each financial year.

### **Operations**

Meetings will be held on a monthly basis, Meetings may be held more or less frequently as the Group sees fit.

Meetings of the Working Group will be supported by the Chief Executive and the Section 151 Officer. The Corporate Leadership Team will attend as necessary to present and discuss proposals and respond to Group queries.

Papers distributed prior to the meetings will be confidential as proposals being discussed could directly affect Staff and Service users. Meeting and notes, attendance and actions will be recorded by democratic services.

<b>COUNCIL</b>	AGENDA ITEM No. 10(c)
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**UPDATE TO CIVIC PROTOCOL – HONOURS PANEL**

Constitution and Ethics Committee, at its meeting on 4 July 2022, received a report in relation to the Civic Protocol and, specifically, the arrangements for the Honours Panel.

**IT IS RECOMMENDED** that Council:

1. Approves the proposed draft amendments to the Civic Protocol.
2. Agrees that the Constitution and Ethics Committee's terms of reference be amended to include responsibility for the Honours processes, with delegated responsibility for the administration of the processes to be carried out by Executive and Members Services.

The original Constitution and Ethics Committee report and appendix are attached.

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	<b>AGENDA ITEM No. 5</b>
<b>4 JULY 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan – Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Andy Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Rachel Edwards – Head of Constitutional Services Susan Proctor – Executive and Members Services Manager	Tel. 452277

<b>UPDATE TO CIVIC PROTOCOL</b>
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<b>RECOMMENDATIONS</b>	
<b>FROM: Director of Law and Governance</b>	<b>Deadline date: N/A</b>
<p>It is recommended that the Constitution and Ethics Committee: -</p> <ul style="list-style-type: none"> <li>• Considers and debates the proposed draft amendments to the Civic Protocol</li> <li>• Recommends to Full Council that the Committee’s terms of reference are amended to include responsibility for the Honours processes, with delegated responsibility for the administration of the processes to be carried out by Executive and Member Services.</li> </ul>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Constitution and Ethics committee following a request from the Committee at its previous meeting for further time to consider and debate a review of the Civic Protocol and the Honours Panel criteria.
- 1.2 At the previous Constitution and Ethics committee meeting in March 2022, the committee agreed the changes as shown below: -
- (a) inserted Honours Panel criteria
  - (b) removal of wording in part 15.2 of the civic protocol

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to provide the Constitution and Ethics committee with an opportunity to consider how best to put enhanced governance arrangements in place concerning how the Council manages its processes for bestowing Honours.

Currently, Honours Panel meetings are convened during the year to review nominations for Freedom of the City, Alderman, Civic Awards and National Honour recommendations, making recommendations to Full Council. There is no current formalised written structure for this process.

It is proposed that this work should be added to the Terms of Reference of the Constitution & Ethics Committee, as this committee is best placed to carry out this kind of governance related work as it currently has oversight of all the codes and protocols in the Constitution, rather than setting up a separate mechanism. The following wording to be added:

- To consider any nominations received for Freeman/Freewoman of the City and make recommendations to an extraordinary meeting of Full Council
- To consider any nominations received from Group Leaders on behalf of their Group for an individual to be made an Honorary Alderman and make recommendations to an extraordinary meeting of Full Council
- To consider any nominations received for Civic Awards relating to individuals or groups and make recommendations to an extraordinary meeting of Full Council.
- To consider and nominations for National Honours and make recommendations to the relevant body on behalf of the Council.

2.2 This report is for Constitution and Ethics committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council’s Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council’s Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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**4. BACKGROUND AND KEY ISSUES**

- 4.1 The civic protocol, attached at Appendix A, is Part 5, Section 6 of Peterborough City Council’s Constitution. This protocol supports the Mayor in Civic and Ceremonial duties as ‘First Citizen of the City of Peterborough’.
- 4.2 The Honours Panel currently meets to consider recommendations to Full Council in relation to Freedom of the City and Honorary Alderman awards.

**5. CONSULTATION**

5.1 Subject to the Constitution and Ethics committee’s agreement to these recommendations in this report, along with previously agreed recommendations in the report from the November 2021 and March 2022 meetings, the proposed amendments to the protocol will be presented to Full Council. This is part of the process to give all members the opportunity to debate the proposal before a final decision is made at Full Council to implement these proposals.

**6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that the Constitution and Ethics committee will take the opportunity to review the proposals and update the Civic Protocol and recommend to Full Council that responsibility for the honours process is assumed by the Constitution & Ethics Committee. Any recommendations from this report along with the previously agreed amendments will be presented to the next meeting of Full Council before coming into effect.

**7. REASON FOR THE RECOMMENDATION**

7.1 The reason for this proposal is to ensure that the Civic Protocol is updated to regularise the governance arrangements around the honours administration arrangements.



**8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 Proposed option – to update Civic Protocol to include proposing responsibility for the Honours administration process is assumed by the Constitution & Ethics Committee.

To do nothing – to leave the honours administration process lacking governance oversight.

**9. IMPLICATIONS**

**Financial Implications**

9.1 *None.*

**Legal Implications**

9.2 *None.*

**Equalities Implications**

9.3 None

**10. BACKGROUND DOCUMENTS**

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

10.1 PCC Constitution

**11. APPENDICES**

Appendix A – Part 5 Section 6 Civic Protocol (Council Constitution)

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# **Peterborough City Council**

## **Civic Protocol**

# Contents

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<b>2</b>	The Mayor’s statutory role
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<b>20</b>	Administration and funding of the mayoralty and civic service

# Civic Protocol

## 1. The importance of the Council's mayoralty and civic service

- 1.1 Peterborough City Council plays an important part in providing community leadership. The City Council recognises two key aspects to this: political leadership is provided through the Leader of the Council and other Cabinet Members who together form the Executive; while civic leadership is focussed upon the mayoralty, provided through the Council's civic service.
- 1.2 As Peterborough's 'first citizen', the Mayor acts as ambassador for the City Council, and also for Peterborough itself on the wider regional, national, and international stage. By being an impartial figure, they can represent the whole community, regardless of differences. The Mayor can visit communities and business interests both in Peterborough and farther afield, representing the Council and the City, and they can also welcome delegates and visitors to the City Council on the community's behalf.
- 1.3 The civic function provides an element of continuity in the community, even though the incumbent of the mayoralty may change annually. It can act as a focal point for community celebrations and pride and also commemorations and shared sorrow. Civic events and hospitality are an important part of community life, enhancing its social fabric and helping to attract confidence in the City which brings benefits in terms of inward investment. The Council's civic programme is reviewed annually by the Head of Constitutional Services and the Executive and Members Services Manager with the Mayor to ensure that it retains its important traditions and continuity, while also adapting where appropriate so that it remains attractive and relevant to the community.

## 2 The Mayor's statutory role

- 2.1 The primary duty of the Mayor is to act as chair of Peterborough City Council and thus preside over meetings of the Council, in accordance with the Local Government Act 1972 which states:
- s3(i) - "The chair (mayor) of a principal council shall be elected annually by the Council from among the councillors";
- s4(i) - "The election of the chair (mayor) shall be the first business transacted at the annual meeting of a principal council".
- 2.2 As chair of Council, the Mayor's role is to ensure proper conduct of the Council meeting in compliance with the law and the Council's procedural rules for meetings. They are also required to:
- determine whether urgent items may be considered at a Council meeting without prior notice;
  - determine whether or not to call an extraordinary meeting of Council; and exercise, if they wish to, a second or 'casting vote' at Council in the event of an equal vote upon any issue.
- 2.3 The Mayor is advised, in this function, by the Chief Executive or Director of Law and Governance and the Head of Constitutional Services.
- 2.4 The Mayor is expected during their term of office to remain politically impartial. Councillors will support the Mayor in this and respect their neutral position.

## 3 The Mayor's civic role

- 3.1 In fulfilling the role of Peterborough's first citizen, the Mayor is expected to speak and act for all the diverse communities represented in Peterborough.
- 3.2 The Mayor will usually lead each of the civic events in the Council's annual programme. They also attend all events, wherever possible, to which the Council has been invited to send a civic

representative. In particular, priority will be given to events involving the Lord-Lieutenant to which the Council is invited to send a civic representative and to the Council's key priorities on supporting communities and promoting the City rather than merely attending other authorities' events. Where it is not possible for the Mayor to attend such an event, the Deputy Mayor will attend in their place. When considering attendance, the Mayor and Executive and Members Services Manager will balance civic priorities against the need to honour prior engagements where possible.

- 3.3 When the Council requires a leading figure to be present at an event which it has organised in connection with the services which it delivers within the community – such as to open a new service or a festival – the Mayor will usually be invited to fulfil that role. If this is not possible, the Deputy Mayor will be invited. Where events are community-based, the officers arranging the event will usually invite ward councillors to attend. This would typically be undertaken by the organisers of the event not the Executive and Members Services team.
- 3.4 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chair of that local authority if the invitation did not come from their civic office and to request permission for the wearing of chains at the event.
- 3.5 The Mayor is frequently invited to attend events in the community, such as openings and fund-raising events organised by voluntary organisations. There are also invitations to attend lectures, social events and so forth. Where possible the Mayor or Deputy will attend. However, the mayoral calendar is busy and this will not always be possible. The Mayor will, in deciding whether or not to accept an invitation, give priority to events described at section 3.2 above, and to those which promote Peterborough. They will also have regard to advice from the Executive and Members Services Manager and to the date order in which invitations are received into the Office.
- 3.6 Once the Mayor is elected, they will discuss with the Executive and Members Services Manager and Head of Constitutional Services the coming year to plan ahead for civic events and will take officers' advice about any issues or events arising that year which would particularly benefit from the Mayor's involvement, and it is usual for the Mayor to select one or more themes which they would like to focus upon during their mayoral year. These discussions will guide officers in identifying those events which the Mayor should participate in and help the Mayor and Executive and Members Services Manager to assess which external invitations the Mayor should accept.
- 3.7 In addition to the Mayor or Deputy Mayor attending an event, it is also noted that other Cabinet Members, Chief Officers, Leader of the Council, Chief Executive or other members may have been invited by the organisers of the event, and in some cases, may be asked to deliver speeches.
- 3.8 The Council's role in extending civic hospitality is described at section 11 below.

#### **4. How the Mayor is appointed**

- 4.1 The procedural rules set out in the Council's Constitution, governing the conduct of Council business, describe the procedure for identifying a 'Mayor-Elect' each year, to allow the person selected sufficient time to make adequate preparations for the year of office well in advance of actual election at the Annual Council Meeting. Councillors remain after the closure of a Council meeting early each New Year, for a private meeting of all members. The usual practice is for the Chief Executive to facilitate the meeting by inviting councillors to propose a candidate. This is usually done with a short speech, and duly seconded. Any further nominations are made in the same manner. The Chief Executive then invites councillors to vote for each candidate in turn. Thus, the candidate most likely to receive Council's formal support at the Annual Council Meeting is identified, but the resulting nomination has no official status, no minutes are taken, and the result is not binding upon the Annual Meeting.
- 4.2 Peterborough City Council appoints Mayors on the basis of their length of service with the Council. The Council may take into account factors such as experience at chiring meetings, the need for the Mayor to have time to attend many day-time as well as evening appointments, and the range of duties which the Mayor will be required to undertake. It is also usual for the Mayor and Deputy

Mayor to represent two different political parties, although this is not obligatory. Mayors serve a one-year term of office.

- 4.3 A Mayor's Induction pack is provided by Executive and Members Services Team which explains the full range of issues with which the Mayor will become involved.

## **5. The Mayoress or Consort**

- 5.1 It is usual for the Mayor to identify the person who will accompany them to all or most of the civic and social activities which they attend in their official capacity as Mayor. The choice of companion is entirely at the Mayor's discretion. A female companion is designated Mayoress, while a male companion is designated the Mayor's Consort.
- 5.2 The position of Mayoress or Consort is not provided for in law and therefore has no legal status. The Mayoress or Consort cannot represent the Mayor at city events; their role is to accompany and assist the Mayor. In the absence of the Mayor, this duty would fall to the Deputy Mayor.

## **6. The Deputy Mayor and Deputy Mayoress or Consort**

- 6.1 The Deputy Mayor will deputise whenever the Mayor is unable to carry out a mayoral duty. In particular, if the Mayor is not able to present at a Council meeting, the Deputy Mayor will take the chair. When the Mayor is present at Council, the Deputy Mayor will sit to the Mayor's side upon the dais in order to help the Mayor in chairing the meeting (for example, identifying councillors who wish to speak about an item under discussion).
- 6.2 The Deputy Mayor will also be invited to attend each of the events in the Council's annual civic events programme, forming part of the mayoral party. They will deputise for the Mayor at such events, in the Mayor's absence.
- 6.3 The Deputy Mayor will attend council-run or external events where possible, if the Mayor is unable to do so. In deciding whether or not to accept such invitations, the Deputy Mayor will have regard to the same advice and priorities as are indicated for the Mayor at paragraph 3.4 above.
- 6.4 Like the Mayor, the Deputy Mayor usually identifies a companion to accompany them to civic and social events attended in their official capacity as Deputy Mayor. A female companion is designated Deputy Mayoress, while a male companion is designated the Deputy Mayor's Consort.

## **7. The Mayor's Chaplain and Cadet, and the Town Crier**

- 7.1 It is custom and practice for the Mayor to appoint a Chaplain. The appointment is honorary, is at the Mayor's discretion and has no official status. The Chaplain acts as spiritual adviser to the Mayor, says prayers before each Council meeting and attends major civic functions and dinners where they will be expected to say grace. The Chaplain will also make arrangements for the Mayor's Civic Service, held each year in the Mayor's own ward.
- 7.2 The Mayor may also consider appointing a Mayor's Cadet for their term of office. This will be young person from the army, naval, air force or police cadets, selected by the Mayor. Like the Chaplain, the position of Mayor's Cadet is honorary, at the Mayor's discretion and has no official status. The Cadet, where appointed, will accompany and assist the Mayor at official functions, enabling a young representative to be present at civic events and also providing good opportunities for personal development for the cadet.
- 7.3 Peterborough's Town Crier is an honorary position. The Crier is chosen from candidates who come forward after public advertisement or notice and is selected by the Leader of the Council usually after a public 'crying' competition. The appointment is generally continued from year to year, until the current incumbent stands down. The Crier is expected to uphold the dignity of their office but may also engage in other crying activities, provided that these do not bring the office of Town Crier into disrepute.

**8. The civic insignia**

- 8.1 Mayors in Peterborough wear a robe of office, together with a chain of office on all formal ceremonial occasions. If the ceremony is out of doors, the Mayor will wear a hat, which in the case of a man is a black cocked hat and for a lady a black tri-corn hat. On normal day to day civic occasions, the Mayor and Mayoress will wear only the chain of office. The Mayor is expected to wear the robe and chain of office for Council meetings, but if it is particularly hot, the Mayor can adjourn the meeting and remove the robe.
- 8.2 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chairman of that local authority to wear the chain of office if this is required.

**9. Formal address and orders of precedence**

- 9.1 In writing, and on formal occasions, the Mayor should be addressed as ‘The Right Worshipful the Mayor of the City of Peterborough’. At all other times the correct form of address is ‘Mr Mayor’ if the holder of office is a man or ‘Madam Mayor’ if the holder of office is a woman (the use of Madam Mayor is at the Mayor’s choice).
- 9.2 The precedence of the Mayor is set down under Section 3(4) of the Local Government Act 1972 which states “The Chair of the District Council shall have precedence in the District, but not so as prejudicially to affect Her Majesty’s royal prerogative.”
- 9.3 The Lord Lieutenant, when present at a civic procession or royal occasion, takes precedence over the Mayor as the monarch’s representative. The Deputy Lord Lieutenant of the County does not take precedence over the Mayor, unless he is deputising for the Lord Lieutenant. There are no clear rules in respect of the precedence of the High Sheriff, but general advice is that the High Sheriff’s duties are largely restricted to judicial functions, so they do not represent the monarch in the same way as does the Lord Lieutenant. Therefore, if the High Sheriff is present at a city occasion, they should yield precedence to the Mayor. The precedence of other office holders is very much based upon guidance available in books of etiquette, together with local tradition.
- 9.4 Where possible a Police Representative or the Mayor’s Support Officer will lead the Mayoral Party processions and the order of precedence for the City of Peterborough for civic processions and royal occasions is as follows (see also paragraph 9.6 below):

The Lord Lieutenant The Mayor and Mayoress/Consort The Chief Executive and Leader of the Council The Deputy Mayor and Mayoress/Consort Any Minister of the Crown present* The High Sheriff Members of Parliament (Privy Councillors have precedence)** Elected Mayor	(This group forms the mayoral party)
Serving Military Representatives Police & Crime Commissioner Police and Fire Honorary Freemen of the City (representatives of organisations which have received this honour will follow individual freemen) Honorary Alderman Past Mayors Chief Constable and Chief Fire Officer Visiting Chairs	



Visiting Mayors (these may come later in the procession, after city councillors, in cases where a large number of visitors are present) Leader of the Council Cabinet Members Group Leaders Other city councillors and city council officers Other guests	
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\* Where it is customary to include local Members of Parliament (MPs) in the order of precedence for a civic procession, most local authorities place them between the mayoral party and councillors. This is the case in Peterborough. However, if an MP is a Minister of the Crown, they are included in the mayoral party.

\*\* Where an MP is a Privy Councillor, they take precedence over other MPs.

9.5 Any civic procession is led by the Mayor’s Support Officer carrying the mace, preceded by a police representative where necessary.

9.6 During a royal visit to Peterborough, the order of presentation to the royal visitors by the Lord Lieutenant shall be determined by Her Majesty the Queen. The City Council will usually be consulted by the Lord Lieutenant's office prior to the visit in order to advise Her Majesty. The City Council will usually recommend the following:

Lord Lieutenant and guest High Sheriff and guest Mayor and Mayoress/Consort Chief Executive Deputy Mayor and Mayoress/Consort MPs (Privy Councillors have precedence)	(This group forms the mayoral party)
Leader of the Council Chief Constable Chief Fire Officer (After these presentations, the Lord Lieutenant will present the principal organiser of the event)	

Apart from the lead from the Lord Lieutenant and High Sheriff – other order to be same as above. On the occasion of a royal visit to Cambridgeshire, which includes Peterborough, then the Cambridgeshire County Council chair will also be presented.

**10. The Council’s programme of civic events**

10.1 The Council organises or participates in a series of major civic events which occur each municipal year. These are indicated below:

<b>Annual programme of civic events</b>	<b>Usual time of year</b>	<b>Principal organisation(s)</b>
<u>Mayor Making and Annual Council Meeting</u> (This includes the ceremonial investiture of the Mayor, and an event in honour of the retiring Mayoral Party and new Mayors).	May	Peterborough City Council Executive and Members Services liaising with Democratic and Constitutional Services

<p><u>Cathedral Civic Service</u> (To install the Mayor in their seat in the Cathedral. Also an opportunity to formally seek spiritual blessing and guidance for the new Mayor throughout their term of office.)</p>	June	Peterborough City Council Executive and Members Services liaising with Cathedral
<p><u>Town Hall 'Open Day'</u>  (An opportunity for any member of the public to visit the Town Hall or Sand Martin House, meet the Mayor and see displays about the Council's role and services. Light refreshments are served, where possible by pupils from a senior school in the Mayor's ward.)</p>	June	Peterborough City Council Executive and Members Services
<p><u>The Mayor's Civic Service</u>  (A service at a place of worship in the Mayor's own ward.)</p>	Timing is at the Mayor's discretion	Peterborough City Council/the Mayor's selected place of worship Executive and Members Services in liaison with nominated Church
<p><u>Traditional opening of Bridge Fair</u>  (The Mayor opens the fair at The Embankment, and the fair master takes the mayoral party and guests – including mayors from other local authorities in the area - on a tour of the fair; afterwards, guests are traditionally invited to join a 'sausage supper' at the Town Hall or Sand Martin House, the proceeds of the tickets for which go to the Mayor's charity fund.)</p>	First Tuesday in October	Peterborough City Council Executive and Members Services
<p><u>Remembrance Sunday Service and Parade</u>  (The service is preceded by a military and civic procession from the Town Hall to the cathedral, where wreaths are laid at the war memorial prior to the service and followed by a military parade with a march past the Town Hall at which the mayoral party takes a salute outside the Town Hall. The civic procession follows back to the Town Hall, and a wreath above the Town Hall front door is unveiled.</p>	November	The wreath laying service and civic procession is organised by the Executive and Members Services Team in liaison with the Royal British Legion and the Cathedral.
<p><u>Two Minutes' Silence</u>  (A short service takes place at 11am on Armistice Day at the War Memorial. It is preceded and followed by a civic procession to and from the Town Hall. The vicar of St John's Church presides at the service and</p>	November	Organised by the Executive and Members Services Team in liaison with Royal British Legion representatives

is joined by the mayoral party and the President of the Royal British Legion.		
<u>Holocaust Memorial Day</u>  (A local event linked to this national day, often comprising a museum exhibition and an outdoor service representing as many of Peterborough's communities as possible. Remembering past tragedies and promoting harmony and tolerance.)	January	Peterborough City Council, in partnership with community representatives and Executive and Members Services
<u>The Mayor's Ball</u>  (This is the Council's major civic social event of the year, open to anyone upon purchase of a ticket. The proceeds go to the Mayor's charity fund. Fundraising activities associated with the Ball are the responsibility of the Mayor's voluntary Charity Committee, but the Mayoral Services Team organises the Ball itself.)	May Now generally scheduled as the Mayor's Finale Ball	Organised by Executive and Members Services and supported by the Mayor's Charities.

- 10.2 Other civic events may be arranged during the year and include Fly the Flag events for the Commonwealth, Armed Forces, Red Ensign (Navy), 999 Emergency Services Day and Windrush Day. This can include, for example, parades or civic receptions for visitors or events of major significance (such as a visit from the civic party representing one of the Council's twinned authorities) or associated with the opening of a major festival. Executive and Members Services Team will ensure that the Mayor and guests are invited and will also arrange any reception required at the Town Hall or Sand Martin House.
- 10.3 A Freedom Parade may be requested by a military organisation which holds the freedom of the city of Peterborough, when it wishes to exercise its right to march through the city. Such a parade would be organised by the organisation but hosted by the Peterborough City Council which will join in the planning of the event. If the City Council decides to award the honorary freedom of the city or alderman status to a person or organisation, this will involve a special Council meeting to determine whether or not to award the honour, followed later by a ceremony to make the award which will be arranged by the Council's Executive and Members Services Team in conjunction with the recipient of the honour.
- 11. Civic hospitality**
- 11.1 Civic hospitality, such as light refreshments, may be offered to civic events, and when the Mayor receives visitors in the Mayor's Parlour. This would usually arise on occasions such as those which promote Peterborough, or which reciprocate civic hospitality extended to Peterborough's representatives upon an earlier visit elsewhere, or which recognise important voluntary work for the benefit of Peterborough's citizens.
- 11.2 Such hospitality will usually be organised and funded by the Council's Executive and Members Services budget, but significant commitments instigated by a service department would require support and contributions from the lead service department. The Mayoral hospitality budget and programme are managed by the Head of Constitutional Services and Executive and Members Services Manager, in consultation with the Leader of the Council and the Chief Executive, who may be requested to approve funding for special events over and above the civic hospitality cash limited budget when this would be in the best interests of Peterborough. Any other civic hospitality commitments that the Mayor wishes to incur will be met by the Mayor personally.

11.3 Members of the public are able to write and request a tour of the Town Hall public rooms. The Executive and Members Services Team will accommodate such requests wherever reasonably possible. Upon such occasions, the Mayoral Support Officer will accompany the visitors and explaining the history of the public rooms and the Council’s civic procedures. This activity is often associated with educational visits, by students or younger children. A small charge may be levied, to cover the Council’s reasonable costs.

**12. Civic dinners**

- 12.1 At formal civic dinners, guests are received at an opening reception by the Mayor and their consort, accompanied by the Deputy Mayor and their consort.
- 12.2 After the reception, guests are invited to the dining room. A seating plan will be pre-arranged by the Executive and Members Services Team. At the top table, the principal guest will be seated at the Mayor’s right while the Mayoress/Consort is placed at the Mayor’s left. The principal guest’s partner takes the seat next to the Mayoress/Consort.
- 12.3 If the Mayor and Deputy Mayor are robed, while guests are moving from the reception to their seats the Mayor and Deputy may remove their robes. They will retain their chains of office, as will the Mayoress/Consort and Deputy Mayoress/Consort. When the Mayor and Mayoress/Consort are ready, the Mayor’s Support Officer will announce their arrival to the assembled guests, and they will then be ‘clapped’ to their places.
- 12.4 Prior to the guests being invited to sit down, the Mayor’s Support Officer will announce that the Mayor’s Chaplain or other designated person will say grace. Guests will then sit, and dinner will be served. Following the meal, toasts will be called. The first will be the ‘Loyal Toast’ to the monarch, proposed by the Mayor or the Leader of the Council. All present should be asked to stand and the Mayor/Leader will say “The Queen”. No other names or persons are added to the ‘Loyal Toast’. Other toasts will follow as listed in the printed menu.

**13. Civic gifts**

- 13.1 It is common practice for the Mayor and Deputy Mayor to be given gifts when attending external functions in their official capacity. Gifts are also often exchanged when delegates visit Peterborough. It is custom and practice that the Mayor or Deputy Mayor receives such gifts on behalf of the City Council, and they are forwarded to the Mayor’s Support Officers for entry on the civic inventory and displayed as appropriate.
- 13.2 Small gifts, such as badges or pens which are clearly indicated as a personal gift for the Mayor or Deputy Mayor, may of course be kept. They Mayor and Deputy should have regard to the Code of Conduct for Councillors when deciding whether to receive and keep such gifts and should ensure that they are recorded in the hospitality register as required by the code (currently, this requires as a minimum that all gifts valued at £50 or over should be recorded). Gifts which the Mayor or Deputy receive in their official capacity are recorded in a register held by the Executive and Members Services Manager; any gifts received in their capacity as an elected councillor are recorded in the register applicable to all councillors, held by the Director of Law and Governance.
- 13.3 The Executive and Members Services Manager obtains civic gifts, as required, with agreement from the Head of Constitutional Services. These are used upon the following types of occasion:

Gift purpose	Typical example of a gift which may be given (this list is for guidance only)
To recognise the contribution of retired and non-elected councillors who have served for a considerable length of time or have served as Mayor;	Possibly a glass paperweight, crystal glasses, china plate or a crystal bowl bearing an inscription such as “For services to Peterborough City Council”. The type of gift will reflect the length of

	service. For a particularly long-serving councillor, a specific gift with a personal engraving might be appropriate.
Ambassadors and other visiting dignitaries representing a city elsewhere and gifts taken to the City Council's twinned and friendship cities during official visits	Possibly a clock or other suitable item, engraved with the Peterborough crest.
Small gifts for visitors such as volunteer organisations, youth organisations, etc.	Mayors Badges

- 13.4 The list above is not exhaustive. The Head of Constitutional Services and Executive and Members Services Manager ensure that expenditure is controlled carefully, while ensuring that the dignity of the occasion and/or the contribution of the recipient is properly reflected.

#### 14. European and overseas links

- 14.1 Peterborough has official 'twinning' (partnership) links with Bourges in France, Viersen in Germany, Alcalá de Henares in Spain, Forlì in Italy and Vinnitsa in the Ukraine. The Council also has a number of friendship links.
- 14.2 The Mayor, as the representative of the City, is often invited to attend civic ceremonial functions, business conventions, events and exhibitions in Peterborough's partner cities. The Mayor may be offered the opportunity to undertake a visit to one of the twinning Towns, which is determined by budget constraints. This is to be discussed with the Head of Constitutional Services and Executive and Members Services Manager. The Mayor may accept additional invitations to visit Peterborough's twin towns if they incur the costs personally.
- 14.3 In the event that the Mayor is unable to attend a civic/partnership invitation, reference should be made to Part 3 – paragraph 3.7: The Mayor's Civic Role, for the procedure to be followed.
- 14.4 If an invitation to visit Peterborough is extended to a Mayor or other delegates from any of Peterborough's partner cities, on behalf of the Council, the general expenses of the visit will be funded from both the Executive and Members Services Budget and other partner organisations. On occasions, the Mayor may host a civic reception for the visitors, the Executive and Members Services budget may provide the funding - subject to budget constraints and approval from the Head of Constitutional Services and Executive and Members Services Manager.

#### 15 Council Honours

- 15.1 One of the roles of the Constitution & Ethics Committee is to [receive and consider nominations for Council honours](#), including Freedom of the City, Honorary Alderman, Civic Awards and National Honours, [and make recommendations to Full Council](#) or to other relevant bodies on behalf of Full Council.

##### Civic Awards

- 15.2 All group nominations must be endorsed by two supporters, who must not be involved in running the group, or be a partner or relative of anyone in running it. A volunteer with the group or a beneficiary of its services may act as a supporter, but if they do, the other supporter must be completely independent of the group. The criteria for a group nomination is: -
- provide a high-quality service to benefit individuals or groups in the community
  - operate and provide a service in [Peterborough](#)
  - must have been operating for a minimum of 3 years (exceptions may be made for short-term projects); and
  - must made up entirely of volunteers (including trustees), or it includes some paid staff, but they must be in the minority of those involved

15.3 All individual nominations must be endorsed by one supporter, who must not be a partner or relative to that individual. The individual must show extraordinary achievements and contributions. Some examples of categories for an individual nomination are: -

- Public service: nurses, doctors, teachers, civil servants, police officers
- Exceptional service to the local community
- Involvement in business and industry
- Scientists
- Arts practitioners and administrators – artists, actors, musicians, writers etc
- Involvement in sport
- Journalists and broadcasters

15.4 The Constitution & Ethics Committee will consider nominations and make recommendations to an extraordinary meeting of Full Council.

## 16 Freedom of the City of Peterborough

16.1 Freedom of the City may be offered in accordance with the provisions of section 249 (5) of the Local Government Act 1972 (as amended by section 180 of the Local Government Planning and Land Act 1980). Nominations will be considered by the Constitution & Ethics Committee with recommendations made at an extraordinary meeting of Full Council.

16.2 The freedom may be awarded to an individual or an organisation such as a local branch of a military organisation or a locally based volunteer emergency service. It is awarded where the person or organisation has made a significant contribution to the social fabric or well-being of the citizens and city of Peterborough.

16.3 Persons awarded the freedom, including leading representatives of organisations so honoured, are invited to all civic events organised by the Council and also to Mayor's charity events. They are invited to participate in civic processions, in the order of precedence indicated earlier in this protocol.

16.4 In order to award the freedom, the Council must hold an extraordinary meeting convened for that purpose only. The decision to award the freedom must, as a legal requirement, be supported by not less than two-thirds of those present and voting at the special convened meeting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour. This may include a freedom march, in the case of a military honour. All recipients are noted on the plaque outside of the Council Chamber.

16.5 Military organisations awarded the freedom may exercise the right to march through Peterborough. On such occasions, the Council will offer civic hospitality – referred to earlier in this protocol.

## 17 Honorary Alderman

17.1 Honorary Alderman may be offered in accordance with the provision of section 249 of the Local Government Act 1972. Nominations should be made by Group Leaders on behalf of their groups to the Constitution & Ethics Committee, who will make recommendations to an extraordinary meeting of Full Council.

17.2 Alderman status may be awarded to a past Councillor, who has served a minimum of three terms or 11 years of office and that are considered to have rendered eminent services to the Council.

17.3 Past Councillors awarded Alderman Status are invited to attend all civic events organised by the Council and also to Mayor's charity events. They are invited to participate in civic processions, in

the order of precedence indicated earlier in this protocol.

- 17.4 In order to award Alderman Status to past members of the Council, the Council must hold an extraordinary meeting convened for that purpose only. The decision to award Alderman Status must, as a legal requirement, be supported by not less than two-thirds of those present and voting at the special convened meeting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour.

## **18 The Mayor's charities and the Charity Committee**

- 18.1 At the Annual Council Meeting, the Mayor will announce the charity or charities for which they will support and promote fundraising activities during the year. It is usual for these to be locally based charities which are able to supply a small number of dedicated volunteers who can form the Charity Committee during that mayoral year together with a larger number of volunteers who can devote time to running fundraising events. The Mayor of Peterborough Charities is now registered as a charity with the Charity Commission and Trustees need to be identified from the Committee and registered with the Commission.
- 18.2 It is the Mayor's responsibility to convene their Charity Committee at the start the mayoral year – preferably, the committee members will have been identified earlier, once the Mayor-Elect is identified in January. At the inaugural meeting, the committee will appoint its chairman and secretary. The Head of Constitutional Services will give guidelines as to what is expected of the charity members and the Executive and Members Services Team during the mayoral year.
- 18.3 The Executive and Members Services Manager will be appointed as treasurer at the AGM Charity meeting, along with Chair and Secretary. The Executive and Members Services Team can provide assistance with printing of posters and tickets for charity event. However, the Mayor's Ball, the Sausage Supper and the Proms Concert, all of which are civic events planned, organised and co-ordinated by the Executive and Members Services Team, even though the proceeds of them go to the Mayor's charities. The Head of Constitutional Services act as a trustee for this committee.
- 18.4 The Charity Committee will organise and run their events; collect tombola and raffle prizes; and actively help to promote, sell tickets and seek sponsorship.
- 18.5 The Executive and Members Services Manager records and receipts all monies from fundraising events in the charity bank account, reports a statement of the account at each committee meeting and presents cheques to the Mayor's chosen charities at the end of the Mayoral Municipal year, usually at an informal presentation in the Mayor's Parlour. At the end of each Mayoral year, PCC's internal audit team review the accounts for that year.

## **19 The Mayor's and Deputy Mayor's allowances**

- 19.1 Sections 3(5) and Sections 3(4) of the Local Government Act 1972 provide for the Council to pay to the Mayor and Deputy Mayor respectively an allowance to help with the expenses incurred in fulfilling their office. The allowance is determined by Council, and the amount currently in force is stated in the Members' Allowances Scheme. Although not required by law, the Council may consult its independent Remuneration Panel as to the level of payment which is appropriate in each case.
- 19.2 The types of expenditure which Peterborough City Council expects its mayor's allowance, which is retained by the Executive and Members Services Manager to cover are the provision of any tickets purchased for the Mayor and their consort as part of functions attended in the capacity of mayor (such as for a dinner); the Mayor's tickets to their own charity events and the Mayor's Ball; the cost of their ward civic service and refreshments. Any unused balance in this account at the year-end is returned to the Council's general fund and offered as a saving to this budget area.

- 19.3 The Deputy Mayor's allowance is to cover their personal expenses, and those of their consort, similarly to the Mayor's allowance.
- 19.4 An element of the allowance to the Mayor and Deputy Mayor is paid to them directly via their members' allowance, and this is intended to cover expenditure (such as clothing, dry cleaning, travel, telephone, postage and purchase of items (i.e. raffle tickets when attending events))
- 19.5 The Mayor's and Deputy Mayor's Allowances are identified at Part 6, paragraph 4, of the Constitution (Members' Allowances Scheme).

## **20 Administration and funding of the mayoralty and civic service**

- 20.1 The Head of Constitutional Services and Executive and Members Services Manager are responsible for civic and ceremonial matters, with the Chief Executive retaining an important leading role as Council's most senior officer.
- 20.2 Executive and Members Services runs the Mayor's office. This includes arranging civic and ceremonial events, keeping the Mayor's diary and accounts, assisting with the organisation of the Mayor's Charities, liaising with organisations and individuals on the Mayor's behalf and generally briefing, advising and supporting the Mayor and Deputy Mayor in carrying out their duties.
- 20.3 The Mayor is also assisted by the Mayor's Support Officers who acts as City Mace Bearer. They also accompany the Mayor at Council meetings and civic events, and when guests are received in the Mayor's Parlour. The Mayor's Attendants are responsible for civic regalia, assists the Executive and Members Services Team in providing civic hospitality and also hosts visitors such as students who visit the Town Hall or Sand Martin House on educational visits to learn about its history and the Council's civic procedures.
- 20.4 The Mayor's Support Officers are responsible for transporting the Mayor in the mayoral car for official duties. Every effort is made to make maximum use of the vehicle so, as far as is possible, the mayoral car is also used for transporting the Deputy Mayor upon official business - although the Mayor's use takes precedence and alternative transport is sometimes necessary for the Deputy Mayor. The car is not used by the Mayor or Deputy Mayor's consorts, except when associated with accompanying the Mayor or Deputy on official business. Wherever possible, the mayoral party travels together in order to avoid the need for several separate journeys to and from events. It is the Executive and Members Services Manager's responsibility to schedule the use of the car. The Chief Executive is authorised to replace the vehicle every five years, or in accordance with the leasing arrangements and this should be the most cost-effective option for the Council. The following guidelines will be applied in respect of procuring a replacement:
- a) The vehicle will be at the lower end of the emissions scale for cars
  - b) The vehicle will, if possible, be generally regarded as 'British' or with British connections
  - c) The vehicle will, if possible, be electric, in accordance with the Carbon Management Plan
- 20.5 At major events, assistance is also provided by the Beadles. In particular they assist with security and also civic hospitality.
- 20.6 The Council's corporate civic budget is controlled by the Head of Constitutional Services and managed on a daily basis by the Executive and Members Services Manager. The account covers civic hospitality as described at section 11 above, the Mayor's and Mayor's Office expenses, funding of civic events, civic gifts, maintenance of civic insignia and other such civic expenses.
- 20.7 In order that expenditure upon civic matters is clearly identifiable, the costs of other support will be charged to the civic account as necessary such as car parking and road closures. In order to minimise such costs, use of car parking permits will be restricted to major civic events.
- 20.8 At the close of each mayoral year, the Executive and Members Services Manager will arrange for the Mayor's name to be engraved on the plaque upon the wall outside the Mayor's Parlour. A



portrait photograph of the Mayor, and their consort at the Mayor's discretion, will also be obtained and hung in the Parlour.

- 20.9 Every year a full Council photograph will be taken prior to the Annual Council meeting. The current photograph will be displayed in the Town Hall and on the Council's website, and a selection of past photographs will also be displayed where space allows.

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<b>COUNCIL</b>	AGENDA ITEM No. 10(d)
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION**

Licensing Committee, at its meeting on 7 July 2022, received a report in relation to the proposed Hackney Carriage and Private Hire Policy, specifically responses to consultation and the adoption of the final policy and implementation.

At this meeting the Licensing Committee also agreed to:

- i. Adopt the revisions in policy as recommended by DfT (Department for Transport) Statutory Guidance and Officers as detailed in paragraph 7.3 of this report.
- ii. Retain the current decision-making process as set out in section 2.5.4.1 (a), (b) and (c) of the council's constitution as recommended by officers in paragraph 7.5 of this report.
- iii. To consider mandating the installation of CCTV in licensed vehicles as detailed in paragraph 7.7 of this report
- iv. Adopt the revised vehicle restrictions giving 'acquired' rights to vehicles licensed before 26 July 2022 as detailed in paragraph 10.2 of this report
- v. Set the maximum age limit beyond which a ZEV will not be licensed at 18 years old as detailed in section 10.3 of this report
- vi. Set the maximum CO2 level at 105g/km to be considered as a ULEV in relation to this policy as detailed in section 10.4 of this report
- vii. Retain Aragon as the council's only appointed testing station as detailed in paragraph 10.5 of this report VIII. Require license.

**IT IS RECOMMENDED** that Council:

- 1. Adopt the revised Hackney Carriage and Private Hire Policy as detailed in 10.10 of the Licensing Committee report and attached at Appendix H.

The original Licensing Committee report and Appendix H are attached.

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<b>LICENSING COMMITTEE</b>	AGENDA ITEM No. 4
<b>7 JULY 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Name of Director(s) <b>Adrian Chapman Executive Director, Peter Gell Assistant Director</b>	
Cabinet Member(s) responsible:	<b>Cllr Stephen Allen – Deputy Leader and Cabinet Member for Communication, Culture and Communities</b>	
Contact Officer(s):	Gareth Brighton – Licensing & Business Manager Jacqui Harvey - Head of Operations Environmental Health & Licensing Terri Martin – Strategic Regulatory Officer - Licensing	Tel: 864103 Tel: 453502 Tel. 453561

**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE POLICY RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION**

RECOMMENDATIONS	
<b>FROM: Regulatory Services – Licensing Team</b>	<b>Deadline date: 27 July 2022</b>
<p>It is recommended that The Licensing Committee:</p> <ol style="list-style-type: none"> <li>1. Adopt the revisions in policy as recommended by DfT (Department for Transport) Statutory Guidance and Officers as detailed in paragraph 7.3 of this report.</li> <li>2. Retain the current decision-making process as set out in section 2.5.4.1 (a), (b) and (c) of the council's constitution as recommended by officers in paragraph 7.5 of this report.</li> <li>3. To consider mandating the installation of CCTV in licensed vehicles as detailed in paragraph 7.7 of this report</li> <li>4. Adopt the revised vehicle restrictions giving 'acquired' rights to vehicles licensed before 26 July 2022 as detailed in paragraph 10.2 of this report</li> <li>5. Set the maximum age limit beyond which a ZEV will not be licensed at 18 years old as detailed in section 10.3 of this report</li> <li>6. Set the maximum CO2 level at 105g/km to be considered as a ULEV in relation to this policy as detailed in section 10.4 of this report</li> <li>7. Retain Aragon as the council's only appointed testing station as detailed in paragraph 10.5 of this report</li> <li>8. Require licensed vehicles to display internal and external signage as detailed in paragraph 10.7 of this report.</li> <li>9. Approve and recommend adoption to full council the revised policy as detailed in paragraph 10.10 of this report and attached at <b>Appendix H</b></li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Licensing Committee following a review, revision and consultation of the policy, in line with the recommended review period of 5 years.

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise members of the review, revision and consultation process carried out, to request members to properly consider the responses received and determine the direction of the policy in consideration of those responses and Officer recommendations, agree the adoption of the final policy, subject to any amendments, and set the implementation date for the policy and conditions to take effect
- 2.2 This report is for Licensing Committee to consider under its Terms of Reference No. 2.5.2.3 (a). To exercise the functions of the authority as listed in Schedule 2.5.5, where these are not delegated to officers as listed at section 2.5.4, namely hackney carriage and private hire vehicle licensing

## 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>
Date for relevant Council meeting	27 <sup>th</sup> July 2022

## 4. BACKGROUND AND KEY ISSUES

- 4.1 Hackney carriage and private hire legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The aim of the legislation is to protect the public. The legislation provides a broad framework for the licensing of drivers, vehicles and operators, but allows local authorities to set their own standards and conditions, to ensure the public travel in safe well-maintained vehicles driven by competent drivers.
- 4.2 Peterborough City Council's current Hackney Carriage and Private Hire Licensing Policy was adopted by full council on 26 July 2017. The policy is required to be kept under review and revised as appropriate and in any event not less than every 5 years. Therefore, the current policy is due for review and consultation before July 2022.
- 4.3 The policy was reviewed and revised, the amendments fell into three sections:  
**Section 1:** To comply with recommendations within the DfT (Department for Transport) Statutory Guidance, to improve safety standards in order to better protect children and vulnerable adults.  
**Section 2:** To comply with the requirements of the Finance Act 2021 regarding 'Tax Conditionality'  
**Section 3:** Other; to address the council's zero carbon ambition, concerns from the trade, consideration of local circumstances, best practice in line with case law and public safety.
- 4.4 As the amendments affected so many areas of the policy, a 'clean' draft was published, with an Index of amendments detailing the nature of the changes and paragraphs and appendices affected.  
The Index of amendments (broken down into the above three sections) can be found at **Appendix A**.
- 4.5 The revised draft policy (with 13 appendix documents) which was subject to consultation can be found at **Appendix B**

## 5. CONSULTATION

- 5.1 The revised draft policy (with 13 appendix documents) was put out to consultation for 8 weeks, starting on Friday 28<sup>th</sup> January 2022 and ending on Friday 25 March 2022. The consultation letter can be found at **Appendix C**
- 5.2 A copy of the public notice which appeared in the local press on Thursday 3<sup>rd</sup> February 2022, advising of the consultation and period can be found at **Appendix D**

- 5.3 Notice of the consultation was put up at the Town Hall, the trade notice board at the train station, Sand Martin House and Central Library. The consultation document was also made available at Sand Martin House, Central Library and the council's website.
- 5.4 Emails were sent to various stakeholders as detailed in section 1.17 of the draft policy, advising them of the consultation and period, which included a link to the consultation documents on the council's website and pdf attachments of the consultation documents. Reminder emails were also sent just over halfway through the consultation period.  
See **Appendix E** for a full list of those consulted.
- 5.5 Meetings with representatives of both the Private Hire and Hackney trade took place during the consultation period. Specific details of the draft policy were discussed in depth and the meetings were an opportunity for trade representatives to outline any concerns they may have arising from the proposal.

## 6 CONSULTATION RESPONSES

6.1 A total of 139 consultation responses were received. Two from representatives of Cambridgeshire Constabulary and 137 from the trade (although some trade individuals responded more than once). The trade responses broke down into eight main points:

- 1) 94% - Disagreed with the draft proposal of reducing the vehicle age limit for petrol and diesel vehicles. Most considered that the proposal should only apply to new vehicle applications, allowing vehicles which were currently licensed to have 'acquired' rights (paragraph 2.27 of the draft policy)
- 2) 8% - Were in support of the vehicle age and CO2 reduction, but thought that the new TX EV should be licensed for up to 20 years (paragraph 2.27 of the draft policy)
- 3) 37% - Disagreed with the proposed ULEV CO2 emission level of 75g/km as they considered it too stringent (paragraph 2.27 of the draft policy)
- 4) 17% - Requested garages other than Aragon (the councils only appointed garage) should be able to carry out vehicle testing (paragraph 2.43 of the draft policy)
- 5) 15% - Have concerns that the current vehicle charging infrastructure is insufficient to meet demand (paragraph 2.27 of the draft policy)
- 6) 24% - Take issue with the vehicle signage requirements, both existing and proposed. (Door stickers for PHV, internal plate number in windscreen, Part 1 and part 2 notice)
- 7) 11% - Are in support of the implementation of Safeguarding and County lines training, but concerned about the costs and that it will apply to all drivers and operators (not just school transport contracts) (paragraphs 1.40, 1.55, 3.5, 3.6, 3.22, 4.21, 5.5)
- 8) 3% - Were concerned how the extra vehicle testing (every 4 months) requirement would be applied (paragraph 2.39 of the draft policy)

A response table which contains all the responses (as received) and details the main eight points (as listed above) can be found at **Appendix F**.

Please see Section 10 of this report for officers' responses and recommendations in consideration of these points

6.2 Of the two Police responses, the one from PC Hawkins stated, '*No comment at this time*'.

The other from Police Superintendent Neil Billany stated:

*'I am the local policing commander for Peterborough and Fenland and have reviewed the proposed revisions.'*

*Between 2015/2016 as an Inspector, I led the Metropolitan Police's Taxi and Private Hire Policing Team, a team of 61 police officers investigating sexual offences committed in licenced taxi and private hire vehicles, and vehicles purporting to be a taxi or PHV, and also routine compliance checks on drivers, vehicles and operators. At this time, I was the most senior police officer nationally working full time in this area. Through this role I was invited to work with the Department for Transport, and I provided evidence to the group that produced the revised national guidance.*

*I remain a supporter of CCTV in Taxi and Private Hire vehicles, and while noting that this is not mandatory, I strongly support wider use of CCTV in licensed vehicles, both for passenger and driver safety.*

*Another cause for my involvement in this work was the issue with drivers from one licensed area working almost exclusively in another, via app based operators (i.e. Uber, Lyft etc). I do not know the impact of this on Peterborough, so cannot fully comment at this stage, but if for example there is a trend of TfL / Uttlesford licenced drivers (2 significant examples of licensing authorities who license drivers not living / working in their area) working in Peterborough I would ask what regulatory powers Peterborough Council held, and would place on record concern that any expectation for enforcement, or compliance activity, would fall to the police and not the local authority given the regrettable lack of authority for Peterborough to manage drivers not licenced by them.'*

- 6.3 All consultation responses must be properly considered prior to determination of the final policy. Officers have reviewed the responses and made recommendations with rationale for members to consider in sections 7 and 10 of this report.

## **7 STATUTORY GUIDANCE – DfT Statutory Taxi and Private Hire Standards**

- 7.1 The introduction and commencement of Section 177 of The Policing and Crime Act 2017 allows the Secretary of State to issue Statutory Guidance for taxi and private hire licensing, to protect children, and vulnerable individuals who are 18 or over, from harm. The Statutory Guidance which must be given due regard, was published by the Department for Transport (DfT) in July 2020. This document can be found at **Appendix G**

- 7.2 Paragraph 1.3 of this guidance states:

*'Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**'*

- 7.3 Some of the recommendations within the statutory guidance are already in place, however the following recommendations have been incorporated in the revised policy:
- Mandatory requirement for licensed drivers to maintain subscription to the DBS (Disclosure and Barring Service) update service and allow the licensing authority to make periodic enquiry checks with the DBS
  - Annual basic DBS disclosure requirement for proprietors and operators, who are not also licensed drivers.
  - Checking and reporting to NAFN NR3 database (see Appendix M of the draft policy)
  - Mandatory Safeguarding training, including County Lines, for all licensed drivers and operators.
  - Requirement for all licence holders to notify the licensing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.



- Requirement for all applicants, who, since the age of 18, have spent an extended period (i.e. six months or more) outside the UK, to provide a Certificate of Good Character or Criminal Record(s) Information.
- Revisions to the Guidelines Relating to the Relevance of Convictions so that they align with IoL (Institute of Licensing) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades
- Operators to maintain a register of staff, have sight of a basic DBS for staff on the register and provide a copy of their policy for employing ex-offenders.
- Duty for an operator to provide required information to a person who requests a vehicle with more than 8 passenger seats

(The policy paragraphs affected by these amendments are listed within Section 1 of Appendix A to this report)

**It is officer's recommendation that the matters listed above are adopted.**

- 7.4 Paragraphs 5.6 to 5.11 of the DfT statutory guidance recommends individual cases should be considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board, to ensure clear separation between investigator and the decision maker. This is **not** recommended by officers
- 7.5 Decisions regarding individual cases are made in line with the policy and associated guidance by the Licensing & Business Manager and/or the Head of Operations Environmental Health & Licensing. This ensures a swift decision-making process for dealing with serious matters that may require the immediate revocation or suspension of a licence and consistency of decisions.

A clear separation is achieved as the Licensing Manager and/or the Head of Operations Environmental Health & Licensing are not directly involved in investigations. (Investigations are carried out by Regulatory Officers who produce a report for consideration by Managers)  
If an officer is of the opinion that an application should be considered by the licensing committee then it can be referred. This approach is consistent with section 2.5.4.1 (a), (b) and (c) of the council's constitution.

**It is officer's recommendation that the current decision-making process remains as detailed in section 2.5.4.1 (a), (b) and (c) of the council's constitution.**

**(a) to set fees, issue/renew/suspend/revoke hackney carriage drivers' and vehicle licences and private hire drivers' and vehicle licences, except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee;**

**(b) to approve advertising in or on purpose-built Hackney Carriage vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee.**

**(c) to set fees, issue/renew/suspend/revoke Private Hire Operator's licences except where the Officer is of the opinion that an application should be considered by the Licensing Committee.**

- 7.6 Paragraphs 7.7 to 7.13 of the DfT statutory guidance detail the DfT's view regarding 'In-vehicle visual and audio recording – CCTV'. Their view is that the use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:
- deterring and preventing the occurrence of crime;
  - reducing the fear of crime;
  - Assisting the police in investigating incidents of crime;
  - Assisting insurance companies in investigating motor vehicle accidents.

The DfT CCTV guidance recommends that as a vehicle can be used for personal use, it should be possible to manually switch off recording, when not being used for hire. A requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

Paragraph 7.13 states:

*'The imposition of a blanket requirement to attach CCTV as a condition to licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review...'*

## 7.7

Installing CCTV cameras in vehicles is something which many other councils have adopted and has been shown to lead to reduced threats and violence against drivers and passengers. Cameras can play a role in deterring and preventing the occurrence of crime, such as - reducing the fear of crime, assisting the police in investigating incidents of crime and assisting insurance companies in investigating motor vehicle accidents. CCTV can be useful in cases of complaints/disputes as footage from an incident can provide invaluable insight, providing an 'independent witness' to an event.

**It is officers' recommendation that the Committee considers mandating the installation of CCTV systems in all licensed vehicles to be "phased in" in order to allow both vehicle proprietors and system installers' time to comply with any new requirements.**

## 8 CHANGES IN LEGISLATION

8.1 The change in legislation brought about by the commencement of Section 125 of the Finance Act 2021, affects all applications for licensed drivers and operators after 4 April 2022. Referred to as Tax Conditionality, it requires renewal applicants to provide a tax check code to prove they are correctly registered with HMRC before an application can be considered. New applicants must declare that they understand their tax obligations, before an application can be considered.

8.2 The amendments made in relation to Tax Conditionality are a legal obligation under the Section 125 of the Finance Act 2021, therefore must be adopted. (The policy paragraphs affected by this amendment are listed within Section 2 of Appendix A to this report)

8.3 The Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent on 31 March 2022, which was after the end of the revision and consultation period.

Sections 5 and 6 of this Act commenced on 31 May 2022, these sections require licensing authorities to report relevant information to each other. This is already incorporated within the draft policy see paragraphs 1.44, 1.46 and 3.3.

The other provisions of the Act (such as duty to search and record required information on a database accessible to other licensing authorities) don't take effect until a Statutory Instrument is laid and Guidance from Secretary of State is released.

## 9 OTHER AMENDMENTS

9.1 Some sections such as Key Facts about Peterborough, consultation and revision, Local Transport Plan etc. have just been updated in line with current information.

The policy has been updated regarding designated vehicles for the purposes of 165 and 167 of the Equality Act, which were in place, but not reflected in the policy.

The other amendments to the policy were made to address the council's zero carbon ambition, concerns from the trade, consideration of local circumstances, best practice in line with case law and public safety. These main changes were:

- Insertion of new section ‘Applicant and licence holder responsibilities’, detailing some of the new changes required to comply with the DfT guidance, changes in legislation and case law affecting all licence holders.
- Requirement to display a sign identifying the vehicle licence number in the windscreen, this is in line with DfT best practice guidance 2010
- No dual plating of licensed vehicles, if a vehicle is already licensed by another licensing authority, it will not also be licensed by this authority, due to specific vehicle signage requirements.
- Extra testing requirement for licensed vehicles which present at the council’s appointed testing station with multiple faults on multiple occasions indicating that the vehicle is not being properly maintained, will be subject to an extra test (i.e. every 4 months)
- Amendments to licensed vehicle restrictions aimed to reduce carbon impact;
  - reducing the maximum age limit for when a petrol or diesel private hire vehicle would be initially accepted for licensing, from 6 years to 4 years old;
  - Mileage restrictions removed for all private hire vehicles;
  - reducing the maximum age limit beyond which a petrol or diesel vehicle will not be licensed from 15 years to 12 years for hackney carriages, and from 10 years to 9 years for private hire:
    - Petrol and diesel hackney carriage vehicles subject to critical testing at an earlier age, from 12 years to 10 years old;
    - Introducing age related extensions for all licensed vehicles which are ULEV (Ultra Low Emission vehicles) or ZEV (Zero Emission Vehicles) and advising of the council's ambition to stop licensing petrol and diesel vehicles, see below.

	ULEV	ZEV
Maximum age at time of first being licensed	8 years old	17 years old
Maximum age limit beyond which the vehicle will not be licensed	15 years old	18 years old
Age at which the vehicle will be subject to six monthly inspections	8 years old	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	12 years old	12 years old

For the purposes of the above, a vehicle is considered to be ULEV or ZEV if:

	ULEV	ZEV
Vehicle Type:	It is a plug in Hybrid (PHEV), or Extended Range Electric Vehicle (E-REV)	It is Battery Electric, or Hydrogen Fuel Cell, or Electric
V5C document details:	Taxation class = ALTERNATIVE FUEL CO2 (g/km) = 75g/km (or less)	Taxation Class = Alternative Fuel or Electric CO2 (g/km) = 0g/km

**It is the Council’s ambition that at the next policy review in December 2024, all newly licensed vehicles will need to be either Zero or Ultra-low emission.**

(For a full list of the amendments to the policy and paragraphs affected please see Section 3 of Appendix A to this report)

10.1 As detailed in paragraph 6.1 above, the responses from the trade related to 8 main points. Officers have considered these points and respond below with recommendations.

10.2 **Point 1 - changes to vehicle age limits as detailed in Paragraph 2.27 of the draft policy**

There is no intention to extend entry into the trade for diesel/petrol private hire vehicles which are 5 instead of 4 years as proposed. The trade has made this request is on the basis that 5-year-old vehicles are likely to be more affordable to purchase than 4-year-old vehicles. The mileage restrictions for vehicles that was imposed in the 2017 policy has been removed in the proposed policy meaning that more affordable (higher mileage) 4-year-old vehicles will fall into scope for being licensed. In addition, the cross-party Climate Change Working Group and Cambridgeshire & Peterborough Combined Authority Climate action plan support the target of 30% of taxis to be zero emission by 2025. It is therefore imperative that the licensing authority seeks to de-incentivise the use of petrol/diesel vehicles immediately and limiting the age at which petrol/diesel vehicles will be accepted into the trade is one way to achieve this.

However, the licensing authority has met with members of both the Hackney and Private Hire Trade Federations during the consultation process. Officers have listened to the concerns of both trades in relation to vehicle age limits and understands the impact any changes to vehicle age limits will have on existing vehicles; particularly those licensed vehicles that would be considered 'too old' upon implementation of the policy.

Officers' recommendation is that a revised proposal for vehicle restrictions is adopted, with changes in vehicle age limits applying to newly licensed (on or after 26 July 2022) vehicles only. The revised proposal will ensure acquired (or "grandfather") rights are protected for vehicles already licensed while still allowing the Council to achieve its target of 100 percent clean energy across its buildings and services by 2030.

Under the revised proposal, the maximum age limit beyond which an already licensed Hackney carriage will not be licensed will be 15 years old or until 31.12.2029 (whichever is soonest) and for Private Hire vehicles already licensed, the maximum age limit beyond which the vehicle will not be licensed will be 10 years old or until 31.12.2029 (whichever is soonest).

(Acquired rights will only apply to vehicles already licensed before 26 July 2022, vehicles licensed on or after this date will be required to comply with any new age restrictions)

**It is officers' recommendation that the revised proposal for vehicle restrictions as detailed above with 'acquired' rights is adopted.**

10.3 **Point 2 - support of the vehicle age and CO2 reduction however LEVC TX should be licensed for 20 years**

While it is recognised that the fact that the motor which propels the LEVC TX has very few serviceable parts, and the fact that the range-extender only operates as necessary results in far less mechanical wear, the manufacturer states the lifespan of the LEVC TX is "15 years+". The licensing authority believes that with appropriate regular maintenance such vehicles can reasonably be expected to have a serviceable lifespan in the region of 18 years.

**It is officers' recommendation that the maximum age limit for all ZEV's remains at 18 years old**

10.4 **Point 3 - proposed emissions level of 75g/km are too stringent. Request that this is increased to between 100 – 120g/km to allow for a greater pool of vehicles to choose from.**

A revised proposal for the emissions level for hybrid/alternative fuel vehicles where the level is increased to 105g/km will allow for a greater pool of vehicles to be considered for licensing. Popular hybrid models such as the Toyota Prius, Toyota Corolla and Hyundai Ioniq will be considered for licensing.

**It is officer's recommendation that for a vehicle to be considered ULEV in relation to this policy, the maximum CO2 level of 105kg/km is set with the V5C Taxation class shown as ALTERNATIVE FUEL**

**10.5 Point 4 - Request that the council approves other vehicle testing stations other than Aragon owing to concerns relating to capacity.**

Hackney Carriage and Private Hire vehicle testing is conducted in accordance with the Motor Vehicle (Tests) Regulations 1981. The Council is authorised by the Secretary of State to perform vehicle tests and issue a Certificate of Compliance (CoC) for suitable vehicles. The Regulations stipulate that in order to issue a CoC, the Licensing Authority must be, as a result of a test, satisfied that the vehicle meets the prescribed statutory requirements.

The Council has determined that both the test and CoC will be completed by the issuing authority as part of arrangements to deliver the service through the Council's company trading as 'Aragon'. This ensures that there is consistency in testing and that the Council has oversight/control of quality. It is only when the test and CoC are completed by Aragon that the Licensing Authority can be satisfied that the vehicle meets the necessary standards in accordance with the Regulations.

This is consistent with other neighbouring authorities that issue CoCs such as Huntingdonshire District Council and Cambridge City Council; both of whom have one appointed garage for this purpose.

In response to concerns regarding testing capacity, the Council has undertaken a review into the matter. Throughout March, April and May 2022, the availability of upcoming testing appointments at the Aragon garage has been periodically checked with the average waiting time for an appointment found to be 2 to 3 working days. The longest wait for an available appointment within this time period was found to be 5 working days, however this was following a bank holiday. A need for additional capacity is not currently supported by evidence.

**It is officer's recommendation that Aragon remains the only approved testing station.**

**10.6 Point 5 - Concerns about the vehicle charging infrastructure in Peterborough.**

It is important to emphasise that policy measures to support the move towards ULEV and ZEV vehicles are incremental so as to allow the trade time to transition to low emission vehicles and also to allow charging infrastructure and electric vehicle technology to continue to improve.

Currently there are 4 rapid chargers for use exclusively by taxis/private hire vehicles located in Riverside, Midgate, Vierson Platz and Northminster. In addition, a number of public chargers have been installed with plans for a continued roll out including future deployment in residential areas.

The government has committed £1.5 billion to support the early market and remove barriers to zero emission vehicles ownership. The government has pledged a further £2.8 billion package of measures to support industry and consumers to make the switch to cleaner vehicles –  
*Jo Churchill, Parliamentary Under-Secretary (DEFRA) - Jan 2022.*

**10.7 Point 6 - Signage requirements leave licensed vehicles vulnerable to criminal damage**

The signage requirements exist for safeguarding reasons and are consistent with the Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport in July 2020 determine that clear signage should be present outside and inside a vehicle. The Standards place a heavy emphasis on the safeguarding of the travelling public and dictate that taxis are a "high risk environment" and that the standards "should be implemented unless there is a compelling local reason not to".

Regarding comments that the Part 1 and Part 2 notices are redundant because passengers can ask to see a driver's badge, the emphasis here again has to be on the safeguarding of potentially vulnerable individuals. The requirement to display Part 1 and Part 2 notices in the vehicle means that specific details about the driver are readily available to all passengers should they feel it necessary to discreetly obtain this information.

Magnetic door signage is not being considered as they may fall from vehicles while driving, may be removed from vehicles (with the potential for them to be used on unlicensed vehicles) and there is a low level of compliance with respect to the fixed stickers presently required – the licensing authority has low confidence that removeable magnetic door signage will be placed on vehicles when so many vehicles are failing to display their permanent door stickers.

**It is officer's recommendation that the internal and external signage requirements remain as proposed in the draft policy.**

**10.8 Point 7 – safeguarding training should be paid for by the Council and should only apply to drivers that provide school transport services.**

The Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport in July 2020 dictate that licensing authorities should require all taxi and private hire vehicle drivers to undertake safeguarding training.

Safeguarding training will be mandatory for all licensed drivers and will be relevant, and appropriate to the role of taxi/private hire driver. Driver's will be required to meet the cost of their place on safeguarding training courses as they will ultimately benefit from the training. Courses will be offered at a cost that is commercially competitive.

**10.9 Point 8 – How will the four monthly testing requirements be applied?**

The requirement to submit a vehicle for testing every four months will not be routinely applied but will be reserved for instances where it is apparent that there is a persistent lack of suitable vehicle maintenance in relation to major faults. The licensing authority already can impose such a requirement as an additional condition to a licence and has applied this once in the last 12 months.

**10.10 A revised draft policy which includes all officer recommendations detailed in this report (including the revised vehicle age and emission standards in 2.27) has been drafted and can be found at APPENDIX H**

**It is officers' recommendation that the revised policy (Appendix H) is accepted for adoption**

**11. ANTICIPATED OUTCOMES OR IMPACT**

**11.1 Members will properly consider the responses received during the consultation and officer recommendations and determine the final policy.**

Approve the final policy for adoption, subject to any amendments they determine, and set the implementation date, which allows for a period of transition over to new conditions and processes.

**12. REASON FOR THE RECOMMENDATION**

**12.1 The policy is required to be reviewed and revised as appropriate and at least every 5 years. The amended policy is consistent with changes in primary legislation, Statutory Guidance and best practice. It is aimed to improve safety standards without being burdensome to licence holders or applicants.**

An up-to-date policy strengthens the council's position in the event of challenge.

### **13. ALTERNATIVE OPTIONS CONSIDERED**

#### 13.1 Retain the current policy as adopted in 2017.

This presents a risk to the council as primary legislation and statutory guidance has been introduced and updated. Any decisions based on an outdated policy are more likely to be challenged (and overturned) with the Council facing criticism for failing to follow guidance/best practice.

If the issue of vehicle emissions in the licensed trade is not addressed through incremental changes to vehicle age limits, there is a risk that either the Council will not achieve its net-zero carbon ambitions by 2030, or the taxi and private hire trade will face a 'precipice' in relation to diesel and petrol vehicles rather than a gradual phasing out of these vehicles.

### **14. IMPLICATIONS**

#### **Financial Implications**

#### 14.1 Any costs in relation to the adoption of the policy will be met by income from fees.

#### **Legal Implications**

#### 14.2 Having an up-to-date policy gives rise to a robust decision-making process and strengthens the council's position in the event of challenge.

The Legal Division support the Licensing Team regarding the provision of advice and guidance on taxi licensing matters and will provide representation in the event of any appeals to the Court against decisions of the council, prosecutions being instigated, or enforcement action being undertaken by the authority.

Legal Guidance has been sought from the Legal Section on the compilation of this report.

#### **Equalities Implications**

#### 14.3 None foreseen

#### 14.4 **Carbon Impact Assessment**

#### 14.5

A carbon impact assessment has been completed for this policy and forwarded to the climate team for their comments and attached as an appendix. This policy is expected to significantly reduce carbon emissions from hackney and private hire vehicles over its lifetime as they move to less polluting, alternative fuel models.

### **15. BACKGROUND DOCUMENTS**

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

- 15.1 Town and Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance - March 2010
- DfT Statutory Taxi & Private Hire Vehicle Standards – July 2020
- loL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018

### **16. APPENDICES**

- 16.1 Appendix A – Index of amendments
- Appendix B – Draft policy which was subject to consultation

Appendix C – Consultation letter  
Appendix D – Public Notice  
Appendix E – List of consultees  
Appendix F – Consultation response table  
Appendix G – DfT Statutory Taxi & Private Hire Vehicle Standards  
Appendix H – Revised proposed policy





# Peterborough City Council

## Hackney Carriage and Private Hire Licensing Policy

**June 2022**

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## Definitions

The Council	Means Peterborough City Council
The Licensing Authority	Means the licensing function within Peterborough City Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Licensing Committee	Is the committee which determine licensing matters as set out in the council's constitution
Authorised Council Officer	A council officer who is authorised by the council to exercise powers and duties conferred by legislation
This Policy	Is this policy document and appendices
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Proprietor	Is the registered owner or part owner of a vehicle
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
Fare Card	Is a card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soilage charge and the licence plate number
The Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum amount of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Date of First Registration	Means the date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
Driving licence	A full GB driving licence issued by DVLA or acceptable equivalent as defined by DVLA
Licensed Driver	A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Operator	The business which invites and accepts bookings for private hire work
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Private Hire Door Stickers	Door stickers which must be permanently affixed to the rear doors of private hire vehicles which display 'Private Hire vehicle – Insurance invalid unless pre-booked with an operator'
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
DVLA	Is the Driver and Vehicle Licensing Agency
DfT	Is the Department for Transport
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
The Equality Act	Means the Equality Act 2010
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day to day life
Conditions	Mean the conditions of licence applied by the council to either a driver's licence, an operator's licence or a vehicle licence.
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
Road Traffic Acts	Including all associated legislation
PSV	Means Public Service Vehicle
WAV	Wheelchair Accessible Vehicle
Byelaws	Locally adopted 'conditions' applicable to hackney carriage drivers

## Key Facts about 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 203,600 in 2018. Compared to neighbouring districts and for the East of England and England as a whole, ONS estimates show that Peterborough has seen the strongest growth in population between 2011 and 2018 of 9%. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 6,201,210 people in 2018 in the East of England region.

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.

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.

There are over 1330 licensed drivers, approximately 112 licensed hackney carriage vehicles (taxis), and over 849 licensed private hire vehicles and 69 operators.

Peterborough city council recognise the vital and important role that hackney carriage and private hire vehicles, drivers and operators play in an integrated transport system. They provide services in situations where other forms of transport are either not available such as rural areas, late night economy or for persons with mobility difficulties.

On the 24th of July 2019, at a meeting of Peterborough City Council's Full Council, members unanimously declared a climate emergency and agreed to make the Council's activities net-zero carbon by 2030. The motion commits the Council to achieve 100 percent clean energy across its buildings and services by 2030 and ensuring that **all** strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero-carbon across the entire city by 2030.

The council's strategic priorities are:

- Drive growth, regeneration and economic development
- Improve educational attainment and skills
- Safeguard vulnerable children and adults
- Implement the Environment capital agenda
- Support Peterborough's culture and leisure trust Vivacity
- Keep all our communities safe, cohesive and healthy
- Achieve the best health and wellbeing for the city

## **SECTION 1**

### **1. Introduction**

#### **Policy Purpose, Status and Scope**

- 1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by Peterborough City Council, when administering its functions within the legislative framework of the 1847 and 1976 Acts. It has traditionally exercised these responsibilities through a number of sets of conditions, byelaws, guidelines and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.
- 1.2 This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the council as the licensing authority for licensing hackney carriage and private hire vehicles, drivers of those vehicles and operators of those vehicles. The licensing authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers are fit and proper to undertake the role. This policy and the imposition of conditions found in the appendix documents are considered appropriate to address all these aspects.
- 1.4 The primary focus when administering its functions are public safety, safeguarding and wellbeing.
- 1.5 In exercising its discretion in carrying out regulatory functions, the council will have regard to this policy and appendices, statutory guidance and best practice.
- 1.6 In formulating this policy, consideration has been given to local circumstances and requirements, the DfT best practice guidance March 2010, the DfT Statutory Taxi & Private Hire Vehicle Standards Guidance (July 2020) issued under section 177(1) of the Policing and Crime Act 2017, and IoL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018).
- 1.7 Every decision, application and enforcement action will be considered on its own merits.
- 1.8 The council may depart from this policy if merited, but will provide clear and compelling reasons for doing so.
- 1.9 This policy is not a comprehensive statement of the law, applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- 1.10 It must be noted that vehicles and drivers licensed by different local authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this authority. But must still comply with their own local authority conditions and the general law.

#### **Consultation and Revision**

- 1.11 The council consulted with stakeholders prior to the adoption of this policy, and will do so for the further continuation and development of the policy.
- 1.12 This policy and appendices will be kept under review and revised as appropriate and in any event, not less than every five years. The council expects licence holders to comply with its terms and conditions.

- 1.13 The council will keep the policy and appendices under review and will consult where appropriate on proposed revisions. Appendices and sections of the policy may be updated and amended by the licensing committee after consultation without the whole policy being consulted upon.
- 1.14 The initial policy took effect on 26 July 2017, when it was adopted by Full Council, therefore it must be subject to review and consultation prior to July 2022.
- 1.15 The consultation took place between Friday 28 January 2022 to Friday 25 March 2022, with those listed in paragraph 1.17. All consultation responses will be given due consideration when determining the final policy.
- 1.16 The consultation draft policy will be made freely available on the council's website and main council buildings. There will be a public notice in the local newspaper advising of the consultation and period.
- 1.17 Consultation takes place with the following:
- Peterborough Hackney Carriage Representatives
  - Taxi and private hire drivers and proprietors
  - Peterborough private hire operators
  - Peterborough City Council Councillors
  - Parish Councillors
  - Passenger Transport
  - Local Children's Safeguarding
  - Police Chief Constable
  - Peterborough Chamber of Commerce
  - Groups representing disabled people
  - Campaign for Better Transport
  - Neighbouring Licensing (Local) Authorities
  - General public

(And other bodies and groups that the Licensing Authority consider appropriate)

- 1.18 The Licensing Committee will fully consider all responses to the consultation at a meeting on 7 July 2022, then recommend to full council at a meeting TBA to adopt the amended policy. Where the adoption of this policy results in a process change, this will be implemented at the earliest opportunity.

### **The Licensing Regime – General overview**

- 1.19 The primary legislation applicable is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Vehicles used for hire and reward which accommodate a maximum of up to eight passengers, drivers of those vehicles and operators of private hire vehicles are regulated by the above legislation. Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The council has no involvement in the licensing of PSV's, they are the responsibility of The Traffic Commissioner.
- 1.20 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.
- 1.21 In order to be licensed correctly the licenses must 'match', i.e. issued by the same local authority. A hackney carriage vehicle and the driver must be licensed by the same local authority. For private hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.
- 1.22 The legislation places a duty on the local authority to only licence those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation therefore the widest interpretation will apply.

- 1.23 The legislation allows local authorities to set their own conditions, requirements and application processes. Which means that each local authority's requirements and conditions are different. However the DfT Statutory Guidance (issued under section 177(1) of the Policing and Crime Act 2017) to which licensing authorities must have due regard, aims to set minimum standards to directly address safeguarding of the public.
- 1.24 The aim of the legislation is to ensure that the public have reasonable access to these services and to ensure the public are protected. Public safety is paramount and has a wide scope, it includes public safeguarding, protecting vulnerable persons and public wellbeing. To achieve the aim of the legislation and having due regard to the guidance issued by the Secretary of State, Peterborough City Council have set conditions and processes in place, which promote well run, safe and responsible businesses.

### **Applicant and Licence holders responsibilities**

- 1.25 Other general law is also applicable such as the Road Traffic Act, Health and Safety at Work Act, the Health Act, the Equality Act etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the council. Peterborough City Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation pertaining to their roles.
- 1.26 All licence holders (proprietors, operators and drivers) shall co-operate with any reasonable request made by an Authorised Officer.
- 1.27 All renewal applications must be submitted to the Council prior to the date of expiry of the existing licence. If a licence holder fails to submit a fully complete application to renew before the date of expiry of the licence, they will be required to apply as a new application and meet all the requirements. The Council will only consider a late renewal in exceptional cases R (on the application of Exeter City Council ) v Sandle [2011] LLR480, in which case the renewal date will be from the date of expiry of the previous licence. The Council will accept licence renewals from 28 days before the date of expiry.
- 1.28 Licence holders must ensure that they are correctly registered with HMRC for tax purposes. From April 2022, licence applications for drivers (hackney carriage and private hire) and operators licenses will be subject to the requirements of the Finance Act 2021. The Licensing Authority is legally required to share information with HMRC and cannot consider a renewal application, until confirmation from HMRC has been obtained that applicant(s) are correctly registered for tax purposes.
- 1.29 In order to assist the determination of an applicant's 'fit and proper' status, all applicants are required to provide a valid DBS check. The level of DBS required is determined by the type of application. Operators and Proprietors (who are not also licensed drivers) will be required to provide an annual basic disclosure. All licensed drivers must provide an Enhanced DBS and barred lists check, maintain continuous registration with the DBS update service and authorise the licensing authority to routinely check for new information.
- 1.30 As the DBS cannot access criminal records held overseas, all applicants who have spent an extended period (six months or more) living or working outside the UK since they were 18 years of age, will be required to submit a 'Certificate of Good Character' or criminal record(s) information, for each Country they lived or worked in for six months or more. Further information on applying for overseas criminal record information or 'Certificates of Good Character' can be found in the Home Office guidance. (see link below)
- <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>



- 1.31 All licence holders must notify the licensing department within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including speeding offences.

### **Role of Hackney Carriage and Private Hire Trade and the difference between them**

- 1.32 The council recognises the importance of hackney carriage and private hire vehicles, drivers, proprietors and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc., and are vital in helping to maintain a healthy local economy. They can often be the first contact for a visitor to the local area.
- 1.33 Whilst the general public do not always know the difference between a hackney carriage and a private hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate. However, both have equal importance.
- 1.34 Within the district in which a hackney carriage vehicle (and driver) are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public i.e. 'ply for hire' in public places. They are not required to be booked via an operator. They must display a fare card within the vehicle which shows the current maximum fares to be charged as set by the local authority. In law, these are allowed to be called 'taxis' or 'cabs', and are sometimes also referred to as Black or London Cabs. Hackney carriages licensed by another local authority who operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e. carry out pre-booked journeys.
- 1.35 A private hire vehicle is not allowed to accept direct bookings from the public. They can only accept bookings from a licensed operator, they cannot operate independently, i.e. without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance. The fares charged are not regulated by the authority, but must be agreed with the operator at the time of booking. Although, within district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter fare. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'.
- 1.36 In determining if a vehicle is being used for private hire purposes and needs to be licensed, the council will have regard to the guidance issued by DfT. See link below.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/3985/phv-licensing-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3985/phv-licensing-guidance.pdf)
- 1.37 The conditions set by this council require both hackney carriages and private hire vehicles to display the licence plate on the rear of the vehicle. A hackney carriage vehicle is required to display a white plate and a private hire vehicle must display a yellow plate, unless exempted. All licensed vehicles are required to display a sign identifying the vehicle licence number in the top left hand side of the windscreen, unless exempted private hire.

### **The Cambridgeshire & Peterborough Local Transport Plan**

- 1.38 In developing this policy due regard has been given to the Cambridgeshire & Peterborough Local Transport Plan to ensure consistency and development for a sustainable future. The council encourages the uptake of electric and ultra-low emission private hire vehicles and taxis where possible. Electric charging points have been installed in various locations and development of these is ongoing.
- 1.39 Peterborough do not have a set limit for hackney carriage vehicles, this ensures that taxis and private hire vehicles are readily available for passengers in Peterborough. The conditions set by this council are aimed to ensure licensing standards result in a high level of service and that vehicles offer a safe and comfortable journey.

- 1.40 Training for all new drivers is in place. All new applicants must pass the taxi competency course provided by Peterborough Regional College and any other training as prescribed by the licensing authority in relation to disability awareness, safeguarding and County Lines.
- 1.41 The licensing department have regular contact with hackney carriage representatives to support the improvement and development of taxi ranks.
- 1.42 Further information on the local transport plan can be found on the council website. See link below <https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/transport/local-transport-plan/LTP.pdf>

### **Passenger Transport**

- 1.43 To become an approved operator for children’s transport, please call the Passenger Transport Team on 01733 747474

### **Information sharing**

- 1.44 The council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, NAFN NR3, benefit fraud etc. The council will share information with other departments or regulatory bodies including other Licensing Authorities where appropriate. The council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- 1.45 The legislation also requires local authorities to maintain a public register.
- 1.46 The council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

### **Decision making**

- 1.47 Each application and enforcement action will be determined on its own merits. Determination of applications will be made in accordance with this policy, the council’s constitution, statutory guidance, common law precedent and industry best practice. Officers have delegated powers, but may also refer certain matters to the licensing committee if appropriate.
- 1.48 Enforcement actions will be in accordance with this policy, the council’s enforcement policy and the Regulators’ Code 2014.
- 1.49 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the magistrate’s court within 21 days of being given the decision. Except in the case of a refusal to grant a Hackney Carriage proprietors (vehicle) licence, in which case the appeal is directly to Crown Court.

### **Immigration Act – all licences**

- 1.50 The council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licenses will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to Home Office guidance.
- 1.51 The council takes this responsibility seriously and has checks in place to ensure compliance with the Act, and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person’s immigration status must be returned to the council within 7 days.
- 1.52 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence

there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.

- 1.53 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment and loss of licence.

### **Policing And Crime Act 2017**

- 1.54 The council will give full regard to the guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. The revised policy includes amendments in line with the DfT Statutory Taxi & Private Hire vehicle Standards July 2020. If any future changes to the guidance affect any parts of this policy or related appendices they will be amended at the earliest opportunity.
- 1.55 The Statutory guidance recommends adoption of several best practice minimum standards, in order to better protect children and vulnerable adults and by extension, the wider public, when using taxis and private hire vehicles. Some of these best practices were already in place, however, the following are now also incorporated;
- Mandatory requirement for licensed drivers to maintain subscription to the DBS update service and allow the licensing authority to make enquiry checks with DBS
  - Annual basic DBS disclosure requirement for proprietors and operators, who are not also licensed drivers
  - Checking and reporting to NAFN NR3 (see Appendix M)
  - Mandatory safeguarding training, including county lines, for all licensed drivers and operators.
  - Requirement for all licence holders to notify the licensing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
  - Requirement for all applicants who since the age of 18, have spent an extended period (i.e. six months or more) outside the UK, to provide a Certificate of Good Character or criminal record(s) information.
  - Revisions to the Guidelines Relating to the Relevance of Convictions
  - Operators to maintain a register of staff, have sight of a basic DBS for staff on the register and provide a copy of their policy on employing ex-offenders.

## **SECTION 2**

### **2 General provisions for hackney carriages and private hire vehicles**

#### **Vehicles General**

- 2.1 Peterborough city council has not set a limit for the amount of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licences.
- 2.2 Proprietors (who are not also licensed drivers) must provide a basic DBS disclosure with their application and annual renewal. Where the proprietor of the vehicle is a company or partnership, a basic DBS will be required for all directors, partners, secretary, etc. and any other persons with significant control. Proprietors who have not resided continuously in the UK since they were 18 years old, i.e. have spent an extended period (six or more continuous months) outside the UK, will be required to submit a Certificate of Good Conduct or criminal record information, from each Country applicable.
- 2.3 The maximum duration of a vehicle licence is one year, this is a requirement of legislation. However, a vehicle licence can be renewed up to the age at which it will be de-licensed as specified in the relevant appendices.
- 2.4 If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed before the expiry

of the licence, will be classed as de-licensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle. Exceptions may be made, in exceptional circumstances (see paragraph 1.27).

- 2.5 An application for a vehicle renewal must be submitted to the Licensing Authority, prior to the expiry of the existing licence and prior to having the vehicle tested. The appointed testing station will not release a renewal plate, unless a fully complete vehicle renewal application (including fee), has been confirmed as received and determined by the Licensing Authority.
- 2.6 It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the unnecessary burden of a vehicle being de-licensed.
- 2.7 Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is de-licensed. This means that these vehicles can only be driven by licensed drivers. The only exception to this is where an applicant is undertaking a test, or the vehicle is being tested e.g. driven by a garage mechanic.
- 2.8 Therefore any other person who is not a licensed driver themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person, is likely to be invalid and in any case, will not be accepted by the Licensing Authority. Insurance policies are usually invalid if the insured is knowingly breaking the law by driving the vehicle.
- 2.9 Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.
- 2.10 The council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence. These can be found on the appendices attached, Appendix C for private hire vehicles and Appendix A for hackney carriage vehicles. There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at Appendix F. These appendices also provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.
- 2.11 This authority does not allow 'duel plating' of licensed vehicles. No vehicle will be granted a licence if it is licensed in another district. Any vehicle found to be licensed by another authority will have the licence suspended or revoked.
- 2.12 The council has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the M1 type approval and construction and use regulations. Vehicles which are not M1 type approved, (e.g. N1) must provide VIVA (Voluntary Individual Vehicle Approval) documentation confirming conformity and safety of alterations and updated V5C to correlate.
- 2.13 Whilst each application will be determined on its own merits, it is unlikely that the council would licence a vehicle which did not meet the licensing standards and specifications. Where a vehicle proprietor wishes to licence a vehicle which did not meet the specifications and standards, they are encouraged instead to put forward a case for modification of the standards.
- 2.14 All vehicles must provide adequate heating and ventilation systems for the driver and passengers. Passengers must be able to operate the windows independently.
- 2.15 All expired plates must be returned to the council or retained by the appointed testing station upon renewal.
- 2.16 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

## **Appearance**

- 2.17 Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise, meet the expectations of this council and the travelling public.
- 2.18 The exterior of the vehicle must be reasonably clean to ensure that passengers can get in and out of the vehicle without fear of getting their clothing dirty with dust, oil, mud and other road debris. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.
- 2.19 Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
- 2.20 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle and has been granted a plate exemption certificate.
- 2.21 The licence plate must be securely fixed to the outside of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer.
- 2.22 All licensed vehicles (except private hire vehicles which have been granted a plate exemption certificate) must display a sign identifying the vehicle licence number in the top left hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council should the licence be suspended or revoked.
- 2.23 The council will not permit any advertising which it considers inappropriate, therefore all advertising, (except for the operator name and telephone number), on or in vehicles must be approved prior to being placed on or in the vehicle.
- 2.24 Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed (not magnetic) door signage. This signage must state 'Private hire vehicle – insurance invalid unless pre-booked with operator'.
- 2.25 All signage relating to hire and reward (including door signage, company insignia etc.) must be removed from the vehicle, whenever it is sold or transferred outside Peterborough's licensed trade, or delicensed.

## **Age policy**

- 2.26 The council must ensure that the vehicles it licenses are fit and safe for the purpose they are licensed for, with consideration to reliability, environmental impacts, passenger comfort, and the need to sustain a high quality of licensed vehicles.
- 2.27 Therefore there are various age restrictions and testing requirements applicable for vehicles it will licence. There are conditions regarding the maximum age a vehicle will be initially licensed, the age at which six monthly tests are required, and the age at which a vehicle will be de-licensed, and they are different for private hire, hackney carriages, speciality and limousine vehicles and by fuel type and vehicle emissions.

The table and information provided below is a guide, but please refer to the appropriate appendices attached.

**Petrol or Diesel vehicles licensed prior to 26 July 2022 have acquired (Grandfather) rights as set out below**

<b>Petrol or Diesel</b>	<b>Hackney carriage</b>	<b>Private hire</b>
Maximum age limit beyond which the vehicle will not be licensed	15 years old or until 31/12/2029 (whichever is soonest)	10 years old or until 31/12/2029 (whichever is soonest)
Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
Age at which the vehicle will be Subject to Critical testing criteria	10 years old	8 years old

**Petrol or Diesel vehicles which are initially licensed on or after 26 July 2022 (and other non ULEV or ZEV) are subject the restrictions below.**

<b>Petrol or Diesel New 26/7/22</b>	<b>Hackney carriage</b>	<b>Private hire</b>
Maximum age at time of first being licensed	3 years old	4 years old
Maximum age limit beyond which the vehicle will not be licensed	12 years old or until 31/12/2029 (whichever is soonest)	9 years old or until 31/12/2029 (whichever is soonest)
Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
Age at which the vehicle will be Subject to Critical testing criteria	10 years old	8 years old

**ALL Vehicles (both Hackney Carriage and Private Hire) that are ULEV (Ultra-Low Emission) or ZEV (Zero Emission) will be subject to the following age restriction criteria:**

	<b>ULEV</b>	<b>ZEV</b>
Maximum age at time of first being licensed	8 years old	17 years old
Maximum age limit beyond which the vehicle will not be licensed	15 years old	18 years old
Age at which the vehicle will be subject to six monthly inspections	8 years old	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	12 years old	12 years old

For the purposes of the above, a vehicle is considered to be ULEV or ZEV if:

	<b>ULEV</b>	<b>ZEV</b>
Vehicle Type:	It is a Hybrid or Extended Range Electric Vehicle (E-REV)	It is Battery Electric, or Hydrogen Fuel Cell, or Electric
V5C document details:	Taxation class = ALTERNATIVE FUEL CO2 (g/km) = 105g/km (or less)	Taxation Class = Alternative Fuel or Electric CO2 (g/km) = 0g/km

**It is the Council's ambition that at the next policy review in December 2024, all newly licensed vehicles will need to be either Zero or Ultra-low emission.**

## **Insurance**

- 2.28 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.
- 2.29 Applications for new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.
- 2.30 Insurance policies for a licensed vehicle which contain named drivers who are not also licensed drivers, will not be accepted. (see paragraph 2.8)

## **Safety equipment**

- 2.31 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

## **CCTV in licensed vehicles**

- 2.32 The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and be a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations.
- 2.33 The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers and operators to determine.
- 2.34 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link [.https://ico.org.uk/](https://ico.org.uk/)
- 2.35 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 2.36 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to a threat of physical violence.

## **Maintenance of vehicles**

- 2.37 It is expected by the council and the travelling public, that all vehicles over three years old are serviced in accordance with the manufacturer's requirements or at least annually. Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.
- 2.38 Maintenance is a key factor with any vehicle and it's good practice for all commercial vehicles to be part of a planned preventative maintenance programme, where all vehicles are routinely serviced to

ensure safety and quality. The council expects this level of commitment from drivers and operators. It should be noted that the 12 monthly and 6 monthly tests carried out by the testing centre, is to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.

- 2.39 Vehicles which present to the councils appointed testing station with multiple faults on multiple occasions which demonstrate that the vehicle is not being appropriately maintained, may be subject to 3 mechanical tests annually (every 4 months) to ensure public safety.

### **Vehicle testing**

- 2.40 The law requires all vehicles to have a yearly MOT test. However, as licensed vehicles provide a service to the public and have more usage, wear and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test at the council's appointed testing station.
- 2.41 Once a vehicle has passed this enhanced test and provided all required documentation, the council will issue a Certificate of Compliance (CoC), which stands in place of an MOT certificate. An MOT certificate will not be issued, this means that the vehicle will not show as having a valid MOT on the national recognised database.
- 2.42 If licence holders wish to obtain an MOT in addition to the CoC test, they may do so. But will still be subject to the CoC testing requirements and frequency of testing, at the council's appointed testing centre, as detailed in this policy and appendices attached.
- 2.43 The appointed vehicle testing station is Aragon, based at Nursery Lane, Fengate, Peterborough PE1 5BG. All fees payable for vehicle testing must be paid directly to Aragon. Any complaints regarding vehicle testing should be made directly to Aragon.
- 2.44 The council considers it appropriate to require all vehicles of a certain age, to be subject to a six monthly vehicle test at the appointed testing station. This is to ensure that, as the vehicle gets older, it still meets the required standards applied by this council, and the law regarding vehicle emissions.
- 2.45 Vehicles must be presented for vehicle testing at the appointed testing station. Proprietors and or drivers, must book these appointments themselves directly with Aragon. They must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions (i.e. yearly or six monthly).
- 2.46 It is an offence to use on a public road a vehicle of testable age that does not have a current certificate of compliance, except when:
- Taking it away from the testing station after it has failed the test
  - Taking it to or bringing it away from a place where by previous arrangement repairs are to be or have been made to remedy the defects for which the vehicle was failed
  - Taking it to the testing station for a test booked in advance.
- Even in the above circumstances you may still be prosecuted for driving an unroadworthy vehicle if it does not comply with the various regulations affecting its construction and use.
- 2.47 Vehicles which have failed the vehicle test must not be used for hire and reward work, until the vehicle has been re-presented to the testing station and been passed as fit for use and is licensed.

### **Accidents**

- 2.48 Any accident that causes damage which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the council as soon as reasonably practicable, and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence.
- 2.49 The driver involved in the accident must provide details to the licensing department of how, where



and when the accident occurred. The damage to the vehicle must be assessed by an officer, where the vehicle is not capable of being driven, photos must be taken and given to the licensing department with the vehicle's licence plate and a vehicle suspension notice will be issued.

- 2.50 Drivers, proprietors and operators are advised that the council may be contacted by insurance companies to verify an accident damage report and details provided.
- 2.51 Vehicles which have sustained damage may apply for a temporary replacement vehicle whilst the vehicle is being repaired. The replacement vehicle will carry the same licence number as the damaged vehicle, therefore the licence plate for the damaged vehicle must be given back in order for the temporary plate to be released. Replacement vehicles must first be passed as fit for service by the council's appointed testing station and must meet all the other requirements and standards applicable. There is a separate application form and fee payable for this service and the reinstatement of the plate.

### **Taximeters**

- 2.52 All hackney carriages licensed by this authority are required to have a working taximeter fitted in the vehicle, some private hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the council. The taximeter must be sealed by a person authorised by the authority.
- 2.53 Within district, if a vehicle is fitted with a taximeter it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged. (The current fare card is attached at Appendix J)

### **Transfer of ownership of the vehicle**

- 2.54 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as practically possible, and in any case within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

### **Accessibility of vehicles**

- 2.55 An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this council. The council expects that proprietors, drivers and operators give full consideration to the service they provide to ensure they provide service to all members of society without discrimination.
- 2.56 The council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for disabled people.
- 2.57 All hackney carriages licensed by this council are designated for the purposes of section 165 of the Equality Act 2010, wheelchair accessible vehicles (WAV) and appear on the maintained list under section 167 of the 2010 Act. This is to ensure that people with disabilities are able to hire the vehicle on the spot with the minimum delay or inconvenience.
- 2.58 Private hire vehicles which meet the criteria (ability to carry a passenger in their wheelchair) will be designated and added to the 167 published list. Exemptions will be considered on a case by case basis.
- 2.59 Drivers of designated vehicles are required to perform duties to assist passengers and must not refuse or charge disabled persons more than a non-wheelchair user for the same journey.
- 2.60 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair vehicles. The duties are:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, and
- To give the passenger such mobility assistance as is reasonably required.

The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passengers luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

- 2.61 Drivers of designated vehicles (who are not exempt) who fail to comply with the section 165 requirements will be committing an offence which will be taken particularly seriously.
- 2.62 All licensed drivers must ensure that no extra charges are applied for conveying persons with disabilities.
- 2.63 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued an exemption certificate. (Further information on exemption certificates and notices can be found in section 3.75 to 3.80)
- 2.64 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- 2.65 Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements.

### **Funeral and wedding vehicles**

- 2.66 There is no requirement for a vehicle to be licensed as a private hire if it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 2.67 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

### **Speciality Vehicles and Limousines**

- 2.68 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.
- 2.69 Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.
- 2.70 These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at Appendix F.
- 2.71 The council strongly recommends that anyone wishing to purchase and licence a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the

conditions applied. Each application will be determined on its own merits.

### **Critical failure**

- 2.72 The council has an essential testing criteria for vehicles which have reached a certain age. The essential testing criteria are items which the council considers to be critical areas of a vehicle test, e.g. steering and suspension, brakes, exhaust emissions etc. This is considered a major failure and can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective. See Appendix H for testing criteria for vehicles which have reached the standard age limit.
- 2.73 If a vehicle fails a mechanical test on one or more of these critical items the vehicle will be automatically suspended and the vehicle must not be used. The vehicle may be repaired and re-presented to the testing station within 30 days for retesting. If the vehicle passes the mechanical test within 30 days the suspension notice will be lifted and the vehicle may be relicensed.
- 2.74 If the vehicle does not pass the mechanical test within 30 days it will be de-licensed.
- 2.75 Vehicle emissions are tested and checked on mechanical inspections. Vehicles will only pass the mechanical inspection, if the vehicle emissions continue to meet the defined criteria as set out in the V5 vehicle registration log book.

### **Private hire exemption to display licence plate etc.**

- 2.76 The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who require an unmarked vehicle for security reasons. Such customers will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.
- 2.77 The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, it does not extend to hackney carriages which must display their plates at all times.
- 2.78 Prestige high specification private hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption certificate, which exempts that vehicle from the requirement to display the vehicle licence number in the windscreen, Part 1 and Part 2 notice, the licence plate and door signage. It also exempts the licensed driver from wearing his badge, however the driver must carry his badge with him so that it is immediately available. The vehicle will still be issued with a licence plate, which must be affixed within the boot of the vehicle. Insurance which covers the driver and vehicle for hire and reward purposes must still be maintained.
- 2.79 Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 2.80 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- 2.81 Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. Where issued, an exemption certificate renewal date will coincide with the renewal of the private hire vehicle licence.
- 2.82 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Appendix I.
- 2.83 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for

executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the vehicle licence number in the windscreen, Part 1 and Part 2 notice, the plate and door stickers as required by the conditions for private hire vehicles.

### **Required information to be displayed inside all licensed vehicles – Part 1 and Part 2 notice**

- 2.84 Members of the public who have cause for concern, or who wish to complain about a journey in a licensed vehicle, will need some information about the driver or vehicle which conveyed them in order to progress their complaint or report their concern.
- 2.85 Whilst licensed vehicles display their licence plate which contains identifying details, these are displayed on the outside of the vehicle. Members of the public do not routinely get the information off the licence plate prior to getting into a licensed vehicle. If they have a problematic journey, they may attempt to get the information, but this can be difficult if it is late at night or the vehicle quickly drives away.
- 2.86 Also, whilst licensed drivers are required to wear their licence badge, which contains their information, a passenger may feel it too confrontational to request to see the driver's badge, especially if they have had a difficult journey.
- 2.87 In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, the council has determined that certain information must be displayed inside all licensed vehicles, (except for exempted (executive) private hire vehicles) in the form of a Part 1 and Part 2 notice.
- 2.88 A Part 1 notice must contain the following information and must be displayed in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle;
- the proprietor of the vehicle,
  - the telephone number where a customer can make a complaint, report a concern, or comment positively e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
  - the vehicle registration number, and
  - the vehicle licence plate number.
- 2.89 A Part 2 notice must be displayed alongside the Part 1 notice and must contain a photograph of the driver of the vehicle and the driver's licence number in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. See Appendix L
- 2.90 By requiring the display of a Part 1 and Part 2 notice inside all licensed vehicles, the customer is fully empowered to easily report issues or concerns. It will also assist proprietors and operators to quickly identify the vehicle and driver utilised in order to address the complaint or concern reported.

## **SECTION 3**

### **3. General provisions for hackney carriage and private hire drivers**

#### **Drivers general**

- 3.1 The council can only licence drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgement for the licensing authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.
- 3.2 Therefore the council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be, or remain licensed.

- 3.3 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council can request any information it deems may be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other council, use of NR3, using intelligence from the police or any other regulatory authority as appears relevant.
- 3.4 In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full GB driving licence (or equivalent as defined by DVLA) for a minimum of 12 months. Therefore the minimum age a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.
- 3.5 In order to be a licensed driver an applicant must:
- Submit a signed completed application form with fee,
  - Provide a tax check code (required from 4 April 2022),
  - Provide proof of right to work in the UK,
  - Complete and pass the taxi competency course provided by Peterborough Regional College,
  - Provide a satisfactory enhanced DBS with barred list check and sign up and maintain registration with DBS update,
  - Provide a DVLA check,
  - Provide group 2 medical report,
  - Provide a recent passport type photo,
  - Undertake and pass the approved Safeguarding training, and
  - Pass the driving assessment test.
- 3.6 All new and renewal driver (and operator) applicants will be required to undertake mandatory safeguarding and County Lines training, as prescribed by the licensing authority prior to making an application. Existing drivers and operators will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Licensed drivers are required to attend refresher training every three years and provide proof of pass attendance with their renewal application.
- 3.7 Drivers licenses are generally issued for a three year duration. They may be issued for a lesser period if appropriate, e.g. the applicant's right to work is of a shorter or limited duration. They may also be renewed, however, if a licensed driver fails to renew prior to the date of expiry of the existing licence, they will be required to apply as a new driver and meet all the requirements. Exceptions may be made in exceptional circumstances. (see paragraph 1.27)
- 3.8 In accordance with the tax conditionality requirements within the Finance Act 2021, from 04 April 2022, all **new** driver applicants are required to confirm that they have read and understood HMRC's published guidance in relation to their tax obligations.
- 3.9 In accordance with the tax conditionality requirements within the Finance Act 2021, from 04 April 2022, all driver applicants seeking to **renew** their licence are required to complete a HMRC tax check to confirm that the individual or company has been appropriately registered for tax and that the income from the licensed activity has been reported on a tax return. This is also a requirement for any driver licensed with another licensing authority that is seeking to be licensed with Peterborough City Council. The Licensing Authority must receive confirmation that the applicant has completed a tax check before they are able to make a determination on any application.
- 3.10 It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time to avoid any unnecessary burden.
- 3.11 It is important that drivers notify the council within 48 hours, of any significant changes which occur after their licence has been granted. Such as change of name or address, or email address or telephone number, change of immigration status, changes in their physical or mental health which may affect their driving ability, all convictions, cautions or arrests, DVLA penalty points etc. or any other matter which may question their fit and proper status,

- 3.12 All licensed drivers are required to wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the driver's badge remains the property of Peterborough City Council, all expired, surrendered or revoked badges must be returned to the council.
- 3.13 This council issues two types of licences for drivers, a hackney carriage driver licence and a private hire driver licence. The driving assessment test for hackney carriage drivers is more rigorous. Therefore a hackney carriage driver may drive a private hire vehicle, but a private hire driver cannot drive a hackney carriage vehicle.
- 3.14 Private hire drivers may apply to become hackney carriage drivers, they will need to submit the required application and fee and pass the enhanced test.

### **Suitability of driver**

- 3.15 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc., they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 3.16 Consideration of suitability includes character and patterns of behaviour and are not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk, will also be taken into account when assessing their fit and proper status. For new applications, the onus is on the applicant to satisfy the council that they are 'fit and proper'.
- 3.17 The council requires applicants to fulfil certain criteria to ensure that the public are protected and drivers are able to provide the service which is expected of them.
- 3.18 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) with barred list check and a medical health check to the DVLA group 2 standard, and share information held by DVLA and other licensing authorities upon new and renewal applications.
- 3.19 Applicants for new and renewals, who fail to report or declare an offence, or other relevant matter, will be taken particularly seriously. As it deliberately prevents the authority from taking into account that information in protecting public safety. It also shows a blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

### **Application process**

- 3.20 Applicants must fully complete an application and provide the relevant paperwork required and fee. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to legal action if it constitutes fraud.
- 3.21 Applicants must be able to prove their immigration status and that they have a right to work in the UK.
- 3.22 New applicants must complete and pass the Taxi Competency Course delivered by Peterborough Regional College and prescribed Safeguarding and County-Lines training.
- 3.23 Applicants who have criminal convictions, may submit an enquiry with the enhanced DBS and barred list check for consideration, prior to taking the college course, medical check and driving assessment test. The convictions and cautions will be assessed and the applicant will be provided with an indicative decision. This does not prohibit the applicant from submitting a full application for a formal determination.

- 3.24 When an applicant has fulfilled all the application criteria, they will be required to take a driving assessment test, to assess driving ability, safety, control of the vehicle, awareness of controls within the vehicle, and local Knowledge, without the use of satellite navigation equipment.

### **Convictions, cautions and related matters**

- 3.25 In considering fit and proper, the council will take into consideration any prior convictions and cautions. Therefore, all applicants are required to undertake and submit an Enhanced DBS with barred list check. This check will detail all criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.
- 3.26 The council uses an external provider called GB Group (First Advantage) to process the DBS certificates. Applicants are responsible for completing these checks and must register and apply online via the GB Group (First Advantage) website. After registering and completing the online process, applicants are required to print off the completed form and take it to a post office with the relevant identification and original documentation required. Applicants are also responsible for the payment of the appropriate fee in order to complete the issuing of the DBS certificate. DBS certificates must be no older than 3 months at the time of application.
- 3.27 All licensed drivers are required to maintain continuous registration with the DBS update service and provide authorisation in order to enable the licensing authority to routinely check for new information in accordance with statutory guidance and where there is reasonable cause for doing so.
- 3.28 Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, are still taken into consideration when determining applications for licensed drivers.
- 3.29 Where convictions or cautions appear on a DBS, it is not the place of the council to go behind the existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a 'one off', they acted out of character, so is unlikely to be repeated. Each application will be determined on its own merits.
- 3.30 Applicants who have not resided continuously in the UK since they were 18 years old, i.e. have spent an extended period (six or more continuous months) living or working outside the UK, will be required to submit a Certificate of Good Conduct or criminal record information, from each Country applicable, in addition to the Enhanced DBS certificate.
- 3.31 The existence of a criminal conviction or caution does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 3.32 The National Anti-Fraud Network has developed a national register of taxi and private hire driver licence refusals and revocations known as NR3. The licensing authority provides information to NR3, a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire drivers licence revoked, or an application refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority, that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.
- 3.33 It is a mandatory part of applying for or renewing a hackney carriage or private hire driver licence to disclose information on applications made and licences granted, refused or revoked by another authority. All applicants will have their details checked against the register, and any relevant information taken into account in assessing the application. Where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register. Further information is contained in the policy on the use of the National Register of Taxi Licence Revocation and Refusals (NR3) attached at Appendix M

- 3.34 Further information is contained in the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing attached at Appendix G.
- 3.35 Whilst each application is determined on its own merits, some offences are of such a serious nature that it is unlikely that a licence would be issued. Such as crimes resulting in death, exploitation and indecency offences relating to sexual assault or rape.
- 3.36 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. The CLPD replaced the Notifiable Occupation Scheme which was withdrawn in March 2015.
- 3.37 It is a requirement for licensed drivers to notify the licensing department of any cautions, convictions, arrests, immigration offences, road traffic offences such as speeding, or any other relevant matters criminal or civil, which may question their fit and proper status, that occur during or after the licence has been issued. In such circumstances, licensed drivers must notify the licensing department within 48 hours of an arrest and release, charge or conviction.
- 3.38 If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

#### **DVLA**

- 3.39 As driving is the predominant aspect of a licensed driver, the council needs to consider if applicants hold a valid driving licence and if the licence holder has been issued any penalty points.
- 3.40 As the paper counterpart of the driving licence was abolished in June 2015, applicants and licensed drivers will be required to share information held about them by DVLA via an online process.
- 3.41 Applicants and licensed drivers are required to register online with the DVLA share my licence portal, and provide the access code to the council with their application and upon request. The access code will provide the council with information regarding penalty points etc. As the access code is only valid for a limited duration, drivers may be contacted and requested to provide another code, to enable progression of their application.
- 3.42 As the DVLA share my licence portal can only check driving licenses issued in Great Britain (England, Wales and Scotland) applicants who hold an acceptable equivalent driving licence, (as defined by DVLA) will need to convert it to a GB driving licence prior to application.
- 3.43 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing which can be found at Appendix G

#### **Medical Requirements**

- 3.44 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.
- 3.45 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Therefore various body systems need to be functional for safe driving.
- 3.46 Due to the length of time an occupational driver (hackney carriage and private hire) spends at the



wheel, it is appropriate to have more stringent medical checks and standards than those applicable to normal car drivers.

- 3.47 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.
- 3.48 To ensure that public safety is protected, the council has chosen to adopt this best practice and require all applicants to obtain and submit a group 2 medical report with their application for new and renewals.
- 3.49 Therefore applicants are required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.
- 3.50 The group 2 medical assessment must be completed by a doctor registered and licensed to practice in the UK or registered within the EU. If the applicant's own doctor completes the medical assessment it may speed up the application, as they already have full access to their medical records.
- 3.51 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old. Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than four months at the time of submission with the relevant application.
- 3.52 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.
- 3.53 Licensed drivers must notify the council and their medical practitioner of any deterioration in their physical or mental health which may affect their ability to drive or complete their tasks as a licensed driver. The council expects licensed drivers to be responsible and to not continue to drive following any deterioration in their health, or any health problems which could endanger the lives of the general public.
- 3.54 If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work, this is for the safety of the driver and the general public. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards.

#### **Taxi Competency Course provided by Peterborough Regional College.**

- 3.55 Peterborough City Council and Peterborough Regional College have jointly developed a course specifically for those who wish to be licensed drivers. The course tests some of the skills required to be a licensed driver, such as reading and writing, numeracy, equality and disability awareness, customer service, understanding of the conditions applied by the council, etc.
- 3.56 All new applicants must pass the taxi competency course provided by Peterborough Regional College. Those wishing to enrol on the course should contact the information centre at Peterborough Regional College, Park Crescent Campus, contact telephone number 01733 863068, where they will be issued with the course handbook and the pre-course reading material. When attending the course, applicants must take with them two forms of identification, one of which must be a DVLA driving licence with photo card, the other a utility bill no more than 3 months old.
- 3.57 Applicants must conduct themselves appropriately when attending the course. Behaviour of a rude or abusive manner will question their 'fit and proper' status and may result in their application being terminated.

## **Driving Assessment Test**

- 3.58 Once a complete application has been received and assessed, new applicants must take and pass a driving assessment test. The test will assess driving ability, control of the vehicle, awareness of controls within the vehicle, and local area knowledge without the use of satellite navigation equipment.
- 3.59 Applicants must provide a roadworthy licensed vehicle in which to take their test.
- 3.60 The tests applied are different for private hire driver applicants and hackney carriage driver applicants. As hackney carriage drivers can be hired on the spot, the local knowledge part of the test is more rigorous. Also as all hackney carriages are designated WAV's, applicants must be able to demonstrate that they can safely load, unload and safely secure a wheelchair in the vehicle.
- 3.61 Historically the driving assessment test has been provided in house by authorised council officers. The council have determined that the test should be delivered by an external provider whose assessors have been accredited by DVSA. This will ensure that the person undertaking the role of examiner is specifically trained in this role.
- 3.62 The current approved list of Driving Assessment Test providers can be found on the council's website. <https://www.peterborough.gov.uk/business/licences-and-permits/taxis-and-private-hire/hackney-carriages>

## **Service Expectations**

- 3.63 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions.
- 3.64 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to enforcement action.
- 3.65 Conditions applicable to private hire drivers are attached at Appendix D.
- 3.66 Hackney carriage drivers are conditioned by way of byelaws. The council have reviewed and updated the byelaws and are attached at Appendix B
- 3.67 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands free mobile phone.
- 3.68 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 3.69 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council.
- 3.70 This council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The council does not have any power over passengers who use licensed vehicles, but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.
- 3.71 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight

the vehicle.

- 3.72 Driving for long periods of time, when sleepy or fatigued impairs driving ability, reduces reaction time, vigilance, alertness, concentration, is dangerous and increases the risk of accidents. Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and general public. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

### **Requirement to display information – Part 1 and Part 2 notice**

- 3.73 As licensed vehicles may be driven by different licensed drivers and licensed drivers may utilise different licensed vehicles, the Part 1 and Part 2 notices can be interchanged. The driver must ensure that the correct information is displayed in the Part 1 and Part 2 notice prior to the commencement of all journeys with passengers.
- 3.74 The Part 1 notice must correctly reflect the proprietor information for that journey and drivers must ensure that they display their Part 2 notice in the vehicle they are driving. (See section 2.84 To 2.90 for further information and Appendix L for example)

### **Exemption certificate**

- 3.75 Drivers may apply for an exemption certificate if, for health reasons, they are unable to convey assistance dogs, or provide physical assistance to passengers in wheelchairs. Drivers who have a medical condition, a disability or physical condition which makes it impossible or unreasonably difficult to provide the service, may apply for an exemption certificate.
- 3.76 The council will only consider exemption applications which are accompanied with a medical report signed by a registered medical practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation. The council may request applicants to be assessed by the council's professional qualified medical assessor, particularly where the period of exemption is likely to be long term.
- 3.77 Where an exemption application has been considered and approved by the council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle, when they are driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they then do not comply with the requirements of the Equality Act. Only one exemption notice should be displayed in a vehicle at any one time.
- 3.78 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal the refusal to the Magistrates Court within 28 days.
- 3.79 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.
- 3.80 Licensed drivers of designated WAV vehicles who fail to comply with the duties under section 165 of the Equality Act will be subject to enforcement action. Drivers convicted of failure to comply with this section are unlikely to be considered a 'fit and proper' person.

### **Idling offence environmental impact**

- 3.81 Drivers are reminded that stationary idling is an offence under section 42 of the Road Traffic Act 1988. For further information on idling please see the council's website.  
<https://www.peterborough.gov.uk/business/licences-and-permits/taxis-and-private-hire/taxi->

### **Monitoring of licensed drivers**

- 3.82 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.
- 3.83 Where serious complaints, which question a drivers fit and proper status are received, they are investigated and appropriate action is taken. Less serious complaints and minor infringements are not investigated to the same degree, but the accumulation of several complaints and infringements about the same driver could highlight that there is a cause for concern and will not go unnoticed. It could highlight a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.

### **Private Hire Drivers – Designated waiting areas within the city centre**

- 3.84 Previously the conditions of this council required private hire vehicles to return to base after a passenger had alighted the vehicle. However, the imposition of this condition can have a negative impact on the environment and other road users, as the vehicles travel to and from base.
- 3.85 An alternative condition which prevents these unnecessary journeys to base, whilst ensuring that the city centre is not choked with waiting private hire vehicles has now been adopted.
- 3.86 Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not causing an obstruction, and not within the defined city centre area.
- 3.87 Private hire vehicles and drivers waiting for their next booking within the city centre are required to wait in designated car parks, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council has designated Wellington Street and Pleasure Fair Meadow car parks, and will designate further car parks for this purpose (subject to amendment to the Traffic regulation Order and Directors approval) and published them on the council's website.
- 3.88 The council reserves the right to restrict private hire vehicles from waiting in designated car parks as and when necessary, for example during a city wide event.
- 3.89 Designated car parks will be located at different approaches into the city centre and have sufficient CCTV coverage.
- 3.90 Private hire drivers who are waiting in designated car parks in their vehicles will not be required to pay parking charges. If however, a driver parks and walks away from the car park, they must 'pay and display' as any other car park user.
- 3.91 The designated car parks will still be open to the general public, however, they do not contain public conveniences and must not be used for this purpose or for the purpose of sleeping. Drivers who cause a public nuisance, behave inappropriately or commit any public order offences will be subject to enforcement action.
- 3.92 A map attached at Appendix K shows the area which is defined for the purpose of this policy as the city centre, the designated car parks and hackney carriage ranks.
- 3.93 Private hire drivers must switch off their vehicle's engine when waiting in the designated car parks, and not leave their vehicle engine idling, when parked for more than a couple of minutes anywhere.
- 3.94 If a private hire driver is parked and is approached directly by a member of the public, the driver commits an offence if the driver takes an active part in the 'booking' process, e.g. by contacting the operator directly by radio or mobile phone to make that booking for his own vehicle there and then.

## **Hackney carriage drivers**

- 3.95 It is understood that Hackney carriage drivers waiting on taxi ranks, will attempt to operate a first in the queue system. So that when a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this etiquette generally works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.
- 3.96 The customer has the choice in this situation, drivers who, whilst waiting on a rank, refuse or neglect to drive without reasonable cause are committing an offence.
- 3.97 Drivers are also advised that it is an offence to leave their vehicle unattended on a rank.
- 3.98 As the testing criteria for hackney carriage drivers is more stringent than those applied to private hire drivers, a licensed hackney carriage driver may also drive private hire vehicles.

## **Hackney carriage proprietors – Part 1 notice**

- 3.99 Hackney carriage proprietors must ensure that their vehicles comply with the requirement to display required information in the form of a Part 1 notice as detailed in section 2.84 To 2.90 and example provided at Appendix L.
- 3.100 If a proprietor is made aware of a safeguarding or serious complaint concerning the fit and proper status of a driver, they must notify the licensing department immediately or as soon as practically possible and provide details of their actions taken.

## **SECTION 4**

### **4 Operators**

#### **General**

- 4.1 The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator.
- 4.2 Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.
- 4.3 The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- 4.4 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operators licence and who are not disqualified by reason of their immigration status.
- 4.5 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same local authority.
- 4.6 Operators can only utilise drivers and vehicles that are correctly licensed. Operators who fail to ensure that the drivers and vehicles they utilise have valid licenses, are guilty of an offence and will be subject to enforcement action.
- 4.7 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 4.8 All renewal applications must be submitted to the Council prior to the date of expiry of the existing licence. Exceptions may be made in exceptional circumstances. (see paragraph 1.27)

- 4.9 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 4.10 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 days.
- 4.11 Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- 4.12 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Further information can be found in the Operator's conditions at Appendix E.

#### **Application – suitability of applicant**

- 4.13 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers, therefore the council is required to ensure that they are also fit and proper.
- 4.14 The council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are fit and proper to hold an operators licence. The supporting documents must be the originals, not photocopies or photographs.
- 4.15 Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure with their application and on an annual basis. The basic disclosure will list any current convictions and cautions, but nothing which is considered spent under the Rehabilitation of Offenders Act. Applicants who have not resided continuously in the UK since they were 18 years of age, i.e. have spent an extended period (six or more continuous months) outside the UK, will be required to submit a Certificate of Good Conduct or criminal record information, from each Country applicable.
- 4.16 Where the application for an operators licence is in the name of a company, the DBS requirement (including annual DBS) extends to all named Directors, Partners, Company Secretaries and all persons with significant control. Operators are required to notify the licensing authority in writing of any changes in directors, partners or other persons with significant control, within seven days. This notification must include a basic DBS for any new person.
- 4.17 Applicants for operators licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operator's licence, if any prior operator's licence has been suspended or revoked, details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.
- 4.18 In accordance with the tax conditionality requirements within the Finance Act 2021, from 04 April 2022, all operator applicants seeking to renew their licence are required to complete a HMRC tax check to confirm that the individual and or company has been appropriately registered for tax and that the income from the licensed activity has been reported in a tax return. This is also a requirement for any operator licensed with another licensing authority that is seeking to be licensed with Peterborough City Council. The licensing authority must receive confirmation that the applicant has completed a tax check before they are able to determine any application.
- 4.19 Applicants who intend to operate a radio system will be required to provide proof of their licence from

Ofcom. This licence was previously issued by the Department of Trade and Industry but changed to Ofcom in 2003.

- 4.20 The council will not grant a licence to an operator whose premises are located outside our area. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended to be a restraint of trade.
- 4.21 All new and operator (and driver) applicants will be required to undertake mandatory safeguarding and County Lines training, as prescribed by the licensing authority prior to making an application. Existing operators (and drivers) will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Operators are required to attend refresher training every five years and provide proof of pass attendance with their renewal application.

### **Suitability of premises**

- 4.22 When considering an application for an operator's licence at a new premises, consideration may be given to the location, the vicinity, facilities, parking arrangements, planning permission etc. to ensure that the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.
- 4.23 Operators intending to operate from new premises will be required to submit with their application proof of planning permission, or proof that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status.

### **Operators responsibilities and obligations**

- 4.24 Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the operator's conditions attached at Appendix E
- 4.25 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 4.26 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 4.27 It is not expected that subcontracting of bookings would be commonplace. Customers who book through a Peterborough operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by other licensing authorities are different to those applied by this authority, therefore, may not meet the licensing requirements of this authority.
- 4.28 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 4.29 The Licensing Authority must be satisfied that private hire operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles, do not pose a risk to the

public. To this end, operators are required to keep and maintain a register of all staff that will be taking bookings and/or dispatching vehicles.

- 4.30 Operators are required to evidence that they have had sight of a Basic DBS check for any and all individuals on their register of booking and dispatch staff and must ensure that Basic DBS checks are conducted on any individuals added to their register. Should an employee cease to be on the register and is then later re-entered, a new Basic DBS certificate must be requested for that individual and sight of this recorded.
- 4.31 Operators are required to provide a copy of their policy on employing ex-offenders in roles that would be on the register as above.
- 4.32 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the ICO website;  
<https://ico.org.uk>
- 4.33 Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for customers must ensure that they have valid public liability insurance.
- 4.34 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.
- 4.35 Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.
- 4.36 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- 4.37 Operators who provide wheelchair accessible vehicles must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- 4.38 Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 4.39 Where a private hire vehicle is unsuitable to fulfil a booking on the basis that a vehicle of more than eight passenger seats is required (vehicles which accommodate more than eight passengers are classed as Public Service Vehicles), the operator must inform the person making the booking that PSV's are not licensed by the council, but rather are the responsibility of the Traffic Commissioner, and that the driver of such vehicles are subject to different checks and are not required to undergo an enhanced DBS check.
- 4.40 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

## **Part 1 notice and complaint policy**



- 4.41 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting with repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer.
- 4.42 Whilst a vast majority of bookings take place without problem, there are occasions where a customer has cause for concern or complaint. Aggrieved customers have a right to complain if the service provided fails to meet expectations. It is also right for responsible operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention.
- 4.43 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and maintain records of complaints received.
- 4.44 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 4.45 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 4.46 The specified information to be recorded must include the following information as a minimum:
  - the name of the complainant and how they can be contacted,
  - the date the complaint was made and the time and date of the journey,
  - If the booking was subcontracted the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern
  - the name of the driver and vehicle being reported,
  - the nature of the complaint or concern,
  - The date by which the operator will respond to the complaint, which must not exceed 72 hours from time of receipt,
  - The action taken if any, by the operator to resolve the complaint or concern.
- 4.47 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 4.48 If an operator is made aware of a safeguarding or serious complaint concerning the fitness of a driver, they must notify the licensing department immediately or as soon as practically possible and provide details of the actions taken by the operator.
- 4.49 Operators must ensure that the vehicles they utilise display a correctly completed Part 1 notice (See section 2.73 to 2.79 and appendix L for further information) and door signage

## **SECTION 5**

### **5. Safeguarding**

- 5.1 Safety, security and welfare applies to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The council encourages the use of CCTV in licensed vehicles, but has not made it a condition of licences due to the financial burden involved. However, proprietors and operators should consider the benefits and disadvantages of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc. in licensed vehicles in their risk assessments.
- 5.2 Drivers and operators may refuse to carry any passenger if they have good cause, e.g. a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused 'bilked' payment. Where this occurs drivers and operators should keep records of why the service was

refused.

- 5.3 Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.
- 5.4 Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.
- 5.5 All new and renewal driver and operator applicants will be required to undertake mandatory safeguarding and County Lines training, as prescribed by the licensing authority prior to making an application. Existing drivers and operators will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Licensed drivers are required to attend refresher training every three years and provide proof of pass attendance with their renewal application. Operators are required to attend refresher training every five years and provide proof of pass attendance with their renewal application.
- 5.6 Further information can be found on the following link  
<https://safeguardingcambspeterborough.org.uk/concerned/>

## SECTION 6

### Enforcement

- 6.1 The council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation.
- 6.2 As all licence holders are considered to be 'fit and proper', they are expected to fully understand the conditions and requirements placed on them by this authority and other applicable legislation.
- 6.3 The council will take appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence, or byelaw, or this policy.
- 6.4 Offences under legislation outside that applicable to private hire and hackney carriages, may be considered, if they call into question the fit and proper status of the licence holder.
- 6.5 The council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- 6.6 Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- 6.7 Every enforcement action taken by the council, will be determined on the individual circumstances, will be in accordance with this policy, the council's enforcement policy and the Regulators Code.
- 6.8 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence

committed, the evidence available and the risk to public safety.

- 6.9 Prosecutions will be taken where it is in the public interest.
- 6.10 The council will revoke or suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at risk.
- 6.11 Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action.

### **Right of appeal**

- 6.12 This Licensing Authority retains absolute discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy or conditions of licensing. There is a right of appeal to the Magistrates' Court within 21 days of being given that decision, and thereafter to the Crown Court. In the case of a refusal to grant a hackney carriage proprietors (vehicle) licence, the right of appeal is directly to the Crown Court within 21 days.

## **SECTION 7**

### **7. Fees, Charges and Refunds**

- 7.1 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed and any increase or reduction will be published and consulted upon as required by the legislation. The current fees and charges are available on the website. (see link below)  
<https://www.peterborough.gov.uk/business/licences-and-permits/taxis-and-private-hire/hackney-carriages>
- 7.2 The council sets the maximum fares which can be charged by hackney carriage vehicles within its district. This does not prohibit a driver from charging less than the fare shown on the meter. Please see Appendix J attached for the current maximum fare table.
- 7.3 The council has no power to regulate the fares charged by private hire operators, they are a private contract between the customer and the operator. Operators are required to display any additional fees which may be charged e.g. for waiting time or for cleaning a soiled vehicle.
- 7.4 Requests for refunds by licence holders must be made in writing and will be considered on a case by case basis. Consideration will be given to the reason for the request and the costs incurred by the council at the point of request, including the cost incurred to arrange the refund. Please note that some fees are non-refundable.

### **Appendices**

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

**Hackney Carriage Vehicle Specification and Type Approval**

**SECTION 1. APPROVED VEHICLES**

1.1 The following vehicles are approved by Peterborough City Council (the Licensing Authority) to be licensed as Hackney Carriage Vehicles: LTI TX2, TX4, LEVC TX, Mercedes-Benz Vito and M8 Taxis, the Peugeot E7 SE and XS short wheelbase models, the Nissan Dynamo Taxi and any other vehicle that meets the requirements specified within the conditions of fitness.

**SECTION 2. VEHICLE APPROVAL**

- 2.1 It must be understood that, although the conditions set out in this document have been complied with, approval will be withheld if the Licensing Authority is of the opinion that a vehicle is unsuitable for public use.
- 2.2 Although the Licensing Authority may extend approval of any particular type of taxi to all other taxis conforming to the design of that type, it must be understood that the Licensing Authority may withdraw such general approval if, in its opinion, any unsuitable features arise.
- 2.3 No vehicle will be authorised as a Hackney Carriage Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist the committee may decide to approve the vehicle.
- 2.4 Vehicles will be licensed subject to the following restrictions.

<b>Petrol or Diesel vehicles licensed prior to 26 July 2022 have acquired (Grandfather) rights as set out below</b>	
Maximum age limit beyond which the vehicle will not be licensed	15 years old or until 31/12/2029 (whichever is soonest)
Age at which the vehicle will be subject to six monthly inspections	6 years old
Age at which the vehicle will be Subject to Critical testing criteria	10 years old

**Other Vehicles including those that are initially (newly) licensed on or after 26 July 2022 are subject the restrictions below.**

	<b>Petrol, diesel or any other non ULEV/ZEV</b>	<b>ULEV</b>	<b>ZEV</b>
Maximum age at time of first being licensed	3 years old	8 years old	17 years old
Maximum age limit beyond which the vehicle will not be licensed	12 years old or until 31/12/2029 (whichever is soonest)	15 years old	18 years old
Age at which the vehicle will be subject to six monthly inspections	6 years old	8 years old	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	10 years old	12 years old	12 years old

For the purposes of the above, a vehicle is considered to be ULEV or ZEV if:

	<b>ULEV</b>	<b>ZEV</b>
Vehicle Type:	It is a plug in Hybrid (PHEV), or Extended Range Electric Vehicle (E-REV)	It is Battery Electric, or Hydrogen Fuel Cell, or Electric
V5C document details:	Taxation class = ALTERNATIVE FUEL CO2 (g/km) = 105g/km (or less)	Taxation Class = Alternative Fuel or Electric CO2 (g/km) = 0g/km

- 2.5 Years of age; calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994. The operating period being subject to compliance with the council's standard of fitness.
- 2.6 Vehicles subject to 6 monthly inspections at a time and place to be notified by the authorised officer of the council.
- 2.7 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.8 The applicant must study the Conditions of Fitness set out in Section 3 of this document and provide detailed specifications of the proposed vehicle, or vehicle conversion demonstrating that the vehicle meets the requirements of the Conditions of Fitness. It will also be necessary to arrange a preliminary inspection of the vehicle.
- 2.9 The applicant should address any current guidance issued by the Department for Transport (DfT) [or any replacement body if this should change] for the design of Hackney Carriage Vehicles and indicate to the Licensing Authority the extent to which those guidelines have been accommodated. In particular, applicants should demonstrate that they have taken account of current DfT guidance as regards ergonomic requirements for accessible taxis.
- 2.10 There shall be provided and maintained in the vehicle at all times a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available for immediate use in an emergency.
- 2.11 Arrangements must then be made to present the completed vehicle for inspection by the Licensing Authority. When presented, all associated equipment must be present for the inspection and testing of the vehicle; i.e. wheelchair ramps, straps, safety equipment etc. A declaration must be provided by the manufacturer or authorised person that the vehicle conforms to the law and is safe for use as a public carriage, together with a certificate of registration and summarised documentary evidence that the vehicle meets the Conditions of Fitness as stated in Section 3 of this document.
- 2.12 Any proposed structural alterations to the original specification must be submitted to the Licensing Authority for approval.
- 2.13 The approval of the vehicle will be determined by the Licensing Committee who will consider each application under its own merits. Although a vehicle may meet the criteria as set out by the Conditions of Fitness, where justifiable reasons exist the committee may decide after consideration not to approve the vehicle. Where a vehicle does not completely comply with the Conditions of Fitness, however justifiable reasons exist the committee may decide after consideration to approve the vehicle.

## **SECTION 3. CONDITIONS OF FITNESS**

### **3. General Construction**

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

- 3.3 Vehicles offered for Hackney Carriage approval must be constructed in a way as to allow the carriage of disabled persons and must accommodate as a minimum a disabled person in a Department of Transport reference wheelchair in the passenger compartment.
- 3.4 No equipment and/or fittings, other than those approved by the Local Authority may be attached to, or carried on the inside or outside of the vehicle.
- 3.5 No modification may be carried out to a Hackney Carriage Vehicle without prior approval from the Licensing Authority.
- 3.6 Before considering any modification to a Hackney Carriage Vehicle, approval must be sought from the Licensing Authority.
- 4. Steering**
- 4.1 The steering wheel must be on the offside of the vehicle.
- 5. Tyres**
- 5.1 All tyres must comply with the relevant legislation and be marked accordingly.
- 5.2 Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
- 6. Brakes**
- 6.1 An anti-lock braking system is to be fitted.
- 7. Interior lighting**
- 7.1 Adequate lighting must be provided for the driver and passengers.
- 7.2 Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. This must be within reach of wheelchair passengers. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.
- 8. Electrical Equipment**
- 8.1 Any additional electrical installation and/or aftermarket components to be used within the taxi must meet the requirements of the relevant Automotive Electromagnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.
- 9. Fuel Systems**
- 9.1 Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.
- 10. Exhaust emissions standards**
- 10.1 New taxi models must meet the current and relevant EC Directive for exhaust emissions, i.e. the respective Euro standard. Current, approved, taxi models must meet prescribed emissions standards.
- 11. Body**
- 11.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.

11.2 The overall length must not exceed 5.2 metres. This is essential for determining the size of taxi ranks, other pick-up points in Peterborough's city centre.

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

12.1 Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.

12.2 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.

12.3 Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

12.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.

12.5 The clear height of the doorway must be not less than 1.2 metres.

12.6 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

12.7 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

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

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

- a. not be more than 380 mm in height from the ground, (measured at the centre of the step width);
- b. not be less than 250 mm deep;
- c. the surface shall be covered in a slip-resistant material;
- d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- e. not be capable of operation whilst the vehicle is in motion;
- f. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- g. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

12.8 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

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

12.10 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the

cushion.

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

### **13. Passenger compartment**

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

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

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

### **15. Visibility – Driver**

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

### **16. Visibility – Passenger**

- 16.1 The windows should maximise passenger visibility into and out of the vehicle.
- 16.2 The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle.



- 16.3 A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.
- 16.4 Windows must conform with both Type Approval and Construction and Use Regulations. Post manufacturer window tinting is not permitted.
- 16.5 Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.

## **17. Heating and ventilation**

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

## **18. Door fittings**

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

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

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

## **20. Floor covering**

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

## **21. Luggage**

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

## **22. Taximeter**

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

- a. all taximeters must be calendar controlled, approved and sealed by a person authorised by the authority
- b. the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter and cancel any external "For Hire" sign;

- c. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- d. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
- e. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- f. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- g. the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- h. the taximeter affixed to the vehicle shall be appropriately set to ensure that the Council's hackney carriage fare scale currently in force in the City is recorded thereon.

### **23. Taxi Roof Sign**

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

### **24. Radio Equipment**

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

### **25. Electrical Equipment**

- 25.1 Any additional or non-standard electrical installation to the original vehicle must be installed and tested by a professional installer and be protected by a suitably rated fuse. Any additional installation must comply with all relevant regulations.
- 25.2 Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.

### **26. Required information to be displayed inside the vehicle – Part 1 and Part 2 notice**

- 26.1 The proprietor must ensure that the vehicle displays a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
- The name of the vehicle proprietor
  - The contact telephone number where a customer can make a complaint, report a concern, or positive comment e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
  - The vehicle registration number
  - The vehicle licence plate number
- 26.2 Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
- The licensed drivers photograph and
  - The driver's licence number
- 26.3 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of

electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

26.4 All licensed vehicles must display a sign identifying the vehicle licence number in the top left hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council, should the licence be suspended or revoked.

27 **Other licence holder responsibilities**

27.1 All licence holders (proprietors, operators and drivers) shall co-operate with any reasonable request made by an Authorised Officer.

## Byelaws for Hackney Carriages

### BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by Peterborough City Council with respect to hackney carriages in Peterborough.

#### Interpretation

- 1 Throughout these byelaws "the council" means Peterborough City Council and "the district" means the City of Peterborough

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed**

- 2 (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage, displayed on the outside of the carriage on plates affixed thereto, in such a manner as to be easily removed by an authorised officer of the council or by a police officer.
- 2 (b) A proprietor or driver of a hackney carriage shall –
- (i) Not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire; and
  - (ii) Not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

#### **Provision regulating how hackney carriages are to be furnished or provided**

- 3.1 The proprietor of a hackney carriage shall-
- (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) Cause the roof or covering to be kept water-tight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage
  - (h) Provide an efficient fire extinguisher and first aid kit which shall be carried in such a position as to be readily available for use;
  - (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver, and
  - (j) Make no material change to the specification design or appearance of the hackney carriage without the prior approval of the council.
- 3.2 The driver of a hackney carriage shall cause the display of a notice in the inside of the vehicle, containing the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
- The name of the vehicle proprietor
  - The contact telephone number where a customer can make a complaint or report a concern, e.g. 'Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)'
  - The vehicle registration number
  - The vehicle licence plate number
  - A photograph of the licensed driver who is driving the hackney carriage at that time and
  - That drivers licence number

- 4 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say –
- (a) The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the council;
  - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
  - (g) The taximeter must comply with paragraph 9 of Schedule 1, or paragraph 13 or Schedule 2 to the Measuring Instruments Regulations 2016 (SI 2016 No 1153).

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

- 5 The driver of a hackney carriage provided with a taximeter shall –
- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6 A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired –
- (a) Proceed with reasonable speed to one of the stands appointed by the council;
  - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) From time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

- 8 A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 9 The driver of a hackney carriage shall be clean and smart in their appearance and behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 10 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 11 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of person specified on the plate affixed to the outside of the carriage.
- 12 The badge provided by the council and delivered to the driver of a hackney carriage shall be worn by the driver when standing or plying for hire, and when hired, in such position and manner as to be plainly visible. All expired badges must be returned to the council.
- 13 The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage –
  - (a) Convey a reasonable quantity of luggage;
  - (b) Afford reasonable assistance in loading and unloading; and
  - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
- 14 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in the front seat of the vehicle any person under 12 years of age unless an infant of 2 years or less conveyed in a seat or cot approved for that purpose by the British Standards Institute (or any other body carrying out the functions of the said Institute) and securely fixed to the front seat of the vehicle.
- 15 The driver must notify the council in writing within seven days of any significant changes which occur whilst they are licensed. Such as, changes in health status which may affect ability to drive, all convictions, cautions and arrests, including penalty points issued by DVLA, or any other matter which may question their fit and proper status.
- 16 If a proprietor is aware of a safeguarding issue or serious complaint concerning the 'fit and proper' status of a driver, they must notify the licensing authority immediately or as soon as practically possible including any actions taken
- 17 The driver of a hackney carriage must not eat or drink in the hackney carriage when hired, or consume alcohol whilst standing or plying for hire or when hired.
- 18 The driver of a hackney carriage vehicle must not display or permit to be displayed on or in the hackney carriage any advertising without the prior approval of the council.
- 19 Without the express consent of the hirer, the driver must not play any radio or sound reproducing equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 20 The driver shall if requested by hirer of the hackney carriage, provide a written receipt, free of charge.



**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

- 21 (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the council which it may not be possible to record on the face of the taximeter.
- 22 (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time which the carriage is plying or being used for hire.

**Provision securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

- 23 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 24 The proprietor or driver of a hackney carriage shall, if property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
- (a) Carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to Thorpe Wood Police Station and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the council, whichever be the greater) but not more than five pounds.

**Penalties**

- 25 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

## Repeal of Byelaws

All prior byelaws relating to hackney carriages which were made by Peterborough City Council are hereby repealed. This byelaw shall come into force on ...26 April 2012

The Common Seal of Peterborough City Council was hereunto affixed in the presence of:

Authorised Signatory:



The common seal of Peterborough City Council will be hereunto affixed, dated and signed, following consultation, any revision agreed by virtue of the consultation process and confirmation from the Secretary of State. The above byelaws will then take effect four weeks after receiving confirmation from the Secretary of State.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 26 day of April 2012.



Signed by authority of the Secretary of State.



PETERBOROUGH CITY COUNCIL  
PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The following are conditions attached to the Private Hire vehicle licence. These conditions are additional to the requirements imposed upon proprietors/drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

Appearance, Design, Signs, Notices etc

1. (a) The vehicle must not be equipped with roof fittings except that a wireless aerial which may be fitted but only in such a manner so as to satisfy the Council.
- (b) All vehicles must also conform to the M1 type approval and construction and use regulations. Vehicles which are not M1 type approved, (e.g. N1) must provide VIVA (Voluntary Individual Vehicle Approval) documentation confirming conformity and safety of alterations and updated V5C to correlate.
2. (a) There shall be no lights, plates, signs, advertisements or other fittings (other than the licence plate referred to in Condition 6 and other signage referred to in (c) to (g) below) displayed on or from the vehicle, except those approved by the Council in accordance with or displayed to comply with requirements under the current lighting and licensing regulations approved by the appropriate Secretary of State.
- (b) The vehicle must not be equipped with any sign or notice such as the word "CAB" or "TAXI" or be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.
- (c) The vehicle to display on the rear passenger doors in a prominent position, **"Private Hire Vehicle – Insurance Invalid Unless Pre-booked With Operator"** door stickers, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle, and that words "Taxi" or "Cab" are not featured. These stickers must be permanently affixed to the vehicle. Magnetic door signs are not permitted.
- (d) Vehicles must display a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
  - The name of the proprietor
  - The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
  - The vehicle registration number, and
  - The vehicle licence plate number
- (e) Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
  - The Driver's photograph and
  - The driver's licence number
- (f) Vehicles must display a no smoking sign as required by the Health Act 2006
- (g) All licensed vehicles must display a sign identifying the vehicle licence number in the top left hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council should the licence be suspended or revoked.

Radio, Microphone, PDA, mobile phone etc

3. Any radio, microphone, PDA, mobile phone etc. installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

Use of Taximeter

4. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:
- (a) all taximeters must be calendar controlled, approved and sealed by a person authorised by the authority.
  - (b) the machinery of the taximeter must be only visible to persons who have boarded the vehicle;
  - (c) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (d) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (e) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
  - (f) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (g) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (h) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. All meters must be sealed by an authorised officer of the city council and be calendar controlled.
  - (i) only meters approved by the Peterborough City Council may be fitted to the vehicle.

Private hire vehicles that are fitted with a taximeter must display inside the vehicle a statement of maximum fares as set by the council. Operators and / or drivers cannot demand a fare greater than that recorded on the taximeter, save for any extra charges authorised by the council.

Maintenance of Vehicle

5. The vehicle shall:
- (a) be of such design to enable any person in the carriage to communicate with the driver;
  - (b) be fitted with a roof or covering which can be kept watertight;
  - (c) contain windows and a means of opening and closing not less than one window on each side;
  - (d) contain seats which must be properly cushioned or covered;
  - (e) be provided with a proper carpet, mat or other suitable covering for the floor;
  - (f) contain fittings and furniture kept in a clean condition safe and well maintained and in every way fit for public service;
  - (g) be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
  - (h) be provided with at least four doors (or three doors in the case of the diesel "Fortwo" Smart Car);
  - (i) be a right hand drive vehicle.

- (j) Vehicles fitted with a passenger tail lift must maintain a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance, and produce it upon request.
6. A plate provided by the Council identifying the vehicle as a Private Hire vehicle must be securely fixed to the outside the vehicle at the rear in such a manner that the plate is not obscured from view by any fixtures or fittings.

The plate shall be capable of being removed by a constable or authorised Officer of the Council should the Licence be suspended or revoked. Whilst the vehicle is not being used as a Private Hire vehicle the licence plate must be covered from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

7. The vehicle shall be submitted for annual inspection at the place, date and time as notified by the Council in each year during which the licence is in force and at any other time at the Authority's discretion. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, wheels, fittings, furniture and all parts must be in good repair and order. All steering parts and braking linkages must be thoroughly cleaned. All vehicles more than six years old to be tested every six months.
8. All brakes, machinery, furniture and fittings shall be kept in good order and condition.

#### Safety Equipment

9. There shall be provided and maintained in the vehicle 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 must be in date and carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

#### Licence Period

10. Private Hire vehicle Licences shall be granted for a period of 12 months or such other period as the Council may determine from time to time. Expired plates must be returned to the council or retained by the appointed testing station upon renewal.

#### 11. Change of Address or Ownership of vehicle

- (a) The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place. The proprietor must also complete and submit the required application with fee, as soon as practically possible, and in any case within 14 days, if they transfer ownership of the vehicle.
- (b) All signage relating to hire and reward (including door signage, taximeter if fitted, company insignia etc.) must be removed from the vehicle, whenever it is sold or transferred outside Peterborough's licensed trade, or delicensed.

#### Vehicle Documentation

12. The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.
- (a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
  - (b) the Private Hire vehicle Licence issued by the City Council;
  - (c) a current Ministry of Transport Test Certificate (where applicable) or CoC issued by the authority;

- (d) the vehicle registration documents; and
- (e) the driving licence issued by DVLA or acceptable equivalent defined by DVLA

13 Alteration of Vehicle

- (a) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force. Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.
- (b) Windows must conform with both Type Approval and Construction and Use Regulations. Post manufacturer window tinting is not permitted

Employees

14. If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

15 Vehicle Requirements

- (a) Vehicles will be licensed subject to the following restrictions.

<b>Petrol and Diesel vehicles licensed prior to 26 July 2022 have acquired (Grandfather) rights as set out below</b>	
Maximum age limit beyond which the vehicle will not be licensed	10 years old or until 31/12/2029 (whichever is soonest)
Age at which the vehicle will be subject to six monthly inspections	6 years old
Age at which the vehicle will be Subject to Critical testing criteria	8 years old

**Other vehicles including those that are initially (newly) licensed on or after 26 July 2022 are subject the restrictions below.**

	<b>Petrol, diesel or any other non ULEV/ZEV</b>	<b>ULEV</b>	<b>ZEV</b>
Maximum age at time of first being licensed	4 years old	8 years old	17 years old
Maximum age limit beyond which the vehicle will not be licensed	9 years old or until 31/12/2029 (whichever is soonest)	15 years old	18 years old
Age at which the vehicle will be subject to six monthly inspections	6 years old	8 years old	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	8 years old	12 years old	12 years old

For the purposes of the above, a vehicle is considered to be ULEV or ZEV if:

	<b>ULEV</b>	<b>ZEV</b>
Vehicle Type:	It is a plug in Hybrid (PHEV), or Extended Range Electric Vehicle (E-REV)	It is Battery Electric, or Hydrogen Fuel Cell, or Electric
V5C document details:	Taxation class = ALTERNATIVE FUEL CO2 (g/km) = 105g/km (or less)	Taxation Class = Alternative Fuel or Electric CO2 (g/km) = 0g/km

- (b) A vehicle will continue to be licensed as set out above, subject to the vehicle passing any necessary tests laid down by the City Council and there being no break during the licensing period.
- (c) Vehicles will be subject to 6 monthly inspections at a time and place to be notified by the authorised Officer of the Council.
- (d) Any vehicle damage that materially affects the safety, performance appearance, or the comfort of the passenger, must not be used for hire and reward purposes, until the vehicle has been suitably repaired.  
Where a vehicle is off the road due to accident damage, subject to satisfactory documentary evidence being produced to the authorised Officer, the Council may allow a replacement vehicle that meets the above criteria to be licensed as a replacement for the accident damaged vehicle for a period not exceeding 3 months. All accidents must be reported to the council within seventy-two hours.

### **Cheques**

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

### **Other licence holder responsibilities**

- 17. All licence holders (proprietors, operators and drivers) shall co-operate with any reasonable request made by an Authorised Officer.

PETERBOROUGH CITY COUNCIL  
PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The following are conditions attached to the private hire driver's licence. These conditions are additional to the requirements imposed on private hire drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

1. Use of Taximeter

The driver of a private hire vehicle provided with a taximeter shall ensure that the taximeter is sealed and approved by a person authorised by the City Council. All meters must be calendar controlled.

- (a) As soon as the vehicle is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (b) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer;
- (c) If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

2. Fare to be Demanded

- (a) The driver shall not demand (from any hirer of a private hire vehicle) a fare in excess of (any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare) the fare shown on the face of the taximeter. The driver **must** confirm prior to the commencement of the journey, the name of the hirer, the destination and the cost of the journey;
- (b) The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare shown on the face of the taximeter.

3. Interference with Equipment

The driver of a private hire vehicle shall not tamper with or permit any unauthorised person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

4. Shortest Route

The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

5. Driver's Identification Badge

The Driver must at all times when acting as a driver of a private hire vehicle wear his identity badge, as provided by the Council, in such manner as to be plainly and distinctly visible. The badge must be handed over for inspection, if requested, to any authorised officer or Police Officer for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

6. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council or any Police Officer, return the driver's badge and licence to the Council and obtain a receipt for it. The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return the driver's badge to the Council. Badges must be renewed before the expiry date of the existing badge. (Exceptions may be made in exceptional circumstances, see paragraph 1.27) Drivers are reminded that it is an offence to drive a licensed Hackney / Private Hire vehicle whilst not being in possession of a current licence.
7. Assistance with Luggage
- The driver of a private hire vehicle so constructed as to carry luggage shall:
- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.
8. Operation of Vehicle
- (a) Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not causing an obstruction, and not within the defined city centre area.
  - (b) Private hire vehicles and drivers waiting for their next booking within the city centre are required to wait in designated car parks, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council has designated Wellington Street and Pleasure Fair Meadow car parks, and will designate further car parks for this purpose (subject to amendment to the Traffic Regulation Order and Directors approval) which will be published on the council's website.
  - (c) The council reserves the right to restrict private hire vehicles from these car parks as and when necessary, for example a city wide event.
  - (d) Drivers must switch off their vehicle engine when waiting in the designated car parks, and not leave their engine idling when parked for more than a couple of minutes anywhere.
9. Drivers of private hire vehicles shall at all times carry a written record of all hirings to be produced on demand to an authorised officer of the City Council or any Police Officer. **THE DRIVER SHALL ONLY ACCEPT HIRINGS THAT HAVE BEEN PASSED VIA THE PREMISES OF THE LICENSED OPERATOR FOR WHOM HE WORKS AND IMMEDIATELY UPON RECEIPT OF SUCH A HIRING THE DRIVER MUST RECORD THE SAME IN HIS OWN RECORD OF BOOKINGS BEFORE PROCEEDING TO THE PICK-UP POINT.**
10. Lost Property
- The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Any property found shall be returned to the hirer or handed in to the nearest Police Station within 24 hours.
11. Carriage of Other Persons
- The driver of a private hire vehicle shall not permit any other person to be conveyed in the vehicle without the express consent of the first hirer.
12. Licence Plate
- (a) The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view whilst the vehicle is being used for the purpose of hire. The driver must ensure that the plate is securely fixed to the rear outside of the vehicle in such a manner as to be easily removed by an authorised officer of the Council or Police Officer.

- (b) The licensed driver must ensure that the vehicle is displaying a sign identifying the vehicle licence number in the top left hand side of the windscreen (as viewed from inside the vehicle). The approved sign provided by the council must be fitted internally, in such a manner that the sign can be clearly viewed from outside the vehicle. The sign shall be capable of being removed by a constable or authorised officer or the council, should the licence be suspended or revoked.

13. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired, be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by reasonable cause.

14. Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

15. Conduct of Driver

The driver shall:

- (a) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- (b) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (c) not drink, eat or smoke in the vehicle;
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Drivers are reminded that it is an offence to sound a horn whilst stationary except in traffic and not at all between 11.30pm and 7.00am in areas where there is a 30mph speed limit in force); and
- (f) NOT consume ANY alcohol whilst on duty and ensure that he/she complies with statutory legislation in relation to drink driving offences.
- (g) Co-operate with any reasonable request made by an Authorised Officer.

16. Smoking

It is against the law for a driver or passenger to smoke in a licensed vehicle. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

17. Passengers

- (1) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (2) The driver shall not allow any child below the age of twelve years to be conveyed in the front of a private hire vehicle:

18. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide the hirer with a written receipt for the fare paid.



19. Vehicle Damage Notification

The driver of a private hire car shall within seventy two hours report all accidents in writing to the Council.

20. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself, the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed at the driver's discretion.

21. The carrying of hearing dog, guide dog or other assistance dog shall not be at the driver's discretion and such a dog accompanying a visually or hearing impaired person must be carried at no additional cost.

22. Health of Driver

The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

23. A Group 2 medical certificate completed by a registered general practitioner who is licensed to practice in the UK must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old.

24. Period of Licences

Private Hire Drivers Licences are generally issued for a three year duration, but may be granted for a lesser duration if appropriate, or if the applicant's right to work is of a shorter or limited duration. Drivers are responsible for ensuring they renew their licence at the appropriate time. Drivers who fail to renew their licence prior to expiry will be required to apply as a new driver, except in exceptional cases R (on the application of Exeter City Council ) v Sandle [2011] LLR480.

25. Acceptance of Hirings

The driver shall not whilst driving or in charge of a private hire vehicle ply for hire or otherwise:

- (a) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
- (b) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
- (c) offer the vehicle for immediate hire whilst the driver is on a road or PUBLIC PLACE or PRIVATE PROPERTY.

26. Before commencement of a journey the driver shall confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed meter is used in accordance with the City Council's regulations.

27. Before commencement of duty, a private hire driver shall ensure:

- (a) that the vehicle is licensed in accordance with the City Council's regulations;
- (b) the vehicle is correctly insured as required by the relevant Road Traffic Regulation Act or any other enactment; and
- (c) that he inspects the vehicle to ensure that it is in a fit and proper condition to be used as a private hire vehicle.
- (d) the vehicle is displaying the required notice in the windscreen identifying the vehicle licence number
- (e) the vehicle is displaying the correct Part 1 and Part 2 notice, in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. The part 1 notice must contain the following information;
  - name of the proprietor,
  - the telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
  - the vehicle registration number, and
  - the vehicle licence plate number.

The Part 2 notice must display the drivers photo and licence number

28. When a driver is not using a licensed vehicle for private hire purposes, the driver shall ensure that the licence plate is obscured from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

29. Documentation

At the request of an authorised officer of the Council or a Police Officer the driver must within 7 days produce for inspection the following documents:

- (a) the vehicle licence;
- (b) the vehicle registration documents;
- (c) a Certificate of the policy of motor insurance as required by Part IV of the Road Traffic Act 1988 or any other enabling Act;
- (d) where appropriate a Ministry of Transport Test Certificate; or CoC and
- (e) his own driving licence issued by DVLA or equivalent as defined by DVLA.

30. Convictions/Cautions

- (a) The proprietor/driver shall within 48 hours disclose to the Council in writing details of an arrest and release, charge or conviction of any sexual offence, or offence involving dishonesty, or violence, any convictions, cautions, DVLA penalty points etc. imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.
- (b) Licensed drivers must also report to the council within 7 days any changes to their immigration status, or any convictions of an immigration offence, or any requirement to pay an immigration penalty. A licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- (c) All licensed drivers are required to maintain continuous registration with the DBS update service and provide authorisation in order to enable the licensing authority to routinely check for new information in accordance with statutory guidance and where there is reasonable cause for doing so

31. Advertisements etc.

The driver of a private hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the prior written consent of the Council.

**Cheques**

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

## Private Hire Operator's Licence Conditions

### Introduction

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

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

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

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

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

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

These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to enforcement action which could lead to suspension or revocation of the licence and/or prosecution.

### 1. Planning Requirements

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

## 2. Records

### 2.1 Records of vehicles and drivers

- (a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following:-
- (i) the call sign or other identifying mark used on booking records;
  - (ii) the licence plate number;
  - (iii) the vehicle registration number;
  - (iv) the name and address of vehicle proprietor;
  - (v) a valid current certificate of motor insurance or security for the vehicle together with, where appropriate, a Ministry of Transport certificate and or certificate of compliance, and ensure both the driver and vehicle hold a current licence issued by the same authority;
  - (vi) the names and addresses of drivers and the badge numbers of drivers.
- (b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.
- (c) Operators must provide due diligence in the form of written records to demonstrate that staff and drivers are fully trained and aware of their responsibilities. Operators may demonstrate this with training records to include safeguarding and disability awareness, other checks performed by the operator, company policies etc. The due diligence records must be made available to an authorised officer upon request.
- (d) Operators who provide wheelchair accessible vehicles (WAV) must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- (e) Operators are required to keep and maintain a register of all staff that will be taking bookings and/or dispatching vehicles.
- (f) Operators are required to evidence that they have had sight of a Basic DBS check for any and all individuals on their register of booking and dispatch staff and must ensure that Basic DBS checks are conducted on any individuals added to their register. Should an employee cease to be on the register and is then later re-entered, a new Basic DBS certificate must be requested for that individual and sight of this recorded.
- (g) Operators are required to provide a copy of their policy on employing ex-offenders in roles that would be on the register as above.

### 2.2 Records of bookings

- (a) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book, **TO BE HELD AT THE PREMISES FROM WHICH THE BOOKING IS MADE**, the pages of which are numbered consecutively, the following details:-
- (i) the time and date of each booking;
  - (ii) by what method the booking was received, i.e. telephone or personal call;
  - (iii) journey from \_\_\_\_\_ to \_\_\_\_\_; (Full address including house number where appropriate)
  - (iv) the full name of the hirer;
  - (v) cost of fare quoted for journey.
  - (vi) the name of the driver who fulfilled the booking
  - (vii) that driver's licence number or individual call sign
  - (viii) the vehicle registration number which fulfilled the booking
  - (ix) the name of the individual that dispatched the vehicle or accepted the booking

If the above data is to be retained electronically, the operator must make appropriate provision to

ensure it is backed up to maintain data integrity and retention period.

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

- (b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of bookings. The initial operator who accepted the booking must provide due diligence of checks made to ensure the operator they passed the booking onto is correctly licensed. This due diligence must be documented and made available to an authorised officer.
- (c) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

### 3. **Information as to Charges**

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

### 4. **Statement of Fares**

Operator's who provide private hire vehicles that are fitted with a taximeter must ensure that the vehicle displays a current statement of maximum fares as set by the council.

Operator's must make customers fully aware of any additional charges which may be applied, e.g.

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) any additional charges (eg. cleaning a soiled vehicle)

These additional charges must be clearly displayed in the operator's office and website where available.

### 5. **Term of Licence**

A Private Hire Vehicle Operator's Licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing, or the applicant's immigration status limits it to a shorter duration.

### 6. **Ofcom licence**

Operators who utilise a radio system will be required to provide proof of their current licence from Ofcom.

### 7. **Standard of Service**

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

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

- (c) Ensure that any waiting area provided by the operator has adequate seating facilities and has valid public liability insurance in place for this area.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that if it is intended that a diesel "Fortwo" Smart Car is to be dispatched to fulfill a booking, it is highlighted with the customer and if requested, an alternative licensed vehicle is supplied.
- (f) Ensure that no additional charges or costs are levied or applied by them or their drivers for the conveying of assistance dogs.
- (g) Where the operator has a wheelchair accessible vehicle within their fleet, ensure that no additional costs are levied by them or their drivers for conveying disabled passengers.

## 8. **Disorder**

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

## 9. **Change of Address**

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

## 10. **Convictions/Cautions**

- (a) The operator shall within 48 hours disclose to the Council in writing details of any conviction/cautions imposed on him or arrests and release, charge or conviction of any sexual offence, or offence involving dishonesty or violence, (or if the operator is a company or partnership, on any of the directors or partners or other persons with significant control) during the period of the licence.
- (b) The operator must notify the council within seven days of any changes to their immigration status or, if since the grant of their licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- (c) An operator's licence ceases to be in effect if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies the person must cease to operate and return their operator's licence to the council within 7 days.
- (d) Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure on an annual basis
- (e) Where the operator is a company, the annual DBS requirement extends to all named Directors, Partners, Company Secretaries and all persons with significant control. Operators must notify the licensing authority in writing of any changes in directors, partners or other persons with significant control, within seven days. This notification must include a basic DBS for any new person.

## 11. **Facilities for Passengers**

- (a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.

- (b) The operator shall ensure that his/her staff, driver's, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.
- (c) The operator shall ensure that the internal and exterior of **EACH of HIS/HER** premises ARE kept in good repair to the satisfaction of the Council.

## 12. **Complaints and requirement to display required information - Part 1 notice**

- (a) Operators must have a formal written complaints procedure and policy in place which must be made freely available to all customers. The procedure must, as a minimum include and document the following matters:
  - (i) The way in which customers can complain, including the operator's business name and telephone number.
  - (ii) When the complaint was made (date and time)
  - (iii) Who made the complaint
  - (iv) The nature of the complaint
  - (v) When the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt).
  - (vi) The resolution offered by the operator, and
  - (vii) That the complainant may further their complaint to the licensing department if they remain unsatisfied with the operators resolution.
- (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer.
- (c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted to another licensed operator.
- (d) All vehicles utilised by the operator (except where subcontracted to another licensed operator) must clearly display a Part 1 notice, which must contain the following information in a conspicuous unobscured place, which can be easily read by a passenger travelling in the rear and front of the vehicle:
  - (i) The name of the proprietor
  - (ii) The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call **(insert telephone number)**
  - (iii) The vehicle registration number, and
  - (iv) The vehicle licence plate number
- (e) Operators must monitor complaints to see if there are any trends, or if they relate to particular drivers or vehicles. Where a trend is apparent, appropriate action must be taken by the operator to address the issue.
- (f) If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.

## 13. **Taximeters**

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

#### 14. **Acceptance of Bookings**

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

#### 15. **Satellite Offices**

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

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

#### 16. **Licence Fees**

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

#### 17 **Other licence holder responsibilities**

- 17.1 All licence holders (proprietors, operators and drivers) shall co-operate with any reasonable request made by an Authorised Officer.



# PETERBOROUGH CITY COUNCIL

## Limousine and Speciality Vehicles Licence Conditions

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

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

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

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

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

For the licensing of prestige cars each vehicle must comply with the Road Vehicle (Construction and Use) Regulations. It is expected that the type of vehicle relevant to this category of licensing would be a Rolls Royce, Daimler, Bentley, Jaguar or other high end models from manufacturers such as BMW or Mercedes Benz however this list is non-exhaustive and approval will be at the council's discretion; Also incorporated into this section would be vintage or classic cars. Other vehicles that the authority may be asked to licence could be Kit cars, or something of a more retro nature such as those from television, examples being a Ford Capri or a Reliant three wheeler.

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

All speciality vehicles should ideally be chauffeur driven vehicles, and will not be permitted to be used for standard day to day private hire work.

Peterborough City Council reserve the right to consult with DVSA if it believes a vehicle does not meet the standards of roadworthiness as set out in the categorisation of vehicle defects.

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

### 1. Licensing Requirements

- 1.1 The general conditions imposed by Peterborough City Council (hereafter referred to as the Council) for private hire vehicle operators and drivers will be applicable to the licensing of stretch limousines and Speciality Vehicles unless amended by the following provisions.
- 1.2 The general conditions imposed by the Council for private hire vehicles where applicable to the

licensing of stretch limousines and speciality vehicles are included in section 12. General Conditions for Private Hire Vehicles.

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

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

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

## 2. Private Hire Operator's Licence

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

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

## 3. Private Hire Driver's Licence

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

## 4. Stretched Limousine - Definition

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

4.2 In order for the limousine to be considered for licensing, the applicant must prove that the "stretch" was carried out by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme, (Qualified Vehicle Modifier) for Ford vehicles or the CMC programme (Cadillac Master Coachbuilders). The onus is placed upon the applicant to prove that the vehicle meets the prescribed standards.

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

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

## 5. Vehicle Testing

5.1 A stretched limousine vehicle will be subject to a **twice yearly mechanical examination** at intervals to be specified by the Council at its authorised testing station (Aragon) to determine its safety and

suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. **A licence for a stretched limousine will be issued for a period of 12 months only**, renewal subject to a satisfactory retest.

- 5.2 The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:
- a European Whole Vehicle Type approval, or
  - a British National Type approval, or
  - an Individual Vehicle Approval (IVA) (formerly known as the Single vehicle Approval scheme (SVA)).
- 5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- 5.4 Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- 5.5 A plate on the door pillar shall confirm the total weight of the vehicle.
- 5.6 DVLA V5 or equivalent shall be produced to authenticate registration.
- 5.7 A speciality vehicle will be subject to an **annual MOT test** at any DVSA authorised MOT testing centre. This will apply to all speciality vehicles regardless of age, date of import or date of registration. **A licence for a speciality vehicle will be issued for a period of 12 months**, renewal subject to a satisfactory retest.
- 5.8 Limousine and speciality vehicles will receive an exemption to display an external identification plate, a paper permit will be issued which must be clearly displayed on the nearside of the front windscreen.
- 5.9 An exemption notice will be issued and must be carried in the vehicle at all times, the notice must be produced upon request by an authorised officer of the council or any police officer on request.
- 5.10 The driver will also be exempt from wearing a private hire badge under the exemption notice. But must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- 5.11 The vehicle will be exempted from displaying the vehicle licence number in the windscreen and the Part 1 Part 2 notice.
6. **Vehicle Requirements**
- 6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
- 6.2 Where applicable, an installation certificate must be produced from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- 6.3 The vehicle must maintain valid road vehicle excise duty.
- 6.4 Vehicles may either be left or right hand drive.
- 6.5 Vehicles must be fitted with at least 4 doors (limousines).

6.6 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations (limousines). In the case of speciality vehicles seat belt requirements will depend on the Road Vehicle (Construction and Use) Regulations relating to the age of the vehicle; where this allows for seatbelt exemption children must not be carried in the vehicle.

6.7 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by DVSA.

## 7. **Passengers**

7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.

7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.

7.3 Passengers must not be carried in the front compartment.

## 8. **Insurance**

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

## 9. **Alcohol**

9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.

9.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the licensing Act 2003 permitting the sale or supply of the same.

9.3 If there are any passenger's below the age of 18, then there shall be no alcohol in the vehicle.

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

## 10. **Entertainment**

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

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

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

## 11. **Advertisements**

11.1 No signs, notices or any other markings will be displayed on or in the vehicle without the written

permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

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

## 12. **General Conditions for Private Hire Vehicles**

- 12.1 Listed in this section are the conditions taken from the council's general conditions for private hire vehicles which are applicable to the licensing of stretch limousines and speciality vehicles.

### 12.2 Maintenance of Vehicle

- a) The vehicle shall be of such a design to enable any person in the carriage to communicate with the driver;
- b) The vehicle will be provided with a proper carpet, mat or other suitable covering on the floor;
- c) The vehicle will be kept in a clean, safe condition and well maintained and in every way fit for public service; and
- d) The vehicle will be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage.

### 12.3 Safety Equipment

There shall be provided and maintained in the vehicle 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.

### 12.4 Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

### 12.5 Vehicle Documentation

The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.

- a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
- b) the Private Hire vehicle Licence issued by the City Council;
- c) a current Ministry of Transport Test Certificate or CoC (where applicable);
- d) the vehicle registration documents; and
- e) the driving licence (issued by DVLA)

### 12.6 Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

### 12.7 Employees

If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

13. **Right of Appeal**

- 13.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the council to grant a private hire vehicle licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.
- 13.2 Please note that failure to comply with any of the aforementioned conditions including the general conditions relating to private hire vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

## **Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing**

### **Introduction**

The City Council as the Taxi Licensing Authority, has the responsibility to ensure all drivers of hackney carriages and private hire vehicles that are available for hire to the public, are 'fit and proper' persons to hold the relevant drivers' licences, and are not disqualified by reason of their immigration status. The taxi Licensing Authority will take such measures as appropriate in order to protect members of the public, other road users and the drivers themselves.

There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgment for the Licensing Authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.

Convictions and cautions do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed 'fit and proper' by the Licensing authority. Each case is treated on its own merits.

The assessment is ongoing and drivers have a duty to disclose within 48 hours, any convictions or cautions which might affect their suitability to hold a private hire or hackney carriage driver's licence.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest person
- The safeguarding of children and young persons

These guidelines will be referred to by officers exercising their powers of delegation, under the Council's Scheme of Delegations in determining whether or not a person is 'fit and proper' to hold a driver's licence.

### **1. General**

#### **1.1 Scope**

These guidelines apply to the grant, revocation, suspension or renewal of Operator's Licences ("Operator's Licences"), Licences to drive hackney carriages and/or private hire vehicles ("Driver's Licences") and hackney carriage and/or private hire proprietors licences (vehicle licenses) issued by Peterborough City Council ("the Council").

#### **1.2 Purpose**

The purpose of these guidelines are to facilitate the Council's duties and responsibilities in determining the impact of convictions and cautions on the grant or renewal of Driver's, Operator's and Proprietors Licences in accordance with the legislative considerations set out below.

### **2. Legislative Background**

#### **2.1 Licensing Legislation**

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

## 2.2 Grant and Renewal of Licences

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

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

## 2.3 Immigration Act 2016

The immigration Act also places a duty on the licensing authority to verify an applicant's right to work in the UK prior to issuing a licence. The council is prohibited from issuing a licence, (drivers and operators licence) to anyone who is disqualified by reason of their immigration status. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator's licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.

The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and hackney carriage driver licences may be suspended or revoked by this authority. Where licences expire, or are revoked or suspended on immigration grounds, the licence must be returned within seven days. Failure to return the licence within seven days is a criminal offence.

## 2.4 Suspension or Revocation of Licence

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

- (a) there has been a conviction/caution for an offence involving dishonesty, indecency or violence;
- (b) there has been a conviction or caution for an offence under or a failure to comply with the Relevant Legislation; or
- (c) that since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (d) any other reasonable cause

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

- (a) there has been an offence under or non-compliance with the Relevant Legislation;
- (b) any conduct on the part of the Operator which renders him unfit to hold a licence;
- (c) any material change since the Licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (e) any other reasonable cause.

## 2.5 The Council will also have due regard to:

- (a) s.17 of the Crime and Disorder Act 1998 which states 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- (b) The Department for Transport's Statutory Taxi & Private Hire Vehicle Standards Guidance which



recognises the need for criminal record checks as an important safety measure and details that a licence should not be granted in relation to: Crimes resulting in Death, Exploitation, Sexual Offences, including applicants on the Sex Offenders Register or on any barred list.

### 3. Disclosure of Convictions/Cautions

- 3.1 All persons (“Applicants”) seeking to obtain an Operator’s, Driver’s or Proprietors Licence will be required to disclose the existence and detail of all relevant convictions and/or cautions they may have.
- 3.2 For the purpose of meeting their disclosure obligations, applicants for a driver's licence will be required to obtain an Enhanced Disclosure with barred list check from the Disclosure and Barring Service (“DBS”) and maintain continuous registration with the DBS update service, and provide authorisation in order to enable the licensing authority to routinely check for new information in accordance with statutory guidance, and where there is reasonable cause for doing so.
- 3.3 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 3.4 The Council will decide what level of disclosure is required and in doing so will have regard to the Rehabilitation of Offender’s Act 1974 and the Rehabilitation of Offender’s Act 1974 (Exceptions) Order 2002 (“the Order”). In particular, the following is of note:

### 4. Drivers

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

### 5. Operators and proprietors

- 5.1 Private Hire Operators and vehicle proprietors do not fall within the Exemption of the Order, however it is acknowledged that whilst that individual may not be directly responsible for transporting members of the public, they will have access to personal information about passengers and afforded access to them if they walked into the Operator’s office to hire a private hire vehicle.
- 5.2 In view of the above and requirement of the Relevant Legislation, that Operators and Proprietors are fit and proper persons, the Council will require operators and proprietors (who are not also licensed drivers) to submit a basic DBS disclosure with their application and on an annual basis.
- 5.3 Where the application for an operators licence is in the name of a company, the DBS requirement (including annual DBS) extends to all named Directors, Partners, Company Secretaries and all persons with significant control. Operators are required to notify the licensing authority in writing of any changes in directors, partners or other persons with significant control, within seven days. This notification must include a basic DBS for any new person.
- 5.4 Information obtained from the DBS will be shared only with those authorised to receive it in the course of their duties.

### 6. Assessment of Applications

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

- 6.2 The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the applicant's history may be such that they can never be deemed a fit and proper person. The Council retains absolute discretion as to whether or not a Licence will be granted, having regard to the legislation outlined at paragraph 2 above, all information obtained and observations made during the relevant application process.
- 6.3 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take into account as appropriate.
- 6.4 Careful consideration of the evidence provided should be given if an applicant has on more than one occasion been arrested, charged, but not convicted of a serious offence, which suggests on the balance of probabilities that they could pose a danger to the public. Consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.
- 6.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.
- 6.6 The Council is also entitled to use other records and available information when determining applications. This may include information held by the council or other Licensing Authorities, use of NR3, information disclosed by the Police under the Common Law Police Disclosure (CLPD) scheme for reporting offences where there is a pressing social need, or with the Home Office regarding immigration offences. Anyone on the Disclosure and Barring Service (DBS) Barred List will normally be refused a licence. Any licence holder who is subsequently included on the DBS Barred List will normally have their licence revoked.

## 7. **Impact of Cautions/Convictions**

- 7.1 Each application will be carefully assessed and in each case the information provided will be considered in relation to the particular circumstances and shall take into account one or more of the following (non-exhaustive) factors:
- 7.2 **Level of Responsibility.** The Council will consider the level of independence afforded to the Applicant. An Applicant who works alone with minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.
- 7.3 **Date of Offence(s).** The Council recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period of time will be considered more serious than an isolated minor conviction.
- 7.4 **Attitude of the Applicant.** The Council will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.
- 7.5 **Mitigating Circumstances.** The Council may ask applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.
- 7.6 **Sentence Imposed.** The Council will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

## 8. **Rehabilitation**

- 8.1 These guidelines prescribe the minimum periods of rehabilitation which will ordinarily need to have elapsed before an application can be approved. These minimum periods will be considered in

conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.

8.2 Representatives of the Council tasked with deciding whether or not to approve an application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent or habitual offending history).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

## 9. Right of Appeal

9.1 Applicants have a right to appeal against decisions made in pursuance of these guidelines in the following circumstances:

### 9.2 Licences

A right of appeal arises against the following decisions:

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

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

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

9.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes this statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver (Road Safety Act 2006, s 52, 2A & 2B).

9.4 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the operator.

## 10. Updating and Repeat Checks

10.1 Successful applicants are required to notify the Council within 48 hours of any convictions or cautions, arrests and release, charge or conviction of any sexual offence, or offence involving dishonesty or violence, or any other relevant matter criminal or civil, which may question their fit and proper status, they may receive after the grant of their Licence/Approval.

10.2 In order to assist the determination of an applicant's 'fit and proper' status, all applicants are required to provide a valid DBS check. The level of DBS required is determined by the type of application. Operators and Proprietors (who are not also licensed drivers) will be required to provide an annual basic disclosure. All licensed drivers must provide an Enhanced DBS and barred lists check, maintain continuous registration with the DBS update service and authorise the licensing authority to routinely check for new information.

10.3 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

## 11. Breaches of these guidelines

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

## 12. Guidelines

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

### **Offences Involving Violence**

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

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

#### **Offences against Other Persons**

- 12.3 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases minimum periods of time from completion of any sentence imposed will be applicable before an application is likely to be considered favourably. Each case is assessed on its own merits and consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.
- 12.4 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide whilst driving
  - Terrorism offences
  - Exploitation
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 12.5 A licence will not normally be granted where the applicant has a conviction for an offence such as:
- Malicious wounding or grievous bodily harm which is racially aggravated
  - Arson
  - Actual bodily harm which is racially aggravated
  - Grievous bodily harm with intent
  - Robbery

- Possession of a firearm
- Riot
- Assault on the Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

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

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

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

and the conviction or completion of any sentence imposed is less than 7 years prior to the date of application.

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

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

and the conviction or completion of any sentence imposed is less than 10 years prior to the date of application.

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

- Obstruction
- Criminal damage
- Harassment, alarm or distress (S5 Public Order Act 1986)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction or completion of any sentence imposed is less than 3 to 5 years prior to the date of application

### 13. **Weapon Offences**

13.1 If an applicant has been convicted of possession of a weapon or a weapon related offence, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public. Depending on the circumstances of the offence, an applicant should be conviction free and completed any sentence imposed at least 7 years prior to the date of application.

### 14. **Sex and Indecency Offences**

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

#### **Offences against Children under 14 years and Young Persons 14 to17 years**

14.2 Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such

vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

### **Offences against Other Persons**

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

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

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

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

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

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

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

### **15. Dishonesty Offences**

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

15.2 For these reasons a serious view is taken of any convictions involving dishonesty. In general a minimum period of 7 years from conviction or completion of any sentence imposed should be required before an application can be considered favourably. Offences of dishonesty include, but are not limited to:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent

- Or any similar offences / offences involving dishonesty (including attempted or conspiracy to commit) offences which replace the above.

## 16. Drug Offences

- 16.1 A serious view will be taken with regard to any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not normally be granted where the applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, until at least 10 years have elapsed since the conviction or completion of any sentence imposed.
- 16.2 An application will normally be refused where an applicant has any conviction for possession of drugs, or related to the possession of drugs, until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense, to demonstrate that they are not using controlled drugs.
- 16.3 If there is evidence of persistent drugs use, misuse or dependency, a medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years after detoxification treatment.

## 17. Driving Offences

- 17.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where an applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving unlicensed, disqualified or uninsured drivers or
- Or any similar offences

- 17.2 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions may reflect the fact that the licensee does not take their professional responsibilities seriously and is therefore not a 'fit and proper' person to be granted or retain a licence.

- **Major offences / High risk offences** (see Annex A for examples of major/high risk offences). An Application received which details one of the major / high risk traffic offences in Annex A, on the DVLA licence, will normally be refused or a current licence suspended or revoked. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or sanction imposed.
- **Minor offences** (see Annex B for examples of minor offences). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence or sanction imposed

## 18. Drunk driving / driving under the influence of drugs / using a mobile phone whilst driving

- 18.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.
- 18.2 If there is any indication that the applicant is an alcoholic, a medical examination (in accordance with

the DVLA Group 2 Medical Standards) shall be arranged by the applicant, at their expense, before an application is considered. If the applicant was an alcoholic, then they will be required to show evidence that they have undergone rehabilitation and have been free from any issues for a period of at least 7 years.

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

18.4 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- Are much less aware of what's happening on the road around them
- Fail to see road signs
- Fail to maintain proper lane position and steady speed
- Are more likely to 'tailgate' the vehicle in front
- React more slowly, take longer to brake and longer to stop
- Are more likely to enter unsafe gaps in traffic
- Feel more stressed and frustrated.

18.5 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, serious view will be taken of convictions for driving whilst using a mobile phone. Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not normally be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

18.6 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

## 19. **Discrimination Offences**

19.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## 20. **Licensing Offences**

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

20.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

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

## 21 **Insurance offences**

21.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided 7 years have elapsed since the completion of any sanction or sentence imposed.

21.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

21.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst



without insurance will normally have his operator's' licence revoked immediately and be prevented from holding a licence for at least 3 years.

## 22. Outstanding Charges and Summonses

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

### Annex A

#### MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
  
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
  
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CD71 Causing death by careless driving then failing to supply a specimen for drug analysis
- CD80 Causing death by careless, or inconsiderate driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DD90 Furious driving
  
- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
  
- IN10 Using a vehicle uninsured against third party risks
  
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
  
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes
  
- UT50 Aggravated taking of a vehicle

## MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign
- TT99 To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified
  
- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
  
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- C80 Using a mobile phone while driving a vehicle
  
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type or vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway

### **Aiding, Abetting, counselling or procuring**

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

### **Causing or permitting**

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

### **Inciting**

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

### **Non-endorsable offences**

Some offences are non-endorseable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

**Testing criteria for vehicles which have reached the standard age limit**

Modern technological advances have improved the build quality and durability of all vehicles so that they are now designed with a longer lifespan. However, this is dependant on regular preventative maintenance and servicing being carried out effectively and in accordance with the manufacturer's' specifications. Failure to carry out such checks and tests can lead to costly repairs and even failure of critical safety features.

Licensed vehicles are subject to increased mileage and wear and tear than general vehicles. To ensure that the licensing of older vehicles does not have a negative impact on public safety or the environment, the council has an essential testing criteria. The criteria are items which the council considers to be critical areas of a vehicle test, which, if failed on a mechanical inspection are considered a major failure. Failure of these essential items can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective.

Vehicles which remain licensed beyond a standard age are subject to this essential testing criteria The age of the vehicle is determined from the date when first registered as indicated on the vehicle's V5 registration log book.

Where a licensed vehicle fails a mechanical inspection on one or more of the items contained in the table below, it will be immediately suspended and must not be used. The vehicle may be repaired and re-presented to the appointed testing station (Aragon) within 30 days for retesting. If the vehicle passes the mechanical test within 30 days, the suspension will be lifted and the vehicle may be re-licensed. If a vehicle does not pass the mechanical test within 30 days, for whatever reason, it will be de-licensed.

Licensed vehicles should be presented to the appointed testing centre in a good serviceable condition, and subject to routine planned preventative maintenance and servicing in order to ensure the safety of passengers, the driver and the general public.

Age and type of vehicle subject to critical test criteria:

<b>Fuel type</b>	<b>Hackney Carriage</b>	<b>Private Hire Vehicle</b>
Petrol, Diesel and other non ULEV, ZEV	10 years old	8 years old
ULEV	12 years old	12 years old
ZEV	12 years old	12 years old

<b>Critical Items</b>	
<b>Steering and Suspension</b>	Steering mechanism / system
	Transmission shafts
	Front suspension
	Rear suspension
<b>Brakes</b>	Condition of service brake system
	Condition of parking brake system
<b>Tyres and Wheels</b>	Tyre type and condition
	Road wheels
<b>General</b>	Exhaust emissions
	Vehicle structure
	Appearance – interior
	Appearance – exterior
<b>Road Test</b>	Where an issue is highlighted by the appointed testing centre, this will be determined on an individual basis depending on diagnosis

## Private Hire Vehicle Plate Exemption

### 1. Objectives

- 1.1 The aim of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow “executive vehicles” to operate without displaying external identification plates (private hire vehicle licence plate).

### 2. Introduction

- 2.1 The displaying of the external identification plate on a licensed vehicle and a drivers badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.
- 2.2 However there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases the identification of the vehicle as licensed may allow “high risk” passengers to more readily be targeted putting both them and the driver at risk.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows Peterborough City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.
- 2.4 It is not intended that a significant number of private hire vehicles licensed by Peterborough City Council should be exempt from the council's requirement to display an external vehicle identification plate, however the council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 2.5 In creating its policy Peterborough City Council does not seek to provide a definite list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external vehicle identification plates.
- 2.6 This section provides guidance to potential applicants on the standards of vehicle, comfort and equipment that the council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application.

### 3. Policy

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- 3.3 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
  - a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
  - b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes- Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 Series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type

- cars from other manufacturers may also be considered).
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
  - d) The type of work is “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by Peterborough City Council.
  - 3.5 Where an operator wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application must be accompanied by supporting documentation and a non refundable fee.
  - 3.6 The council may require applicants to provide additional documentation as reasonably necessary to allow the council to make an informed decision. Where such documentation is not provided to the satisfaction of the council the application will be refused.
  - 3.7 Peterborough City Council is entitled to recover its costs in relation to the application for and issuing of an exemption notices and may charge such fees as it believes are appropriate to recover all or part of those costs.
  - 3.8 The fee to accompany an application for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non refundable.
  - 3.9 Where an application is granted, an exemption notice will be issued as soon as practical after the decision is made.
  - 3.10 Where a vehicle is exempted from the requirement to display an external identification plate the licensed driver of the vehicle will also be exempted from wearing a driver's badge.
  - 3.11 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for the same period of time as that vehicles private hire licence unless either the licence or notice is otherwise surrendered or revoked.
  - 3.12 Exemption notices may be renewed annually subject to the vehicle under going an inspection by a licensing officer to ensure that it continues to be fit for purpose for an exemption. The annual renewal fee for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non refundable.
  - 3.13 The fee for a replacement plate or exemption notice is listed in the council's Taxi Fees and Charges schedule.
  - 3.14 The authority to determine any application for an exemption notice is by delegation to the Licensing Manager.
  - 3.15 Applicants have the right to appeal a decision where a grant of a notice is refused or revoked; appeals must be in writing and will be reviewed by the licensing committee.
  - 3.16 All vehicles granted an exemption notice must in addition to this policy also comply in accordance with the requirements of the council's standard private hire conditions.
  - 3.17 Where there is any inconsistency between the standard private hire conditions and these conditions, then these conditions shall prevail.

## Private Hire Vehicle Plate Exemption Conditions

The conditions listed below apply to all private hire vehicles granted an exemption from Peterborough City Council from the requirement to display an external identification plate (private hire vehicle licence plate). The following conditions in addition to the standard conditions required for private hire vehicles.

- a) The vehicle licence plate and exemption notice issued by the council in accordance to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the council.
- b) Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the vehicle licence plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering the plate or notice unserviceable the operator shall make immediate application for a replacement which a fee is payable.
- d) The exemption notice issued by the council must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the council or any police officer on request.
- e) When issued an exemption notice, the vehicle will not be required to display door signs which the council require private hire vehicles to display.
- f) When issued an exemption notice a taximeter must not be installed in the vehicle.
- g) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- h) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising third party companies, products or services.
- i) During the period of the exemption notice the driver will not be required to wear a private hire drivers badge but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- j) During the period of exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
- k) The operator will notify the council immediately of any change of use of the vehicle.
- l) The vehicle must not be used for private hire purposes other than for executive use (i.e. not for "normal" airport journey's or daily private hire use).
- m) The driver and passenger front side window glass and front windscreen must clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle provided they are factory fitted, comply with current legislation and comply with any current private hire vehicle conditions.
- n) The exemption will cease to have an effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the private hire vehicle licence plate unless being sold to another private hire operator licensed by the council; in which case the only the exemption notice has to be returned.
- o) Exempted vehicles will not be required to display a Part 1 or Part 2 notice, or the licensed plate number in the windscreen

**City of Peterborough**  
**HACKNEY CARRIAGE FARES**  
**(INCLUSIVE OF VAT)**

**FOR DISTANCE AND TIME**

**DAY TARIFF (0600hrs – 2200hrs)**

<b>FOR THE FIRST MILE OR PART THEREOF</b>	<b>£3.50</b>
<b>ON COMPLETION OF THE FIRST MILE</b>	<b>£4.00</b>
<b>FOR EACH SUBSEQUENT MILE</b>	<b>£2.00</b>
<b>WAITING TIME</b>	<b>£15.00 PER HOUR</b>

**NIGHT TARIFF (2200hrs – 0600hrs)**  
**& CHRISTMAS & NEW YEAR**

1800Hrs DEC 24th TO 0600Hrs DEC 27th AND 1800Hrs DEC 31<sup>st</sup> to 0600 HRS JAN 2nd

<b>FOR THE FIRST MILE OR PART THEREOF</b>	<b>£4.00</b>
<b>ON COMPLETION OF THE FIRST MILE</b>	<b>£5.00</b>
<b>FOR EACH SUBSEQUENT MILE</b>	<b>£2.50</b>
<b>WAITING TIME</b>	<b>£18.00 PER HOUR</b>

**ADDITIONAL CHARGES APPLICABLE AT ALL TIMES:**

<b>BICYCLES, E-SCOOTERS, DOGS (excluding assistance dogs)</b>	<b>£2.00</b>
<b>WHERE MORE THAN 4 PASSENGERS ARE CARRIED</b>	<b>£3.00</b>

A FEE OF £75.00 IS PAYABLE FOR PERSONS SOILING THIS VEHICLE.

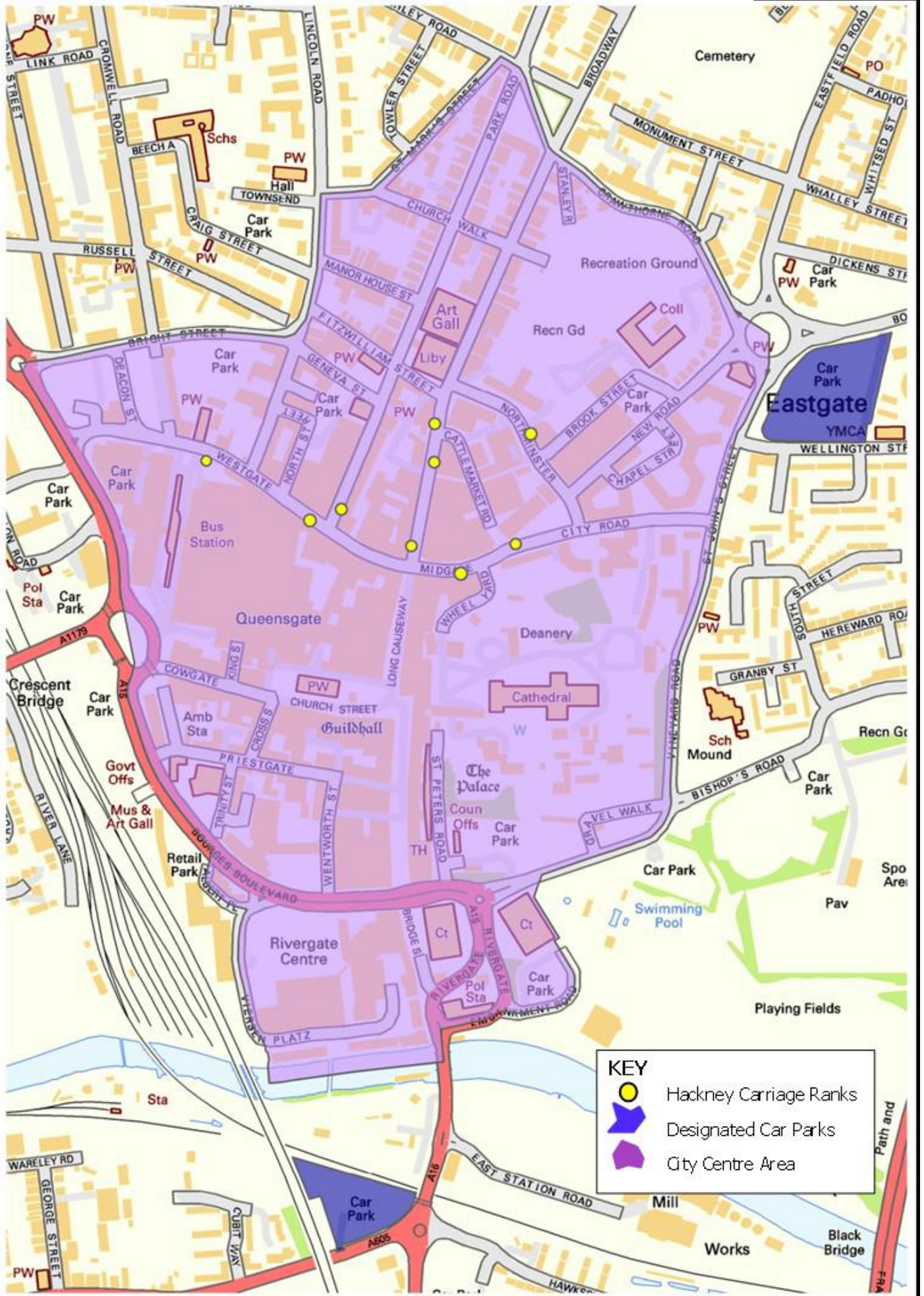
**COMPLAINTS**

THE PASSENGER SHOULD CONTACT THE LICENSING OFFICER, PETERBOROUGH CITY COUNCIL, (TEL: 01733 747474) ON ANY MATTER CONCERNING THE FARE OR ANY OTHER ASPECT OF THE JOURNEY AFTER HAVING FIRST OBTAINED A RECEIPT FROM THE DRIVER STATING NAME AND BADGE NUMBER.

THIS VEHICLE LICENCE NUMBER IS:-


**HACKNEY  
CARRIAGE**







Example of a Part 1 Notice



Drivers licence number  
**PHD / HCD 01234**  
Complaints can be made to  
Peterborough City Council  
[licensing@peterborough.gov.uk](mailto:licensing@peterborough.gov.uk)  
or by calling 01733 747474

Example of a Part 2 notice

The proprietor of this  
vehicle is:  
**XYZ vehicles**  
Should you wish to  
comment positively or  
negatively on any aspect of  
your journey today, please  
call 01234 567890  
Vehicle registration  
**AB01CDE**  
Licence plate number  
**PH/HC 0123**

The above examples provide the minimum size of the Part 1 and Part 2 notice.  
The minimum font size required for information is Arial size 16 in bold.

## Policy on the use of the National Register of Taxi Licence Revocation and Refusals (NR3)

### 1 Background

- 1.1 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and private hire driver licenses are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person, the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 1.2 Information which may question the 'fit and proper' status of an applicant or licensed driver, may come from many sources, one of which is other licensing authorities.
- 1.3 All applicants for either a new or renewal driver licence, are required to declare if they have previously applied for a hackney carriage or private hire driver licence with this or any other licensing authority, and declare if any previous application was granted or refused.
- 1.4 Prior to the introduction of NR3, if drivers did not disclose information about a previous revocation or refusal of a licence, there was often no way to find this information out, which could have public safety implications and be relevant to an individual's 'fit and proper' status.
- 1.5 The Local Government Association commissioned the development of a national register of hackney carriage and private hire driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The objective of NR3 is to ensure that licensing authorities are able to make properly informed decisions on whether an applicant is 'fit and proper'.
- 1.6 The register allows licensing authorities to record details of where a hackney carriage or private hire drivers' licence has been refused or revoked, and allows licensing authorities to check driver licence applications against the register.
- 1.7 All applications for a new drivers licence or drivers licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- 1.8 Each application will be considered on its own merits. However, where an applicant fails to fully disclose information as requested, which is subsequently identified through NR3, this will, in all instances, raise questions about an applicant's integrity and status as a 'fit and proper' person.
- 1.9 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

### 2 Scope

- 2.1 This policy covers how Peterborough City Council will use NR3 and how the Council will comply with data protection requirements.
- 2.2 In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

### 3 Overarching Principles

- 3.1 NR3 is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official

authority vested in the licensing authority (Peterborough City Council) that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire vehicle drivers' licence.

- 3.2 This policy covers the use that this authority, Peterborough City Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of a hackney carriage or private hire driver's licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.
- 3.3 Peterborough City Council have signed up to use NR3. This means that when an application for a hackney carriage or private hire drivers' licence is refused, or when an existing hackney carriage or private hire driver's licence is revoked, that information will be entered onto the register.
- 3.4 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Peterborough City Council will make a search the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 3.5 Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of time processing that application, making a decision, notifying the applicant of the outcome of that decision, and any appeal processes.
- 3.6 For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.
- 3.7 Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned.
- 3.8 Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned.
- 3.9 Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed).
- 3.10 If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.
- 3.11 The data will be held securely in accordance with Peterborough City Council's general policy on the secure retention of personal data. Which is available at:  
<https://www.peterborough.gov.uk/asset-library/Data-Protection-Policy.pdf>
- 3.12 At the end of the retention period, the data will be erased and/or destroyed in accordance with Peterborough City Council's general policy on the erasure and destruction of personal data which is available at.  
(TBA)

#### **4 Adding information of refusal or revocation to NR3**

- 4.1 Where an application for a licence is refused, or an existing licence is revoked, Peterborough City Council will record this decision on NR3. The information recorded on NR3 will be limited to an individual's:

- name
- date of birth
- address and contact details
- national insurance details
- driving licence number
- decision taken
- date of decision
- date decision effective

- 4.2 Recording this information on NR3 does not mean that applicants will be automatically prevented from securing a licence in the future, but is intended simply to ensure that licensing authorities are able to access an applicant's full licensing history, should further licence applications be made elsewhere.
- 4.3 Data is held on the NR3 register for a period of 25 years, in line with the national NR3 guidance. If during that time another authority requests further details relating to this decision, because of an application made, the licensing authority may provide reason for the refusal of or revocation of the application or licence.
- 4.4 Applicants and licence holders have various rights in relation to their data:
- the right to request access to their data;
  - the right to rectification or erasure of their data;
  - the right to restrict processing of their data; and
  - the right to object to the processing of their data for this purpose.
- 4.5 If an applicant or licence holder wishes to object to their information being added to the NR3 register, they are required to appeal in writing within 28 days of receiving notification of the council's intention to add details to NR3. The authority will consider any such requests and respond within one month.
- 4.6 If applicants for and licence holders of, hackney carriage or private hire driver licenses, wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, they can do so to the authority's Data Protection Officer, contact details below. This includes submitting a subject access request.

Ben Stevenson  
 Peterborough City Council  
 Town Hall, Bridge Street  
 Peterborough  
 PE1 1HG  
[dataprotection@peterborough.gov.uk](mailto:dataprotection@peterborough.gov.uk)

- 4.7 Individuals also have a right to make a complaint to the Information Commissioner's Office, who can be contacted as below.

The Information Commissioner's Office  
 Wycliffe House, Water Lane  
 Wilmslow, Cheshire  
 SK9 5AF  
 Tel: 01625 545700  
<http://www.ico.org.uk>

## **5 Checking the NR3 register as part of the application and renewal process**

- 5.1 When an application is made to Peterborough City Council for the grant of a new, or renewal of, a hackney carriage or private hire driver's licence, Peterborough City Council will check the NR3.
- 5.2 Peterborough City Council will then retain a clear written record of every search that is made of the register. This will detail:
- the date of the search;
  - the name or names searched;

- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date)

5.3 This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

5.4 If Peterborough City Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Peterborough City Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

5.5 This request will be made in writing in accordance with the form at Appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **6 Responding to a request made for further information regarding an entry on NR3**

6.1 When Peterborough City Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

6.2 Peterborough City Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

6.3 Peterborough City Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

6.4 If Peterborough City Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

6.5 Any disclosure must be considered and proportionate, taking into account the data subject's rights and the position and responsibilities of a licensed driver. Data is held on the NR3 register for a period of 25 years, but Peterborough City Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

6.6 Peterborough City Council will disclose information relating to a revocation or refusal to grant a driver's licence in accordance with the timescales contained within the licensing authority's Guidelines Relating to the Relevance of Convictions / Cautions in relation to Taxi Licensing (as attached at Appendix G of the overarching policy).

6.7 Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the councils Guidelines) which is within the timescales determined in those Guidelines, the information will be disclosed.

6.8 Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the councils Guidelines) which is outside the timescales determined in those Guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision, and there may be occasions where information is provided other than in accordance with this policy.

6.9 Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1, to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

- 6.10 The officer will record what action was taken and why. Peterborough City Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:
- the date the request was received
  - how the data protection impact assessment was conducted and its conclusions
  - the name or names searched
  - whether any information was provided
  - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
  - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
  - how and when the decision (and any information) was communicated to the requesting authority

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

## **7 Using any information obtained as a result of a request to another authority**

- 7.1 When Peterborough City Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a hackney carriage and private hire drivers' licence. This will be in accordance with the usual process for determining applications.
- 7.2 Peterborough City Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

**Information disclosure form**

This form is submitted following a search of the National Register of Refusals and Revocations (NR3)

*(For completion by requestor authority)*

Name of licensing authority requesting information:			
Requestor authority reference number:			
Name of licensing authority from which information is sought:			
Name of individual in respect of whom the request is made:			
Decision in respect of which the request is made	Refusal		Revocation
Other details for this record			
Address:	Driving licence number:	NI:	Reference number:

**Declaration by requesting authority:**

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of hackney carriage and private hire licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with the authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at (TBA)

<b>Signed</b>		<b>Print Name</b>	
<b>Position</b>		<b>Date</b>	

*(For completion by providing authority)*

Further information to support the decision recorded on NR3 in respect of the above named individual:

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**Declaration by providing authority:**

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a hackney carriage or private hire driver licence, the above named individual has been made aware of the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

<b>Signed</b>		<b>Print Name</b>	
<b>Position</b>		<b>Date</b>	

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<b>COUNCIL</b>	AGENDA ITEM No. 11
<b>27 JULY 2022</b>	PUBLIC REPORT

## RECORD OF EXECUTIVE DECISIONS MADE SINCE THE LAST MEETING

### 1. CABINET MEETING HELD ON 20 JUNE 2022

#### i. Interim Report of the Task and Finish Group to Examine the Issues with Car Cruising in Peterborough

Cabinet consider the interim report from the Task and Finish Group and **RESOLVED** to endorse the report and recommendations contained within; namely:

1. That the council shares this interim report with Cambridgeshire Police with a view to agreeing a memorandum of understanding which supports the Council with the implementation of injunction(s), community protection orders or public space protection orders.
2. That the Chief Executive of Peterborough City Council and a member of the Council's cabinet agree to champion this issue and to engage with both Peterborough MPs and the Police and Crime Commissioner to secure their support in championing this issue.
3. That the Cambridgeshire and Peterborough Police and Crime Commissioner is asked to work with the Chief Constable to compile a report on how the police should tackle this issue.
4. That the council fully costs the financial implications of developing an injunction for car meets in Peterborough.
5. That the council fully costs the financial implications of introducing Community Protection Orders.
6. That the council fully costs the financial implications of developing measures to prevent car meets from taking place at Pleasure Fair Meadow car park, as part of the Woodston PSPO.
7. That the Highways Team produces detailed plans, with a clear indication of costs, of how it proposes to alter the layout of Stapledon Road to ensure it is no longer suitable for antisocial driving.
8. That the Task and Finish Group continues its work by exploring sources of funding that are available to reduce the funding burden on city finances.
9. That the Task and Finish Group makes a further attempt to engage the car cruise community.
10. That the council's Planning Department should actively consider whether future planning applications should consider measures that will prevent antisocial driving.

#### ii. Town Fund Business Case

Cabinet considered the report and, following the endorsement of the Town Deal Board on 14 March 2022 in respect of the business cases for River Nene Pedestrian Bridge, Lincoln Road and Peterborough Station Quarter, delegate authority to the Monitoring Officer, Director of Resources (s151 officer) and the Executive Director Place and Economy to **RESOLVED** to;

1. Approve Town Deal Summary Documents, as set out at Appendix 1, 2 and 3 of this report, and submit them to Department for Levelling Up, Housing and Communities (DLUHC) for approval in line with our agreed Towns Fund programme.

iii. **Extension of the Learning Disability Day Opportunities Contracts in Peterborough**

Cabinet considered the report and **RESOLVED** to:

1. Approve the Agreements for the Provision of Day Opportunities to be extended until 31 March 2024 for the following Providers:
  - Thera East Anglia
  - Helping Hands Group
  - Sense, the National Deafblind and Rubella Association

The total value of the extension period is £5,199,512.

iv. **Lyon Gardens Extension to 31 October 2023**

Cabinet considered the report and **RESOLVED** to:

1. Approve the contract extension with Hereward Care Services Ltd in relation to Lyons Gardens from 1 May 2022 to 31 October 2023 to align with the ongoing work around the respite review. The annual contract value is £787,125.60 per annum which equates to £1,180,688.40 over the life of the extension.
2. Approve Peterborough City Council entering into a collaboration agreement with the CCG in relation to their acceptance to fund 50% of the contract costs, for the period 1 May 2022 to 31 October 2023.

v. **A1260 Nene Parkway Junction 3 Improvement Scheme – Design of Active Travel Schemes**

Cabinet considered the report and **RESOLVED** to:

1. Approve the award of £165k to Milestone Infrastructure Limited to deliver preliminary design of active travel schemes to be delivered as part of the A1260 Nene Parkway Junction 32 to Junction 3 improvement scheme.

vi. **Agreement to Terminate the Council's Agreement with NPS Peterborough Limited in Relation to Property and Estate**

Cabinet considered the report and **RESOLVED** to:

1. Agrees to terminate the Council's agreement with NPS Peterborough Ltd in relation to property and estate management services by giving twelve months notice.
2. Notes that alternative arrangements for delivery of property and estate management services will be put in place within the twelve month period.

3. Delegates to the Director of Law and Governance in consultation with the Director of Resources the authority to issue notices and take all other steps necessary to give effect to recommendation 1 above.

vii. **Opportunity Peterborough**

Cabinet considered the report and **RESOLVED** to:

- Approves, in principle, the integration of Opportunity Peterborough into the Council
- Delegates authority to the Executive Director for Place and Economy, in consultation with the Leader of the Council, to formally engage with the Opportunity Peterborough Board in order to facilitate and implement an effective transfer, subject to the outcome of consultation with affected staff.
- Notes the exceptional performance of Opportunity Peterborough over many years, and formally thanks the Opportunity Peterborough Board of Directors for their governance and leadership

viii. **Budget Monitoring Report Final Outturn 2021/22**

Cabinet considered the report and **RESOLVED** to note:

1. The final outturn position for 2021/22 (subject to finalisation of the statutory statement of accounts) of a £4.5m underspend on the Council's revenue budget.
2. The reserves position outlined in section 7, which includes a contribution to of £4.5m to reserves balances, resulting from the underspend highlighted in the revenue outturn report in Appendix A.
3. The outturn spending of £79.3m in the Council's capital programme in 2021/22 outlined in section 7.
4. That the financial performance for the year is a positive first step and is in line with the Improvement Plan and Tactical Budget approved by Council, however, the financial challenge for the Council remains and requires continued focus and discipline to deliver per both aforementioned plans.
5. The performance against the prudential indicators outlined in Appendix C.
6. The performance on the payment of creditors, collection performance for debtors, local taxation and benefit overpayments outlined in Appendix D.

2. **CABINET MEETING HELD ON 11 JULY 2022**

i. **First Independent Improvement and Assurance Panel Report**

Cabinet considered the report and **RESOLVED** to:

1. Note the first report of the Independent Improvement and Assurance Panel and agrees with the action to be taken as a result.
2. Request that the Growth, Resources and Communities Scrutiny Community review the report, Cabinet's response to it and the progress being made with the delivery of the Improvement Plan.

**ii. Medium Term Financial Strategy 2023-2026 Quarter 1 Update**

Cabinet considered the report and **RESOLVED** to note:

1. The revised assumptions included within this quarter one Medium-Term Financial Strategy 2023-2026 update as outlined within Appendix A of the report.

**iii. St George's Hydrotherapy Pool**

Cabinet considered the report and **RESOLVED** to:

1. Agree to the permanent closure of the St George's Hydrotherapy Pool based on the information set out in this report; and
2. Acknowledge and support the work of officers to identify alternative hydrotherapy provision.

**iv. Implement Recommendations from the Peterborough Parking Strategy**

Cabinet considered the report and **RESOLVED** to:

1. Note on the Peterborough Parking Strategy.
2. Approve the following short-term recommendations:
  - a) The Council shall:
    - i. Continue to review parking occupancy levels as the city continues its recovery from the pandemic.
    - ii. Close Dickens Street Car Park at the earliest possible opportunity.
    - iii. Request officers undertake feasibility and costing work to improve the disabled parking bay provision in existing car parks.
    - iv. Implement parking charges, including recovery of the electricity cost, for electric vehicle charging bays including those solely used for the taxi and private license trade.
    - v. Undertake a review of parking charges in line with ongoing work to review 'fees and charges' across the Council.
    - vi. Undertake a review of charging technology to assess the feasibility of alternative mechanisms e.g. ANPR.
  - b) Instruct the Executive Director Place and Economy to establish an officer working group to review the remaining recommendations ahead of further consideration by Cabinet later this year.

**iv. Peterborough Flood Risk Management Strategy**

Cabinet considered the report and **RESOLVED** to:

1. Review Peterborough's updated Draft Local Flood Risk Management Strategy;
2. Accept the recommendation from the Climate Change and Environment Scrutiny Committee and instruct officers to enter into a period of public consultation on the Draft Local Flood Risk Management Strategy ahead of consideration by Council later this year.

### 3. CALL-IN BY SCRUTINY COMMITTEE

Since the publication of the previous report to Council, the call-in mechanism has not been invoked.

### 4. SPECIAL URGENCY AND WAIVER OF CALL-IN PROVISIONS

Since the publication of the previous report to Council the urgency, special urgency and/or waiver of call-in provisions have been invoked twice:

- **Agreement to Terminate the Council's Agreement with NPS Peterborough Limited in Relation to Property and Estate - JUN22/CAB/07**

With the approval of the Chair of the Growth, Resources, and Communities Scrutiny Committee, the urgency procedures have been invoked to suspend the requirement to publish the decision on the forward plan for 28 days. The consideration and call-in period remain in place. This procedure has been invoked to enable the 12 months' notice to start at the earliest opportunity, with delay to September Cabinet considered detrimental to future service provision.

- **Contract for cloud-based services hosting the Council's server estate - JUN22/CMDN/11**

With the approval of the Chairman of the Scrutiny Committee, urgency, special urgency procedure, and waiver of call-in procedure have been invoked to suspend the requirement to publish the decision on the Forward Plan, to suspend the requirement to publish the decision for five days and to waive the requirement for the decision to be subject to a three day call-in period. The contract that is being referred to can be extended for two further twelve month periods until the 31st of May 2024 and does not require any further work from a procurement perspective, but a new CMDN is required to cover the term of the extension.

These procedures have been invoked in order to mitigate the impact of not extending the contract as this would mean that staff would not be able to access critical business systems.

Unfortunately, there was an oversight which meant this contract was not added to the forward plan. The overall strategy for how and where our infrastructure sits is currently being reviewed as part of our overall IT strategy and we will ensure any future decisions go through the appropriate process.

### 5. CABINET MEMBER DECISIONS

CABINET MEMBER AND DATE OF DECISION	REFERENCE	DECISION TAKEN
Cabinet Member for Waste, Street Scene and Environment  Cllr Nigel Simons  20/06/2022	<b>JUN22/CMDN/10 (A)</b>	<b>Bretton Oak Tree – Action To Be Taken</b>  The Cabinet Member:  1. Noted that the advice the Council has received from the ‘third expert’ (Ian Brett-Pitt of Brett-Pitt Associates Ltd) is that the damage that has occurred is “probably caused by root induced subsidence” and that “we do

		<p>not believe there is any evidence which shows the damage was caused by heave movement”.</p> <ol style="list-style-type: none"> <li>2. Noted that Ian Brett-Pitt includes a view that “it is not possible to conclude that roots from T2 have caused and will continue to cause subsidence to nearby property in Barnard Way” (Conclusion C) and “any decision to remove/retain T2 should be predicated on recent/current evidence of movement and subsidence” (Conclusion H). In essence, the view of this expert is that categorical proof that T2 has, and will continue to, cause the damage, is not yet possible.</li> <li>3. Noted that the original expert advice PCC received (Mr P Harris advice), as previously published to Cabinet, noted “oak tree roots have been found beneath the foundations” and “T2 is very substantially larger than T1. The extent of its roots would be expected to encompass most, if not all, of the footprint of this house (and the adjacent one, 10 Barnard Way)”, and “so long as roots continue to extract moisture from beneath this house there will be continued seasonal subsidence with associated damage”. Consequently, it should be noted that the difference of opinion between these two experts is that one seeks more definitive proof whilst the other uses the available evidence to determine a cause.</li> <li>4. Noted the typical cost of installing a root barrier in this case would be “around £30,000 per property” (excluding any potential compensation costs, and assuming “the owners are prepared to allow appropriate and necessary access mindful of the inevitable disruption and inconvenience that will arise”)</li> <li>5. Noted the estimated cost by Ian Brett-Pitt of underpinning costs are “in the region of £150,000 for each property”</li> <li>6. Noted that the advice of Ian Brett-Pitt is that five realistic options are available to PCC (see his response to Q2 in his report), each of which he describes as having varying degrees of cost, risk and amenity impact, but the options in short are: <ol style="list-style-type: none"> <li>a) Removal of T2</li> <li>b) Retaining T2 but with PCC meeting the costs of underpinning to any affected properties</li> <li>c) Retaining T2 but with PCC meeting the costs of a root barrier to be constructed in the rear gardens of any affected properties</li> <li>d) Retaining T2 but with PCC undertaking a 70% Hortlink compliant management and control of T2 i.e. 70%+ crown volume reduction followed by biennial pruning</li> <li>e) Retaining T2 but with PCC undertaking a 40%+ Hortlink compliant management and control of T2 coupled with a suitable root barrier as per C &amp; D above. i.e. 40%+ crown volume reduction followed by biennial pruning and the</li> </ol> </li> </ol>
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		<p>construction of a root barrier across the rear gardens of all affected properties.</p> <ol style="list-style-type: none"> <li>7. Note that in considering the options available, officers have had to apply a judgement, balancing a wide range of issues, including professional expertise (arboriculture, structural engineering, insurance, landscape, environment, biodiversity and more) as well as taking consideration of the corporate financial situation.</li> <li>8. Note that the position taken by the Insurance company representing the homeowners affected is that a root barrier is not a feasible option, meaning the deliverability of such a solution is now very low.</li> <li>9. Note that, in the opinion of officers, the view remains that the only effective way to legally discharge our duty to abate the nuisance and to implement an affordable solution is the felling of the tree.</li> <li>10. Agreed to the felling of the tree, together with provision of 100 oak trees ('feathered' nursery stock, c2m high) to be planted across the city, as a contribution towards mitigating the loss of the oak tree remains the most appropriate solution having made a balanced judgement on this difficult decision.</li> </ol>
<p>Deputy Leader and Cabinet Member for Housing, Culture and Communities</p> <p>Cllr Steve Allen</p> <p>29/06/2022</p>	<p><b>JUN22/CMDN/10 (B)</b></p>	<p><b>Continuation of shared Trading Standards Service</b></p> <p>The Cabinet Member authorised:</p> <ol style="list-style-type: none"> <li>1. The continuation of the agreement for the delivery of a shared Trading Standards Service by Peterborough City Council (PCC) on behalf of Cambridgeshire County Council (CCC) until terminated as set out in the Delegation and Collaboration Agreement;</li> <li>2. The Agreement be varied to incorporate changes as required by the authorities;</li> <li>3. That Peterborough City Council continues to accept the delegation of functions from Cambridgeshire County Council as agreed and listed in the Delegation and Collaboration Agreement;</li> <li>4. The Corporate Director of Resources to make any future amendments to the Agreement in consultation with the Director of Law and Governance or delegated officers;</li> <li>5. Authorise the Director of Law and Governance or delegated officers to enter into any legal documentation in relation to this matter.</li> </ol>
<p>Leader of the Council</p> <p>Cllr Wayne Fitzgerald</p> <p>30/06/2022</p>	<p><b>JUN22/CMDN/11</b></p>	<p><b>Contract for cloud-based services hosting the Council's server estate</b></p> <p>The Leader:</p> <ol style="list-style-type: none"> <li>1. Extended the 2021 contract for cloud-based services from Amazon Web Services UK Limited (AWS) by up to the two years agreed within the contract to a further value no greater than £1,000,000</li> </ol>

		<p>2. Authorised the Corporate Director: Resources to vary this Contract if the Council has to amend its detailed business requirements, but subject to a maximum aggregate value (i.e. including the 2021 contract) of 150% of the approved value of the 2021 contract, being £1,460,000 (BPS).</p>
<p>Leader of the Council</p> <p>Cllr Wayne Fitzgerald</p> <p>13/07/2022</p>	<p><b>JUL22/CMDN/17</b></p>	<p><b>Appointments and Nominations to Outside Bodies Update</b></p> <p>The Cabinet Member approved:</p> <ol style="list-style-type: none"> <li>1. Councillor Skibsted to be nominated as Council representative on the Orton Goldhay Community Centre Management Committee, replacing Councillor Perkins.</li> <li>2. Councillor Coles to be nominated as Council representative on the Woodston Community Association, replacing Councillor Imtiaz Ali.</li> <li>3. The addition of Light House Community Group CIO (East Community Centre Management), with Councillor Jackie Allen to be nominated as Council representative.</li> </ol>



<b>COUNCIL</b>	<b>AGENDA ITEM No. 12</b>
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

**RECORD OF CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY DECISIONS MADE SINCE THE LAST MEETING**

**1. MEMBER REPRESENTATIVES**

<b>Meeting</b>	<b>Dates of Meeting</b>	<b>Representative</b>
Audit and Governance Committee	30 June 2022	Cllr Imtiaz Ali
Overview and Scrutiny Committee	13 June 2022	Cllr Coles, Cllr Iqbal
Combined Authority Board	20 May 2022 (reconvened 8 June 2022)  8 June 2022 (reconvened 27 June 2022)	Cllr Wayne Fitzgerald

1.1 The above meetings have taken place in June 2022.

**2. AUDIT AND GOVERNANCE COMMITTEE**

2.1 The Audit and Governance Committee met on 30 June, the decision summary is attached at Appendix 1.

**3. OVERVIEW AND SCRUTINY COMMITTEE**

3.1 The Overview and Scrutiny Committee met on 13 June, the decision summary is attached at Appendix 2.

**4. COMBINED AUTHORITY BOARD**

4.1 The Combined Authority Board met on 20 May (reconvened on 8 June), the decision summary is attached at Appendix 3.

4.2 The Combined Authority Board met on 8 June (reconvened on 27 June), the decision summary is attached at Appendix 4.

4.3 The agendas and minutes of the meetings are on the Combined Authority's website – Link in the appendices.

## Audit and Governance Committee Decision Summary

Meeting: 30 June 2022

Agenda/Minutes: [Audit and Governance Committee – 30 June 2022](#)

Chair: John Pye (Chair and Independent Person)

Summary of decisions taken at this meeting – to follow

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## Overview and Scrutiny Committee Decision Summary

Meeting: 13 June 2022

Agenda/Minutes: [Overview and Scrutiny Committee – 13 June 2022](#)

Chair: Cllr Lorna Dupré

Summary of decisions taken at this meeting

Item	Topic	Decision [ <i>None of the decisions below are key decisions</i> ]
1.	Apologies	Cllr R Robertson, Cambridge City Council substituted by Cllr S Smith Cllr M Goldsack, Cambridgeshire County Council. There were no declarations of interest.
2.	Election of Chair of the Committee	There were two nominations. Following a vote:  <u>RESOLVED</u> That Cllr L Dupre be elected Chair of the Overview and Scrutiny Committee for the municipal year 2022-23.
3.	Election of Vice-Chair of the Committee	There was a single nomination.  <u>RESOLVED</u> That Cllr A Sharp be elected Vice-Chair of the Overview and Scrutiny Committee for the municipal year 2022-23.
4.	Minutes of the Previous Meeting and Action Log	The minutes of the meeting held on the 28 March 2022 were approved as a correct record.
5.	Public Questions	There were no public questions.

Item	Topic	Decision [ <i>None of the decisions below are key decisions</i> ]														
6.	Appointment of Lead Members	<p><b>RESOLVED:</b> That the Committee confirm the following appointments:</p> <table border="0"> <tr> <td>Lead Member for Transport:</td> <td>Cllr D Baigent</td> </tr> <tr> <td>Lead Members for Skills:</td> <td>Cllr A Coles and Cllr A Miscandlon</td> </tr> <tr> <td>Lead Member for Housing:</td> <td>Cllr A Van de Weyer</td> </tr> <tr> <td>Lead Member for Climate Change &amp; Environment:</td> <td>Cllr M Atkins</td> </tr> <tr> <td>Lead Member for Business Board:</td> <td>Cllr D Dew</td> </tr> <tr> <td>Rapporteur for the Bus Reform Review</td> <td>Cllr A Hay</td> </tr> <tr> <td>Rapporteur for One Cam</td> <td>Cllr A Sharp</td> </tr> </table>	Lead Member for Transport:	Cllr D Baigent	Lead Members for Skills:	Cllr A Coles and Cllr A Miscandlon	Lead Member for Housing:	Cllr A Van de Weyer	Lead Member for Climate Change & Environment:	Cllr M Atkins	Lead Member for Business Board:	Cllr D Dew	Rapporteur for the Bus Reform Review	Cllr A Hay	Rapporteur for One Cam	Cllr A Sharp
Lead Member for Transport:	Cllr D Baigent															
Lead Members for Skills:	Cllr A Coles and Cllr A Miscandlon															
Lead Member for Housing:	Cllr A Van de Weyer															
Lead Member for Climate Change & Environment:	Cllr M Atkins															
Lead Member for Business Board:	Cllr D Dew															
Rapporteur for the Bus Reform Review	Cllr A Hay															
Rapporteur for One Cam	Cllr A Sharp															
7.	Overview & Scrutiny Work Programme	<p>The Committee received a report which requested that members discuss and agree items that they would like to be added to the work programme for the municipal year 2022-23.</p> <p><b>RESOLVED</b> That the following items be added to the work programme:</p> <ul style="list-style-type: none"> <li>• The Governance Review and the functioning of the CA. This to be a standing item for meetings over the next six months;</li> <li>• CA Housing Purpose and Function;</li> <li>• Local Transport and Connectivity Plan. This to be an agenda item for the September meeting. An informal briefing beforehand may be needed to inform and influence the report before it is issued;</li> <li>• Climate Change and a report on the delivery of the Action Plan;</li> <li>• Mayoral Question Time, both public and scrutiny sessions;</li> <li>• Scrutiny of the Budget and a review of quarterly accounts</li> </ul>														
8.	Co-opted Independent Member	<p>The co-option of an independent member from one of the constituent councils was considered by the Committee. There was some discussion on the focussing on the legislation that does not allow for the consideration of independent members when calculating political proportionality. It was:</p>														

Item	Topic	Decision [ <i>None of the decisions below are key decisions</i> ]
		<p><u>RESOLVED</u> That the Overview and Scrutiny Committee do not appoint a co-opted member for the municipal year 2022-23</p>
9.	One CAM Closure	<p>The Committee heard that all the necessary paperwork to close the One CAM Limited company has been completed internally at the CPCA, in terms of the company accounts at closure and statements of compliance. Final closure is now in the hands of the company legal advisors and the formalities are taking place. It is anticipated that the final strike-off from Companies House will occur before the end of July.</p> <p>A further report would be brought to the Committee by the Rapporteur to include the public costs involved in the closure of the company.</p>
10.	Housing Update	<p>Roger Thompson, Director of Housing presented a housing update to the Committee, speaking to the Combined Authority Board paper: Future Combined Authority Housing Purpose and Function across the CPCA area. It was highlighted that the paper had been prepared through a collaborative process and workshops had been held with delivery partners, and the officers and leaders of the constituent councils.</p> <p>During discussion several points were raised including:</p> <ul style="list-style-type: none"> <li>• that whilst it was important that the CPCA was ready to take on opportunities as they arose, any retained skills and capacity should be fully exploited and not underutilised for any length of time</li> <li>• there are pressures in the construction industry and that there were linkages to be enhanced within the area of skills and economic growth, including supporting modern methods of construction</li> <li>• the CPCA had been severely restricted by the conditions applied by DHLUC between March 2021 and March 2022 and that schemes had</li> </ul>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>operated largely in the north and centre of the area as that was where they had the ability to intervene</p> <p>The role of Community Land Trusts was also discussed. Following the discussion it was:</p> <p><u>RESOLVED</u></p> <p>That the draft minutes for the Housing Update item be sent to the CA Board for consideration at the next CA Board meeting when the report, Future Combined Authority Housing Purpose and Function, would be discussed.</p>
11.	Date and Time of Next Meeting	The next meeting would be on Monday, 25 July at 11:00. The venue would be Pathfinder House, Huntingdon.



## Combined Authority Board Decision Summary- Extraordinary Meeting

Meeting: 20 May 2022, reconvened 8 June 2022

Agenda/Minutes: [Combined Authority Board - 20 May 2022, reconvened 8 June 2022](#)

Chair: Mayor Dr Nik Johnson

Summary of decisions taken at this meeting

### Part 1 - Governance Items

#### 1.1 Announcements, Apologies for Absence and Declarations of Interest

On Friday 20 May 2022 apologies for absence were received from Mayor Dr Nik Johnson; Councillor Bridget Smith, substituted by Councillor John Williams; Professor Andy Neely, Acting Chair of the Business Board; and Jan Thomas, Integrated Care Partnership.

On the resumption of the meeting on 8 June 2022 apologies for absence were received from Mayor Dr Nik Johnson; Councillor Chris Boden; Councillor Bridget Smith, substituted by Councillor John Williams; Councillor Edna Murphy, Fire Authority and Jan Thomas, Integrated Care Partnership.

There were no declarations of interest.

#### 1.2 Public Questions

No public questions were received.

## 2.2 Part 2 – Combined Authority Decisions

### Exclusion of the press and public

It was resolved that the press and public be excluded from the meeting on the grounds that the agenda contains exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed: information relating to an individual; information which is likely to reveal the identity of an individual; and the financial or business affairs of any particular person (including the authority holding that information).

2.1 In light of the matters listed in Confidential Appendix 1 [at exempt appendix 3 to this report], and the full investigation process already underway following a decision under the Member Conduct Complaints Procedure by the Combined Authority's Monitoring Officer, the CPCA Board:

- a) fully supports that investigation process and does not support or welcome any interference or prejudgement by Board members during that process, or see any justification to cause the Mayor himself to prejudge the outcome.
- b) supports, on its conclusion, consideration of any recommendations by the Combined Authority and its Audit and Governance Committee and that any such recommendations are published, according to the clear and proper review processes defined in the Constitution.

## 2.3 Transition Planning

It was resolved:

1. In relation to the Chief Executive Officer to:
  - a) Approve Recommendation 1a.

2. In relation to the Acting Chief Executive Officer to:
  - a) Note the contents of the delegation made in respect of the outgoing Chief Executive Eileen Milner, to Paul Raynes.
  - b) Note that a settlement recommendation will be issued to the Board shortly relating to the resignation of Paul Raynes.
3. In relation to interim arrangements:
  - a) To note the proposals set out in this report regarding the appointment of an interim CEX.
4. In relation to interim arrangements – Improvement Board:
  - a) To note the recommendations set out in this report relating to the establishment of an Improvement Board for CPCA
  - b) To mandate the Head of Paid Service and the S73 Chief Finance Officer, working together with the CPCA chief executives' group, to open discussions with DLUHC about the options for assistance in response to the concerns raised in the Authority's external auditors' letter dated 1 June 2022 and report back to the Board by its next meeting date.
5. In relation to the Member Officer Protocol:
  - a) Agree to follow the principles set out in the DRAFT Member Officer Protocol attached at Appendix A pending the formal adoption following review by the Audit and Governance Committee.
  - b) Request that the Audit & Governance Committee review the DRAFT Member Officer Protocol and make recommendations on its content to the Board for consideration at the earliest opportunity

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## Combined Authority Board Decision Summary- Annual General Meeting

Meeting: 8 June 2022, reconvened 27 June 2022

Agenda/Minutes: [Combined Authority Board - 24 November 2021](#)

Chair: Mayor Dr Nik Johnson

Summary of decisions taken at this meeting

### Part 1 - Governance Items

#### 1.1 Announcements, Apologies for Absence and Declarations of Interest

On 8 June 2022, the Mayor announced his appointment of Councillor L Nethsingha as Non-Statutory Deputy Mayor.

Apologies were received from Councillor C Boden, substituted by Councillor J French; Co-opted Member D Preston – Police and Crime Commissioner, substituted by J Peach; Co-opted Member Councillor E Murphy – Fire Authority; Co-opted member J Thomas – Integrated Care Partnership.

There were no declarations of interest.

On the resumption of the meeting on 27 June 2022, apologies for absence were received from Councillor C Boden; D Preston, Police and Crime Commissioner, substituted by J Peach, Deputy Police and Crime Commissioner; Councillor E Murphy, Chair of the Fire Authority; and Jan Thomas, Integrated Care Partnership.

Professor Andy Neely made a declaration of interest in relation to Item 4.2: Local Growth Fund Recycled Funding Proposals in that he is a member of the Board of Cambridge &. He stated that he has no financial interest in the organisation and receives no salary or remuneration.

## 1.2 Minutes – 30 March 2022 and Action Log

The minutes of the meeting on 30 March 2022 were approved as an accurate record and signed by the Mayor.

The Action Log was noted.

## 1.3 Petitions

No petitions were received.

## 1.4 Public Questions

One public question was received from Antony Carpen, a local resident. A copy of Mr Carpen's question and the response (when published) can be viewed on the [meeting webpage](#).

## 1.5 Membership of Combined Authority 2022-23

It was resolved to:

- a) Note the Members and substitute Members appointed by constituent councils to the Combined Authority for the municipal year 2022/2023 (Appendix 1).
- b) Confirm that the following bodies be given co-opted member status for the municipal year 2022/23:
  - (i) The Police and Crime Commissioner for Cambridgeshire.
  - (ii) Cambridgeshire and Peterborough Fire Authority.
  - (iii) Cambridgeshire and Peterborough Clinical Commissioning Group.
- c) Note the named representative and substitute representative for each organisation as set out in the report.
- d) Agree that any late notifications of appointments to the Monitoring Officer shall take immediate effect.

## 1.6 Appointments to Executive Committees, Committee Chairs and Lead Members

It was resolved to:

- a) Note and agree the Mayor's nominations to Lead Member responsibilities and the membership of the committees including the Chairs of committees for 2022/23 as set out in revised Appendix 1.
- a) Note the Committee Members and substitute Members appointed by constituent councils to the Combined Authority for the municipal year 2022/23 (revised Appendix 1).
- b) Note and agree the membership for the Employment Committee for 2022/23 (revised Appendix 1).

## 1.7 Appointment of the Overview and Scrutiny Committee 2022/23

It was resolved to:

- a) Confirm that the size of the Overview and Scrutiny Committee should be 14 members; two members from each constituent council and two substitute members for the municipal year 2022/23.
- b) Agree the political balance on the committee as set out in Appendix 1.
- c) Confirm the appointment of the Member and substitute Member nominated by constituent councils to the Overview and Scrutiny Committee for the municipal year 2022/23 as set out in Appendix 2.
- d) Request that the Overview and Scrutiny Committee consider the co-option of an independent member from a Constituent Council.

## 1.8 Appointment of the Audit and Governance Committee 2022/23

It was resolved to:

- a) Confirm that the size of the Audit and Governance Committee should be eight members; one member and one substitute from each constituent council and one independent person.
- b) Agree the political balance on the Committee as set out in Appendix 1.
- c) Confirm the appointment of the Members and substitute Members nominated by Constituent Councils to the Committee for the municipal year 2022/23 as set out in Appendix 2.
- d) Appoint the independent person as Chair for the municipal year 2022/23 and delegate the election of the Vice Chair to the Audit and Governance Committee.

## 1.9 Engagement with Department for Levelling Up, Housing and Communities

It was resolved to:

- a) Consider this update;
- b) Give initial consideration to the issues raised in the EY letter of 1 June;
- c) Give guidance to officers for their further engagement with DLUHC; and
- d) Request officers to work with DLUHC and the LGA to progress the concept of an Improvement Board.

## 1.10 Appointment of Interim Chief Executive Officer

It was resolved to:

- a) Note the contents of this report.
- b) To receive and agree the recommendation made by the Members of the Employment Committee at the meeting on 24 June 2022 that the preferred candidate be appointed to the position of Interim Chief Executive/Head of Paid



Service for the Combined Authority with effect from a start date to be agreed by the preferred candidate and the Interim Assistant Director of HR.

## Part 2 – Mayoral Decisions

### 2.1 Local Highways Maintenance Grant Allocation 2022/23

Having consulted the Combined Authority Board, the Mayor allocated grants totalling £27,695,000 to Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) in line with the Department for Transport formula for determining each council's share as set out below:

	Total
Cambridgeshire County Council	£21,955,000
Peterborough City Council	£5,740,000
<b>Total</b>	<b>£27,695,000</b>

### 2.2 MDN 24-2020: X3 Bus Service between Huntingdon and Addenbrookes and MDN 32-2021: Change to the Officer Delegated Authority under Mayoral Decision Notice 28-2020

It was resolved to:

- a) Note Mayoral Decision Notice MDN 24-2020: X3 Bus Service between Huntingdon and Addenbrookes.
- b) Note Mayoral Decision Notice MDN 32-2021: Change to the Officer Delegated Authority under MDN 28-2020.

## Part 3 – Combined Authority Decisions

### 3.1 Future Combined Authority Housing Purpose and Function

It was resolved to:

- a) Note the proposed role for the Combined Authority in supporting the future delivery of housing, specifically to;
  - i. Maintain the oversight of the build out of the affordable housing programme and the re-payment of the Loan Book.
  - ii. Maintain a housing expertise and skills presence, retaining housing officer capability and skills providing capability to respond to future housing initiatives and opportunities, including those identified at the Member workshop.
  - iii. Task the Chief Executive to consider how best to reorganise resources to deliver these functions as part of the Even Better transformation programme.
- b) Approve the community led housing policy as previously approved by the Housing and Communities Committee on 10 January 2022 (attached in Appendix 4 to this report).
- c) Instruct officers to prepare a report for a future Combined Authority Board meeting on options for, and impacts, of the closure and winding up of Angle Developments (East) Limited and Angle Holdings Limited.
- d) Refer the report to the Housing and Communities Committee to consider the future role for the Combined Authority on funding co-ordination, skills and community housing.

### 3.2 Climate and Strategy Business Cases

It was resolved to:

- a) Approve the Business Case for Care Home Retrofit project and approve £2m from subject to approval line in the MTFP.
- b) Approve the Business Case for Logan's Meadow Local Nature Reserve Wetland Extension project and approve £280,000 from subject to approval line in the MTFP.
- c) Approve the Business Case for the Natural Cambridgeshire project and approve £210,000 from the subject to approval line in the MTFP.
- d) Approve the Business Case for the Nature and Environment Investment Fund project and approve £1m from the subject to approval line in the MTFP.
- e) Approve the Business Case for the Net Zero Villages Programme and approve £1m from the subject to approval line in the MTFP.
- f) Approve the Business Case for the Doubling Nature Metrics project and approve drawdown of £125,000 from the subject to approval line in the MTFP.
- g) Approve the Business Case for the City Portrait project and approve drawdown of £80,000 from the subject to approval line in the MTFP.

### 3.3 Levelling Up Fund Round 2

It was resolved to:

- a) Approve Peterborough Station Quarter as the Transport Only bid for the Cambridgeshire and Peterborough Combined Authority for the Levelling Up Fund Round 2.

- b) Delegate authority to the Interim Head of Transport, in consultation with the Chief Finance Officer and the Monitoring Officer to approve and submit the completed application.

### 3.4 Active Travel: Peterborough

It was resolved to:

- a) Approve the drawdown of £750,000 of Active Travel Funding from the Medium-Term Financial Plan for a Feasibility Study and construction of improvements to the Peterborough Green Wheel;
- b) Approve the drawdown of £3,427,800 of Active Travel Funding from the Medium-Term Financial Plan for a Full Business Case new pedestrian footbridge linking Fletton Quays and the Embankment area in Peterborough, subject to the Department for Levelling Up, Housing and Communities approving the Towns Fund bid.
- c) Delegate authority to the Interim Head of Transport in consultation with the Chief Finance Officer and Monitoring Officer, to conclude a Grant Funding Agreement with Peterborough City Council to enable work to progress.

### 3.5 Expansion of the Careers Hub

It was resolved to:

- a) Accept and allocate Careers and Enterprise Company grant funding of £289,800 for an extended careers hub in 2022-23;
- b) Approve the recruitment of two new positions of Operations Manager and Project Officer Assistant, employed by the Combined Authority.

### 3.6 Multiply Local Investment Plan

It was resolved to:

- a) Note the draft Local Investment Plan for the Multiply Programme and its submission to the Department for Education.
- b) Delegate authority to the Chief Executive, in consultation with the Chief Finance Officer and Monitoring Officer, to approve the final version of the Local Investment Plan for the Multiply Programme for submission to the Department of Education.

## Part 4 – Business Board recommendations to the Combined Authority

### 4.1 Economic Growth Strategy

It was resolved to approve the Economic Growth Strategy for Cambridgeshire and Peterborough.

### 4.2 Local Growth Fund Recycled Funding Proposals

It was resolved to:

- a) Approve a revised grant funding offer for the projects ranked 1, 2 and 3 in the table at paragraph 2.9 of the report to the Business Board on 9 May 2022; and
- b) Decline projects ranked 4 and below, based on the funding not being available for all remaining projects.

## Part 5 – Governance Reports

### 5.1 Annual Report and Business Plan

It was resolved to approve the 2022/23 Annual Report & Business Plan.

### 5.2 Report of the Independent Remuneration Panel

The report was withdrawn.

### 5.3 Audit and Governance Committee Annual Report 2021/22

It was resolved to note the Annual Report of the Chair of Audit and Governance Committee for 2021/22 (Appendix 1) and provide any feedback to the Committee.

### 5.4 Overview and Scrutiny Committee Annual Report

It was resolved to:

- a) Note the Annual Report of the Overview and Scrutiny Committee (Appendix 1).
- b) Note the Committee's feedback on the Centre for Governance and Scrutiny's review (Appendix 2).

### 5.5 Calendar of Meetings 2022-23

It was resolved to approve the Calendar of Meetings for 2022/23 (Appendix 1).

### 5.6 Annotated Forward Plan

It was resolved to approve the Annotated Forward Plan.

<b>COUNCIL</b>	AGENDA ITEM No. 13
<b>27 JULY 2022</b>	PUBLIC REPORT

## **MOTIONS ON NOTICE**

The following notice of motion has been received in accordance with the Council's Standing Orders:

### **1. Motion from Councillor Yasin**

"Street prostitution has existed in Peterborough, especially in the area surrounding Burghley Road but has now extended onto Green Lane, Eastfield Road, Crawthorne Road and many more; for many many years.

Various police operations have been launched and a number of street sex workers are known to the constabulary. However, no such intervention has had a significant impact on reducing the number of street sex workers. Women who sell sex are at significant risk of psychological, emotional, physical and sexual harm. The psychological impacts of selling sex are immense and multiply the longer a woman remains in prostitution. Trauma responses make managing everyday life more difficult, so accessing services and agencies is more challenging which, in turn, leads to increased vulnerability and further exploitation.

Being in prostitution becomes a cycle that is incredibly difficult to break. There is also a significant impact on the local community with high levels of anti-social behaviour as a result of the women selling sex and the men in the area who are pimping the women or buying sex, including drug-dealing, hazardous litter and noise nuisance.

Peterborough needs a long term, coherent and robust approach to street prostitution within the City that seeks to end the harms caused by those who purchase sex.

**Therefore, this Council resolves to;**

- **Recognise street prostitution as adult sexual exploitation and a form of violence against women and girls**
- **Recognise the public health risks associated with street prostitution and ensure harm reduction measures are in place for women selling sex on the street,**
- **Enable departments within the Council to work with local third sector organisations to develop exiting pathways that allow women who wish to stop selling sex to do so, including:**
  - **helping to facilitate a forum for services to fast-track women into trauma-informed support,**
  - **promoting collaborative working and holding organisations to account for the support they offer**
- **Once exiting pathways are in place that are shown to be appropriate and working, which enable women to exit street prostitution, to move the focus towards ending street prostitution in the City, sending a clear message that Peterborough will not tolerate perpetration of sexual harm.**

- **Ask officers to draft a violence and vulnerability strategy, which considers the specific needs of women who sell sex on the street, for consideration by the Growth, Resources and Communities Scrutiny Committee, asking them to make appropriate recommendation to Cabinet.”**



<b>COUNCIL</b>	<b>AGENDA ITEM No. 14(a)</b>
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

## **VICE-CHAIR OF THE CHILDREN AND EDUCATION SCRUTINY COMMITTEE**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> <i>Director of Law and Governance</i>	<b>Deadline date:</b> <i>N/A</i>
<p>It is recommended that Council:</p> <ol style="list-style-type: none"> <li>1. Appoint Councillor Sam Hemraj as the Vice Chair of the Children and Education Scrutiny Committee, for the remainder of the 2022/23 municipal year.</li> </ol>	

### **1. PURPOSE AND REASON FOR REPORT**

- 1.1 The purpose of this report is for Council to appoint a Vice-Chair to the Children and Education Scrutiny Committee for the remainder of the municipal year 2022/23.

### **2. BACKGROUND AND KEY ISSUES**

- 2.1 At the Annual Council meeting it is common practice for all Chairs and Vice Chairs to be appointed for the municipal year, other than those which the Council has decided should be appointed by the Committee itself.
- 2.2 The position of Vice-Chair of the Children and Education Scrutiny Committee has become vacant, following the resignation of Councillor Alan Dowson from the Committee, due to his commitments as Mayor.
- 2.3 The Council is asked to consider the appointment of Councillor Sam Hemraj to the position of Vice-Chair, following her replacement of Councillor Alan Dowson as a Labour representative on the Committee.

### **3. CONSULTATION**

- 3.1 Consultation was undertaken on the proposal with Councillor Alan Dowson and Councillor Sam Hemraj.

### **4. IMPLICATIONS**

#### **Financial Implications**

- 4.1 There are no financial, legal, equalities, or carbon impact implications arising from this report.

### **5. BACKGROUND DOCUMENTS**

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

- 5.1 None.

**6. APPENDICES**

6.1 None.

<b>COUNCIL</b>	<b>AGENDA ITEM No. 14(b)</b>
<b>27 JULY 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	N/A	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Director	Tel. 452460

## **REVISED POLITICAL PROPORTIONALITY AND COMMITTEE SEAT ALLOCATION**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> <i>Director of Law and Governance</i>	<b>Deadline date:</b> <i>N/A</i>
<p>It is recommended that Council:</p> <ol style="list-style-type: none"> <li>1. Agrees the allocation of seats on committees subject to political balance arrangements (<b>Appendix 1 to follow</b>).</li> </ol>	

### **1. PURPOSE AND REASON FOR REPORT**

- 1.1 The purpose of this report is to consider the impact on the political balance of the Council and the allocation of Committee seats.

### **2. BACKGROUND AND KEY ISSUES**

- 2.1 In July 2022 Councillor Heather Skibsted resigned from the Peterborough City Council Labour Group and joined the Green Group. As a result, a review of the Council's political proportionality is required.

### **2. ALLOCATION OF SEATS TO POLITICAL GROUPS**

- 2.1 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the City Council to review the allocation of seats on its committees between political groups as soon as reasonably possible following any change to the political groups.
- 2.2 Political groups are allocated seats proportionate to their size, subject to the majority group being first given a majority of seats on the committees.

### **3. NUMBER OF SEATS ON COMMITTEES**

- 3.1 In order to allocate seats, the Council must first decide the total number of seats on each committee. For the purpose of calculating the entitlement of each political group to seats on committees, it is proposed that the following be included:

Committee	Seats
Growth, Resources, and Communities Scrutiny	

Committee	11
Climate Change and Environment Scrutiny Committee	11
Adults and Health Scrutiny Committee	11
Children and Education Scrutiny Committee	11
Employment Committee	7
Licensing Committee (Regulatory)	11
Planning and Environmental Protection Committee	11
Appeals and Planning Review Committee	11
Corporate Parenting Committee	11
Audit Committee	7
Constitution and Ethics Committee	7
<b>TOTAL</b>	<b>109</b>

#### 4. POLITICAL PROPORTIONALITY

4.1 Once it has decided the number and size of committees, Council needs to decide how many seats each group is to have on its committees. In accordance with the legislation, the following principles should apply to the allocation of seats as far as reasonably practicable:

- 1) That not all the seats on the body to which appointments are being made are allocated to the same political group;
- 2) That the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- 3) Subject to (1) and (2) above, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- 4) Subject to (1) to (3) above, that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

4.2 The political balance of the Council can be calculated by using the following formula.

$$\frac{\text{No of Group Members} \times 100}{59}$$

4.3 Following the above changes to Groups numbers, the political balance of the Council is as follows:

Group	Conservative	Labour	Lib Dems	Peterborough First	Green	Total
Councillors (in Groups)	28	16	8	4	3	59
Proportionality %	47.46%	27.12%	13.56%	6.78%	5.08%	100%

4.4 The calculation to determine the strict entitlement of political groups to seats on committees is:

$$\frac{\% \text{ from table 1}}{100} \times \frac{\text{Total No of seats available (109) - see above}}{100}$$

#### 5. APPLYING THE RULES

- 5.1 The majority of seats on each committee has to be allocated to the political group that forms the majority of the authority's membership to comply with the second principle (paragraph 4.1(2)). As there is currently not a political group with over 50% of the Council's seats, this rule is not relevant.
- 5.2 The seats will need to be shared out proportionately across the committees to ensure that the third principle (paragraph 4.1(3) above) is applied. The fourth principle is then applied to ensure that the seats then allocated are not unfairly weighted. A Group's seat on a committee will be allocated automatically in terms of whole numbers.
- 5.3 The allocations of seats between the political groups for each committee are set out in **Appendix 1** based on a total of 109 seats. This allocation as outlined is the current political make-up of all the committee's concerned.
- 5.4 Some Committees are automatically exempt from the internal political balance rules. These Committees are as follows:
- The Licensing Committee (Licensing Act 2003); and
  - The Health and Wellbeing Board.

## **7. CHANGES TO COMMITTEE SEATS**

- 7.1 The changes proposed to the committee seat allocation, as set out in Appendix 1, are as follows:
- Labour Group to lose one seat, Green Group to gain one seat

## **7. IMPLICATIONS**

### **Financial Implications**

- 7.1 There are no direct financial consequences arising from this report.

### **Legal Implications**

- 7.2 All the relevant legal implications are addressed within the report.

### **Equalities Implications**

- 7.3 There are no equalities implications arising from this report.

### **Carbon Impact Assessment**

- 7.4 There is no change to the Council's carbon impact arising from this report.

## **8. BACKGROUND DOCUMENTS**

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

- 8.1 Peterborough City Council's Constitution

## **9. APPENDICES**

- 9.1 **Appendix 1** – Allocations of seats on committees subject to political balance (to follow)

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