

AGENDA

LICENSING COMMITTEE MEETING



Date: Thursday 16 June 2016

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Adkinson, Garten, Greer, Mrs Grigg,
Mrs Hinder, Joy, McLoughlin,
B Mortimer, Naghi, Newton,
Mrs Robertson and Springett

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice-Chairman

Continued Over/:

Issued on Wednesday 8 June 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Poppy Collier on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

6.	Disclosures by Members and Officers	
7.	Disclosures of Lobbying	
8.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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MAIDSTONE BOROUGH COUNCIL

Licensing Committee

MINUTES OF THE MEETING HELD ON THURSDAY 31 MARCH 2016

Present: Councillor Mrs Hinder (Chairman), and
Councillors Mrs Blackmore, Greer, Mrs Grigg, Mrs Joy,
B Mortimer, Naghi, Mrs Parvin and Mrs Robertson

91. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors McLoughlin and Springett.

92. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

93. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

94. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

95. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

96. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

RESOLVED: That all items on the agenda be taken in public as proposed.

97. MINUTES OF THE MEETING HELD ON 28 JANUARY 2016

RESOLVED: That the minutes of the Meeting held on 28 January 2016 be approved as a correct record and signed.

98. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -
LICENSING PARTNERSHIP: LONDON BOROUGH OF BEXLEY

Claire Perry, Licensing Partnership Manager, presented a proposal to extend the licensing partnership to include the London Borough (LB) of Bexley.

It was explained that the LB of Bexley had been researching the feasibility of outsourcing its regulatory and associated services, and had decided that the Licensing function could be considered separately from the other regulatory services. Officers from LB of Bexley and Maidstone BC had worked together to formulate the proposal attached as appendix A to the report.

In response to questions Mrs Perry advised that:

- The LB of Bexley was a unitary authority. If it were to join the Licensing Partnership this would require the team to take on additional licence types such as regulated stands, fireworks and special treatments. However the LB of Bexley did not have responsibility for taxis as this came under the remit of Transport for London.
- The Licensing Partnership would benefit from sharing knowledge and use of documentation and paperwork.
- The teams within the Licensing Partnership would be closely monitored to pre-empt potential issues occurring. An additional administration Officer would be added to the team in the first year, and there was opportunity to pull in additional temporary resources to respond to increases in workload.

During discussion the Head of Housing and Community Services confirmed that:

- The final decision on behalf of Maidstone BC sat with Communities, Housing and Environment Committee as the decision maker for strategic and policy matters.
- Each Partnership authority was considered equal as each had an equal vote and say regardless of the financial contribution percentage made to the Partnership. This relationship was outlined in the Licensing Partnership agreement.

RESOLVED: That the Communities, Housing and Environment Committee be recommended to approve the enlargement of the Licensing Partnership to include the London Borough of Bexley's Licensing Team functions as a fourth and equal partner.

99. DURATION OF MEETING

6.30 p.m. to 7.04 p.m.

LICENSING COMMITTEE

16 June 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Licensing Committee Roles and Responsibilities

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore
Lead Officer and Report Author	John Littlemore
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. The Licensing Committee agrees that training in accordance with Paragraph 2.6 of the report is completed by members and substitutes within 6 months of being selected for the Licensing Committee.
2. The Licensing Committee agrees that training in accordance with Paragraph 2.6 is refreshed every year if required or when statutory or significant guidance changes are made, whichever is the sooner.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Licensing Committee	16 June 2016

Licensing Committee Roles and Responsibilities

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 During early 2016 the Chair and Vice Chair requested the Head of Service for Licensing to provide a report that would assist members and substitutes of the Committee (and sub-committees) to understand the importance of completing the training provided by the Council on licensing statute and regulation. At the same time it was requested that the role of members in terms of enforcement was also clarified.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Licensing Committee and its sub-committees exercise licensing and gambling functions on behalf of the Council. This includes undertaking a variety of duties including gambling functions, licences in relation to the sale of alcohol and entertainment, making recommendations to the Communities Housing and Environment Committee or Council concerning the adoption of a new Policy Statements, any decisions on Cumulative Impact Policies for the Borough, Late Night Alcohol Levy. Sub-committees are called as required in order to make decisions about individual licensing matters and appeals that are not otherwise delegated to the Head of Housing and Community Services
- 2.2 As this sphere of responsibility is heavily governed by statute and guidance the discharge of these functions requires that members and officers have a good understanding of the statutory framework. Licensing, as an area of local authority decision making, has become a fertile topic for legal challenge.
- 2.3 This emphasises the importance for members and officers to be familiar with the legislation in order to make sound decisions. For example there might be questions during a sub-committee hearing that a layperson might feel are intuitive to ask but in reality are irrelevant to the legal issue at hand. Asking such questions and then relying on the answer to form the decision could expose the Council to challenge in the Courts.
- 2.4 The Council's Constitution (Part 4.5 (c) 'Local Code of Conduct for Officers and Members dealing with licensing matters') requires that:

"The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies procedures, legislation and guidance relevant to of this Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed members and substitute members of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of this Committee until the training has been completed. The Head of Housing and Community Services will keep a record of the training requirements of this Committee and of Councillors'

compliance with the requirements. Existing members and substitute members of the Licensing Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed."

2.5 In essence members of the Committee are required to agree a date by when they will have undertaken the relevant training. Failure to complete the relevant training by the agreed date will render that member ineligible to take part in the Licensing Committee or its sub-committee's business until the training has been completed.

2.6 A list of the required training to be undertaken is as follows:

Licensing Act 2003
Gambling Act 2005
Hackney Carriage and Private Hire (taxis)
Street Trading
Sex Establishments
Scrap Metal Dealers

2.7 Attached at Appendix A is a schedule of which members have undertaken training and the date completed. The Licensing Committee is asked to endorse that a reasonable period by when the training should be completed before the removal from the Committee becomes effective is 6 months from the date of being appointed.

Visits to premises

2.8 Members of the Licensing Committee undertake the role highlighted in Paragraph 2.1 above. The duties that involve investigating, visiting premises to provide advice or for enforcement purposes are the remit of officers. Members should not undertake unannounced visits to premises or carrying out functions assigned to officers. Visits are only permitted in an official capacity in the following circumstances (Part 7 'Local Code of Conduct for Officers and Members dealing with licensing matters'):

"The Protocol for site visits, which take place during a hearing, is as follows:-

7.1 Purpose of Visits

(iii) The purpose of the site visits is to enable Councillors to inspect proposed application sites to enable Councillor to better understand the impact of that proposal;

(iv) It is not the function of the visit to receive representations or debate issues.

7.2 Selecting Site Visits

(iv) Visits will take place if voted for by a majority of the Licensing Sub-Committee;

(v) Site visits will only take place where the Sub-Committee believes that there is a clear substantial benefit to be gained and the hearing will be adjourned.

7.3 Procedures on Site Visits

(iv) The site will be inspected from the viewpoint of both applicant(s) and other persons making representations;

(v) Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues.

7.4 Decision Making

(i) No decision will be taken on site.

- 2.9 Members should refrain from undertaking any other visit in an MBC capacity, as this could leave the Council open to challenge and/or render the member unable to take part in a decision relating to a venue where the unauthorised visit was undertaken. If members witness something relating to a licensing matter that causes concern they should bring the matter to the attention of the Licensing Team to investigate or outside of working hours alert the appropriate authority if the matter is of such significance or urgency that it cannot wait until the next working day.

3. AVAILABLE OPTIONS

- 3.1 Members endorse the training requirement to be completed within 6 months of appointment to the Licensing Committee.
- 3.2 Members could decide an alternative period in which to complete the training, however, a longer period than 6 months was not proposed as the Committee meets at least quarterly; in addition there will be sub-committees and a time longer than 6 months without formal training was felt to be too long.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To approve the option set out in Paragraph 3.2, as this will comply with the Council's Constitution and ensure that members keep up to date with relevant statute and regulation in order to make sound decisions. This will help reduce the risk of successful challenges to decisions that could then result in reputational damage to the Council, loss of confidence by external stakeholders and businesses, and significant costs from court cases.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Not applicable

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Members will be provided with the dates when training will be made available.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		
Risk Management	Ensuring that members have undertaken the appropriate training will help to reduce the risk of challenge to decisions made by the Licensing Committee and its sub-committees	
Financial		
Staffing		
Legal	Training in the required fields of expertise will help to ensure that good quality decisions are made by the Committee. See risk management.	
Equality Impact Needs Assessment		
Environmental/Sustainable Development		
Community Safety	Proper decision making will contribute towards safer communities	Head of Housing Community Services
Human Rights Act		
Procurement		
Asset Management		

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Table of Training Undertaken in past 12 months

9. BACKGROUND PAPERS : Maidstone Borough Council Constitution

Licensing Committee Roles and Responsibilities

Appendix A

Table of Training Undertaken in past 12 months

Councillor	Denotes New Committee Member	Training Set 1	Training Set 2	Sub-Committee training
Cllr K Adkinson				
Cllr P Garten				
Cllr M Greer				31/03/16
Cllr S Grigg		26/07/15	03/08/15	31/03/16
Cllr W Hinder		28/05/15	03/08/15	31/03/16
Cllr D Joy		26/07/15	03/08/15	31/03/16
Cllr S McLoughlin		28/05/15	03/08/15	
Cllr B Mortimer				31/03/16
Cllr D Naghi		26/07/15	03/08/15	
Cllr G Newton		28/05/15		
Cllr S Robertson		28/05/15	03/08/15	31/03/16
Cllr Springett		28/05/15	03/08/15	
Subs				
Cllr A Blackmore				
Cllr D Burton				
Cllr D Pickett				
Cllr M Ring		28/05/15		
Cllr B Vizzard		26/07/15	03/08/15	31/03/16
Cllr J Webb				
Cllr F Wilson				

LICENSING COMMITTEE	16 JUNE 2016
Is the final decision on the recommendations in this report to be made at this meeting?	No

Hackney Carriage Specifications

Final Decision-Maker	Licensing Committee
Head of Service	Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt/
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That Members recommend to the Communities, Housing & Environment Committee that the Hackney Carriage & Private Hire Licensing Policy is amended to include the Peugeot E7 within the definition of approved vehicle; and remove Section 5 relating to the turning circle requirement of Appendix 5A of the Policy;
2. That Members recommend to the Communities, Housing & Environment Committee that the Hackney Carriage & Private Hire Licensing Policy is amended to delegated authority is given to the Head of Housing & Community Services to add or remove vehicle types to those that are approved for licensing.

This report relates to the following corporate priorities:

- Great Place

Timetable	
Meeting	Date
Licensing Committee	16 th June 2016
Communities, Housing and Environment Committee	19 th July 2016

Hackney Carriage Specifications

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members to consider the Council's current Hackney Carriage Vehicle specification to expand the types of vehicle that can be licensed in Maidstone Borough area and to make recommendations to the Communities, Housing & Environment Committee on any necessary amendments to the Hackney Carriage and Private Hire Licensing Policy and Hackney Carriage Vehicle conditions as a result.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's current policy requires that Hackney Carriages licenced in the Borough meet the design criteria specified by the Metropolitan Conditions of Fitness (CoF). These are determined by Transport for London (TfL), formally, the Public Carriage Officer (PCO), which acts as the Licensing Authority in London for taxis. This means that entry on the hackney fleet in Maidstone is currently restricted to just two vehicles, the traditional London Taxi TX vehicles and the Mercedes Vito Taxi.
- 2.2 At the licensing Committee meeting on the 24 September 2015 Members were asked by the Hackney Trade to consider their request to licence the E7 Eurocab, built by Peugeot (Appendix A) and add it to the list of approved Hackney vehicles for the Borough of Maidstone. There are many other types of Eurocab which are not currently licensed, including Citroen, Discovery, Mercedes M8, Renault, Fiat, Volkswagen, Vauxhall and Ford.
- 2.3 However, it is important to note that there is no vehicle made for use as a Hackney Carriage that is truly and equally accessible to everyone. The most effective way to meet most people's needs is to allow a range of vehicles to be licensed as Hackney Carriages that are able to meet the variety of needs for disabled passengers. The Hackney trade requested at the licensing Committee meeting on the 24 September 2015 that the Peugeot E7 by Allied Vehicles be added to the Authorities approved list. There are currently 48 Hackney vehicles licensed in Maidstone and the majority of them are of the TX type. The Peugeot E7 will be purchased by some drivers to replace some of those 48 vehicles. The matters considered in respect of this vehicle have been.

Wheelchairs

- 2.4 There has been recent case-law that has challenged the type of vehicle that is licensed by local authorities on the basis that it discriminates against wheelchair users. The case is Alma Lunt and Allied Vehicles Limited v Liverpool City Council (2009) set out in Appendix B. In this case the Judgment found that Liverpool City Council had incorrectly considered that its Hackney Carriage fleet were 'wheelchair accessible' and that it was found the Authority had failed to consider wheelchair users who had wheelchairs

larger than the 'reference' wheelchair. Their decision to refuse to licence an E7 Eurocab was quashed on appeal and returned to the Council for re-determining.

- 2.5 In light of this case, members are asked to consider the term 'wheelchair accessible'. Guidelines state that a vehicle is 'wheelchair accessible' if a wheelchair of a certain size and weight can be carried by the vehicle (referred to as a reference wheelchair). However, it does not cater for an increasing number of wheelchairs which are longer, higher, wider or heavier than the specification.
- 2.6 Section 49A of the Disability Discrimination Act 1995 requires public authorities carrying out their functions, to have "due regard" to a list of specified matters, including:
- The need to eliminate discrimination that is unlawful under the Act
 - The need to eliminate harassment of disabled persons that is related to their disabilities
 - The need to promote equality of opportunity between disabled persons and other persons
 - The need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons
 - The need to promote positive attitudes towards disabled persons
 - The need to encourage participation by disabled persons in public life
- 2.7 Therefore, the Licensing Authority must have "due regard" to the needs of passengers who have wheelchairs that do not fit within the 'reference' wheelchair.
- 2.8 Where a policy requirement prohibits the licensing of a vehicle capable of meeting this need, the relevant Authority must show that they have paid due regard to this need and reflect this in their decision to adopt such a policy, therefore leaving the decision and policy open to challenge.
- 2.9 An Authority must also consider Article 28 of the EC Treaty when making such a policy. This Article prohibits measures of equivalent effect to quantitative restriction on imports. Where a vehicle has been purpose built as a taxi (such as an E7 Eurocab), and it cannot be sold within Maidstone as a taxi because policy prohibits this, then Article 28 is breached. The Eurocab type vehicles are not factory built hackney carriages but are modified for purpose as a hackney carriage they are M1 Vehicles designed and constructed for the carriage of passengers, comprising no more than eight seats in addition to the driver seat. The modified vehicles have EC Whole Vehicle Type Approval, this is the most stringent of vehicle certification.
- 2.10 The 'reference' wheelchair has standard dimensions, set by the Department for Transport. They are:

Height - 1,350mm

Length - 1,200mm

Width - 700mm

Weight (including occupant) - less than or equal to 300kg

- 2.11 There are an increasing number of wheelchairs in service which are outside of these requirements. Nationally, there are over 2,000 different types of wheelchair in use. Currently all types of electric and power assisted wheelchair are too heavy to be considered as reference wheelchairs and so are not considered in 'wheelchair accessible' surveys. Any standard bariatric wheelchair will also be outside of the accessible terms due to weight.
- 2.12 The consideration should reflect whole vehicle types, rather than specific models. The vehicle types can either follow an approved list, decided on a case by case basis in consultation with the trade, or using the current M1 EC Whole Vehicle Type Approval system.
- 2.13 Members should also consider matters relating to restraint safety. The LTI and Reliant Metrocab Hackney Carriage vehicles licenced in Maidstone have restraints that cater for rear facing wheelchair passengers and this is the only method of carriage available in these vehicles. There is an approved method of securing both the wheelchair and passenger when secured rear facing. However there is a current level of risk where the wheelchair does not rest against the partition bulkhead. This was considered in the Department for Transport consultation and it was proposed to introduce additional head and neck restraints. The Mercedes Vito vehicle licenced by Maidstone Council can be fitted to carry wheel chair passengers both front and rear facing.
- 2.14 Furthermore, with a rearward facing wheelchair in a frontal impact, the restraint offers only offers protection against recoil, it does not protect against the initial impact.
- 2.15 A number of Eurocab vehicles differ due to the number that caters for forward facing wheelchairs. A number of vehicles also offer adjustable restraint tracks. Forward facing restraints will offer more protection against frontal impacts.
- 2.16 Additionally, design improvements in vehicle types are now catering for increased accessibility measures. These measures include electric ramps, electric retractable seats, adjustable floors, etc.

Turning Circle

- 2.17 Our current policy includes under the Hackney Vehicle specification a condition that refers to the "Turning Circle" Page 39, number 5.

- (i) The vehicle must be capable of being turned on either lock as to proceed in the opposite direction without reversing between two vertical parallel plans not more than 8.535 metres apart. (28.19 feet)
- (ii) The wheel turning circle kerb to kerb on either lock must not be less than 7.62 metres in diameter. (25 feet)

Currently there are only two vehicles that can meet the turning circle requirement and fall within the Councils policy for hackney carriage vehicles i.e. The London Taxi Cab vehicle and the Mercedes Vito Taxi. This condition would need to be removed from the policy in order to include the Peugeot E7 to the approved list.

3. AVAILABLE OPTIONS

- 3.1 That the current Hackney Carriage specifications remain in place, OR
- 3.2 That the current Hackney Carriage specifications be modified to allow the Peugeot E7 to be added to the approved list and ongoing modification be delegated to the Head of Housing and Community Services on a case by case basis.

4. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 4.1 The matter will be referred to the Communities, Housing & Environment Committee with a recommendation to amend the current policy and, if approved, the amended Policy will be available on the website and the Hackney Trade advised.

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	This report has links to community protection	[Head of Service or Manager]
Risk Management	The Council may be subject to legal challenge should it not carefully consider options as set out in the body of the report. This would carry attendant costs risks.	[Head of Service or Manager]
Financial	There are no financial implications for the Council arising from the change of vehicle licence specifications. The licensing service will continue to be	[Section 151 Officer & Finance Team]

	delivered from within existing resource.	
Staffing		[Head of Service]
Legal	<p>See risk above</p> <p>Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to attach to the grant of hackney carriage licences such conditions as it may consider reasonably necessary.</p> <p>Any person aggrieved by any condition attached to such a licence may appeal to the Magistrates' Court</p>	[Legal Team]
Equality Impact Needs Assessment	<p>Section 149 (1) of the Equality Act 2010 states that a public authority must have due regard to the need to</p> <p>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p> <p>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>(c) foster good relations between persons who share protected characteristic and persons who do not share it.</p> <p>Section 149 (4) of the Equality Act 2010 states that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>	[Policy & Information Manager]
Environmental/ Sustainable Development	There is no environmental impact arising from this report as the vehicle meets the current and relevant EC Directive for exhaust emissions.	[Head of Service or Manager]
Community Safety		[Head of Service or

		Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Specification
- Appendix B: Alma Lunt and Allied Vehicles Limited v Liverpool City Council (2009).
- Appendix C MBC Hackney Carriage and Private Hire Licensing Policy relevant pages

7. BACKGROUND PAPERS

- 7.1 Town Police Clauses Act 1847
- 7.2 Local Government (Miscellaneous Provisions) Act 1976
- 7.3 Human Rights Act 1998.
- 7.4 Road Traffic Act 1988
- 7.5 Public Service Vehicle Accessibility Regulations 2000
- 7.6 Equality Act 2010
- 7.7 Department for Transport's Guidance to Local Authorities on the Equality Act 2010.
- 7.8 Road Vehicle (Construction and Use) Regulations 2003

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- 06 Drive in Style
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Information correct at the time of going to press.
Specifications may be subject to alteration.



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Six-seat passenger compartment



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Overhead storage compartments

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Safety Zone

Sadly, protection from violence against taxi drivers is becoming ever more important. The steel reinforced partition features a high-impact protection screen tested to European standards. The driver can also choose added security by locking both front doors while the rear doors remain open for passengers.

Peugeot HDi



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Diesel Technology

Pioneers in diesel engines since 1928, Peugeot continues to lead the world in diesel technology.

Powered by the latest generation of diesel engines, the *E7™* power plant is more economical than ever before. Offering a class leading blend of performance and economy, *E7™* returns an impressive 42.8mpg (auto – 37.1mpg) on the combined cycle, making it one of the most cost effective hackneys on the market today.

Pulling Power

Power is one thing, smooth performance another. The *E7's* 2.0 litre HDi engine manages to deliver both at once, for maximum driveability and responsiveness. In fact, hand in hand with improved fuel efficiency, *E7's* latest engine returns an increased 130 brake horsepower (auto – 163

brake horsepower). Touch the accelerator and the HDi engine responds instantly and eagerly. Take your foot off the pedal and *E7™* decelerates with perfect poise. All round-smoothness that's a joy for both driver and passengers.

Money Saver

When times are tough, it's more important than ever to get the best value out of your cab. It's your livelihood after all. With Peugeot's latest diesel engine under the bonnet you can be sure to do just that. With HDi you can work longer – and earn more – on one tank of fuel than you can with other purpose built taxis.

Now that really matters.

*Official VCA fuel consumption figures, combined cycle.



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E7's Peugeot HDi engine is quite simply one of the most fuel efficient and environmentally friendly power-plants on the market.

Economy

Because Peugeot's direct injection system delivers fuel with incredible precision, HDi engines carefully regulate use of fuel, cutting the overall amount you need and making them more economical than other diesel engines. On top of this E7's modern aerodynamic shape, including the stylish low-profile taxi sign and rear spoiler, also improves fuel consumption through reduced wind resistance.

Environment

E7's HDi engine comfortably exceeds the Euro 5 emissions standard, which means it substantially reduces harmful exhaust fumes that can pollute towns and cities. CO² emissions - the 'greenhouse gas' that causes global warming - are also significantly lower than other hackney taxis. The HDi engine can even operate on up to 30% bio diesel.

"The E7's fuel efficiency is a big plus for me."

Tommy Larravide, Peugeot E7™ owner.



E7's market-leading HDi engine is complemented by its modern vehicle body and platform.

Smooth Roller

Driving thousands of miles every year is guaranteed to make you and your back sensitive to every bump of the road. The ultra-modern vehicle platform means that E7™ promises an even more comfortable journey for both you and your passengers.

All-round independent suspension ensures excellent road holding and minimal roll. This is complemented by the strong body shell, boasting the best torsional stiffness in its class. Superior build quality – including improved under body sound insulation – also means that the E7™ offers a smoother, quieter ride with reduced vibration and road noise.



Even Smoother, Even Safer

Think Smart, Think 



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Stop Fast

All-round disc brakes, aided by advanced four-channel ABS braking plus Emergency Brake Assist, ensure impressive stopping ability, helping keep you on the right track when lesser vehicles would be skidding out of control.

Safety Shell

Safety for you and your passengers is paramount. E7's monocoque vehicle body provides a supremely strong shell to manage everyday driving stresses as effectively as it copes with the drama of an accident. In-built crumple zones are designed to absorb energy in the event of impact, making it safer for both driver and passengers and for other road users than a traditional, chassis-built vehicle. Add pre-tensioning 3-point

seat belts and front and rear head restraints, along with front and side airbags for the driver, and it's easy to see why E7™ is a leader in the field of safety.

Autolock™ indicators also enable you to prevent your passengers exiting into traffic from the wrong side of the vehicle.

Access for All



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Taxis provide a vital component of the UK's public transport network. Disabled people in particular often depend on taxis to get about, which is why E7™ raises standards in accessibility for disabled passengers. Options include induction loops for the hard of hearing, while all E7's are fully wheelchair accessible.

Easy Does It

Manual or cab-operated electric side-steps, together with high-visibility grab handles and floor edging assist passenger entry and exit, while both rear and tip-up seats are ergonomically designed for ease of use. E7's wide doorway is a bonus for wheelchair users in particular. You also have a choice of wheelchair ramps, depending on the model, including the revolutionary EasyGlide™ pull-out ramp – even lighter, even quicker and even easier to use.

Wheelchair Security

Once inside the vehicle, the larger flat-floor area and improved headroom make manoeuvring the wheelchair into the correct travelling position so much easier than in other hackney cabs. Quick-attach restraints make securing the wheelchair as easy as possible and the wheelchair passenger is also secured by a full lap-and-diagonal seat belt. Both wheelchair and occupant restraints have been tested to the highest standards ever achieved in a UK taxi.

At Cab Direct we believe in choice – and that taxi owners and drivers are best placed to decide on the ideal vehicle for the job you do. That’s why we’ve created three fantastic models for you to choose from.

Additional Features by Model

All models are also available in the longer E7™ Plus for even more luggage space and in a choice of manual or automatic transmission.

	E7 S	E7 SE	E7 XS
2 litre HDi diesel engine	●	●	●
6-speed gearbox	●	●	●
Air conditioning	●	●	●
Front passenger seat	●	●	●
Front flip seat			●
Manual side step or twin running boards	●		
Electric side step or twin running boards		●	
Twin electric side steps or twin running boards			●
Rear tailgate with window and wiper	●	●	●
FareAssist™ quick release door system	●	●	●
One-piece folding ramp	●		
EasyGlide™ under-floor ramp		●	●
Self-retracting wheelchair restraints	●	●	●
Rear spoiler / signage	●	●	●
Ready-calibrated Digitax taxi meter		●	●

	E7 S	E7 SE	E7 XS
Coin dispenser		●	●
Tom Tom satellite navigation			●
Rear parking sensors			●
Jocaste velour trim	●	●	●
16" steel wheels plus 'Novae' wheel trims	●	●	
16" alloy wheels			●
Mud flaps			●
Wind deflectors			●
Wood dash kit			●
EasyWipe™ rear seat covers			●
2 year unlimited mileage Peugeot warranty	●	●	●
2 year additional components warranty	●	●	●
5 year unlimited mileage engine & gearbox warranty	●	●	●
1 year Peugeot Assistance cover	●	●	
3 years Peugeot Assistance cover			●

Features & Options



Sliding rear seat



FareAssist™ quick release door system



Increased luggage space



High visibility LED taxi sign

Purpose-built for the taxi trade, E7™ is designed and built with a host of modern features to benefit you and your passengers.

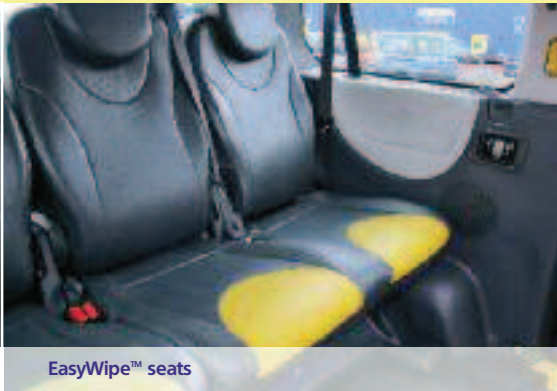
All models are also available in the longer E7™ Plus for even more luggage space and in a choice of manual or automatic transmission.

Standard Features

Taxi Features
Full high-impact protection partition screen
Pay tray with cash tray
Separate locking of front or all doors (driver controlled)
Motion-activated automatic door locking
Full wheelchair access
Two-way intercom with dashboard integrated on/off, front/rear & volume controls
Front high-visibility LED taxi sign
Separately controlled rear saloon heater
EasySlide™ rear seat for additional luggage space
FareAssist™ quick release door system
Comfort & Convenience
Athermic windscreen
Variable power assisted steering
One-touch electric front windows
Electrically adjustable & heated door mirrors
2-speed + intermittent front wipers
Heated rear window with wiper

Height & reach adjustable steering wheel
Active, pump-action height and tilt adjustable driver's seat
Lumbar support adjustment for driver's seat
4-speed heater
Air conditioning
Full headlining
High-quality, hard-wearing 'Leisure' seat covers throughout
Centre console with storage bin
Overhead, dash & under seat storage
Door pockets with drinks holders
Dash-mounted cup-holder
Distance to next service indicator
Remote headlamp adjustment from fascia
Entertainment
Stereo radio / CD
Automatic cut-out for radio / CD when intercom activated
Steering wheel remote controls for radio / CD
Interior Features
Jocaste velour trim in front and rear (EasyWipe on XS model)

Speedometer
Rev counter
Front & rear courtesy lights
12V charging sockets on dashboard & in rear compartment
Business card / parking ticket holder
Exterior Features
Rear tailgate with heated window & wiper
Full size spare wheel
Part colour coded bumpers & door mirrors
16 inch steel wheels (alloy wheels on XS model)
Front & rear fog lights
Side rubbing strips
Access Features
Manual side step; or new, increased power, twin drive, electric side step (electric step controlled from driver cab & self-retracting on handbrake release)
Folding flatbed or EasyGlide™ under-floor ramp
High visibility grab handles
Self-retracting wheelchair restraints



EasyWipe™ seats



Twin drive electric side step



Digitax taxi meter



Alloy wheels

Lap & diagonal three-point seat belt for wheelchair passenger
Wider entrance door & access ramp
Large flat-floor area for turning & restraining wheelchair
Option of forward facing stance for some wheelchairs
Safety
ABS with emergency brake assist
Anti-rollover control
Height adjustable 3-point pre-tensioner front seat belts
Front & side driver airbags
Front passenger airbag
Height adjustable head restraints on all seats
Collapsible steering column in event of accident
Automatic fuel cut-off in event of accident
Autolock™ rear passenger door controls
Driver security lock for passenger doors
Indicator-activated rear door locks
ISOFIX mounting system
Security
Plip remote control central locking
Deadlocks
Lockable glove box

Warranty & Breakdown Cover*
2 year unlimited mileage Peugeot warranty
2 year additional components warranty
5 year unlimited mileage engine and gearbox warranty
1 year Peugeot Assistance cover (3 with XS model)

Optional Features

Fully colour coded front & rear bumpers
Front flip seat
Metallic paint
Twin running boards
Electric side step
Twin electric side steps (standard with XS model)
Twin telescopic ramp
One-piece flatbed ramp
EasyAssist™ electric wheelchair winch
Forward-facing wheelchair restraints (SE and XS only)
Ready-calibrated Digitax taxi meter
Coin dispenser
Tom Tom satellite navigation
Rear parking sensors
16" alloy wheels
Mud flaps
Wood dash kit

Wind deflectors
Front luggage pen (in place of standard front passenger seat)
Additional boot courtesy light
EasyWipe™ seat covers
3 years Peugeot Assistance cover
CabSafe™ onboard CCTV system
Driver's carpet mat
First aid kit
Fire extinguisher
Supagard professional vehicle protection
Punctureseal™ tyre life extender
Hearing induction loop
Chrome side and rear kickplates
Additional floor level lighting
EVO style pack - colour coded driver compartment, tip-up surrounds and rear EasyWipe™ seats, chrome side and rear kickplates, additional floor level lighting

*Terms and conditions apply.

Technical Specification

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Engine	130 PS HDI Manual	163 PS HDI Auto
Emission standard	Euro 5	
Fuel type	Diesel	
Fuel system	Common rail direct injection	
Cubic capacity	1997	
Cylinders / valves	4 / 16	
Maximum power bhp @ rpm	128@3,500	163@3750
Maximum power kW @ rpm	94@3,500	120@3750
Maximum torque lb ft @ rpm	236@2,000	251@2000
Maximum torque Nm @ rpm	320@2,000	340@2000
Transmission		
Type	6-speed	
Driven wheels	Front	
Braking		
Front	Ventilated disc	
Rear	Solid disc	
ABS	Bosch 4-channel anti-lock braking system	
Assistance	Emergency Brake Assist	
Steering		
Power assistance	Electro-hydraulic variable assistance	

Suspension	130 PS HDI Manual	163 PS HDI Auto
Front	Independent pseudo MacPherson-type with lower wishbone & anti-roll bar	
Rear	Semi-deformable axle with offset Panhard rod & coil springs	
Fuel Tank		
Capacity (litres)	80	
Electrical		
Alternator	75Ah	
Battery	800A	
Body		
Vehicle shell	Monocoque integral body shell	
End of Life		
Post-use	Complies with EC vehicle end-of-life directive	
Fuel Consumption (mpg)		
Urban	37.1	31.3
Extra urban	47.0	41.5
Combined	42.8	37.1
Emissions		
CO2 (g/km)	172	199

Emissions (cont.)	130 PS HDI Manual	163 PS HDI Auto
CO (mg/km)	336	212
NOx (mg/km)	181	229
HC + NOx (mg/km)	213	253
Particulates (mg/km)	1.5	3
Service Intervals		
Recommended mileage	12,000	
Weights (kg)		
Kerb weight (Plus)	1901 (1923)	1917 (1934)
Gross vehicle weight (Plus)	2780 (2810)	2780 (2810)
Seating		
Passenger seats (rear)	6	
Passenger seat (front)	1 (optional)	

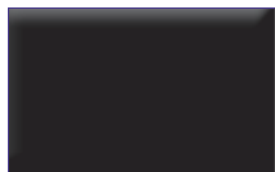
Dimensions (mm)	Standard	Plus
Overall length	4813	5143
Overall width (inc door mirrors)	2176	2176
Overall height	1980	1980
Wheelbase	3000	3122

Plus = long wheelbase model.

Colour Choice

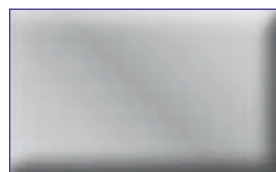
Choice is the word again with no less than six different colours available*. From classic black to ardent red, E7™ is available in two solid and four metallic finishes.

Solid

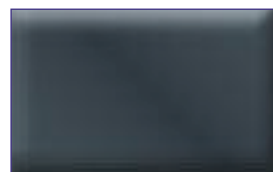


Black

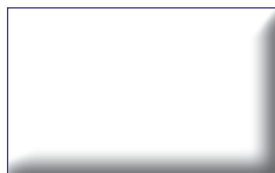
Metallic



Aluminium



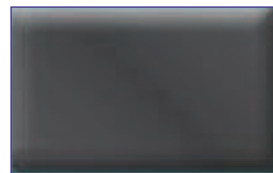
Iron Grey



Bianca White



Ardent Red



Astor Grey

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*Special colours available to order on request. Colour palette for illustrative purpose only.



Why Cab Direct?

There are many good reasons why more people choose Cab Direct – and choose the E7™ - than any other modern taxi manufacturer in the UK.

- Engineering excellence through a unique joint-manufacturing partnership with Peugeot
- Solid company background, trading successfully in the taxi market for 20 years
- Safety-assured with European Whole Vehicle Type Approval
- Free, no-obligation demonstrations throughout the UK
- Free delivery anywhere in the UK
- Peace of mind with free five year, unlimited mileage engine and gearbox warranty
- Service and support from more than 300 local service partners
- Free technical helpline, open seven days a week

Many companies have tried to copy our vehicles but none match the overall quality of product, backup service and value for money represented by the record-breaking E7™.





Peace of Mind

08

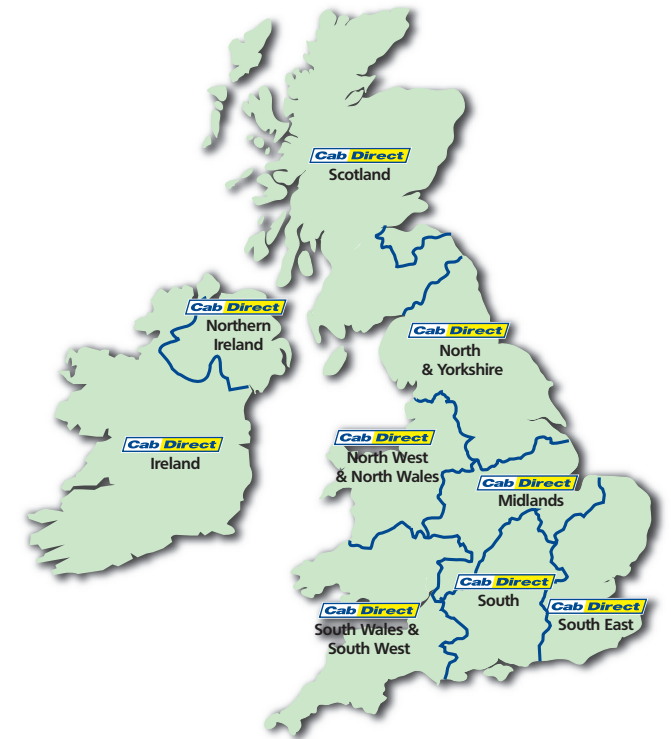
When your vehicle is your livelihood, you'll want to know your cab is reliable and you'll want to be sure you're covered should anything major go wrong.

Your Reassurance

Modern build quality combined with the legendary Peugeot HDi engine have given the E7™ an enviable reputation for reliability. That's why so much of our business comes from E7™ drivers who recommend the vehicle to other drivers.

Service and Support

Efficient service and support is vital for everyone in the hard-working taxi industry. First and foremost you'll have access to more than 300 local service partners throughout the UK. There's also the added benefit of our huge stock of E7™ parts which can be delivered overnight to you or your garage service provider. We even provide a free technical helpline, open seven days a week, to help you resolve any queries and issues that may arise. You'll also have the benefit of free Peugeot Assistance breakdown cover for the first year (three years on E7 XS).



"I strongly recommend the E7 and Cab Direct to anyone looking for a quality vehicle and first rate service."

Blyth Garvie, Peugeot E7 owner.

For further information or to arrange a free home demonstration call our friendly customer service team today or visit our website.

0800 587 9630

www.cabdirect.com



ADVICE FOLLOWING THE CASE OF:

(1) ALMA LUNT

(2) ALLIED VEHICLES LTD -v- LIVERPOOL CITY COUNCIL

Brief background to the case

Mrs Lunt had a back injury necessitating her distributing her weight by reclining the back of her wheelchair and using footrests. This resulted in her wheelchair being longer than say the standard length and it measured some 1200mm. There was a survey done by the Department of Transport Mobility Inclusion Unit which states that she is not alone in having a wheelchair of a variant length and shares this characteristic which several hundred wheelchair users in the UK.

Mrs Lunt was the voluntary Chair of the Merseyside Coalition of Inclusive Living and also treasurer of the Liverpool Wheelchair Users Group. She also participated in the policy forum of the Liverpool City Council concerned with wheelchair access issues. In 2007 she became aware of an application by Allied Vehicles to licence the Peugeot E7 for use as a hackney carriage. She tried the E7 herself and she was impressed with it.

Mr Edwards was Liverpool city's principal licensing officer and he produced a report on 31 October 2007 and repeated in a second report in 2008 the following: "Before a type of vehicle may be licensed as a hackney carriage it needs to be approved by the Liverpool City Council as a suitable vehicle for use as a taxi cab in Liverpool. The council has accepted that purpose built taxis which comply the conditions of fitness of the London carriage office are suitable for such use. Other vehicles are considered on the merits but to date no vehicle which is unable to meet the conditions of fitness have been approved by the council."

He then made reference to an equality impact assessment document in which he noted that the standard of the London conditions of fitness laid down critical standards which vehicles must attain before being licensed as a hackney carriage. The licensing committee makes reference to those standards "If a vehicle falls short of those standards it will generally not be approved for use as a hackney carriage".

On 31 October 2007 the licensing committee first considered the matter. It heard from Mr Fry who was an employee of Allied Vehicles, Mrs Lunt and Mr Bruce, Chairman of Liverpool Wheelchair Users Group. The minutes summarised "They are in favour of the E7, not all TX vehicles are wheelchair accessible".

Others opposed the application including the manager of the TX range. The hearing was adjourned for further information to be obtained and consultation with others including other local authorities on the types of vehicles they authorised for use as hackney carriages.

On 4 March 2008 there was a meeting lasting some hours between

Mr Edwards, Mr Bruce, Mrs Price and Mrs Lunt. The last three disagree with Mr Edwards recollection of what was said at that meeting in particular with the safe securing of wheelchairs in taxis. After that meeting Mr Edwards completed the disability impact assessment. This said, amongst other things, that the application could present the potential for a dis-benefit to wheelchair users if the E7 were not approved. It went on to say "However due to the vehicles size and engineering considerations associated with the design, it cannot conform to the minimum turning circle requirements associated with hackney carriages and is higher off the ground creating increased wheelchair ramp angles. He further wrote "The licensing committee will consider any application on its merits submitted by any vehicle manufacturer who designs and builds a vehicle which is constructed for public hire activity."

The report contained comments made by a Mr Gore who was the Merseyside police force vehicle examiner. However it is fair to say that the E7 was modified in the period between the first and second reports and concerns relating to the steep ramp and sliding doors had been addressed by the applicant.

Allied Vehicles prepared a report setting out accurately Mr Bruce's and other wheelchair users concerns including the knowledge that some wheelchair users were excluded from use of the present licensed taxis. Wheelchair users were often left unsecured and in a dangerous situation when travelling and that the reason for this situation was the limited turning area available in the rear of London style taxis. This report also contained reference to the Lowland report which was a report commissioned by Lowland Market Research to investigate wheelchair user's taxi journey experiences.

During the hearing Mrs Price also addressed the committee but despite this material the chairman felt that these matters were all down to driver error which could be addressed by training.

Allied Vehicles submitted information relating to other local authorities which did licence the E7 including those surrounding Liverpool city so that people could begin their journeys outside of Liverpool but end them in the city but could not hall or begin their journey there in an E7.

Committee met on 28 March 2008 and decided to refuse by a vote of four to two the application. They said they were conscious of the need to give due regard to the Disability Discrimination Act 1995 as amended, but three features caused them concern in relation to the E7. Firstly, sliding doors and safety issues arising from that, second the size of the intermediate step and thirdly the size of the turning circle.

The challenge

The challenge by Mrs Lunt and Allied Vehicles being claimants (1) and (2) respectively was as follows:

- (1) Unjustified discrimination contrary to Section 21D and E of the Disability Discrimination Act as amended with effect from 4 December 2006.

21D discusses the meaning of discrimination contained with 21B of the Disability Discrimination Act 2005. Briefly this means that a public authority discriminates against a disabled person if:

- (a) for reasons which relate to the disabled persons disability it treats him/her less favourably than it treats or would treat others to whom that reason does not apply; and
- (b) it cannot show that the treatment in question is justified under Sub Sections 3, 5 or 7C, which relate to employment discrimination.

21E concerns a public authority's duty to make adjustments where a policy or procedure makes it impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred.

- (2) The second challenge related to the council's failure to have due regard to its duty under Section 49A(1) of the Disability Discrimination Act which outlines public authorities general duty to have the need to:

- (a) eliminate discrimination which is unlawful under the Act;
- (b) eliminate harassment of disabled persons which is related to their disabilities;
- (c) promote equality of opportunity between disabled and other persons;
- (d) take steps to take account of disabled persons' disabilities, even Where that involves treating disabled persons more favourably than other persons;
- (e) promote positive attitudes towards disabled persons; and
- (f) to encourage participation by disabled persons in public life.

- (3) The third challenge was that the committee exercised its public law discretion in regard to licensing the E7 on the basis of material and undisputed errors of fact and that their judgement was based on a decisive error and there were grounds of unfairness in that; they failed to understand that all its licensed hackney carriage fleet was accessible to all wheelchair users and misunderstood and mis-stated the impact that the maintenance of the present practice was having. They understood that this was merely restricting the choice and convenience of wheelchair users as opposed to the ability of some users to use the present licensed taxis in Liverpool at all in a safe position. Therefore it was said, they could not have reached a lawful conclusion on the merits of the application or the extent to which it constituted discrimination. The committee decision to base its consideration of the Disability Discrimination Act community law claim points on safety considerations was flawed because the material upon which it relied was inadequate as

the committee had failed to obtain relevant evidence from a competent source to advise on the question.

One of the grounds of the defence was that judicial review was not the way to proceed since Mrs Lunt had recourse to the civil courts by way of a damages claim. This was refused by Justice Blake who said that judicial review was an appropriate way to proceed.

Justice Blake in the Lunt case accepted the claimants, that is Mrs Lunt and Allied Vehicles, primary submission that the decision was liable to be quashed because the judgement of the committee was based upon the fundamental mis-stating of the factual position. The true factual position being a mandatory relevant consideration (that is something which has to be taken into consideration) both under Section 49A of the Disability Discrimination Act and at common law.

In relation to common law discretion a lawful exercise of discretion could not have been performed unless the committee properly understood the problem, its degree and extent. The amount of discretion as to fact and policy allowed to decision makers under the common law only applies to decision makers who have acted fairly and directed themselves accurately on the relevant considerations to be weighed, in the making of a judgement on the exercise of the discretion.

The committee clearly based their decision on the erroneous belief that all its existing fleet of 1400 London style taxis were accessible to wheelchair users generally and that that must mean to all wheelchair users. The problems of safe position and strapping of wheelchairs was put down to driver error rather than the constrictions of space. Therefore it felt that it was dealing with a wish by wheelchair users for a greater degree of choice rather than something which restricted their ability to access the taxi (benefit) at all. This error was critical to its decision in respect of its Disability Discrimination Act duties.

Referred to in the Lunt case is the Edinburgh study which was put before Edinburgh City Council on 20 June 2006. This concluded that there was no overriding evidence either way regarding the safety risks of u turns against 3 point turns. Unlike the PCO (Public Carriage Office) Edinburgh did not consider this a reason to retain the turning circle.

Justice Blake also outlines in the Lunt case a six step approach to deal with Section 21 of the Disability Discrimination Act and the procedure to be considered is outlined below in relation to Norwich City Council's Regulatory committee.

1. *Does the council have a policy or procedure in relation to the licensing of hackney carriages?*

Answer: Yes. We have vehicle specifications which applicants' vehicles must conform to before being licensed as a hackney carriage.

2. *Does this practice or policy make it impossible or unreasonably difficult for disabled persons to receive any benefit that is, or may be conferred by the council?*

Answer: Yes. The benefit is the ability to access taxis. We are now aware of groups of disabled persons who cannot use the London style of taxi safely and with dignity and in some cases not at all. Whilst we have not been approached by a person in Mrs Lunt's position, this potential to deny a benefit to the disabled is clearly contrary to the intention and spirit of the Disability Discrimination legislation.

3. *Is the council under a duty to take such steps as are reasonably practicable in all the circumstances of the case for it to change that practice/policy and proceed/procedure so that it no longer has that effect?*

Answer: Yes.

4. *Has the council failed to comply with its duty to take such steps?*

Answer: No. The committee is considering that as one of the relevant considerations at this hearing.

5. *Not applicable as there is no failure.*

6. *Can the council show that any failure to comply with a change in policy/procedure/practice is justified on the grounds that it reasonably holds an opinion that non-compliance is necessary in order not to endanger the health and safety of any other person; or its failure is justified as a proportionate means of achieving another legitimate aim.*

Answer: The Council have the ability through the committee to allow the E7 to be licensed by relaxing the vehicle specifications. Whilst it is a matter for members' views it is the opinion of your officers that no compelling reason under health and safety issues has been shown under this application nor is there another legitimate aim which retention of the current vehicle specification can be said to meet.

Committee members should note that it is not necessary for the feature in question to cause unreasonable difficulties for all disabled persons or even most disabled persons, any significant impact on wheelchair users as a class will suffice and act as a trigger for the disability discrimination duties.

It may be helpful for the committee to consider the Disability Rights Commissions comments in the Lunt case;

"The policy of the Act is not a minimalist policy of simply ensuring that some accesses are available to disabled persons; it is so far as is reasonably practicable to approximate the access enjoyed by disabled persons to that enjoyed by the rest of the public.

They go on to describe due regard and say that public authorities must have due regard to their duties and that due regard should be fulfilled before and at the time that a particular policy/procedure that will or might affect disabled people is being considered by the public authority in question. That due regard must be exercised with substance and rigour and an open mind. Not just ticking boxes but integrated with the discharge of public functions of that authority. It is a non-delegable duty. Although another body may be authorised to carry it out on behalf of the authority they must retain in overall control of it. It is clearly a continuing duty and it is good practice for those exercising public functions in public authorities to keep an adequate record showing that they have considered disability equality duties and all the relevant questions.

Article 28

European Court of Justice (ECJ) has in many cases developed and explained the difference between general non-discriminatory conditions attached to the selling of goods in a member state and conditions attached as to product requirements and restricting the use of imported goods on the other hand.

The committee must consider therefore in respect of community law whether the maintenance of the licensing policy as is, requiring the turning circle, prevents or greatly restricts the use of the product, namely the Tepee Expert Chassis base.

It has been decided in the Lunt case that requiring the turning circle does prevent or greatly restrict the use of that product, therefore is in contravention of Article 28 of the EC Treaty, but that it does not act as a product prohibition because the chassis can be used in an ordinary people carrier vehicle or private hire vehicle. In other words the product was not completely prohibited for vehicle use, but for use as a hackney carriage.

If the turning circle is to be retained the committee would have to justify this requirement and a justification would have to be on the basis that it is for an achievement of a legitimate aim as per step 6 of the six step approach in relation to Section 21 of the Disability Discrimination Act. It is considered that any justification if it exists could only be that of the safety of the public.

Committee should also note that restrictions have to be proportionate and no more intrusive than required to give effect to a legitimate aim.

There is recent guidance which Justice Blake used in the Lunt case given by the European Commission summarising the case law of the European Court of Justice in a document entitled "Free Movement of Goods" prepared in May 2009. Section 6.1.2 Protection of Health and Life of Humans, Animals and Plants is the most popular justification under which member states usually try

to justify obstacles for the free movement of goods. Whilst the court's case law is very extensive in this area there are some principle rules that have to be observed.

The protection of health cannot be invoked if the real purpose of the measure is to protect the domestic market, even though in the absence of harmonisation it is for a member state to decide on the level of protection; the measures adopted have to be proportionate, ie restricted to what is necessary to obtain the legitimate aim of protecting public health. Furthermore measures at issue have to be well founded – providing relevant evidence, data (technical, scientific, statistical, and nutritional) and all other relevant information.

Justice Blake did not consider that the material put forward by counsel for Liverpool City Council as that relied on by the committee was sufficient for it to discharge its duty of justification.

- 1) In particular it was very unclear what expertise Mr Gore, the police force vehicle examiner, had to speak of the safety implications of turning circles and sliding doors. Examining a vehicle for roadworthiness or compliance with the regulations is not the same as comprehensive consideration of the merits or demerits or a particular design on safety grounds.
- (2) There is a distinction between confidence and lack of familiarity with the sliding door and real concerns for safety.
- (3) The fact that the E7 was used as a public hire taxi extensively in the UK without reported incident was a compelling source of relevant evidence that would have to be addressed. It was particularly notable to Justice Blake that no concerns have been reported in Liverpool itself resulting from the dropping off of passengers by E7 vehicles licensed in neighbouring authorities.

He agreed that the turning circle was useful for the avoidance of 3 point turns in narrow streets where someone seeks to specifically hail a passing taxi however where a particular assessment has been made as to the safety consideration of the issue, as it had been in the Edinburgh study Liverpool City Council would have had to consider whether it had a cogent basis for disagreeing with such evidence and why. If the issue was safety then the practice and experience of other authorities over a reasonable period of time cannot be ignored.

Lastly he said what should weigh in the balance of any discussion of justification on safety grounds were the clear safety benefits for the secure travel for all wheelchair users, irrespective of the dimensions of their chairs that could be apparently accommodated in the E7. It was common ground that travelling unsecured sideways in a cab is unacceptable. The introduction of the E7 alongside but not in

replacement of the TX was likely to make a substantial contribution to eliminating such practices.

Justice Blake quashed the original decision and ordered Liverpool City Council to reconsider the matter.

Transport for London



Page 1 of 2

pn
15 December 2005

London Taxis – Conditions of Fitness

Transport for London's Public Carriage Office today issued the results of the Conditions of Fitness review for London's taxi industry.

The Conditions of Fitness are intended to ensure that all taxis operating in London are safe and fit for purpose.

In 2002, the Public Carriage Office undertook a full review of the Conditions of Fitness which was completed in June 2003. Some changes were made while other conditions remained the same. However three aspects were challenged by Allied Vehicles Limited and they are as follows:

- the turning circle requirement;
- the requirement that sliding doors are power assisted; and,
- the requirement for a one-piece rear window.

Following extensive research it has been decided to:

- retain the turning circle requirement;
- not require sliding doors, if fitted, to be power assisted;
- introduce a new Condition to address the issue of visibility into and out of taxis for the benefit of passengers and drivers.

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MAYOR OF LONDON

Press release

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Roy Ellis, Head of the Public Carriage Office, said: "After a comprehensive review, it was found that the tight turning circle produced tangible significant benefits to the travelling public, and that these outweighed the advantages of removing it.

"Allied Vehicles alleged that the retention of the turning circle requirement led to fewer taxis, higher fares, less suitable taxis for the needs of the disabled and the unavailability of safer and more comfortable taxis to the disadvantage in general of passengers and drivers alike. The facts of these alleged disbenefits were not borne out by the research undertaken.

"Approximately 50 million U-turns and over 90 million other tight turns are performed by London taxis each year. If these U-turns were replaced by multi-point turns and other alternative complex manoeuvres, this could cause delay and impede other road users.

"Overall during this review, both passengers and drivers preferred the existing London Taxi."
ends

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4. Hackney Carriage / Private Hire Vehicle Licences

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

Numbers Limit

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis **"if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet"**. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

Maidstone Borough Council has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Unmet Demand Surveys are undertaken every three years to reassess the situation and the results of the survey decides the increase and the issuing of further Hackney Carriage Vehicle licenses, if there are to be any. The last Unmet Demand Survey was completed in 2013 and no demand was found.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- . Suitable in type, size and design for the use of a Private Hire Vehicle;
- . Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- . In a suitable mechanical condition;
- . Safe; and
- . Comfortable;
- . That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.

With regard to hackney carriages, it is currently the policy of Maidstone Council to only license purpose built hackney carriages, the Mercedes Vito **Taxi and the Peugeot E7** which are wheelchair accessible and fitted with a partition between the driver and passenger compartments and which also follow the Conditions of Fitness set by the London Carriage Office.

Some of the vehicles that we currently licence may not cater to some specific wheelchair users. In view of this information the Head of Housing and Community Services will consider any additional Hackney Carriage Vehicles to be approved on a case by case basis in order to be added to an agreed list.

All applications submitted for the initial grant of a licence are advised to apply at least 10 working days before the licence is required to allow time for the vehicle to be tested and the licence to be processed.

Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned immediately to the applicant.

Applications will only be acceptable as valid if they include and/or are accompanied by the following:

1. Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant .
2. The appropriate fee.
3. Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
5. Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force.

4.1 Licence Fee

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at <http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire>

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made.

In the event of the surrender of a vehicle licence before its expiry there is no refund made.

4.2 Insurance

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide as a minimum requirement insurance cover for third party fire and theft and also to include legal liability for passengers and luggage.

The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.

Appendix 5: A**MAIDSTONE BOROUGH COUNCIL****SPECIFICATION RELATING TO HACKNEY CARRIAGE VEHICLES**

No vehicle shall be licensed as a hackney carriage unless it is fit for public service and complies with the specifications set out below.

1. GENERAL

- (i) All hackney carriages must have a minimum of four wheels and must have at least four doors, excluding the tailgate.
- (ii) All Hackney vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (iii) No hackney carriage shall be accepted for testing for the first time if the vehicle is over three years old or has mileage of more than 30,000 miles.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed.

NOTES:

- 1) Vehicles submitted for testing for the first time must comply with the age specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 2) Once the expiry date of any vehicle compliance has expired, if the vehicle specifications are outside of the policy where age is concerned as set out in these specifications, the vehicle may not be re-licensed.
- 3) A compliance test may be arranged for a vehicle and carried out up to one month prior to the expiry date of its current compliance certificate. If the vehicle passes the compliance test, a certificate may be issued for a period of up to thirteen months (in line with Department of transport procedure) or whatever period within the month prior to its expiry, so long as the period does not exceed thirteen months and so long as the current compliance certificate is produced for inspection by the vehicle examiner.

2. GENERAL CONSTRUCTION

- (i) Every vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- (ii) Vehicles offered for type approval must be so constructed as to facilitate the carriage of disabled persons and be capable of

accommodating a disabled person in a wheelchair within the passenger compartment.

3. STEERING

- (i) The steering wheel must be on the offside of the vehicle.
- (ii) The steering mechanism must be so constructed or arranged that no overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- (iii) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

4. BRAKE AND STEERING CONNECTIONS

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt pin is uppermost.

6. TYRES

All tyres at normal pressure under load must be approved as having suitable minimum circumference for correct operation of the taximeter.

7. BRAKES

- (i) All brakes must act directly on the wheels of the vehicle.
- (ii) The brakes of one of the braking systems must be applied by pedal.
- (iii) The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
- (iv) Cable connections are not permitted in the pedal operated system.

8. SUSPENSION

- (i) Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- (ii) Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension

system is not likely to cause the driver to lose directional control of the vehicle.

- (iii) When the vehicle is complete and fully equipped for service and loaded with weights placed in the correct relative positions to

represent the driver and a full complement of passengers and luggage and is placed on a plane surface it must not overturn when the plane is tilted to either side to an angle of 4 degrees from the horizontal.

NOTE:

- (a) For the purpose of this condition 65 kilograms shall be deemed to represent the weight of one person and 65 kilograms the weight of a full complement of luggage.
- (b) For the purposes of conducting tests of stability the height of any stop used to prevent a wheel from slipping sideways must not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded.

9. TRANSMISSION

Cabs using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a **DRIVE** or **REVERSE** position.

10. BOLTS AND NUTS

All moving parts and parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

11. FUEL TANKS

- (i) Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision .
- (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- (iii) A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. It's location together with the means of operation and "off "position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from outside the vehicle.

12. INTERIOR LIGHTING

Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be

provided. In the case of the passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

13. ELECTRICAL EQUIPMENT

- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- (ii) All electrical circuits must be protected by suitable fuses.
- (iii) Batteries must be so placed and protected that they cannot be a source of danger.
- (iv)

14. EXHAUST PIPE

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle on the off-side and in such a position as to prevent fumes from entering the vehicle.

15. BODY

- (i) The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- (ii)
 - (a) **Outside dimensions**
 - (1) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.778 metres.
 - (2) The overall length must not exceed 4.575 metres.
 - (b) **Inside dimensions of passenger' compartment.**
 - (1) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres
 - (2) The width across the rear seat cushion must not be less than 1.7 metres.
- (iii) Any curvature of the floor of the passenger' compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.

- (iv) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75

centimetres. The minimum angle of the door when opened must be 9 degrees

- (v) The clear height of the doorway must not be less than 1.195 metres.
- (vi) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.
- (viii) No roof rack shall be fitted.

16. STEPS

- (i) The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 centimetres above ground level when the vehicle is unladen.
- (ii) The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

17. WHEELCHAIR FACILITIES

- (i) Approved anchorage must be provided for the wheelchair and chairbound disabled person. This anchorage's must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 2x2mm which must be used beneath the floor.

Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage 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 anchorage and restraints must be so designed that they do not cause a foreseeable danger to other passengers.

- (ii) A ramp or ramps for the loading of the wheelchair and occupants must be available at all times for use at the near side passengers' door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

18. PAINTWORK AND BODY FINISH

The paintwork and body finish should be maintained to the original manufacturer specification.

19. PASSENGERS' SEATS

- (i) The measurements from the upholstery at the back of the front edge of the back seat must be at least 4 centimetres and for each adult person carried a minimum of 4 centimetres must be available when measured along the front parallel edge of the seat cushion.
- (ii) The width of each front seat must not be less than 40 centimetres and such seats must be at least 35.5 centimetres when measured from the back to the front of the upholstery.
- (iii) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
- (iv) Where seats are placed facing each other there must be a clear space of 48 centimetres between any part of the front of a seat and any part of any other seat, which faces it. The measurement may be reduced to 43.5 centimetres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 66 centimetres in front of every part of each seat squab.
- (v) Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use front seats must not obstruct doorways.
- (vi) 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.

20. DRIVER'S COMPARTMENT

- (i) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (ii) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (iii) The driver's seat must be designed to accommodate the driver only and be adjustable for height and reach.
- (iv) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and the sun visor adjustable by the driver.
- (v) Direction indicators of an approved type must be fitted.
- (vi) Every cab must be provided with an approved means of communication between passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 1.5 centimetres.

21. WINDOWS

- (i) Windows must be provided at the sides and at the rear.
- (ii) Passenger door windows must be capable of being opened easily by passengers when sealed. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

22. HEATING AND VENTILATION

- (i) An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
- (ii) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- (iii) Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

23. ADVERTISING

- (i) Advertisements may be displayed on the outside of the vehicle on the lower door panels only and prior to their placement must have been approved by the local authority.
- (ii) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- (iii) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

24. TINTED WINDOWS

Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.

A Light Transmission Detector, which measures light transmission through any type of glass is used to test and determine visibility and provides a read out of the suitability of proposed vehicles for use as licensed private hire vehicles in the district. (It will not apply to Hackney vehicles)

25. DOOR FITTINGS

- (i) An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The

interior door handle must be easily identified so as not to be mistaken for any other control.

- (ii) Double catches of approved type must be fitted to all doors.

26. INSURANCE CERTIFICATES AND INTERNAL PLATE

A current insurance certificate and an internal plate showing the local authority's licence number for the vehicle and the number of passengers allowed to be carried must be displayed within the vehicle, all to be clearly visible from the passenger compartment.

27. FLOOR COVERING

The floor of the passenger's compartment must be covered with non-slip material, which can easily be cleaned.

28. LUGGAGE

- (i) Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
- (ii) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

29. HORN

A horn of approved pattern must be fitted.

30. TAXIMETER AND FARE CHART

- (i) A taximeter must be fitted in an approved position.
- (ii) A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance showing the current hackney tariff and be easily visible to passengers.
- (iii) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- (iv) The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Act 1988 and also at any time at the request of the hirer.

- (v) When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- (vi) If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the licensing department so that arrangements for resetting and resealing may be made.
- (vii) An official copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- (viii) The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the Maidstone district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

31. TAXI SIGN

A "TAXI" sign clearly visible both by day and by night when the cab is not hired, must be fitted.

32. RADIO APPARATUS

- (i) Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- (ii) Any other radio equipment either in the passenger or driver compartment, must be approved.

33. FITTINGS

No fittings other than those approved may be attached to or carried upon the inside or outside of the Hackney Carriage.

34. MAINTENANCE

The Hackney Carriage vehicle, including all fittings, fixtures, advertisements etc, must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that any part or fitting is not

well maintained, clean and in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been rectified.

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35. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.
- (ii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

36. SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

37. FIRST AID KIT

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory for self employed drivers for their personal use.

38 LICENCE PLATES AND STICKERS

- (i) At all times while the vehicle is being used as a hackney there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (ii) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (iii) At all times while the vehicle is being used as a hackney carriage there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the

registration number of the vehicle and the number of passengers permitted to be carried.

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39 CHANGES / TRANSFER

- (i) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.
- (ii) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

40 INSPECTION

The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

41 UNAUTHORISED USE

The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

42 ACCIDENT REPORTING

- (i) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.
- (ii) Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.
- (iii) A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
 - the damage to, or defect in, the vehicle has been reported;
 - application is made in the usual way for a change of vehicle (albeit temporarily);
 - the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;

- the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

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43 MISCELLANEOUS

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.

44 DISPENSATION/ VARIATION OF CONDITIONS

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

NOTE: The word 'approved' throughout this specification means, approved by Maidstone Borough Council. No application shall be considered where the proposed vehicle is already licensed by another licensing authority (commonly referred to as 'dual plating').

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Licensing Committee

16 June 2016

Is the final decision on the recommendations in this report to be made at this meeting?

No

Animal Establishment Fees 2016/2017

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Claire Perry, Licensing Partnership Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the Licensing Committee approve the fee levels as set out in paragraph 2.7 of the report for implementation on 4 July 2016.

This report relates to the following Five Year Plan Key Objectives:

- A Great Place

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

<i>Meeting</i>	<i>Date</i>
Licensing Committee	16 June 2016

Animal Establishment Fees 2016/2017

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration and compliance check of the Animal Establishment Licensing. This ensures the Council complies with its statutory duty and that the licensing of Animal Establishments is self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to determine the proposed fees for 2016 onwards.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Animal Establishment Licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 2.2 Where possible careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated costs, together with expenditure, has been in accordance with the objectives laid out in the budget plan and the inflation rate.
- 2.3 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to calculate the proposed fees and charges. The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by the national support body for local authority regulators, LACORS, to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.4 The type of tasks involved in animal establishment licensing applications include: assistance to the applicant, checking of an application upon receipt, compliance checks and processing the application. Once processed, types of tasks include: preparation and issuing of the licence and updating the records/register. Training of Officers and Members has also been included, as well as the cost of consumables.
- 2.5 It has been a number of years since the fees have been reviewed and any increase has been made.
- 2.6 Following a request from a riding establishment the cost of the veterinary surgeon's fees, which were previously included in the fees, have been removed and establishments will be invoiced separately by the Environmental Enforcement team.
- 2.7 Proposed Animal Establishment fees from 4 July 2016 are:

	Fees from 2012 - 2016	Fees from 4 th July 2016
Animal Boarding		
Cats only		
Up to 30	£115.00	£175
31 - 60	£265.00	£290
Dogs only		
Up to 50	£330.00	£340
51 - 100	£510.00	£430
Cats and Dogs		
Up to 50	£265.00	£285
51 - 90	£395.00	£410
91 - 125	£510.00	£555
126+	£605.00	£605
Performing Animals	£150.00	£160
Dangerous Wild Animals	£435.00	£440
Zoo	£550.00 (plus deposit of £2,150)	£555 (plus deposit of £2,150)
Breeding of Dogs		
Up to 5 bitches	£265.00	£275
6 - 10	£395.00	£405
11 - 15	£510.00	£530 for 11+ bitches
16 - 20	£645.00	N/A
Pet Shops		
Initial licence	£395.00	£400
For additional licences, charge higher fee first	£80.00	£85
Horse Riding Establishments		
Up to and including 10 horses	£530.00	£310 (excl. Vet's fees)
11 horses and above	£750.00	£415 (excl. Vet's fees)

3. AVAILABLE OPTIONS

- 3.1 The fees and charges need to be reviewed to ensure that they are set at appropriate levels to recover the costs associated with providing the service. Having reviewed the income and expenditure the options available are:
- 3.2 To propose no changes or reductions to the existing fees. This would mean there would be a shortfall in income against the budget set for the function.

- 3.3 To approve the fees as set at in paragraph 2.7.
- 3.4 To propose, where possible and appropriate, fees higher than the cost of delivering the service. However, if the Council were subject to Judicial Review it would not be in a position to justify the fees that have been set.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To approve the fees set out in paragraph 2.7 to ensure that the fee income reflects the cost of providing the service.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged with respect to new, existing and renewal applications from 4 July 2016 and published on our website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service &

		Section 151 Officer]
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7. REPORT APPENDICES

None

8. BACKGROUND PAPERS

None

Riding Establishments 11 + horses - Maidstone Borough Council	AO	£25.21
	LO	£36.98
	Training/Police	£45.23
	Legal	£61.39
	EHO	£20.10
	Time	
	AO	LO
Send application forms	0.08	
Provide telephone/personal assistance and deal with queries regarding completion of application forms and general enquiries	0.08	
Check all documentation is correct and valid, enter onto admin worksheet and scan documentation	0.25	
Verify cheque details, bank money and clear funds	0.17	
Input application onto computer system	0.5	
Send consultations	0.15	
Receive consultations	0.12	
Update spreadsheet	0.08	
Draft and issue licence	0.3	
Filing and checking for electronic documents	0.17	
Reconciliation		0.05
Checking & compliance visits		
Compliance visits - travel costs		
Support and partnership costs, (training, HOS cost, office accommodation costs etc.)		
Consumables (Licence paper, Victoria Forms and ink & card ribbon)		
Total		

ts fees

Licensing Committee

16th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Licensing Partnership Update Report 2016

Final Decision-Maker	Licensing Committee
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Claire Perry
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

To note the performance of the Partnership as contained within the report.

This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

Timetable –

<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

Licensing Partnership Update Report 2016

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council is a member of a partnership with Sevenoaks District and Tunbridge Wells Borough Councils which provides line management responsibilities to their respective licensing compliance/enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications and representations.
- 1.2 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives service resilience and capacity to deal with the fluctuating demands on the service through the year.
- 1.3 This report provides the Committee with an update on performance for the full financial year and outlines the objectives and priorities for the forthcoming year.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 In 2009 it was agreed that both the line management and administration of the Council's licensing processes would be undertaken in partnership with Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC). It was agreed that the administrative team processing licensing applications would be based at the offices of SDC with Licensing Officers continuing to be based at each council.
- 2.2 Each council retained responsibility for setting its licensing policies, compliance and enforcement strategies and decision making at Sub and Full Licensing committees. Claire Perry, the shared Licensing Partnership Manager, has line management responsibility for the operation of the administration team and the licensing officers of the three councils.
- 2.3 In January 2010 the new Licensing Partnership took effect and the back office functions started to be transferred to the administration hub based at SDC. The administration hub uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual authority basis and allows for the variances that still exist in the policies and procedures of the three authorities.
- 2.4 The Partnership is governed by an agreement made between the three councils and the Chief Officer/Heads of Service responsible for licensing at their respective authorities meet regularly as a Licensing Partnership Board to oversee performance and the direction of the Partnership. John Littlemore, Head of Housing and Community Services at Maidstone sits on the Licensing Partnership Board.

2.5 The Licensing Partnership has completed 6 years of working together and is embarking on an exciting and challenging phase with the addition of a new partner, the London Borough of Bexley.

3. 2015 - 2016 PERFORMANCE REPORT

- 3.1 The performance of the Licensing Partnership has been extremely good and during the year there are no indicators that require explanation as to why they have not been met. The indicators for each of the three authorities and the combined Licensing Partnership results are attached as Appendix A.
- 3.2 The lowest value across the year was 98.18% against a target of 90% (Maidstone BC) which is an exceptional performance. To assist Members in quantifying the data a final column has been added to the data which provides information on how many applications the percentages relate to.
- 3.3 Premises visits and taxis checks continue to be carried out across the three authorities and Maidstone has a target to achieve 15 taxi checks per month and 15 premises visits per month.
- 3.4 Risk assessments are carried out following a premises visit so as not to place an undue burden on businesses. By carrying out a risk assessment the premises fall into a category, according to the risk posed by their types of licensing activity, type of premises, number of complaints about the premises and the confidence in the management at the premises. This category will then determine the frequency of future visits. This frequency will only change if there have been complaints about the premises in which case a visit may be made or if there have been changes at the premises such as personnel, changes in activities/conditions/layout etc. again the premises may be visited.

4. KEY ACTIVITIES IN THE LAST SIX MONTHS AND PROGRESS REGARDING PREVIOUS SERVICE OBJECTIVES

- 4.1 Over 3,845 applications under the various licensing regimes have been received and processed within the last year. That's 70 more than in the previous year.
- 4.2 There has been 3 Licensing Act sub-committee hearings at Maidstone Borough Council.
- 4.3 At Maidstone Borough Council two Private Hire drivers and two Hackney Carriage vehicles have been suspended. Two Private Hire driver's licenses have been revoked.
- 4.4 During the last 12 months more online forms have been brought into use. The Licensing Partnership engaged the services of Victoria Forms, an online form provider in the autumn of 2013. Officers have been working closely with Victoria Forms to integrate the online forms with the back office software used by the Licensing Partnership. This means, that wherever possible, the online forms once completed and submitted drop the information provided by the customer into the fields within the database. This negates the need for dual key entry.

4.5 The following forms are now online:

- TENS
- Personal licence – new
- Personal licence – change of details – this one is a pdf and doesn't drop info into Uniform
- Personal licence – renewal (now obsolete)
- Scrap Metal dealers – site & collector
- Premises licence – change of details – this one is a pdf and doesn't drop info into Uniform
- Variation of DPS – this one is a pdf and doesn't drop info into Uniform
- Taxi driver (HC & PH)
- Taxi vehicle (HC & PH)
- Taxi operator (PH)
- Transfer of premises licence form
- New lottery form
- Lottery returns form (new lottery form has already been used)
- Premises licence (new)
- Animal establishment forms - boarding,
- Animal establishment forms – breeding,
- Animal establishment forms – riding establishments,
- Animal establishment forms – pet shops,
- Animal establishment forms - dangerous wild animals
- Notification of gaming permit
- Licensed Premises Gaming Machine permit

4.6 The following forms are due to be made available online within the next few weeks.

- Club machine gaming permit
- Premises variation form
- Minor variation premises form

4.7 Within the last month electronic notification of taxi renewal reminder letters have been implemented which send an email in the first instance and if an email address is not available a text message. This encourages taxi licensees to make their renewal applications online and removes the need for the Licensing Partnership to send out large quantities of paper.

4.8 Applications can either be made online or the applicant can download the forms from the three websites. Printed application forms are still available for collection at the three Licensing offices.

- 4.9 The Taxi and Private Hire policy for Maidstone Borough Council has been revised to allow scanned and photographic images of documentation with renewal applications.
- 4.10 During 2015 – 16 the cost of the Licensing Partnership was kept at £318,000 for the second year in succession.
- 4.11 The financial cost for each partner within the Licensing Partnership is calculated on a transactional basis taking an average number of applications for each type of application over the past 3 years of full data. For example the cost for 2016/17 was done using data from 2014/15, 2013/14 and 2012/13. There has been an increase for 2016/17 of just over £20,000 which includes the 1% increase in the cost of salaries and performance related pay for some members of the team. It also includes the cost of the temporary member of the Administration Team being made a permanent post in preparation for the addition of the fourth partner.
- 4.12 The Licensing Partnership Document Retention Policy and ‘paper-less’ office project have been progressed in the past year with 8 filing cabinets stripped down and tidied up. Only the documentation outlined in the Document Retention Policy is retained which makes future filing much quicker and easier. This has been a substantial project undertaken by the Administration Team at Sevenoaks which has been carried out in conjunction with the day to day work.
- 4.13 In 2015 – 16 the Administration Team working on behalf of the three authority partners processed 6221 tasks which included the processing and issuing of licences. An additional 28 tasks compared to last year.
- 4.14 Work has begun on the online Knowledge Test and Boat and Boatmen licences are now processed and issued by the Licensing Partnership.
- 4.15 Every year the Licensing Partnership issues just under 1,500 invoices for payments due to the authorities. Work continues with the project in recovering the outstanding annual fees and suspension notices have been issued for those payments that have not been paid.
- 4.16 The Licensing Partnership continues to provide 4 weeks of valuable work experience at the Hub for people sent from the Job Centre placement scheme.

5 SERVICE OBJECTIVES FOR 2016/17 AND PLANNED SERVICE IMPROVEMENTS

- 5.1 Objective 1 - To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets.
- a) This is ongoing and performance of the Administration Team is monitored on a weekly and monthly basis.
 - b) 1:1 meetings with staff are carried out monthly
 - c) there is a Licensing Partnership team meeting once a month and

d) the Licensing Partnership Board meets 4 times a year.

5.2 Objective 2 - Investigate further undertaking of licensing functions for other local authorities.

a) It is proposed to include the London Borough of Bexley as a fourth partner from 1st September 2016.

4.1 Objective 3 - Seek further efficiency savings in processes and use of online facilities.

- a) Use of online forms; See above
- b) changes in renewal process for taxis licensees; See above
- c) ongoing changes to the web pages;
- d) introducing a separate customer survey questionnaire to improve feedback from customers other than those who submit their applications online; In progress
- e) reducing the face to face contact in reception and the gateways.

As part of this action members of the Licensing Partnership have met with colleagues in the Smarter Digital Services, based at Tunbridge Wells to seek further efficiencies and customer service improvements for the taxi service. Work is underway in developing the online Knowledge Test and Members will be provided with a demonstration at a Licensing Committee later this year.

5.3 Objective 4 - Ensure all online forms are implemented and in use by customers. See paragraph 4.4 – 4.6 above.

5.4 Objective 5 - Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.

- a) The Licensing Partnership will always welcome Members to experience the Administration team in action and learn more about how the Licensing Partnership operates.

5.5 Objective 6 - Officers and Licensing Committees to consider opportunities for greater harmonisation of policies.

5.6 Objective 7 - Health, Safety and Well Being of Staff

6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The service objectives will be implemented.

6.2 An update report will be brought annually to the Licensing Committee at the first meeting in the new municipal year.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	None	[Head of Service or Manager]
Risk Management	A risk assessment is undertaken on an annual basis regarding the service objectives and reviewed regularly.	[Head of Service or Manager]
Financial	Financial implications have been dealt with in the body of the report.	[Section 151 Officer & Finance Team]
Staffing	No impact at Maidstone Borough Council	[Head of Service]
Legal	This is a report to update on the progress of the Licensing Partnership.	[Legal Team]
Equality Impact Needs Assessment	No impact, this is a report to update on the progress of the Licensing Partnership.	[Policy & Information Manager]
Environmental/Sustainable Development	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service or Manager]
Community Safety	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service or Manager]
Human Rights Act	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service or Manager]
Procurement	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service & Section 151 Officer]
Asset Management	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service & Manager]

8 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: End of Year Performance report
- Appendix B: Service Plan for the Licensing Partnership

9 BACKGROUND PAPERS

- Revenue tracker 2015/16












2015/16 Licensing Partnership Performance Report













MAIDSTONE BOROUGH COUNCIL

Description	Quarters				Annual			Number of applications
	Q1 2015/16	Q2 2015/16	Q3 2015/16	Q4 2015/16	2015/16	Target	Status	
Percentage of valid personal licences processed within two weeks	100%	100%	100%	100%	100%	95%		103/103
The percentage of valid temporary event notices processed within 72 hours	100%	100%	100%	100%	100%	90%		297/297
Percentage of applications for new and variation premises licences processed within two calendar months	100%	100%	100%	100%	100%	100%		40/40
Percentage of HC vehicle licences issued with 5 days	100%	100%	93.33%	100%	98.18%	90%		54/55
Percentage of PH vehicle licences issued within 5 days	98.15%	100%	98.18%	100.00%	99.12%	90%		226/228
Length of time from validation to issue of HC and dual driver licences (Percentage within 10 days)	100%	100%	100%	100%	100%	90%		71/71
Length of time from validation to issue of PH driver licence (Percentage issued within 10 days)	100%	98.21%	100%	100%	99.42%	90%		171/172
Percentage of PHO licences issued within 10 days	100%	100%	100%	100%	100%	90%		73/73
The number of taxi compliance checks completed (one per taxi vehicle)	61	61	71	57	250	180		70 over target
Premises licensing compliance visits	50	41	48	48	187	180		7 over target
Percentage of applications outstanding	2.78%	0%	2.88%	3.66%	2.23%	<10%		9/404












SEVENOAKS DISTRICT COUNCIL

Description	Quarters				Annual			Number of applications
	Q1 2015/16	Q2 2015/16	Q3 2015/16	Q4 2015/16	2015/16	Target	Status	
The percentage of valid personal licences processed within 2 weeks	100%	100%	100%	100%	100%	95%		60/60
The percentage of valid temporary event notices processed within 72 hours	100%	100%	100%	100%	100%	95%		426/426
Percentage of all applications outstanding for more than one month	0%	0%	9.09%	1.56%	3.47%	<10%		10/288
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	100%	100%	100%	100%	100%	95%		12/12
Length of time from validation to issue of HC vehicle licence - target 5 working days	100%	100%	100%	100%	100%	90%		226/226
Length of time from validation to issue of PH vehicle licence - target 5 working days	100%	96.77%	96.88%	100%	98.31%	90%		116/118
Percentage of Hackney Carriage driver licenses issued within 10 days of validation	100%	100%	100%	100%	100%	90%		87/87
Percentage of Private Hire driver licenses issued within 10 days of validations	100%	100%	100%	100%	100%	90%		43/43
Percentage of Private Hire Operator licenses issued within 10 days of validations	100%	100%	100%	100%	100%	90%		23/23
The number of taxi enforcement checks completed (one per taxi vehicle)	39	37	36	32	144	120		24 above target
Number of monthly premises licensing enforcement visits due that were undertaken	70	67	60	60	257	240		17 above target

TUNBRIDGE WELLS BOROUGH COUNCIL

Description	Quarters				Annual			Number of applications
	Q1 2015/16	Q2 2015/16	Q3 2015/16	Q4 2015/16	2015/16	Target	Status	
Percentage of valid personal licences processed within two weeks	100%	100%	100%	100%	100%	95%		82/82
% of valid temporary event notices processed within 72 hours	99.16%	100%	100%	100%	99.73%	95%		376/377
% of applications for new and variation premises licences	100%	100%	100%	100%	100%	95%		29/29
% of HC vehicle licences issued with 10 days	100%	100%	100%	96.43%	99.34%	90%		151/152
% of PH vehicle licences issued within 10 days	100%	100%	98%	96.3%	98.86%	90%		173/175
% of dual driver licences issued within 10 days	100%	100%	97.3%	100%	99.36%	90%		156/157
% of PHO licences issued within 10 days	100%	100%	100%	100%	100%	90%		28/28
No. of taxi enforcement checks completed (one per taxi vehicle)	44	39	47	61	191	120		71 above target
Premises licensing enforcement visits	54	61	45	30	190	180		10 above target
% of applications outstanding	3.92%	2%	2.41%	0%	1.93%	<10%		5/259

LICENSING PARTNERSHIP

Description	Quarters				Annual			Number of applications
	Q1 2015/16	Q2 2015/16	Q3 2015/16	Q4 2015/16	2015/16			
	Value	Value	Value	Value	Value	Target	Status	
Valid Personal Licenses Processes within two weeks	100%	100%	100%	100%	100%	95%		245/245
Valid Temporary Event Notices Processed within 72 hours	99.74%	100%	100%	100%	99.91%	95%		1099/1100
Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS)	100%	100%	100%	100%	100%	95%		79/79
Length of time from validation to issue of HC vehicle licence (MPI) - within 5 working days	100%	100%	99.04%	99.05%	99.53%	90%		420/422
Length of time from validation to issue of PH vehicle licence (MPI) - within 5 working days	99.21%	99.28%	97.81%	99.07%	98.84%	90%		511/517
Length of time from validation to issue of HC and dual driver licence (MPI) - within 10 working days	100%	100%	98.72%	100%	99.67%	90%		303/304
Length of time from validation to issue of PH driver licence (MPI) - within 10 working days	100%	98.46%	100%	100%	99.51%	95%		205/206
Length of time from validation to issue of PHO licence (MPI) - within 10 working days	100%	100%	100%	100%	100%	90%		124/124
Taxi Compliance checks completed (one per Taxi Vehicle)	144	137	154	150	585	420		165 above target
Premises compliance monthly visits	132	169	153	138	634	600		34 above target
Percentage of applications outstanding for more than one month	2.31%	0.55%	4.67%	2.05%	2.54%	<10%		25/985

Licensing Service Plan 2016/17

Licensing
Partnership



Contents

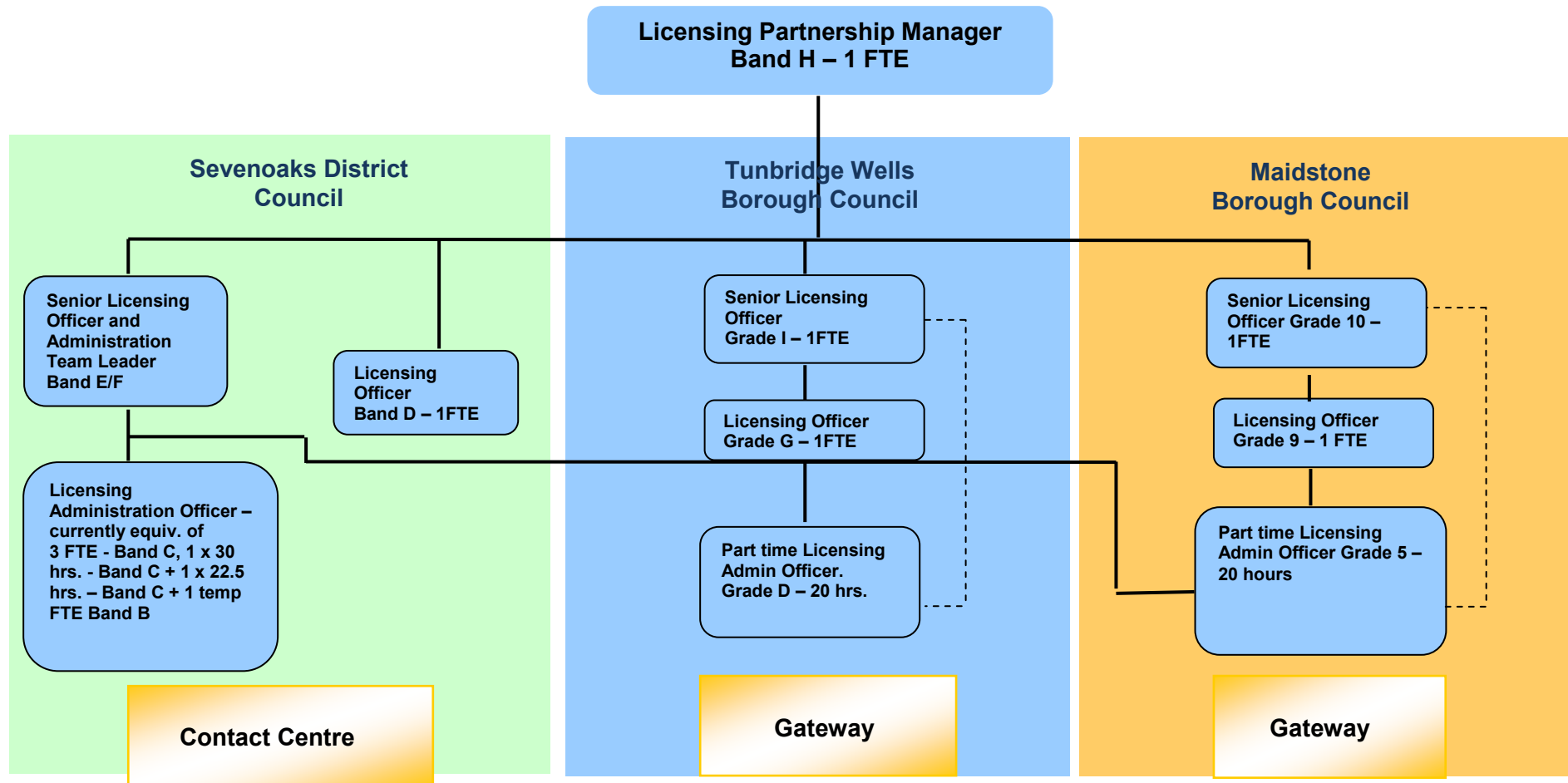
Section		Page Number
1	Who we are	2
2	What we do	4
3	2016/17 Service Objectives	5 - 11
4	Performance indicators and targets	12 - 13

1. Who we are

Team	Licensing Partnership comprising Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council
Service Manager	Claire Perry
Chief Officer / Head of Service	Gary Stevenson, John Littlemore and Richard Wilson

Our Structure Chart

00



2. What we do

Key Tasks	<ul style="list-style-type: none">■ Manage and oversee the Licensing Partnership.■ Seek to promote the licensing objectives of the relevant legislation.■ Our aim is to protect the public but also allow legitimate businesses within the area to prosper.■ To ensure that the legitimate taxis and private hire trade are able to provide a safe mode of transport to the residents and users within the Partnership's area.■ Compliance - ensure compliance of licensed premises, activities and events following grant of respective licences, permits and / or notices.■ To ensure that unlicensed premises, taxis/private hire and activities are investigated and appropriate action is taken.■ To enhance customer service while ensuring compliance with legislation.■ Fulfilling statutory duty whilst optimising cost savings and maintaining individual client's Council sovereignty.
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3. 2016/17 Service Objectives

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Objective 1	To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets	Responsible Officer	Claire Perry
Performance Measure	Description	2016/17 Target or Outcome	
Performance Indicator	<ul style="list-style-type: none"> Percentage of all applications outstanding for more than one month The percentage of valid personal licences processed within 2 weeks The percentage of valid temporary event notices processed within 72 hours Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days Length of time from validation to issue of HC/Dual driver licence (MPI) - target 10 working days Length of time from validation to issue of PH driver licence (MPI) - target 10 working days Length of time from validation to issue of PHO driver licence (MPI) - target 10 working days 	<p><10%</p> <p>95%</p> <p>95%</p> <p>95%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>To be achieved by 31/03/2017</p>	
Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone	Corporate & Customer Excellence		

Corporate Priorities			
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

Objective 2	Investigate further undertaking of licensing functions for other local authorities.	Responsible Officer	Licensing Partnership Board
Performance Measure	Description	2016/17 Target or Outcome	
Action	Make enquiries with potential partners to undertake licensing functions for a 4 th and 5 th partner.	Further functions carried out for other partners. To be achieved by 31/03/2017	
Action	Implement the required processes/changes to ensure an additional partner is integrated within the Licensing Partnership	A smooth integration of any additional partners	
Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

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Objective 3	Seek further efficiency savings in processes and use of online facilities		Responsible Officer	Claire Perry
Performance Measure	Description		2016/17 Target or Outcome	
Action	Increase the feedback received from customers regarding the service they receive and improvements that can be achieved		An increase in responses to our customer survey received and improvements made to the service. To be achieved by 31/03/2017	
Action	Implement an improved renewal/reminder notification system utilising email and text for taxi licensees		Reduce the cost of providing reminders to licensees. Seek further time saving measures to reduce officer time and resources. To be achieved by 31/03/2017	
Action	Reduce the face to face interaction for Licensing Partnership staff by implementing scripts to enable customer service staff to assist licensees in their requirement		Reduction in time spent for Licensing Partnership staff in reception, Town Hall & Gateway. Implement an appointment only system within the Gateway at Maidstone Borough Council. To be achieved by 30/09/2017	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities	
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence			

Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about our customers
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APPENDIX B

Objective 4	Ensure all online forms are implemented and in use by customers	Responsible Officer	Claire Perry
Performance Measure	Description	2016/17 Target or Outcome	
Action	The library of on line forms are implemented across the three partners.	Complete the introduction of all online forms. To be achieved by 31/03/2017	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

Objective 5	Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.	Responsible Officer	Claire Perry
Performance Measure	Description	2016/17 Target or Outcome	
Action	Deliver a programme of training to the Members and officers.	Programme delivered To be achieved by 31/03/2017	
Action	Hold morning/afternoon sessions where new Members can visit the Licensing Partnership's Administration Team.	To be achieved by 30/09/2017	
Link to Sevenoaks Corporate Plan	Keeping the district safe	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	For Maidstone to be a decent place to work		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about our people

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Objective 6	Officers and Licensing Committees to consider opportunities for greater harmonisation of policies	Responsible Officer	Claire Perry/Lorraine Neale/Sharon Degiorgio
Performance Measure	Description	2016/17 Target or Outcome	
Action	Explore greater harmonisation of licensing policies across the partnership	When the policies are reviewed greater harmonisation is achieved. To be achieved by 31/03/2017	
Link to Sevenoaks Corporate Plan	Keeping the district safe	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value
Objective 7	Health, Safety and Well Being of Staff	Responsible Officer	Claire Perry
Performance Measure	Description	2016/17 Target or Outcome	
Action	Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.	Risk assessments are in place and are reviewed.	

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		To be achieved by 31/03/2017	
Action	Ensure 1:1 meetings are carried out on a monthly basis.		All Senior Licensing Officers and Licensing Partnership Manager to ensure meetings take place and are documented.
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

4. Measuring our Performance

Performance Indicators and Target Setting

Code	Description	Collection period	2015 - 16 Target	2016 -17 Target
LPI LIC 001	Percentage of all applications outstanding for more than one month	Monthly	<10%	<10%
LPI LIC 002	The percentage of valid personal licences processed within 2 weeks	Monthly	95%	95%
LPI LIC 003	Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	Monthly	95%	95%
LPI LIC 004	The percentage of valid temporary event notices processed within 72 hours	Monthly	95%	95%
LPI LIC 005	The percentage of driver and operator licenses issued within 10 days of validation	Monthly	90%	90%
MPI LIC 05a	Percentage of Hackney Carriage driver licenses issued within 10 days of validation	Monthly	90%	90%
MPI LIC 05b	Percentage of Private Hire driver licenses issued within 10 days of validations	Monthly	90%	90%
MPI	Percentage of Private Hire Operator licenses issued within 10	Monthly	90%	90%

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LIC 05c	days of validations			
MPI LIC 012	Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days	Monthly	90%	90%
MPI LIC 013	Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days	Monthly	90%	90%
MPI LIC 017	The number of taxi enforcement checks completed (one per taxi vehicle)	Monthly	Maidstone 180 Sevenoaks 120 Tunbridge Wells 120	Maidstone 180 Sevenoaks 120 Tunbridge Wells 120
Data LIC 001	Total number of Hackney Carriage vehicle licences issued	Monthly		
Data LIC 002	Total number of Private Hire vehicle licences issued	Monthly		
Data LIC 003	Number of monthly premises licensing enforcement visits due that were undertaken	Monthly	Maidstone 180 Sevenoaks 230 Tunbridge Wells 180	Maidstone 180 Sevenoaks 230 Tunbridge Wells 180

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