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Cambridge City Council

LICENSING COMMITTEE

To: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Benstead, Blencowe, Brierley, Hart, McPherson, Pippas, Pogonowski, Reiner, Saunders and Stuart

Alternates Councillors Boyce, Owers and Wright

Despatched: Friday, 14 October 2011

Date: Monday, 24 October 2011

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Toni Birkin

Direct Dial: 01223 457086

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 MINUTES (*Pages 1 - 10*)

To approve the minutes of the meeting of 6th June 2011. (*Pages 1 - 10*)

4 PUBLIC QUESTIONS (SEE INFORMATION BELOW)

5 SEX ESTABLISHMENTS - STATEMENT OF LICENSING POLICY (*Pages 11 - 164*)

6 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (*Pages 165 - 350*)

7 PUBLICATION OF INTERESTED PARTY REPRESENTATIONS MADE UNDER THE PROVISION OF THE LICENSING ACT 2003 (*Pages 351 - 356*)

Information for the Public

QR Codes
(for use with Smart
Phones)



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After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

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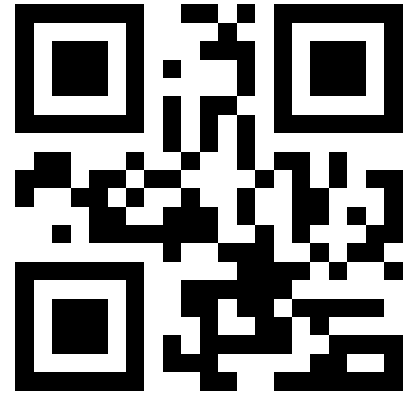
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LICENSING COMMITTEE

6 June 2011
10.00 am - 1.10 pm

Present: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Benstead, Blencowe, Hart, McPherson, Pippas, Pogonowski, Reiner, Saunders and Stuart

Officers Present:

Environmental Health Manager – Yvonne O'Donnell
Solicitor – Carol Patton
Committee Managers – Toni Birkin and Martin Whelan
Licensing Manager - Christine Allison

FOR THE INFORMATION OF THE COUNCIL

11/8/licf Apologies for absence

Apologies were received from Councillors Brierley and McPherson
Councillors Owers and Boyce were in attendance as alternates.

11/9/licf Declarations of Interest

Councillor Reiner declared a personal interest as a committee member of Park Street Residents Association which had made representation on item 11/14/licf.

Councillor Smith declared a personal interest as a member of The Council of the Cambridge University Catholic Association; the Chaplin had discussed the topic in item 11/14/licf

11/10/licf Minutes of the meeting held 24th January 2011

The minutes of the meeting held on the 24th January 2011 were approved as a true and accurate record.

Change to Agenda Order

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used her discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

11/11/licf Public Questions

The Chair agreed to take public questions with the relevant agenda items.

11/12/licf Consultation of Hackney Carriage and Private Hire Licensing Policy

Public Speaker Mr Wratten spoke on behalf of Cambridge City Licensed Taxis Limited and made the following points:

- The introduction of a sliding scale of fees would have little impact on emissions as the majority of taxis have no choice about vehicles they use in order to be offer wheel-chair access.
- Alternative vehicles are not available
- Applying controls to buses would achieve greater results
- Changes to taxi testing due to be introduced later this year will have a significant impact on the trade.
- Charges need to be realistic and the Council should work with the trade.
- Lack of rank spaces increases emissions as taxis are forced to cruise around looking for a space.
- Growth in taxi numbers has not been matched by rank spaces.
- A moratorium on taxi numbers would help.

The Licensing Manager introduced the report regarding the consultation on hackney carriage and private hire licensing policy.

The Chair asked for clarification on the ability of this committee to reject a decision that had been taken at the Environment Scrutiny Committee. Officers confirmed that the decision would need to be referred back to the Executive Councillor for Environmental and Waste Services for review.

The committee made the following comments regarding the report:

- I. Regulation of buses is outside the remit of this committee.
- II. Members would in principle support approaches that offer an incentive to drivers who upgrade to lower emission taxis.
- III. Members accept that wheel chair accessible vehicles lag behind other vehicles in terms of low emissions.
- IV. New licence plates would all fall into the higher brackets.
- V. Older plates are free to select saloon cars which some groups with mobility issues prefer.
- VI. Members discussed limiting the number of vehicles operating in the City. It was agreed that there is limited scope to do this.
- VII. Rank space was discussed and members noted that some ranks were unused whilst others had insufficient space. Members were advised that this is a County Council issue.
- VIII. Members felt that the sliding scale was unfair to wheel-chair accessible vehicles.
- IX. Members asked if the different types of vehicle could be consulted on separately as there appear to be competing objectives of accessibility and emissions reduction?

Councillor Blencowe proposed and Councillor Pogonowski seconded the following amendment to add:

As part of the consultation process to consider a moratorium on the number of licence applications approved until more rank spaces can be provided.

This was rejected (by a vote of 5 to 7).

Councillor Rosenstiel proposed and Councillor Pogonowski seconded an amendment to recommendation 2.2 to read:

To approve the consultation of the new proposed sliding scale fee relating to CO2 emissions for hackney carriage and private hire vehicles *with the possibility of a discount to be applied to wheel-chair accessible vehicles.*

The amendment was agreed (by a vote of 8 to 0)

The committee resolved by 7 votes to 0 to:

- I. note the content of the report and approve the consultation of the draft policy and process in order to adopt a final taxi licensing policy.

The committee further resolved by 8 votes to 0 to:

- II. approve the consultation of the new proposed sliding scale fee relating to CO2 emissions for hackney carriage and private hire vehicles with the possibility of a discount of around 5% to be applied to wheel-chair accessible vehicles.

11/13/licf Licensing Act 2003 Statement of Licensing Policy - results of public consultation on the section of Hills Road between the junctions of Regent Street and Purbeck Road as a fourth cumulative impact area and extension of the Leisure Park cumulative impact (CI) area to include the section of Cherry Hinton Road running from Hills Road to Clifton Road.

The Licensing Manager introduced the report regarding the Licensing Act 2003 – Statement of Licensing Policy. This concerned the results of public consultation to include Hills Road as a fourth cumulative impact area and an extension of the Cambridge Leisure park cumulative impact area to include the section of Cherry Hinton road running from Hills Road to Clifton Road.

Members expressed support for the policy.

The committee resolved unanimously to:

- I. adopt the section of Hills Road running from the city to Purbeck Road (both sides of the road) as a fourth area.
- II. extend the existing Cambridge Leisure Park cumulative impact area to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of road).
- III. approve the insertion of the appropriate wording as set out in Appendix C of the report.
- IV. recommend adoption by full Council, within the Statement of Licensing Policy, the amendments stated in paragraphs above and to revise paragraph 5.8 of the Statement of Licensing Policy as set out in Appendix C.

11/14/licf Sex Establishments - Statement of Licensing Policy

Public Speaker Norah Al-Ani on behalf of Cambridge Rape Crisis Centre, Cambridge Women's Aid and the Womens Resources Centre and made the following points.

Seven (out of a total of fifteen) of the consultation responses requested that the Council adopt a nil policy for sex establishments in Cambridge.

The group she was representing would ask the Committee to seriously consider, and indeed adopt, the approach used by the London Borough of Hackney in their Sex Establishment Licensing Policy (see below) to overcome and resolve this barrier to a nil policy, as identified in 3.10 of the Committee Report:

Public Speaker Janie Huber

As the parent of two daughters, would the committee consider that the policy is likely to increase the number of such venues in the City.

The Chair responded. New legislation allows the authority to regulate such premises. However, there is no expectation that this would increase the number of applications or that any licence would be granted. The policy is merely a framework with which to deal with future applications.

Ms Huber replied that business pressure would result in women having to fight each application, year on year. Asked the committee to adopt a nil policy.

The committee received a report from the Head of Refuse and Environment regarding the Licensing of Sex Establishments. The Licensing Manager introduced the item.

The committee asked the following questions:

I. If a nil policy were to be adopted, would applications still be heard?

A. The officer responded that any application received would be considered on its individual merits.

II. What will happen to the venue that has an existing Licence?

A. The existing licence holder will be required to apply for a licence under the new arrangements before December 2011. The Chair requested clarity on a potential challenge from the existing licence holder. The officer clarified that

transitional arrangements would apply. However, members were advised that the adoption of a nil policy could be subject to challenge under Human Rights Legislation and Judicial Review

III. Has the nil policy adopted by the London Borough of Hackney been tested in the courts?

A. The Hackney approach is new and there has been no opportunity for it to be tested.

The Chair asked for a legal view on the robustness of the Hackney approach whereby each ward in the borough is treated as a relevant locality and the London Borough of Hackney decided that the appropriate number of sex establishments for each ward is nil . The Legal Representative said the situation was unchallenged to date.

IV. Why is Burlesque not included?

One-off burlesque events would be covered by the regulations on infrequent (less than 11 times a year) type events.

Members made the following comments.

- V. Reliance on an untested approach could be risky. However some member's felt it was worth the risk.
- VI. Burlesque is a different type of event and members were reluctant to restrict all forms of adult entertainment.
- VII. Members recognised that workers in sexual entertainment venues are vulnerable to abuse and the policy should offer them protection. It was suggested that the policy could include wording requiring the disclosure of financial arrangements between performers and venue management.

Councillor Hart suggested that the policy was contradictory as no contact is allowed with performers during the performance and performers were required to be covered after the performance. This allowed no opportunity for gratuities to be placed in garters. She questioned at what point a performance was deemed to have ended. The Chair suggested that how performers were paid was not a matter for this committee.

Members debated the nil policy approach and agreed that they could not use moral arguments as the grounds for such a policy. There was further concern that a nil policy had not been an option in the consultations and therefore the public had not had an opportunity to express an opinion. A second round of consultation was suggested as per the recommendation.

The Licensing Manager drew the committee's attention to the difference between Sex Establishments, which would include shops and cinemas, and Sexual Entertainment Venues (SEVs). A nil policy for SEVs would need clarity regarding which types of venue it covered.

Councillor Hart proposed and Councillor Pogonowski seconded the following amendments to the draft policy (words in *italic added*), to be subject to further consultation:

Section 9.1

We have not imposed a limit on the number of *sex establishment* premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:

9.1.1 a residential area

9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;

9.1.3 a park or other recreational areas used by or for children under 16 years of age;

9.1.4 a church or other place of religious worship;

9.1.5 a community centre

Sexual Entertainment Venues will be subject to additional criteria as detailed in section 13.3

Section 13.3

The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

The Council has set a limit on the number of Sexual Entertainment Venues that it thinks is appropriate for its relevant localities. The Council treats each ward in the district as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate number of Sexual Entertainment Venues for each ward is as follows:

Ward	Appropriate Number
<i>Abbey</i>	<i>Nil</i>
<i>Arbury</i>	<i>Nil</i>
<i>Castle</i>	<i>Nil</i>
<i>Cherry Hinton</i>	<i>Nil</i>
<i>Coleridge</i>	<i>Nil</i>
<i>East Chesterton</i>	<i>Nil</i>

<i>King's Hedges</i>	<i>Nil</i>
<i>Market</i>	<i>Nil</i>
<i>Newnham</i>	<i>Nil</i>
<i>Petersfield</i>	<i>Nil</i>
<i>Queen Edith's</i>	<i>Nil</i>
<i>Romsey</i>	<i>Nil</i>
<i>Trumpington</i>	<i>Nil</i>
<i>West Chesterton</i>	<i>Nil</i>

The amendment was agreed (by 8 votes to 4)

Committee resolved (unanimously) to approve the wording of the further draft Sex Establishment Licensing Policy attached as Appendix 2 to the report and subject to the amendments detailed above, to go out for further consultation.

The policy will be subject to further consultation and will return for consideration by the Licensing Committee at a subsequent meeting. Once implemented it would be reviewed at least every five years.

Ruling in Item

The Chair, ruled that under 100B(4)(b) of the Local Government Act 1972 the late agenda item from the **Head of Refuse and Environment** on the **Hackney Carriage Fare Review 2011/12** despatched and placed on deposit on 3rd June 2011 be considered, despite not being made publicly available five clear days prior to the meeting.

The reason is that the information was not available before agenda despatch.

11/15/licf Hackney Carriage Fare Review 2012/13

Public Speaker Mr Wratten spoke on behalf of Cambridge City Licensed Taxis Limited. Taxis drivers costs have risen by around £40 per week over the last year. Option 1 would help towards the escalating costs.

The committee received a report from the Licensing Manager to consider and determine the application from Cambridge City Licensed Taxis Limited for the annual increase in hackney carriage fares.

The committee asked the following questions regarding the report:

- I. The existing policy has a surcharge option should diesel prices reach £1.47 per litre. Would drivers be better off under this pricing structure?
- II. Why is option 1 favoured over option 2?

The officer responded that option 1 would be simple to implement and was the option favoured by the trade. The policy would be a replacement rather than an addition and the 40p surcharge would no longer be an option. She suggested that the policy could be implemented by the 1st August 2011.

Members were unhappy that a third option had been introduced at this late stage and that they had not had time to fully consider this as an option.

Councillor Rosenstiel proposed and Councillor Stuart seconded the following amendment to the recommendation:

To agree an increase of 20p drop price and no increase in distance and time tariff and to remove the surcharge.

The amendment was agreed (unanimously).

Councillor Pogonowski proposed and Councillor Hart seconded a further amendment to introduce the new charges from 1st August 2011.

The amendment was agreed (unanimously).

NB The committee agreed to delegate the details of further consultations to the Chair and Spokes.

The committee resolved unanimously:

To agree an increase of 20p drop price and no increase in distance and time tariff and to remove the surcharge with effect from 1st August 2011.

The meeting ended at 1.10 pm

CHAIR



Sex Establishment Licensing Policy 2011

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1. Introduction

1.1 This document sets out Hackney Council's policy (the "Policy") regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

1.2 This document relates to applications for sex establishment licences covering:

- sex entertainment venues
- sex cinemas
- sex shops

as set out in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

1.3 On 21 July 2010 the Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This applies to the area of the local authority of the London Borough of Hackney and came into force on 15 September 2010.

1.4 The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities.

1.5 The Council has considered the character of its wards and determined that the appropriate number of sex establishments for each ward is nil. It will not allow further licences to be granted where the appropriate number is exceeded except for exceptional cases. Please refer to paragraph 5 for more details

1.6 The procedure sets out:

- the process for making an application, and
- the process the Council will follow in considering and determining an application for a sex establishment.

2. Consultation on the Policy

- 2.1 In developing the Policy for the three kinds of sex establishment (sex shop, sex cinema and sex entertainment venue), the Council has had regard to Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, as provided for under the Policing and Crime Act 2009. A draft Policy was approved for consultation by Licensing Committee on 23 March 2010.
- 2.2 Consultation on this Policy took place with:
- the Chief Officer of Police for the London Borough of Hackney
 - one or more persons who appear to the authority to represent the interests of persons carrying on sex establishment businesses in the authority's area (there are five existing sex establishments in the borough) and
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. This includes but is not limited to:
 - regulatory authorities such as the fire authority, community safety and child protection
 - interested parties such as resident associations and trade associations.
- 2.3 The Council gave due weight to the responses received and made appropriate amendments to the Policy. In determining what weight to give particular representations, the following factors were taken into account:
- who made the representation (what was their expertise or interest)
 - what the motivation may be for their views
 - how many other people expressed the same or similar views
 - how far representations related to matters the Council should include in its Policy.
- 2.4 The full list of consultees, comments made and their consideration by the Council is available on request from the Licensing Service or by email to licensing@hackney.gov.uk.
- 2.5 Once adopted, the Council may review the Policy from time to time as it deems appropriate.

3. Definitions

The Act

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

The Policy

This refers to the sex establishment licensing policy.

Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that each ward within the borough represents a relevant locality for the purposes of decision making. The Council may have regard to the area of more than one locality/ ward.

Character of the relevant locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

The Council

This means the London Borough of Hackney.

Display of nudity

This means:

- In the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- In the case of a man: exposure of his pubic area, genitals or anus

The licensed premises

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required to operate. Note that licences are not required for the sale, supply or demonstration of birth control items.

The Organiser

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

A sex cinema is any premises , vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory functions.

Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

Sex Shop

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

4. Policy Considerations

- 4.1 This Policy applies to the London Borough of Hackney. Hackney had at June 2007 a population of between 209,700 (ONS Mid-Year Population Estimates, 2007) and 233,171 (“Estimating and profiling the population of Hackney”, Mayhew Associates 2008). Hackney has an area of 19 square kilometres, making it one of the smallest of the London boroughs but with a growing population density which is 2.3 times the London average (see appendix 1). Its size ranks 29th in comparison to the other boroughs; only Hammersmith & Fulham, Islington, Kensington & Chelsea and City of London have smaller areas. Hackney is primarily urban (residential, retail, offices, industrial etc.); this accounts for 50.3% of its land use. 22.6% of the borough is made up of parks, open spaces and waterways with 27.1% being roads and thoroughfares.
- 4.2 The Council’s vision is to achieve balanced, sustainable communities and neighbourhoods to enable a good quality of life for all. In consultation with its partners it has developed and adopted a number of strategies, policies and plans that set out how it mean to achieve this vision and it is the Council’s view that the granting of sex establishment licences would undermine the said vision.
- 4.3 In devising this Policy, regard has been given to the available data, findings, shared vision and plans informing Hackney’s Sustainable Community Strategy (the “Strategy”), adopted by the Council and Hackney’s local strategic partnership (Team Hackney) in November 2008 as well as data at appendix 1 to this Policy.
- 4.4 Whilst Hackney is part of a prosperous capital city with a diverse population, it is the second most deprived local authority area in the country. Good progress has been made in narrowing the gap of unemployment and economic inactivity between Hackney and London as a whole, but Hackney continues to have higher levels of unemployment than London as a whole and its employment rate continues to be amongst the lowest in the UK.
- 4.5 Almost two in five working age people in Hackney receive means tested benefits. Almost half of those on Incapacity Benefit cite mental health or behavioural problems. One in two children in the borough live in families that are dependent on benefits. It is noted that Hackney’s communities have higher levels of illness and disability than elsewhere; 1 in 10 children and 1 in 6 adults at any one time has a mental health problem. In the Strategy it is a stated goal to close the gap in mental wellbeing between people from different backgrounds and between people living in the most and least deprived areas in the borough.

- 4.6 Local people continue to be more concerned about the level of crime than about anything else. Although crime levels have been falling significantly in recent years, attending to the needs of people feeling safe is important. Hackney seeks to further reduce crime and help people feel safer in the borough. Community policing and improved joint working have contributed to crime reduction. Young people are a particular focus of both prevention and offender support though despite successes over time young people remain over-represented both as perpetrators and victims of crime.
- 4.7 Hackney is a young borough. Almost 26% of the population is under 19. There is a significant caseload of looked after children and those on the child protection register. Young people in Hackney face significant pressure to engage in behaviour that makes them vulnerable to harm, for example, drugs, sex and crime. Gang related activity is an area that is being looked at through the Strategy, to engage and empower young people, particularly those at risk of becoming or who are involved in gang membership, antisocial behaviour and criminal activity.
- 4.8 The Strategy has the following vision for the borough in 2018:
- an aspirational, working borough, a vibrant part of this world city, renowned for its innovative and creative economy; a place that values the diversity of its neighbourhoods, and makes the most of their links across the globe to enrich the economic and social life of everyone who lives in the borough
 - a borough with greater opportunity and prosperity for everyone, whatever their background, and narrowing economic environmental and health inequality. We will have secured the benefits arising from hosting the 2012 Olympic and Paralympic Games
 - a green, cosmopolitan part of London with safe, strong and cohesive communities, and a shared sense of fairness, citizenship and social responsibility.
- 4.9 The Council and its partners have identified two fundamental dynamics that will shape the borough over the coming decade – population growth and cohesion. The Strategy has six priorities set for the achievement of the vision:
1. Reduce poverty by supporting residents into sustainable employment, and promoting employment opportunities
 2. Help residents to become better qualified and raise educational aspirations
 3. Promote health and well being for all, and support independent living
 4. Make the borough safer, and help people to feel safe in Hackney
 5. Promote mixed communities in well-designed neighbourhoods, where people can access high quality, affordable housing

6. Be a sustainable community, where all citizens take pride in and take care of Hackney and its environment for future generations.
- 4.10 The borough's Local Development Framework Core Strategy (“Core Strategy”) sets the strategic direction for delivering the spatial elements of the Strategy. Its vision is that by 2026 Hackney has exploited its great strengths as a prime location in London and one of the most diverse communities in the country. Alongside supporting the objectives of the Strategy it sets out how the expected population and economic growth will lead to identified key areas across the borough changing in different ways.
- 4.11 The Council aims to integrate this Policy with the objectives of the Sustainable Community Strategy and the Core Strategy so that it contributes to achieving the vision of the borough. As such and with reference to appendix 1, the provision of sex establishments is considered by this Council to contradict and undermine its stated aims and exacerbate the challenges it faces in bringing about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities. The Council’s “nil per ward policy” responds to this concern and in addition to the above is based on the following borough factors which justify this safeguarding regulatory step:
- The relative size of the borough taken as a whole
 - Population density and growth trends
 - Ward profiles
 - Borough profile
 - Poor economic and health specific deprivation indices
 - Level of social housing and tenure
 - Areas subjected to regeneration initiatives
 - Locations of:
 - Premises attracting vulnerable people such as GP surgeries and addiction centres
 - Areas and premises attracting families such as leisure and sport facilities and play spaces and play path finders, parks and open spaces
 - Premises attracting young people such as schools, nurseries and other educational establishments
 - Our diverse cultural communities
 - Places of worship
- 4.12 It is the Council’s view that having regard to each ward and recognising that because of the mix of uses, the character, the strategic vision and the existing locations of particular types of premises in those wards, it would be inappropriate for sex establishments to be located in its wards. The association that sex establishments have with a part of the “sex industry”

and adult entertainment means that they are not suitable for location in those parts of the borough associated with commerce, family retail and entrepreneurship, nor are they appropriate for location in residential areas or areas frequented by families and children.

- 4.13 Working with its Team Hackney partners in Health, Education, the Police and the business and voluntary sectors, the Council will continue to ensure that it reasonably and proportionately reflects the needs of its local communities through:
- continued meaningful consultation
 - the promotion of a consistent and fair approach to regulation
 - consultation with the police and other agencies as appropriate, to establish protocols for effective enforcement
- 4.14 The Council understands that the co-ordination and integration of policies, strategies and initiatives is important. This policy takes account of, and is supported by, other Council policies and relevant legislation mentioned below. Through partnership working, the Council will seek to secure the proper integration of its Policy with other licensing policies, local crime prevention, planning, tourism, race equality schemes and cultural strategies, and any other plans introduced for the management of town centres and the night time economy.
- 4.15 This Policy has therefore had regard to:
- The Community Strategy 2004 – 2014
 - Hackney's Local Area Agreement 2007-2010
 - The Safer Cleaner Partnership (Crime & Disorder Reduction Partnership)
 - Hackney Substance Misuse Strategy
 - Hackney's Enforcement Policy
 - Hackney's Cultural Strategy
 - Hackney's Local Development Framework (LDF)
 - Town Centre Management
 - Regeneration Delivery Framework
 - Section 17 of the Crime and Disorder Act 1998
 - The Human Rights Act 1998
 - The Disability Discrimination Act 1995
 - Hackney's Statement of Licensing Policy (Licensing Act 2003)
 - Hackney's Statement of Licensing Policy (Gambling Act 2005)
 - Provision of Services Regulations 2009

5. General Policy

5.1 Principles to be applied

5.1.1 Specific mandatory grounds for refusal of a licence are set out in the Act.

A licence cannot be granted:

- a) to anyone under 18 years of age
- b) to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) to someone who has been refused a new or renewal of licence within the last 12 months (from the date of making the application)
- d) to an individual who is not resident in the United Kingdom or has not been resident for six months prior to the making of an application
- e) to a company not incorporated in the United Kingdom

5.1.2 The Council has determined that the following principles will apply.

5.1.3 The Council has set a limit on the number of sex establishments that it thinks is appropriate for its relevant localities. The Council treats each ward in the borough as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate numbers of sex establishments for each ward is as follows:

Ward	Appropriate Number
Brownswood	Nil
Cazenove	Nil
Chatham	Nil
Clissold	Nil
Dalston	Nil
De Beauvoir	Nil
Hackney Central	Nil
Hackney Downs	Nil
Haggerston	Nil
Hoxton	Nil
Kings Park	Nil
Lea Bridge	Nil
Lordship	Nil
New River	Nil
Queensbridge	Nil
Springfield	Nil
Stoke Newington	Nil

Ward	Appropriate Number
Victoria	Nil
Wick	Nil

5.1.4 There is no right of appeal against a decision based on this element of the Policy.

5.1.5 While each case will be considered on its own merits, the Council does intend that the nil policy will be strictly applied and that exceptions will be granted only in the most exceptional cases. For those purposes, the fact that an applicant is of good character and will manage the proposed premises well will not be considered an exceptional circumstance.

5.2 Other considerations

General

5.2.1 Every application will be considered on its merits on a case by case basis in determining applications to grant, refuse, renew, transfer or vary a licence.

5.2.2 The applicant must effectively address the policies on the appropriate number and the character of the relevant locality/ ward in order for any grant of an application to be considered.

5.2.3 Sex establishments are not to be functionally visible to passers by on retail thoroughfares or pedestrian routes. Premises should be at basement level or with a main entrance away from such routes.

5.2.4 The Council shall have regard to all relevant considerations, including any representations received and comments made by:

- Ward Councillors
- Police
- Fire Brigade
- Planning Service
- Pollution Group
- Community Safety
- Licensing Authority
- Interested Parties (local residents / businesses)
- Any representations made by the applicant.

New applications

5.2.5 The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality (please refer to paragraph 5.1.3)
- d) the grant or renewal of licence would be inappropriate having regard to:
 - i. the character of the relevant locality
 - ii. the use to which any premises in the vicinity are put; or
 - iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5.2.6 The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licensed premises is such that granting a licence is considered inappropriate.

5.2.7 The Council shall not normally grant a licence to operate as a sex establishment where there are residentially occupied premises, schools (including nursery groups) and other places / access routes used to a significant degree by children or young persons, or places of worship within 50 metres of the premises seeking a licence.

5.2.8 The Council shall not normally grant a licence to operate as a sex establishment, if it will result in more than one premises licensed as a sex establishment within 100 metres of residentially occupied premises, schools (including nursery groups) and other places / access routes used to a significant degree by children or young persons, or places of worship.

5.2.9 The Council may also have regard to the following factors:

- a) the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons
- b) the proximity of educational establishments to the premises
- c) the proximity of places of worship to the premises

- d) access routes to and from schools, play areas, nurseries, children's centres or similar premises
- e) the proximity to shopping centres
- f) the proximity to community facilities / halls and public buildings such as swimming pools, leisure centres, public parks, youth centres / clubs (this list is not exhaustive)
- g) the potential impact of the licensed activity on crime and disorder and public nuisance
- h) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated
- i) the nature and concerns of any objections received from residents/establishments objecting to the licence application.
- j) any evidence of complaints about noise and/or disturbance caused by the premises.
- k) current planning permission/ planning requirements on the premises
- l) any current planning policy considerations
- m) proximity of other sex establishments
- n) whether there is planned regeneration of the area
- o) any current licensing permissions related to the premises in relation to activities, uses and hours
- p) comments/observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/ prosecutions pending.
- q) the suitability and fitness of an applicant to hold a licence. In determining suitability for a licence, the Council shall normally take into account:
 - previous knowledge and experience of the applicant

- any evidence of the operation of any existing / previous licence held by the applicant, including any licence held in any other borough
- any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant
- any other relevant reason

5.2.10 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application.

5.2.11 All applications for new licences for sex establishments, as described in the Act shall be referred to a Licensing Sub-Committee for decision.

Renewal Applications

5.2.12 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.

5.2.13 When considering a renewal application the Council may take into account the criteria set out at paragraph 5.2.9 a) – q), and:

- a) the type of activity to which the application relates
- b) the duration of the proposed licence
- c) the days and hours of operation of the activity
- d) the layout and condition of the premises
- e) the use to which other premises in the vicinity are put
- f) the character of the locality in which the proposed premises are situated
- g) the levels of crime and disorder in the area
- h) past demonstrable adverse impact from the activity
- i) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts
- j) whether the premises is longstanding
- k) whether the premises is well run

5.2.14 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.

5.2.15 All applications for renewal, as described in the Act shall be referred to a Licensing Sub-Committee for decision.

Variation Applications

5.2.16 Where an application is made to vary any of the terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 5.2.9 a) – q) and 5.2.13 a) – i) above.

Established Operators

- 5.3.1 In this section “established operator” means a sex establishment which was trading as such in Haggerston when the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 came into force in Hackney on 15th September 2010.
- 5.3.2 The policy set out in this section applies to both transfer and renewals applications for established operators in Haggerston. The policy will not normally be applied to permit movement between categories of sex establishment, save for the replacement of sexual entertainment venues by sex shops.
- 5.3.3 The Council recognises that there are established operators who have traded in Haggerston for a long period of time. In deciding whether to make an exception to any provision within this Sex Establishment policy, including the nil policy and any other policy consideration within this policy, the Council will give due weight to the fact, if proved, that the applicant is an established operator whose establishment is a long-standing, well-run sex establishment which has not generated significant levels of concern among the community or statutory authorities.

6. The Application Process

Making an application

- 6.1 Any application should be made in writing to the Licensing Service. The Service is open from 9.00 am to 5.00 pm, Monday to Friday. The Service contact number is 020 8356 2431. Please note that generally, applications may take 8 to 12 weeks to determine.
- 6.2 Applicants for a licence must complete and return the application form (which can be provided on request from the Licensing Service) together with:
- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - five sets of plans (scale 1:50) showing the layout of the sex establishment;
 - the correct fee as set by the Council's Licensing Committee
- 6.3 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. Notices are available from the Licensing Service. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.
- 6.4 Applicants are also required to place a public notice in the Hackney Gazette or Hackney Today newspaper, at their expense. A specimen advertisement is available from the Licensing Service. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 6.5 Officers from Building Control and the Fire Authority will inspect the premises to ensure that required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.

- 6.6 As part of the established procedure for dealing with applications, Pollution Group officers are consulted. If there is the possibility of noise nuisance for example from amplified music, these officers may also carry out an inspection and recommend noise insulation work. Any requirements they identify must be complied with at all times any licence is in force.
- 6.7 Comments on applications are also sought from local Ward Members, the Police, the Head of Planning and any other relevant person as deemed appropriate by the Council.
- 6.8 Applicants are warned that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 6.9 Any licence approved does not constitute any approval under any other Acts (eg the Town and Country Planning Act 1990) or Bye-Laws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 6.10 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 6.11 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with this.

Renewal of Licences

- 6.12 To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of the existing licence.
- 6.13 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Variation of Licence

- 6.14 The application form, with relevant plans and fee should be sent to the Licensing Service. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements set out in the above paragraphs 6.3 and 6.4.
- 6.15 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.
- 6.16 All variation applications for sex establishment licences must be referred to the Council's Licensing Sub-Committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of Licence

- 6.17 The Council will not determine an application for transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations on an Application

- 6.18 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the Licensing Service, setting out the grounds of objection.
- 6.19 The Council will weigh up and balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 6.20 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Sub-Committee.
- 6.21 However, the grounds of any objection made on the application must be provided to the applicant prior to the determination of the application. The report to the Licensing Sub-Committee may have full details of the

objections, including any actions / undertakings proposed by the applicant to address matters raised.

- 6.22 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Licensing Sub-Committee before the application is determined.

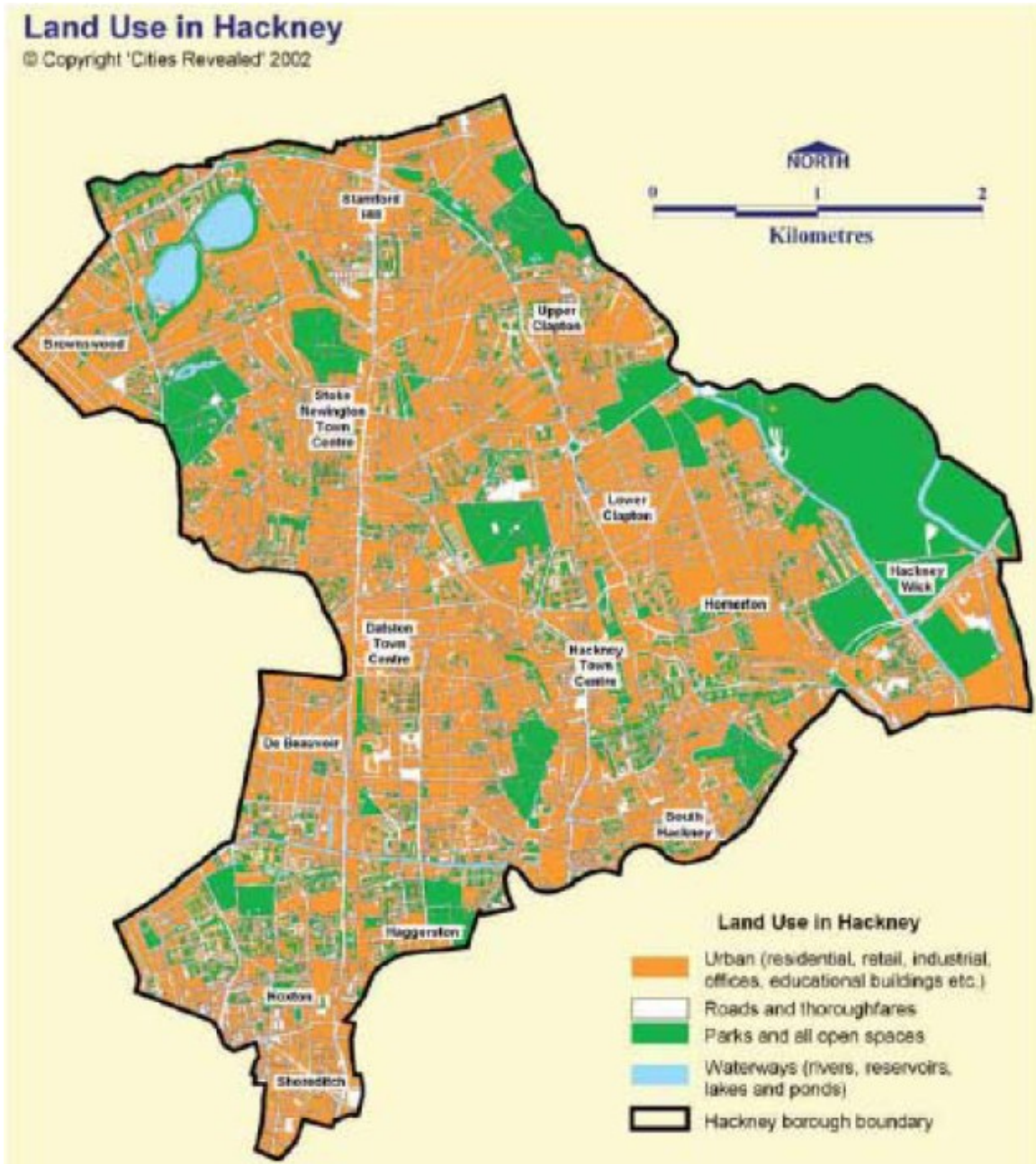
7. Duration of Licence

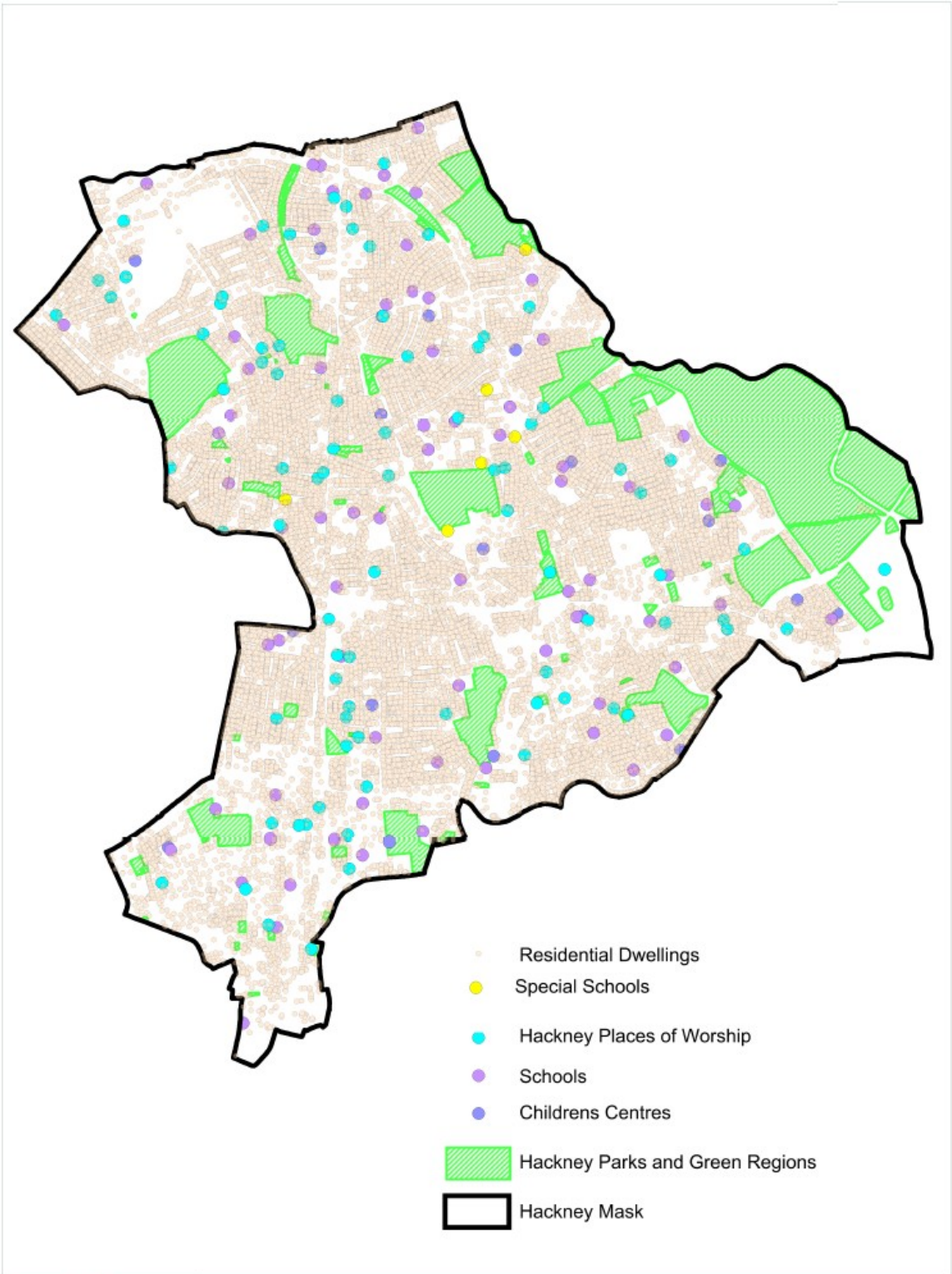
- 7.1 Sex establishment licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.

8. Appeals

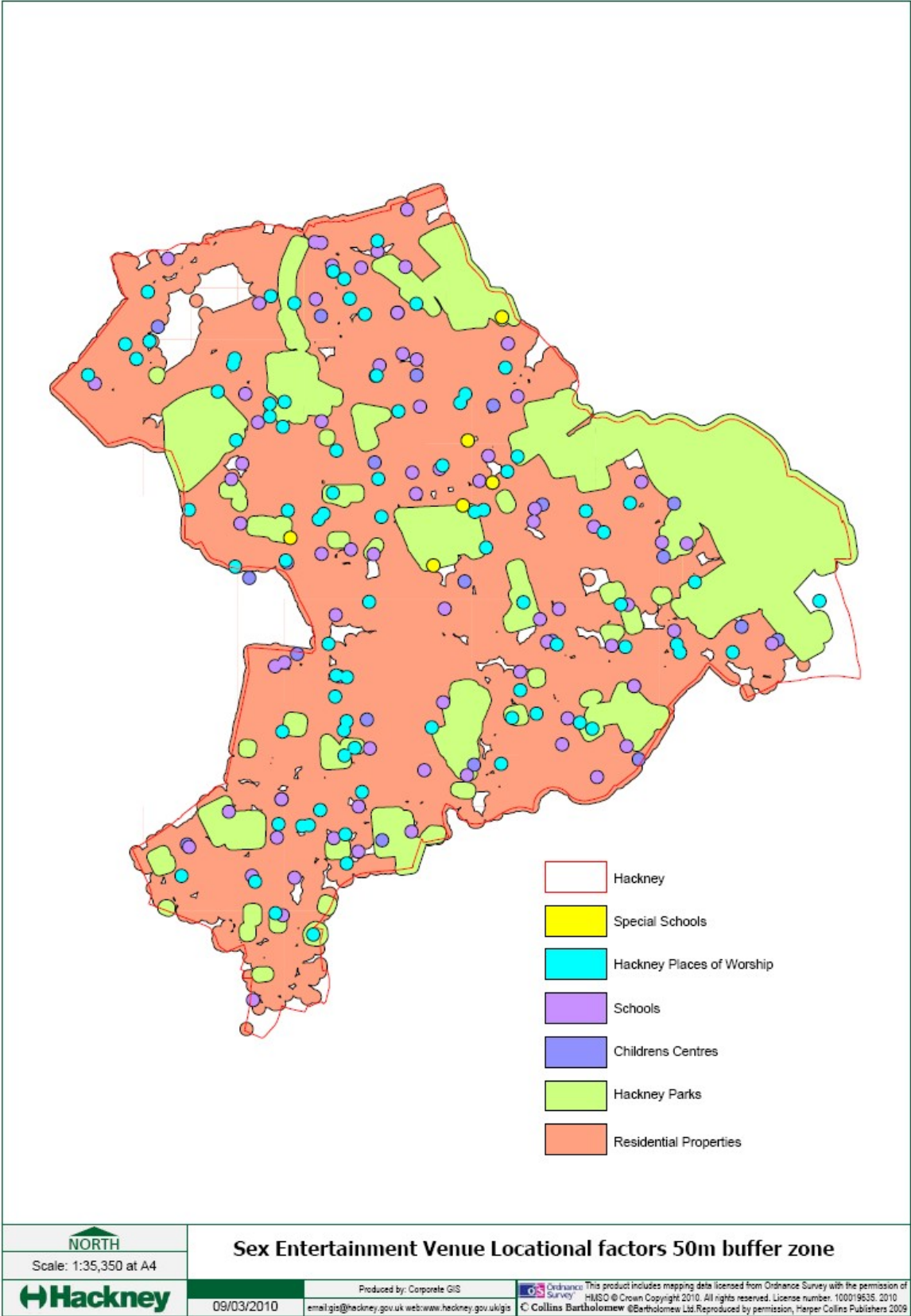
- 8.1 There is no right of appeal:
- against refusal of licence on the grounds set out in paragraph 5.1.1 or 5.1.3 above, unless an applicant can prove the appropriate ground of refusal does not apply to them
 - where refusal of licence is based on the grounds set out in paragraph 5.2.5 (c) and (d) above
- 8.2 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.
- 8.3 Where an appeal is lodged (other than on grounds stated at paragraph 8.1) against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

Appendix 1: Character and Locality Maps

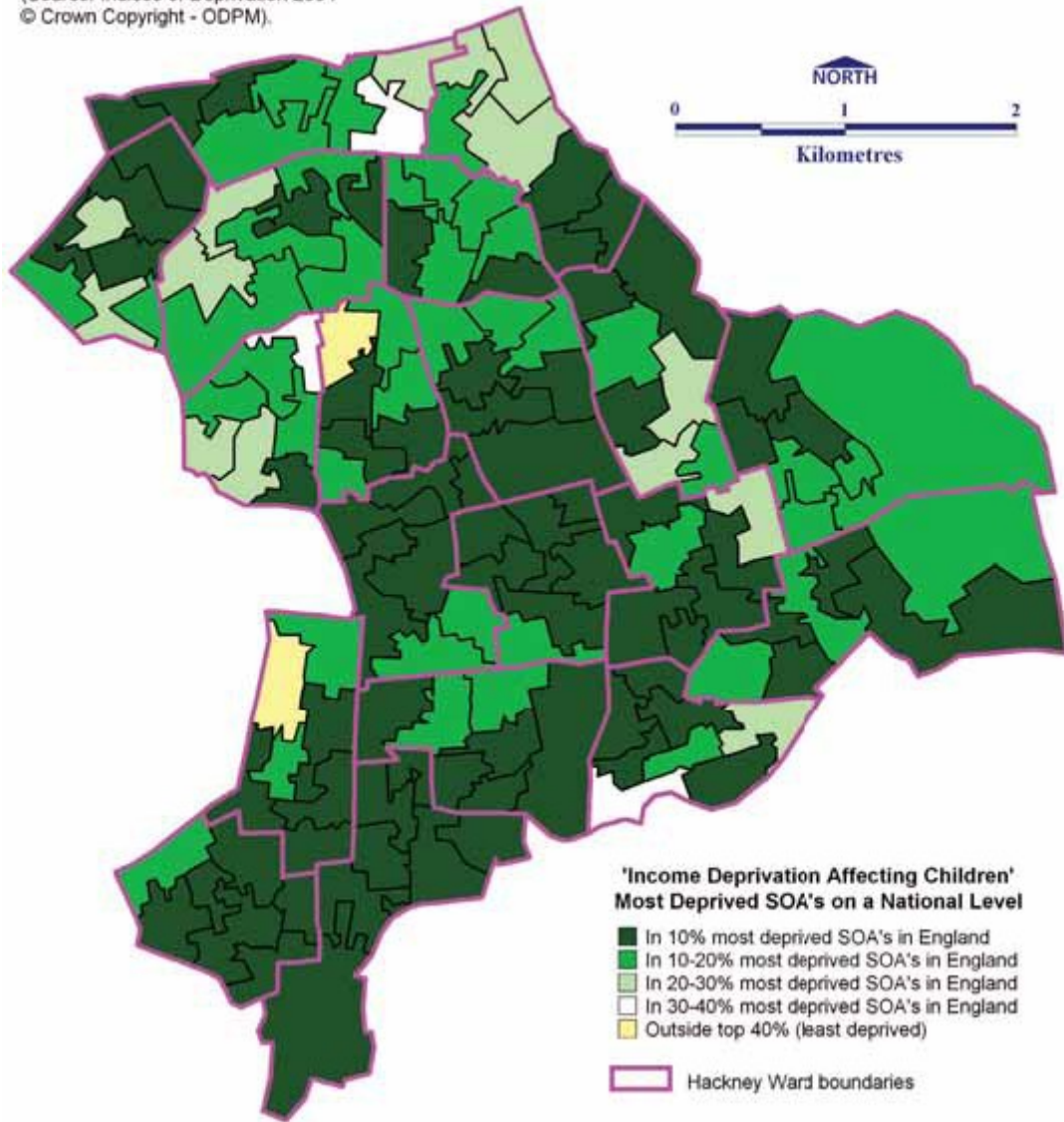




 NORTH	Sex Entertainment Venue Locational Factors		
Scale: 1:32,570 at A4			
	Produced by: Corporate GIS 09/03/2010 email:gis@hackney.gov.uk web:www.hackney.gov.uk/gis	This product includes mapping data licensed from Ordnance Survey with the permission of HMSO © Crown Copyright 2010. All rights reserved. License number: 100019635, 2010 © Collins Bartholomew & Bartholomew Ltd. Reproduced by permission, Harper Collins Publishers 2009	

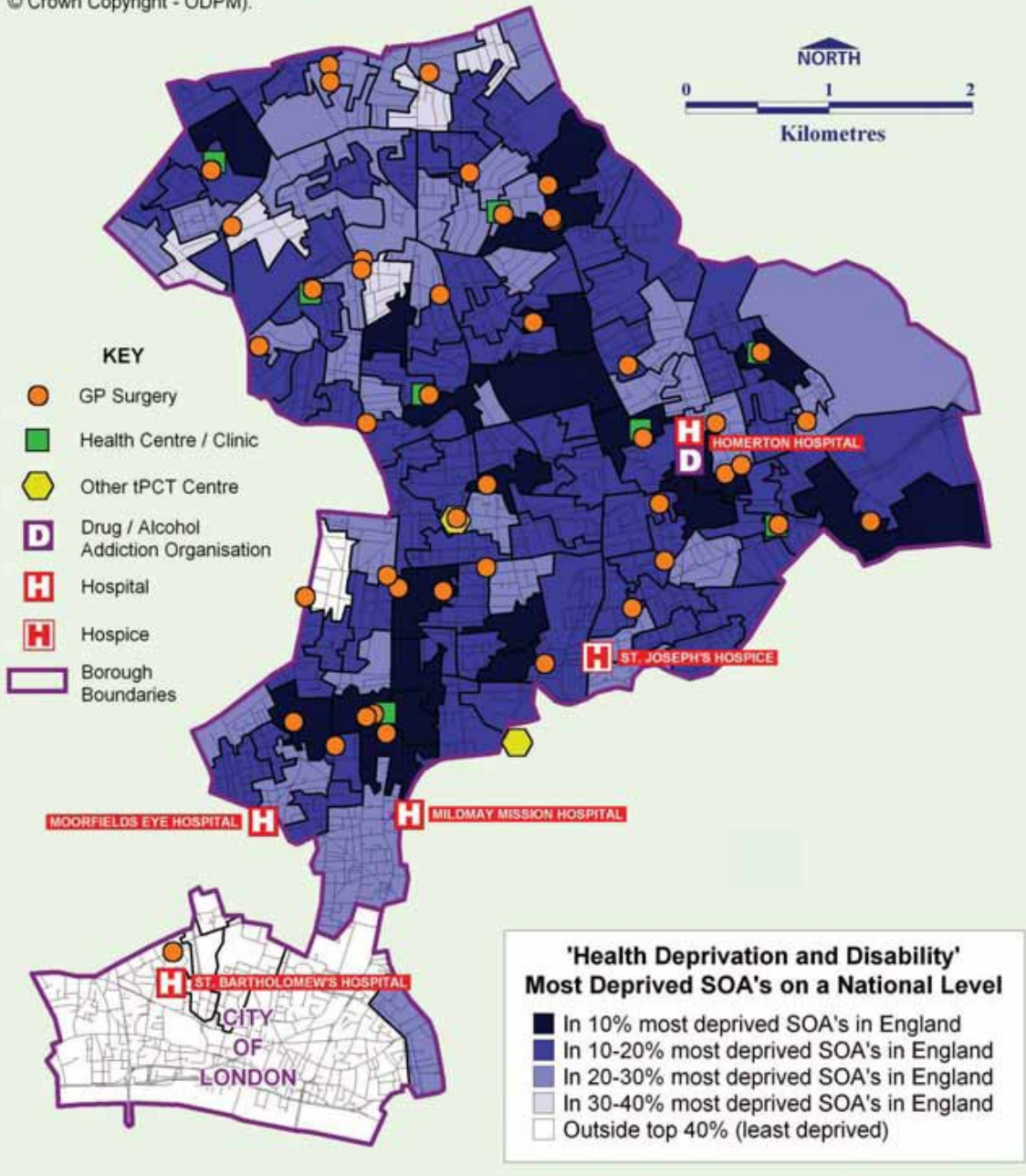


Based on lower level Super Output Areas.
(Source: Indices of Deprivation 2004
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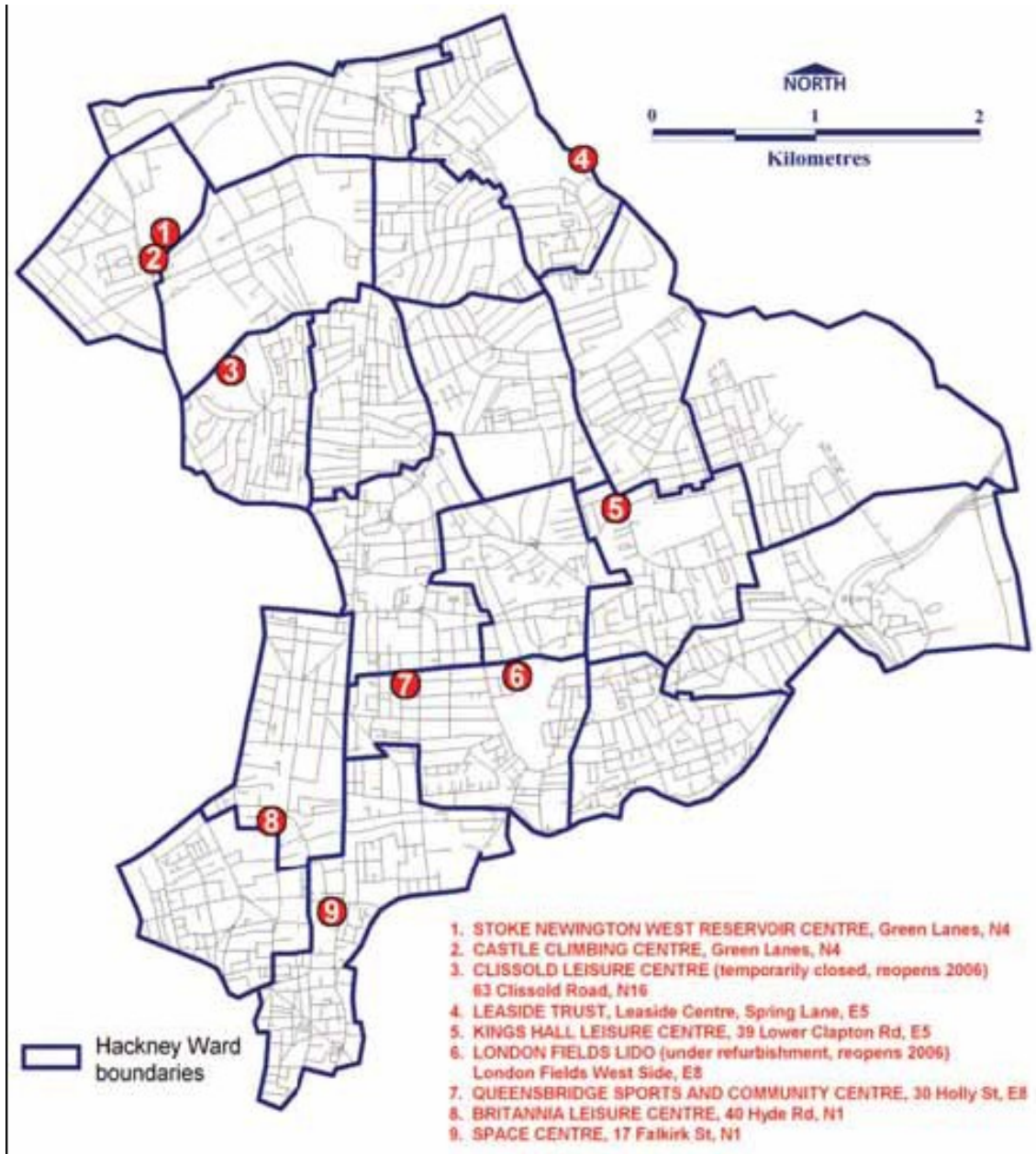


City & Hackney tPCT: Health Organisations and Health Deprivation

(Sources: Health Organisations - City and Hackney Teaching Primary Care Trust.
 'Health Deprivation and Disability' data - Indices of Deprivation 2004.
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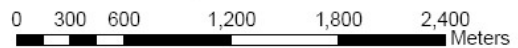
Main sport and leisure facilities



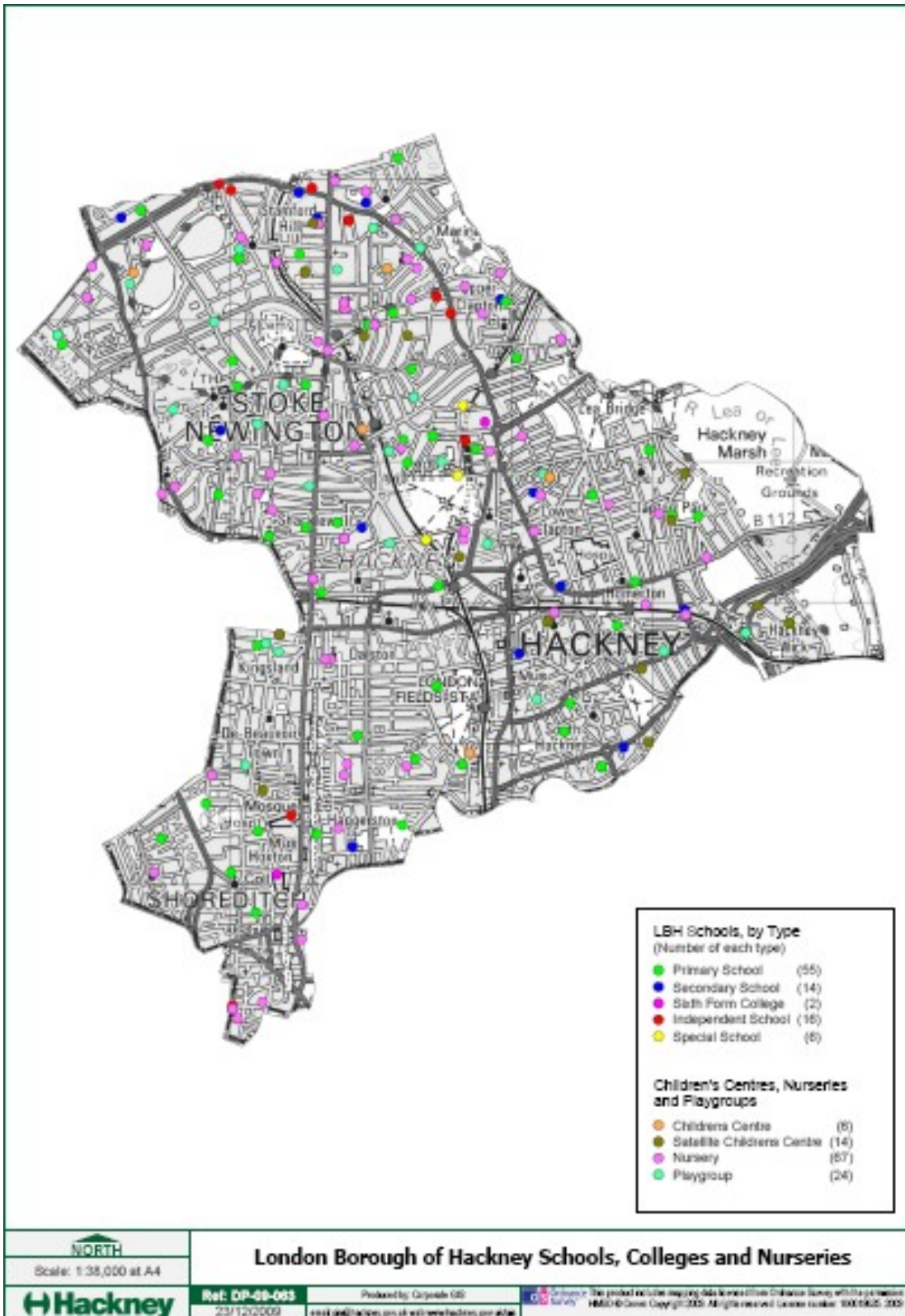
Play Pathfinder Play Spaces



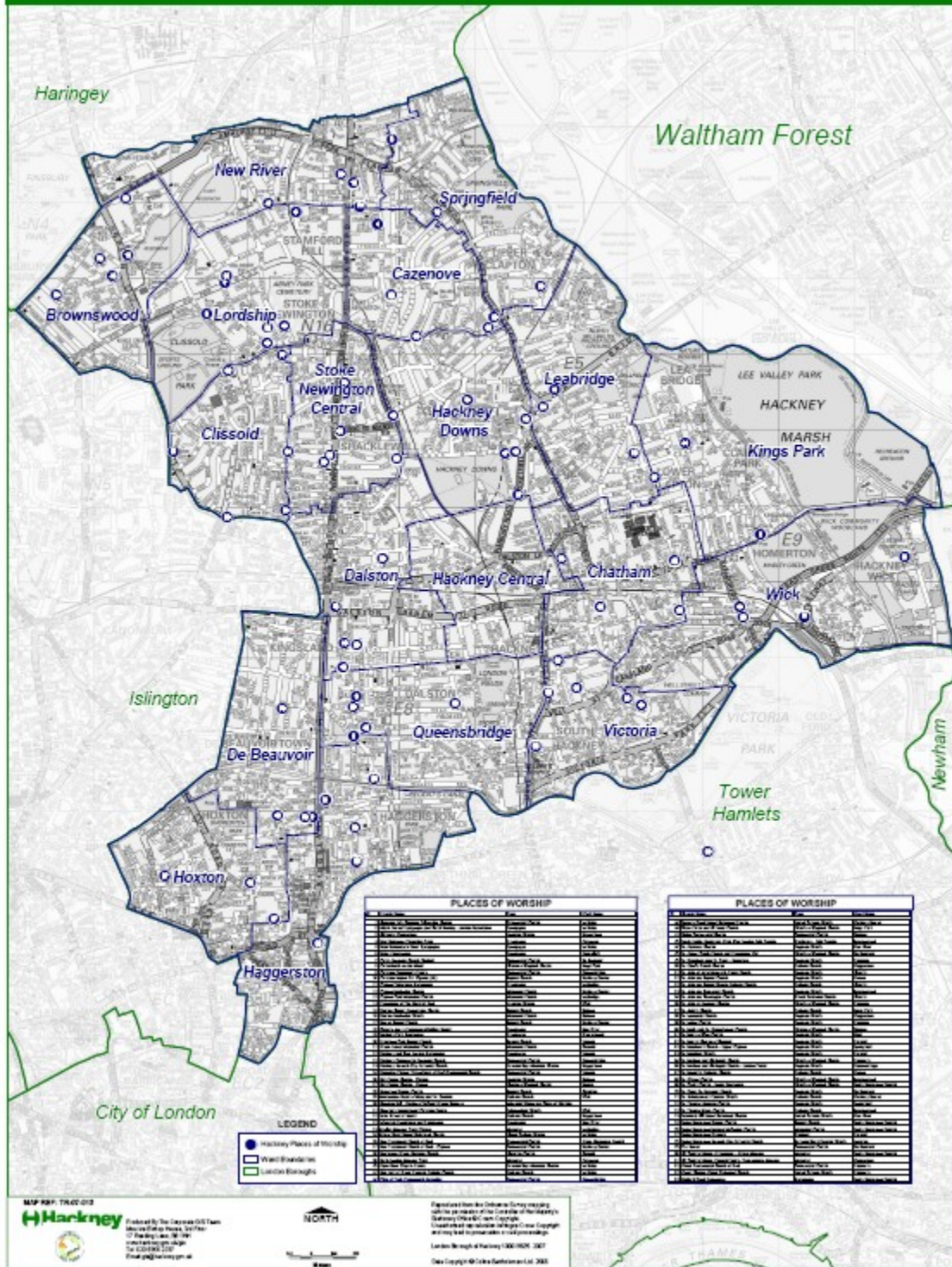
- Proposed Play Space Sites (the exact locations will be confirmed at a later date)
- Completed Play Spaces



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PLACES OF WORSHIP



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এই দলিলে হ্যাকনির লাইসেন্স সংক্রান্ত বিষয়ে তথ্য রয়েছে। এটিকে অনুবাদ করে দিতে কেন আপনি আপনার একজন বন্ধুকে বলছেন না? অথবা, আপনি যদি এর কপি আপনার নিজের ভাষায় চান, তাহলে বাস্তুটিতে একটা টিক দিন , স্পষ্ট করে আপনার নাম, ঠিকানা ও টেলিফোন নম্বর এই পৃষ্ঠার নীচে লিখুন এবং এটি নীচের ঠিকানায় ফেরৎ পাঠান। (Bengali)

本文件載有有關海克尼發牌的資料，何不請朋友給你翻譯？又或者，若你想取得以你母語撰寫的版本，請在空格 一剔，在本頁底部清楚填寫你的姓名、地址和電話號碼，然後寄交 以下 地址。(Chinese)

Ce document contient des informations concernant la concession d'exploitations dans Hackney. Pourquoi ne pas demander à un ami de le traduire pour vous ? Si vous souhaitez en obtenir un exemplaire dans votre langue maternelle, vous pouvez également cocher cette case , inscrire clairement vos nom, adresse et numéro de téléphone au bas de cette page et nous renvoyer cette dernière à l'adresse indiquée ci-dessous. (French)

આ લેખમાં હેકનીમાં લાઇસન્સ દેવાની પદ્ધતિ વિષે માહિતી આપવામાં આવેલ છે. તમારા કોઈ મિત્રને તેનો અનુવાદ કરવા પૂછી તો જુઓ ? અથવા જો તમારે આ માહિતીની એક નકલ તમારી પોતાની ભાષામાં જોઈતી હોય તો આ ખાલામાં ટિકનું ચિહ્ન કરો, તમારું નામ, સરનામું તથા તમારો ફોન નંબર આ પાનામાં નીચે સ્પષ્ટ રીતે લખો અને તેને નીચે આપેલ સરનામે પરત મોકલો. (Gujarati)

ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚ ਹੈਕਨੇ ਵਿਚ ਲਾਇਸੈਂਸਿੰਗ ਬਾਰੇ ਜਾਣਕਾਰੀ ਹੈ। ਤੁਸੀਂ ਆਪਣੇ ਦੋਸਤ/ਸਹੇਲੀ ਨੂੰ ਇਸਨੂੰ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰਨ ਲਈ ਕਿਉਂ ਨਹੀਂ ਕਹਿੰਦੇ ? ਜਾਂ, ਜੇ ਤੁਸੀਂ ਇਸਦੀ ਇੱਕ ਕਾਪੀ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਬਾਕਸ 'ਤੇ ਨਿਸ਼ਾਨ ਲਾਓ ਅਤੇ ਇਸ ਸਫ਼ੇ 'ਤੇ ਹੇਠਾਂ ਕਰਕੇ ਆਪਣਾ ਨਾਂ, ਪਤਾ ਅਤੇ ਫ਼ੋਨ ਨੰਬਰ ਸਾਫ਼-ਸਾਫ਼ ਲਿਖੋ ਅਤੇ ਹੇਠਾਂ ਦਿੱਤੇ ਗਏ ਪਤੇ 'ਤੇ ਵਾਪਸ ਭੇਜੋ। (Punjabi)

Dokumentigaan waxaa ku qoran warbixin ku saabsan shati-bixinta ee Hackney. Maad weydiisatid saaxiib in uu kuu tarjamo? Ama, haddaad jeclaan lahayd koobi luqadaada ah, calaamadee halkan ku qorna magacaaga, cinwaankaaga iyo lambarka taleefonkaaga bogga dhammaadkiisa una soo celi cinwaanka hoose. (Somali)

Este documento contiene información relativa a la concesión de explotaciones en Hackney. ¿Por qué no le pide a un amigo que se lo traduzca? O, si desea recibir una copia en su idioma, marque esta casilla , escriba claramente su nombre y su número de teléfono al final de esta página y envíela a la dirección que aparece más abajo. (Spanish)

Bu belge Hackney'deki lisans uygulamaları hakkında bilgi içermektedir. Neden bir arkadaşınızdan bu belgeyi sizin için tercüme etmesini istemiyorsunuz? Veya bu belgenin kendi dilinize tercüme edilmiş kopyasını edinmek istiyorsanız, adınızı, adresinizi ve telefon numaranızı sayfanın alt kısmına açık şekilde yazıp kutuyu işaretledikten sonra belgeyi aşağıdaki adrese gönderin. (Turkish)

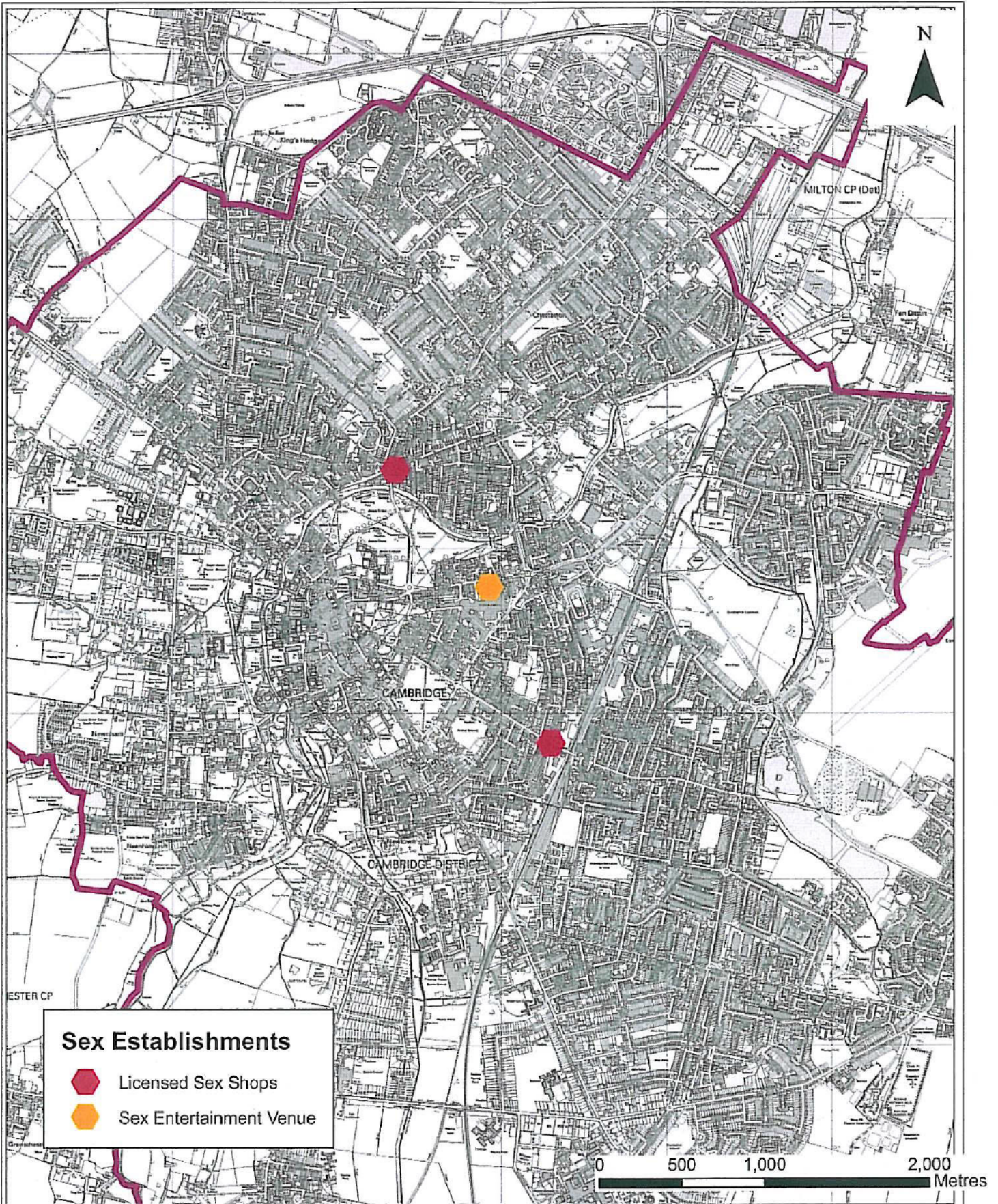
اس دستاویز میں ہیکنی میں لائسنس کاری کے متعلق معلومات ہے۔ اپنے کسی دوست سے کیوں نہیں کہتے کہ وہ آپ کے لئے اس کا ترجمہ کر دے؟ یا اگر آپ کو اپنی ہی زبان میں اس کا ترجمہ چاہئے تو اس صفحہ کے نیچے خانے میں نشان لگائیں، اپنا نام، پتہ اور ٹیلیفون نمبر صاف صاف لکھیں اور اسے درج ذیل پتے پر واپس کریں۔ (Urdu)

Tài liệu này chứa những thông tin về việc cấp phép tại Hackney. Tại sao không nhờ một người bạn dịch ra cho mình? Hoặc, nếu bạn muốn có một bản sao bằng ngôn ngữ của mình, đánh dấu vào hộp này viết tên, địa chỉ và số điện thoại của bạn rõ ràng vào cuối trang và gửi lại theo địa chỉ sau. (Vietnamese)

Return to: Licensing Service, Hackney Service Centre, 1 Hillman Street, London E8 1DY.

Name:
Address:
Telephone:





Sex Establishment Location Map

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Produced by:	[REDACTED]
Section/Department:	Refuse and Environment Service, Environment and Planning
Scale:	1:30,000

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Hackney Carriage and Private Hire Vehicle

NATIONAL INSPECTION STANDARDS



A best practice guide produced by the Hackney Carriage
and Private Hire Inspection Technical Officer Group



Foreword

There are numerous bodies inspecting hackney carriage and private hire vehicles, VOSA is supportive of the Public Authority Transport Network (PATN) initiative to develop and share best practice. A common standard applied consistently across the country will no doubt benefit all involved in the industry.

VOSA hopes that local authorities consider the guide when setting inspection standards and actively participate in its future development.

Philip Bailey

SVA and IVA Policy Engineer (Light Vehicles)
Vehicle & Operator Services Agency
Roadworthiness & Testing Policy Group



FREIGHT TRANSPORT ASSOCIATION

BEST PRACTICE GUIDE FOR THE INSPECTION OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

PART 1

INTRODUCTION

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage & private hire vehicles. It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage & private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.

INTRODUCTION

1.1 BEST PRACTICE GUIDE

This Best Practice Guide has been prepared by the Technical Officer Group (TOG) to assist Hackney Carriage (HC) and Private Hire Vehicle (PHV) operators, vehicle presenters, licensing authorities and vehicle inspectors

It is intended that this Best Practice Guide will endorse a *minimum* national vehicle inspection standard. It will be appreciated that it is for individual local licensing authorities to reach their own decisions, both on overall policies and on individual inspection standards, in the light of their own operational needs and geographical circumstances.

Various interested parties, including the Department for Transport (DfT), Vehicle & Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing, have been consulted on this Best Practice Guide.

The Technical Officer Group commends the *DfT* for the production of the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Vehicle operators, local licensing authorities and vehicle inspectors are strongly advised to refer to the DfT guide in conjunction with this Best Practice Guide. More information can be obtained on the DfT web site at:

www.dft.gov.uk

1.2 APPLICATION TO DEVOLVED ADMINISTRATIONS

The Department for Transport (DfT) has responsibility for HC and PHV legislation in England and Wales and, accordingly, the guidance that has been published will be directed at local authorities in England and Wales. Responsibility for HC and PHV licensing in Scotland and Northern Ireland is devolved, but the respective Administrations have been involved in the preparation of the Licensing Guidance and will decide for themselves the extent to which they wish to make use of or adapt to suit their own purposes.

1.3 TECHNICAL SAFETY ISSUES

The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained HC and PHVs. For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

To this end, this best practice guide will detail specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group (TOG). This guide will focus therefore on technical safety issues and make recommendations towards safe working practices. For example, the TOG supports the DfT recommendation that there is no upper age limit for HC and PHVs provided there is documentary evidence to support a routine maintenance regime.

Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address. This is not to propose that a detailed, over-zealous inspection regime creates difficulties for the HC and PHV trades but primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators.

1.4 SCOPE OF THE GUIDANCE

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in The MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA. This Best Practice Guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the Best Practice Guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This Best Practice Guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

1.5 SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENSED

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

Normally, best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicles as possible. Indeed, local licensing authorities might usefully specify only general criteria, (such as vehicles with four doors as HC) leaving it open to the HC and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.

It is suggested that local licensing authorities should be particularly cautious about specifying only purpose-built HC, with the strict constraint on supply that this implies. (There are at present only two designs of purpose-built HC.) However, purpose-built vehicles are amongst those that a local licensing authority could be expected to license.

1.6 ACCESSIBILITY

In addition to their general conditions, local licensing authorities will want to consider the accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) of the vehicles they license as Hackney Carriage. For more details, see Section 2 – Accessibility.

Licensing authorities will be aware that it remains the Department for Transport's intention to make accessibility regulations for Hackney Carriage vehicles under the Disability Discrimination Act 1995. In the meantime, licensing authorities are encouraged to introduce HC accessibility policies for their areas.

1.7 TYPE APPROVAL

It may be that from time to time a local licensing authority will be asked to license, as a HC or PHV, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle Approval (before 29 April 2009) or:
- Individual Vehicle Approval (from 29 April 2009)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at:

www.dft.gov.uk

It is important for local licensing authorities to insist that at least one of the above 'type approvals' is produced prior to any imported vehicle being licensed as a Hackney Carriage or Private Hire Vehicle.

Voluntary Inspections

Vehicles that are already registered for use in the UK are not eligible for a Single Vehicle Approval, however, there are situations where evidence of compliance with the approval standard would be beneficial or be a requirement. An example would be a local licensing authority that may require evidence of compliance for a vehicle that has been modified since original registration, or where evidence of compliance is being used as part of a contractual agreement on a modified vehicle. To facilitate this requirement a non-statutory "Voluntary SVA" or "Voluntary IVA" test is available. The test criteria applied will be dependant on the vehicle category/class nominated on the application form VSVA 1. The fees are the same as those appropriate to the particular class of vehicle/test required other than VAT is payable. If the vehicle is found to meet the requirements a letter of compliance with the technical standards will be issued and not a Minister's Approval certificate. The letter of compliance is not acceptable for First Licensing/Registration purposes.

1.8 VEHICLE TESTING

There is considerable variation between local licensing authorities on vehicle testing. This best practice guide provides local licensing authorities with a *minimum* standard for vehicle inspections. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1.

As the term implies, hackney carriage and private hire vehicles are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

The purpose of the HC & PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and a further full test could be required.

It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway.

HC & PHV operators failing to maintain their vehicles in a safe and roadworthy condition may have their licence suspended, curtailed or revoked by the Local Licensing Authority.

This Best Practice Guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual - Car and Light Commercial Vehicle Testing', ISBN 0-9549239-0-1 or as amended. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive.

However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC & PHV test.

2 NOVELTY VEHICLES (STRETCHED LIMOUSINES)

This section of the best practice guide offers advice to local licensing authorities on the requirements for licensing novelty vehicles. The standard of the test for novelty vehicles will be at the same standard as for other private hire vehicles. That is; as a basic inspection standard, those laid down in The MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA and this best practice guide. *(For the purpose of clarity, novelty vehicles in this guide will refer to stretch limousines only until such times as further guidance is obtained on any other such vehicle, i.e. fire tenders etc).*

A novelty vehicle shall only be registered as a private hire vehicle if it complies with the following conditions:

- Vehicles with no more than 8 passenger seats as indicated on the V5C. The V5C will state the number of seats and **must be produced to the local licensing authority prior to the vehicle being licensed or inspected**. If the number of seats differs to what is indicated on the V5C, then contact VOSA and your local area Traffic Commissioner immediately. Failure to produce a valid and current V5C for the vehicle to be tested could result in refusal to inspect the vehicle.
- Evidence of either European Community Whole Vehicle Type Approval (ECWVTA) or Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) being presented for inspection.
- Local licensing authorities may consider, as novelty vehicles are not factory produced, that a recommended vehicle maintenance inspection be applied every 10 weeks. The frequency of maintenance inspections is recommended by Traffic Commissioners, VOSA and the National Limousine and Chauffeur Association (NLCA).
- The inspection standards to be applied to novelty vehicles are the same standards as those applied to other hackney carriage and private hire vehicles with the following additions:
 - Any additional item previously mentioned in this paragraph with regard to seating capacity, the production of the relevant documents and frequency of vehicle inspections.
 - See Section 4 – Tyres and roadwheels. Reference in this section is made to tyre rating to be applied to novelty vehicles.
 - See Section 12 - Vehicle Identification Number (VIN). VIN markings should be checked to ensure compliance, seating capacities and undue stresses.

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that the vehicles with side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seatbelts.**

It is strongly advised that notices forbidding children to be carried in side facing seats are displayed in prominent positions, i.e. on entry to the passenger compartment and on either side of the passenger compartment. Local licensing authorities may also require additional outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

3 GENERAL INFORMATION

Only vehicles complying with the following conditions will generally be considered for licensing as private hire vehicles: -

- Cars fitted with at least four doors and four wheels.
- Right-hand drive vehicles - with the exception of stretch limousines (where applicable).
- Vehicles with adequate space for luggage.
- Vehicles must be capable of carrying at least four and not more than eight passengers in addition to the driver.
- With the exception of stretch limousines, vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. In *exceptional circumstances*, tinted windows may be acceptable.
- To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented, will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out.
- A test will not be carried out unless the License fee/Examination Fee has been paid in advance.

Statement of Undertakings and Declaration:

In the interests of road and passenger safety, the licenced operator undertakes to make proper arrangements so that vehicles are kept in a roadworthy condition at all times.

ACKNOWLEDGEMENTS

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BEST PRACTICE GUIDE FOR THE INSPECTION OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

PART 2

PROCEDURES & STANDARDS OF INSPECTION

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage & private hire vehicles.

It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage & private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.

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SECTION 1 - LIGHTING AND SIGNALLING EQUIPMENT

Section Contents:

Sub-section	Subject
1.3	Stop Lamps – High Level Stop Lamps
1.8	Electrical Wiring and Equipment
1.9	Additional Lamps <ul style="list-style-type: none">• Reversing Lamps• Front Fog/Driving Lamps• For Hire and Roof Signs

1.3. STOP LAMPS - HIGH LEVEL STOP LAMPS

Method of Inspection	Reason for Rejection
<p>Any additional stop lamps fitted and connected must be tested. Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter.</p> <p>Check the high level stop lamp where fitted:</p> <ul style="list-style-type: none">a. Is not obscured, and is not obviously incorrectly positioned.b. At least 50% of the lamp must be visible from the rear.	<p>High level stop lamp</p> <ul style="list-style-type: none">a. Obscured or obviously incorrectly positioned.b. Less than 50% of the lamp not working or obscured

1.8. ELECTRICAL WIRING AND EQUIPMENT

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</p> <ul style="list-style-type: none"> a. Check all electrical wiring for: <ul style="list-style-type: none"> ○ Condition ○ Security ○ Position ○ Signs of overheating ○ Heavy oil contamination b. Battery and carrier for: <ul style="list-style-type: none"> ○ Security ○ Battery for leaks c. Check all switches controlling all obligatory lights 	<ul style="list-style-type: none"> a. Wiring <ul style="list-style-type: none"> ○ Not adequately insulated ○ Not adequately secured ○ Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective ○ With clear evidence of overheating ○ Heavily contaminated with oil b. Battery and carrier: <ul style="list-style-type: none"> ○ A battery and /or carrier not secure and likely to become displaced ○ Battery leaking c. Insecurity or malfunction of a switch controlling an obligatory light

1.9. ADDITIONAL LAMPS

Method of Inspection	Reason for Rejection
<p>With the ignition switched on check:</p> <p>Reversing lamps</p> <ol style="list-style-type: none"> The reversing lamps emit a diffused white light when reverse gear is selected. The lamps extinguish when neutral gear is selected The lamps are in good working order and are secure. The lamps do not flicker when lightly tapped by hand. <p>Front Fog/Driving Lamps</p> <p>Check that:</p> <ol style="list-style-type: none"> A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together. 	<p>A reversing lamp:</p> <ol style="list-style-type: none"> That fails to operate or does not emit a white diffused light Fails to extinguish when neutral or forward gear is selected Are not in good working order or insecure. Lamps flicker when tapped lightly by hand. <p>Front Fog/Driving Lamps</p> <ol style="list-style-type: none"> Lamp inoperative or operates other than in dipped beam mode Lamps operate incorrectly Lamps operate incorrectly

<p>Additional Lamps (continued)</p> <p>Method of Inspection</p> <p>'For Hire' and Roof Signs</p> <p>Check that:</p> <ol style="list-style-type: none"> Correct style and type of sign fitted. Ensure the sign is securely fastened to the vehicle Check condition and security of wiring Functional test of signs for illumination 	<p>Reason for Rejection</p> <p>'For Hire' and Roof Signs</p> <ol style="list-style-type: none"> Incorrect colour or details shown on sign, i.e. registration number, vehicle number etc. Insecure sign Wiring is not in good condition and is loose or chaffed Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.
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SECTION 2 - STEERING

Section Contents:	
Sub-section	Subject
2.1	Steering Control – Steering Wheel
2.1	Steering Control – Steering Column
2.4	Suspension Spring Units and Linkages

2.1 STEERING CONTROL - STEERING WHEEL

Method of Inspection	Reason for Rejection
<p>With both hands rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note:</p> <ul style="list-style-type: none"> a. Fractures in steering wheel hub. b. Fractures in steering wheel rim. c. Steering wheel spokes loose or fractured. d. Jagged edges on steering wheel rim. e. If possible, check the retaining device on steering wheel is fitted. 	<ul style="list-style-type: none"> a. Steering wheel hub fractured. b. Steering wheel rim fractured. c. A steering wheel spoke loose or fractured. d. Jagged edges on steering wheel rim likely to injure the driver. e. A steering wheel hub-retaining device not fitted.

2.1 STEERING CONTROL - STEERING COLUMN

Method of Inspection	Reason for Rejection
<p>a. Try to lift the steering in line with the steering column and note the movement at centre of steering wheel.</p> <p>b. Push steering wheel away and then pull it towards you. Note any side play.</p> <p>c. While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column.</p> <p>d. Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis).</p>	<p>a. Excessive movement of centre of steering wheel in line with steering column (end float).</p> <p>Note: Certain types of steering column might show some movement not due to excessive wear, e.g. those fitted with universal joints or flexible couplings</p> <p>b. Excessive side play indicating worn top bearings or insecure top mounting bracket.</p> <p>c. A flexible coupling or universal joint deteriorated, worn or insecure.</p> <p>d. A coupling clamp bolt or locking device loose or missing.</p>

2.4 SUSPENSION SPRING UNITS AND LINKAGES

Method of Inspection	Reason for Rejection
Coil Springs a. Welding repairs	a. Repaired by welding

SECTION 3 - BRAKES

Section Contents:

Sub-section	Subject
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	No additional inspection requirements
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SECTION 4 – TYRES & ROADWHEELS

Section Contents:

Sub-section	Subject
4.1	Tyres – Condition

4.1 TYRES

Method of Inspection	Reason for Rejection
<p>Condition of Tyres</p> <p>On all the tyres, including spare wheel - where fitted, examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p>Note 1 Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</p> <p>SPECIAL NOTICE – STRETCHED LIMOUSINES: In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also. In approved ‘stretch’ limousine conversions, the maximum weight is approximately 7,100lbs (3.2tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107 T, which gives a load rating of 2,149 lbs (975 kgs) with a maximum speed of 118 miles per hour.</p>	<p>In accordance with the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p>Note 2 Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary ‘get-you-home tyre’.</p> <p>STRETCHED LIMOUSINES More information, guidance and the procurement of suitable tyres can be obtained from: North Hants Tyres & Wheels, Henry John House 2 Ivy Road, Aldershot GU12 4TX Telephone: 01252 318666</p> <p>OR National Limousine & Chauffeur Association on: www.nlca.co.uk</p>

SECTION 5 – SEAT BELTS

Section Contents:

Sub-section **Subject**

No additional inspection requirements

SECTION 6 – BODY AND STRUCTURE

Section Contents:	
Sub-section	Subject
6.1	Vehicle Body and Condition – (Exterior)
6.1	Vehicle Body, Security and Condition – (Interior)
6.2	Doors and Seats
6.4	Bumper Bars

6.1 VEHICLE BODY AND CONDITION – (EXTERIOR)

<p>Method of Inspection</p> <p>Body Condition (Exterior) Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<p>Reason For Rejection</p> <p>Body Condition (Exterior)</p> <ul style="list-style-type: none"> a. An insecure or missing body panel, trim, step or accessory. b. Any sharp edge whatsoever which may cause injury. c. Heavy scuffing, abrasions or deformation to front and rear bumper. d. More than 8 stone chips visible on a bonnet/grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal. e. More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated. f. More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated. g. A single dent of more than 80mm, or more than 3 dents of not more than 20mm in any one panel h. More than 4 scratches and or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated. i. Dull, faded paintwork which has lost its gloss finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle. j. Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle. k. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs. l. Lack of clearly displayed or omission of 'No Smoking' signs.
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6.1 VEHICLE BODY, SECURITY AND CONDITION – (INTERIOR)

Method of Inspection	Reasons For Rejection
<p>Body Condition (Interior)</p> <ul style="list-style-type: none"> a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories. b. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear. c. Examine interior lights, motion door locks and warning lights. d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters) e. Examine all windows ensuring they allow lowering and rising easily. f. Examine interior door locks, grab handles/rails safety covers g. Examine grills/partitions for security and condition h. Examine electrical wiring for condition, security, including intercom systems. 	<ul style="list-style-type: none"> a. Insecure and loose fixtures, fittings or accessories. b. Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats. c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches. e. An opening window that is inoperative or difficult to open and or close mechanism broken/missing. f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess. g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver. h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.

Method of Inspection	Reason for Rejection
<p>Body Condition (Interior) (continued)</p> <p>i. Examine the boot for access, contents, cleanliness, and water ingress.</p> <p>Additional items to be inspected in limousines and novelty vehicles:</p> <p>j. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>k. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p> <p>Note: <u>Any vehicle presented in a dirty, untidy condition will not be tested</u></p>	<p>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</p> <p>j. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>

6.2 DOORS and SEATS

Method of Inspection	Reason for Rejection
<p>Doors and Emergency Exits</p> <p>Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</p> <p>Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</p> <p>Check that seats are secure, clean and not unduly worn.</p> <p>IMPORTANT NOTE: With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted.</p> <p>For more information on seating for novelty vehicles see Section 12.2</p>	<p>Doors and Emergency Exits</p> <ol style="list-style-type: none"> a. A door or emergency exit does not latch securely in the closed position. b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case. c. Missing, loose or worn handles, lock or striker plate. d. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect. e. Missing, loose or damaged trim/cover plate. f. Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.

6.2 DOORS and SEATS (continued)

Method of Inspection	Reason for Rejection
<p>Accessibility: Wheelchair Vehicles</p> <p>Door Configurations for wheelchair accessible vehicles:</p> <ul style="list-style-type: none"> a. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place. b. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required. 	<ul style="list-style-type: none"> a. Door does not open to a full 90 degrees and cannot be secured in the open position b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position

6.4 BUMPER BARS

Method of Inspection	Reason for Rejection
<p>Examine the bumper bars and check:</p> <ul style="list-style-type: none">a. They are secure to their mountings.b. The mountings are secure to the vehicle.c. There is no evidence of damage.	<ul style="list-style-type: none">a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.c. Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork.

SECTION 7 – FUEL & EMISSIONS

Section Contents:

Sub-section	Subject
7.1	Exhaust System
7.2	Fuel System – Pipes & Tanks

7.1 EXHAUST SYSTEM

Method of Inspection	Reason for Rejection
Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.	A heat shield missing, insecure or inadequate

7.2 FUEL SYSTEM - PIPES & TANKS

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none">a. Examine fuel tank(s) for security and leaksb. Check that fuel tank filler caps are:<ul style="list-style-type: none">○ Present○ Of the correct type○ Secure and seated properly to ensure correct function of sealingc. Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving partsd. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system	<ul style="list-style-type: none">a. Fuel tank insecure or leakingb. A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling <p>Note: Temporary/emergency fuel caps are not permitted.</p> <ul style="list-style-type: none">c. Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving partsd. A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system

SECTION 8 – DRIVERS VIEW OF THE ROAD

Section Contents:

Sub-section	Subject
8.1	Mirrors
8.3	Windscreen – View to the Front
8.5	Window Glass or Other Transparent Material

8.1 MIRRORS

Method of Inspection	Reason for Rejection
<p>The number and position of all obligatory mirrors must be checked:</p> <ol style="list-style-type: none">a. Check the condition of each mirror reflecting surface and whether a person sitting in the drivers seat can see clearly to the rear	<p>Note: A defective additional external mirror is not a reason for rejection.</p> <ol style="list-style-type: none">a. Mirror condition<ul style="list-style-type: none">• A mirror reflecting surface deteriorated or broken.• In such a position that a person sitting in the driver's seat cannot see clearly to the rear.

8.3 WINDSCREEN - VIEW TO THE FRONT

Method of Inspection	Reason for Rejection
<p>Sit in the driver's seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. For all air operated wipers examine:</p> <ul style="list-style-type: none">○ The condition of any visible piping○ The function of the operating mechanism, and○ The function of necessary valves to protect the braking system <p>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. Air operated wipers</p> <ul style="list-style-type: none">○ Pipes inadequately clipped or supported○ Incorrect function of the wipers or leaking components○ Incorrect operation of protection valves

8.5 WINDOW GLASS OR OTHER TRANSPARENT MATERIAL

Method of Inspection	Reason for Rejection
<p>a Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration.</p> <p>b Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</p> <p>c Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</p> <p>d Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions</p> <p>e For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus.</p> <p>f For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing.</p> <p>g Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark.</p> <p>Note: Marking is not required for safety glass used on vehicles first used before 1 June 1978.</p>	<p>a A crack, surface damage or discoloration in glass or other transparent material that:</p> <ul style="list-style-type: none"> o Impairs the driver's front, side, or rear view of the road, or; o Presents a danger to any person in the vehicle. <p>b A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</p> <p>c Any external window or windscreen is obviously leaking.</p> <p>d A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.</p> <p>e The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959.</p> <p>f Glass used for a windscreen or an outside window is obviously not safety glass.</p> <p>g For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the drivers seat that are not made from safety glass display an acceptable safety mark.</p>

SECTION 9 – Tricycles & Quadricycles

Section Contents:

Sub-section	Subject
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	No additional inspection requirements
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SECTION 10 – ADDITIONAL REQUIREMENTS

Section Contents:

Sub-section	Subject
10.1	Speedometer
10.2	Transmission
10.3	Engine & Transmission Mountings
10.4	Oil & Water Leaks
10.5	Luggage/Load Space
10.6	Trailers & Towbars

10.1 SPEEDOMETER

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none">a. Check that a speedometer is fitted.b. Check the condition of the speedometer.c. Check that the speedometer can be illuminated.	<ul style="list-style-type: none">a. Speedometer not fitted.b. Speedometer not complete or clearly inoperative, or dial glass broken or missing.c. The speedometer cannot be illuminated.

10.2 TRANSMISSION

Method of Inspection	Reason for Rejection
<p>Examine transmission, check for:</p> <ul style="list-style-type: none"> a. Missing or loose flange bolts b. Cracked or insecure flanges c. Wear in shaft and/or wheel bearings d. Security of bearing housings e. Cracks or fractures in bearing housings f. Wear in universal joints g. Deterioration of flexible couplings h. Distorted, damaged shafts i. Deterioration of bearing housing flexible mountings j. Clearance between transmission shafts and adjacent components 	<ul style="list-style-type: none"> a. A loose or missing flange bolt(s) b. A flange cracked, or loose on the transmission shaft c. Excessive wear in shaft bearing d. A bearing housing insecure to its fixing e. A cracked or fractured bearing housing f. Excessive wear in a universal joint g. Deterioration of a transmission shaft flexible coupling h. A damaged, cracked or bent shaft i. Deterioration of a flexible mounting of a bearing housing j. Evidence of fouling between any transmission shaft and an adjacent component

10.2 TRANSMISSION (cont'd)

Method of Inspection	Reason for Rejection
<p>Front Wheel Drive</p> <p>a. Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p> <ul style="list-style-type: none"> ○ Wear and security ○ Damage to flexible rubber or fabric universal joints ○ Security and oil contamination of flexible rubber or fabric universal joints ○ Condition, presence and security of constant velocity joint gaiters 	<ul style="list-style-type: none"> ○ Drive shaft constant velocity or universal joint coupling worn or insecure ○ A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up ○ A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure ○ A drive shaft constant velocity joint gaiter split, missing or insecurely mounted

10.3 ENGINE AND TRANSMISSION MOUNTINGS

Method of Inspection	Reason for Rejection
<p>a. Examine condition of:</p> <ul style="list-style-type: none"> ○ mountings ○ sub-frames <p>And</p> <p>b. The security to chassis and check for:</p> <ul style="list-style-type: none"> ○ fractures ○ looseness ○ Deterioration 	<p>} } } } } } } } } } } } } }</p> <p>Any mounting or sub-frame</p> <ul style="list-style-type: none"> - loose - fractured - deteriorated - inappropriate repair

10.4 OIL AND WATER LEAKS

Method of Inspection	Reason for Rejection
<p>a. Check vehicle for oil and water leaks from any assembly or component to the ground.</p> <p>b. And/or which could be deposited on surrounding bodywork or onto the exhaust system.</p> <p>Note: If necessary, the engine can be run at <u>idle speed</u> to confirm the existence of an oil leak.</p>	<p>a. An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.</p> <p>b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</p> <ul style="list-style-type: none">o Contaminate areaso Could potentially cause a health, safety or fire risk

10.5 LUGGAGE/LOAD SPACE

Method of Inspection	Reason for Rejection
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p>	<ul style="list-style-type: none">○ Load restraint system, if required, not present at time of test.○ Load restraint system faulty or unserviceable.

10.6 TRAILERS & TOWBARS

Method of Inspection	Reason for Rejection
<p>TRAILERS</p> <p>a. Where a local licensing authority permits the use of trailers for the carriage of luggage, then the trailer needs to be presented for test along with the vehicle that will be authorised to tow it. The trailer will also need to display the appropriate registration plate and a licence plate.</p> <p>Note:</p> <p>Trailers presented for inspection should be built by an approved or recognised trailer manufacturer.</p> <p>An example of a typical trailer inspection sheet can be found at Appendix 'A'.</p> <p>TOW-BARS</p> <p>b. Where tow bars are fitted checks must be made on the condition and security to the towing vehicle.</p>	<p>a. Rejections as indicated on the trailer inspection sheet shown at Appendix 'A'</p> <p>b. Rejections as indicated on the trailer inspection sheet shown at Appendix 'A'</p>

SECTION 11 – ANCILLARY EQUIPMENT


Section Contents:

Sub-section	Subject
11.1	Wheelchair Restraint & Access Equipment
11.2	Fire Extinguisher
11.3	First Aid Kit

11.1 WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT

Method of Inspection	Reason For Rejection
<p>WHEELCHAIR RESTRAINT</p> <p>a. Where applicable check condition and operation of wheelchair restraint.</p> <p>b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.</p> <p>WHEELCHAIR ACCESS & EQUIPMENT</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p><u>Ramps</u></p> <p>c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p><u>Wheelchair lift</u></p> <p>d. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p> <p>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.</p>	<p>a. A wheelchair restraint is defective, worn or missing.</p> <p>b. Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC). See Appendix 'B'.</p> <p>c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d. Vehicle not presented with a valid or current LOLER certificate.</p>

11.1 WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT (Continued)

Method of Inspection	Reason for Rejection
<p>e. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250 kgs and certified to BS 6109.</p> <p>f. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p> <p>g. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</p> <p>h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p> <p>i. All wheelchair tracking must be fit for purpose and structurally sound.</p> <p><i>Further information on disabled people's transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) website opposite </i></p>	<p>e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p> <p>f. Wheelchair access equipment is fitted to the off- side access door of the vehicle.</p> <p>g. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p> <p>h. No evidence of a suitable locking mechanism to hold the door open.</p> <p>i. Damaged or insecure tracking or detritus deposits within the tracking rails</p> <p>www.dptac.gov.uk</p>

11.2 FIRE EXTINGUISHER

Method of Inspection	Reason For Rejection
<p>a. Check the fire extinguisher for presence:</p> <ul style="list-style-type: none">• the expiry date• Seal.• Type – water, CO₂ or foam or dry powder• Approved mark - BS5423 or EN3 <p>b. The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a. A fire extinguisher is missing or:</p> <ul style="list-style-type: none">• out of date• broken or missing seal.• No approved marking visible or other non-approved marking shown <p>b. Not fitted in an accessible position or its position is not clearly marked.</p>

11.3 FIRST AID KIT

Method of Inspection	Reason For Rejection
<p>a. Check the first aid kit for presence, the expiry date and the seal is intact.</p> <p>b. The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a. A first aid kit is missing, out of date, broken or the seal has been broken.</p> <p>b. The first aid kit is not fitted in an accessible position or its position is not clearly marked.</p>

SECTION 12 – NOVELTY VEHICLES (STRETCH LIMOUSINES):

Section Contents:

Sub-section	Subject
12.1	Vehicle Identification Number (VIN)
12.2	Seating Capacity
12.3	Undue Stresses
12.4	Passenger Notices

12.1 Vehicle Identification Number (VIN)

Method of Inspection	Reason For Rejection
<p>Vehicle Identification Number (VIN), should be checked to ensure it complies with the guidance as follows:</p> <ul style="list-style-type: none">• For vehicles constructed from 1998 onwards the VIN should begin with ILI;• Pre 1998 vehicles (not recommended for licensing as private hire vehicles) VIN should begin with ILM;• If a VIN begins with ILN or anything other, then this is likely to be a non approved ('cut-and-shut) modification.	<p>a. Inappropriate VIN markings displayed or no VIN markings present.</p>

12.2 Seating Capacity

Method of Inspection	Reason For Rejection
<p>It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.</p>	<p>If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).</p>

12.3 Undue Stresses

Method of Inspection	Reason For Rejection
Vehicle inspectors should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.	Tolerances and wear should be as defined in the VOSA Car & Light Commercial Vehicle Testing Manual as follows: <ul style="list-style-type: none">• Steering - Section 2• Brakes - Section 3• Tyres - Section 4

12.4 Passenger Notices

Driver Declaration

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that vehicles with side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seatbelts.**

Passenger Notices

- i. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment.
- ii. Further notices should be displayed inside the vehicle, where all passenger can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.

HACKNEY CARRIAGE & PRIVATE HIRE

TRAILER INSPECTION SHEET

Plate Number of towing vehicle:

Registration number of towing vehicle:

Registered owner of vehicle:

Manufacturers plate showing chassis number:

Manufacturers plate showing maximum weight:

Inspection area	Description	Pass (✓)	Fail (x)
Licence plate	Contains details & complies with local licensing authorities format		
Licence plate	Clearly displayed, legible, and securely fixed		
Licence plate	Serviceable – not damaged or defaced		
Trailer couplings	Check condition & operation and presence of a safety <i>breakaway</i> cable.		
Tow bar mounting brackets	Check condition and security		
Trailer body	Check condition of side and rear tailboards		
Trailer chassis	Check condition		
Suspension	Check condition and operation		
Wheel bearings	Check for excessive free play or roughness in bearings		
Tonneau cover & fittings	Check for condition		
Wheels and tyres	Check security, condition and wear		
Braking system	Operates satisfactorily		
Lighting	All obligatory lights work		
Indicators	All indicators work		
Reflective triangle	Check presence and condition		
Number plate	Check condition, security of fitting and displayed clearly		
Speed restriction notice	Check condition and displayed clearly		

I hereby certify that the above trailer has been inspected and has/has not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* trailer at the time of inspection.

Examined by (name)

Signature Date.....

* Delete as appropriate

DEFINITION OF MOTOR VEHICLES

Appendix 'B'

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers.
M₁	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the drivers seat.
M₂	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the drivers seat, and having a maximum mass not exceeding five tonnes
M₃	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the drivers seat, and having a maximum mass exceeding five tonnes

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CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee 24/10/2011

WARDS: All

PUBLICATION OF INTERESTED PARTY REPRESENTATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003

1 INTRODUCTION

- 1.1 Cambridge City Council (the Licensing Authority) is responsible for administering authorisations under the Licensing Act 2003.
- 1.2 Representations may be made in respect of certain applications under the Licensing Act 2003 by responsible authorities or interested parties.
- 1.3 Representations from responsible authorities are currently published on the Cambridge City Council website unless they contain restricted information. Representations from interested parties are not currently published on the Cambridge City Council website.
- 1.4 In light of the Code of Recommended Practice For Local Authorities On Data Transparency published in September 2011 by the Secretary of State for Communities and Local Government and the Council's drive to publish as much information as possible on the Council website, the Licensing Committee are requested to consider whether it is necessary to publish representations from interested parties.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Members approve one of the following :
 - (i) the publication of representations from interested parties with the removal of any personal data; or

(ii) the publication of representations from interested parties with their express written permission or if they refuse to give permission, with the removal of any personal data; or

(iii) the continuation of the current situation such that representations from interested parties are not published to the Council website.

3. **BACKGROUND**

3.1 The Council, as the Licensing Authority, is responsible for administering Premises Licences, Club Premises Certificates and Temporary Event Notices under the Licensing Act 2003.

3.2 There is a statutory consultation period during which representations may be made by responsible authorities and interested parties in respect of applications for:

- the grant of a new Premises Licence under section 17
- the variation of a Premises Licence under section 34
- the minor variation of a Premises Licence under section 41A
- the grant of a new Club Premises Certificate under section 71
- the variation of a Club Premises Certificate under section 84
- the minor variation of a Club Premises Certificate under section 86A

3.3 Responsible authorities are defined in sections 13(4) and 69(4) of the Licensing Act 2003. For Cambridge City Council's administrative district the Council's Statement of Licensing policy provides that the responsible authorities are:

- The Chief Officer, Cambridgeshire Constabulary,
- The Chief Fire Officer, Cambridgeshire Fire & Rescue Service,
- The Food & Occupational Safety Team, Cambridge City Council
- Environment & Planning, Cambridge City Council,
- The Environmental Health Manager, Cambridge City Council
- Audit Manager, Child Protection and Review Unit, Cambridgeshire County Council
- Trading Standards Cambridgeshire County Council,

3.4 Interested parties are defined in section 13(3) and section 69(3) of the Licensing Act 2003 as:

- (a) a person living in the vicinity of the premises,
- (b) a body representing persons who live in that vicinity,
- (c) a person involved in a business in that vicinity,
- (d) a body representing persons involved in such businesses.
- (e) a member of the relevant licensing authority.

- 3.5 Representations set out how the responsible authority or interested party considers that the granting of a particular application will affect one or more of the statutory licensing objectives. For a person making a representation to be deemed an interested party, they must disclose their name and address to establish that they live or work within the 'vicinity' of the premises. The representation may also contain other personal information.
- 3.6 Where relevant representations are made in respect of any application (save for applications for a minor variation of a Premises Licence or Club Premises Certificate), Cambridge City Council (the Licensing Authority) must hold a hearing to consider the representations and to determine the application.
- 3.7 Regulation 6(1) of the Licensing Act 2003 (Hearings) Regulations 2005 requires the Council to send notice of the hearing to the applicant and those parties who have made a relevant representation. Regulation 7(2) requires that the notice of the hearing that is sent to the applicant is accompanied by the relevant representations which, in the case of a representation made by an interested party, will include their name and address. There is no statutory requirement under the Licensing Act 2003 to make the representations available to any other interested party or responsible authority. However, it is current practice that representations from the responsible authorities are made available publicly through publication on the Cambridge City Council website. If the representation from the responsible authority contains confidential or restricted access data, the representation will be published on the Council's website without the confidential/restricted data.
- 3.8 Representations from interested parties are only made available to the applicant and the Members hearing the application and their legal advisor. A summary of the representations received from interested parties appears in the report to the Sub Committee which is published on the Council's website.
- 3.9 Local Authorities are being urged to "open their doors" and make as much information available publicly as possible. The Code of Recommended Practice for Local Authorities on Data Transparency issued in September 2011 by the Secretary of State for Communities and Local Government sets out key principles for local authorities in creating greater transparency through the publication of public data. The code details the public data that should be released as a

minimum and this includes committee minutes, decision - making processes and records of decisions.

- 3.10 The code also defines public data as *“the objective, factual data, on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.”* However, the code provides that *“Public data can only include personal information if disclosure would not contravene the Data Protection Act, and disclosure of personal information should be necessary to meet a legitimate public interest.”*
- 3.11 Guidance has been obtained from the former LACORS, this indicates that it is good practice to publish representation from interested parties on the website. However, Local Authorities need to ensure that they comply with the Data Protection Act.
- 3.12 The Council’s drive to make as much information available on the Council’s website as possible has brought in to question whether representations from interested parties should be made available publicly . Additionally, in accordance with the provisions of the Data Protection Act 1998, personal data could only be published with the express permission of the interested party (and this would ideally be provided in writing), otherwise all representations would need to be redacted to remove any information that could identify the individual. There is also concern over whether the publication of representations with personal details enclosed would discourage interested parties from making representations which will be contrary to the Council’s visions statement of a City “whose citizens feel they can influence public decision making and are equally keen to pursue individual and community initiatives”.

4. **OPTIONS**

The Committee may require:

- (i) the publication of representations from interested parties with the removal of any personal data; or
- (ii) the publication of representations from interested parties with their express written permission or if they refuse to give permission, with the removal of any personal data; or
- (iii) the continuation of the current situation such that representations from interested parties are not published to the Council website.

5. **CONCLUSIONS**

- 5.1 The Committee are requested to make a decision on the publication of representations from interested parties having considered the implications of publishing personal data under the Data Protection Act 1998, and the likely affect of an interested party's willingness to make a representation which may be contrary to the Council's vision of a city "whose citizens feel they can influence public decision making and are equally keen to pursue individual and community initiatives".

6. **IMPLICATIONS**

(a) **Financial Implications**

The administration of applications under the Licensing Act 2003 is covered by the statutory fees set by Central Government. If the Committee require that representations are published there will be no additional funding to cover any additional work.

There is a potential financial and reputation risk associated with the publication of Interested Parties representations, should an error or omission be made whereby personal information is not redacted, in the case where permission has not been granted for publication.

(b) **Staffing Implications**

If the Committee require that representations are published (with or without the removal of personal data), the work will need to be carried out by the Licensing section for which there will be no additional staffing resources.

(c) **Equal Opportunities Implications**

The publication of interested party representations may affect an interested party's willingness to make a representation, meaning that there is not an equal opportunity for all those persons who are entitled to put forward comments on an application to do so.

(d) **Environmental Implications**

The climate change rating associated with the recommendation contained in this report is nil

(e) **Community Safety**

There are no specific community safety implications associated with this report.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [The Code of Recommended Practice For Local Authorities On Data Transparency](#)
- [Data Protection Act 1998](#)

To inspect these documents contact Robin Grey on extension 7899

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