

# Public Document Pack

## COUNCIL

A meeting of Council will be held at Council Chamber, Fenland Hall, County Road, March on MONDAY, 15 DECEMBER 2025 at 4.00 PM and I request you to attend accordingly for transaction of the following business:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 18)  
  
To confirm and sign the minutes of the meetings held 15 September and 7 November 2025.
- 3 Civic Engagements Update. (Pages 19 - 20)
- 4 To receive any announcements from the Chairman of the Council and/or the Head of Paid Service.
- 5 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 6 To receive questions from, and provide answers to, councillors in relation to matters which, in the opinion of the Chairman, accord with the provisions of Procedure Rules 8.4 and 8.6.
- 7 To receive reports from and ask questions of Cabinet members with portfolio holder responsibilities, in accordance with Procedure Rules 8.1 and 8.2. (Pages 21 - 44)
- 8 Motion submitted by Cllr Tierney (Pages 45 - 46)  
  
Motion submitted by Councillor Tierney regarding Digital ID.
- 9 Treasury Management Strategy Statement & Annual Investment Strategy Mid-Year Review 2025/26 (Pages 47 - 56)  
  
To consider the Council's Treasury Management activity for the first six months of 2025/26 and to provide members with an update on matters pertinent to future updates to the Council's Treasury Management Strategy.
- 10 Local Plan Update (Pages 57 - 64)  
  
This report recommends formally withdrawing the Draft Fenland Local Plan (2019–2040) and beginning work on a new Local Plan under the new plan making system introduced by the Levelling-up and Regeneration Act 2023.
- 11 Adoption of Hackney Carriage and Private Hire Licensing Policy for 2026-2031 (Pages 65 - 166)

This report seeks approval by Council of the updated Taxi policy and for it to come into force on 23 February 2026.

12 Review of Statement of Licensing Policy (SLP) (Pages 167 - 218)

To adopt the Statement of Licensing Policy for the period 2026-2031.

Fenland Hall  
March

  
Chief Executive

Friday, 5 December 2025

**NOTE** The Council may, by resolution, as exemplified below, exclude the public from a meeting during the consideration of any item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present, there would be disclosure to them of exempt information as defined in Section 100 I of the Local Government Act, 1972

"Resolved that under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for Item No./Minute No. on the grounds that the item involves the disclosure of exempt information as defined in Paragraph of Part I of Schedule 12A of the Act"

# COUNCIL

**MONDAY, 15 SEPTEMBER 2025 - 4.00 PM**

**PRESENT:** Councillor B Barber (Chairman), Councillor S Clark (Vice-Chairman), Councillor I Benney, Councillor C Boden, Councillor G Booth, Councillor J Carney, Councillor G Christy, Councillor J Clark, Councillor S Count, Councillor D Cutler, Councillor Mrs M Davis, Councillor Mrs J French, Councillor K French, Councillor G S Gill, Councillor R Gerstner, Councillor A Gowler, Councillor S Harris, Councillor A Hay, Councillor Miss S Hoy, Councillor S Imafidon, Councillor Mrs D Laws, Councillor C Marks, Councillor N Meekins, Councillor A Miscandlon, Councillor J Mockett, Councillor P Murphy, Councillor Dr H Nawaz, Councillor D Oliver, Councillor D Patrick, Councillor M Purser, Councillor B Rackley, Councillor D Roy, Councillor C Seaton, Councillor M Summers, Councillor T Taylor, Councillor S Tierney, Councillor S Wallwork and Councillor A Woollard.

**APOLOGIES:** Councillor D Connor, Councillor L Foice-Beard, Councillor P Hicks and Councillor M Humphrey

**C25/25      PREVIOUS MINUTES**

The minutes of the meeting of 21 July 2025 were confirmed and signed.

**C26/25      CIVIC ENGAGEMENTS UPDATE**

The Chairman drew members' attention to the civic activities undertaken by herself and the Vice-Chairman in the weeks preceding Full Council.

**C27/25      TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE**

Councillor Barber announced with sadness the passing of Barry Howlett who had been a Fenland District Councillor for March East from June 2001 until May 2007. During that time, he sat on the Planning Committee and was also a member of the Twinning Association.

The Council offered their sincere condolences to Barry's friends and loved ones and a minute's silence was held to commemorate his life.

Councillor Barber reminded members of her Civic Reception taking place at Gorefield Community Hall and Sports Centre from 6.30pm on Friday 19 September 2025.

Councillor Barber stated that her coffee morning in aid of Damsons will take place in the Council Chamber from 10am on 23 October 2025.

**C28/25      TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6**

The Chairman stated that no written questions had been received under Procedure Rule 8.6. Councillor Booth, as Leader of the Opposition, asked the following question under Procedure Rule 8.4:

- with the recent resignation of Councillor Sennitt Clough, who was Chair of the Culture, Arts and Heritage Advisory Review Committee, and the fact that she was the main component

for the Fenland flag competition, what is going to happen with regards to this? Councillor Boden responded that he does not know but consideration will be given to that and members will be advised as soon as possible. Councillor Booth suggested that the idea of a competition be removed and possibly the existing flag be adopted that is used by so many businesses and residents, which would be his preference. Councillor Boden responded that he does not make these decisions, he will consult with his group and others in order to come to a decision.

**C29/25**      **TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2**

Members asked questions of Portfolio Holders in accordance with Procedure Rules 8.1 and 8.2 as follows:

- Councillor Booth referred to the update on the Local Plan, making the point that there is not much of an update, but it does now confirm that there is a Gypsy Traveller Needs Housing Assessment in place, which has been needed for some time. He asked if this is going to be publicised more widely, particularly with the Parish and Town Councils, and also is there any idea when the Local Plan is going to be delivered, there are no timescales which he did ask for at the last meeting he was present at, several months have passed and it is getting on for a year since the Government published its revised NPPF and guidance and this Council is going forward at a snails pace, questioning whether a Local Plan will be in place by the time of Local Government Reorganisation (LGR). Councillor Mrs Laws responded that unlike many councils, Fenland District Council has a 6.6 year housing and land supply, well in excess of the Government's 5-year target and has consistently overperformed on housing delivery in recent years, which, in her view, demonstrates that Fenland has planning policies and is a very pro-growth council. She stated that the LGR process proposed by Central Government, which if implemented will see Fenland merge with a number of other local councils, has necessitated how future planning policy should be best progressed including the new Local Plan and it will be kept under review as the LGR, scheduled to be implemented in full by April 2028, progresses to ensure the best and most cost efficient outcome for Fenland residents. Councillor Mrs Laws added that there will be, one way or another, a new Local Plan covering the Fenland area, with the method and times of this depending upon whether or not LGR goes ahead and she will make an announcement at Full Council in December explaining how and when a new call for sites will be initiated. She stated that in regard to the new policy this is going to be circulated to all Parish and Town Councils so they will have an up-to-date policy for travellers.

**C30/25**      **MOTION SUBMITTED BY TIM TAYLOR REGARDING SOLAR FARMS AND FOOD SECURITY**

Councillor Taylor presented a motion on solar farms and food security, seconded by Councillor Tierney. Councillor Taylor stated since 1 January to 1 June 2025 this Government has spent £649 million by having wind turbines switched off as the National Grid is at capacity and the volume of turbines switched off asks the question why is solar needed. He feels that if the turbines are turning constantly and cannot keep up then alternatives should be looked at but when turbines have been switched off and extra money is being paid to have them switched off then why is another energy supply required, which is all being undertaken in the name of Net Zero.

Councillor Taylor continued that Labour in its original manifesto stated that energy bills would be £200-£300 cheaper, however, the price cap will increase by another 2% from next month and the National Grid have stated that this is to afford to pay to have turbines switched off. He added that it has also been stated that a lot of these solar farms, wind farms, etc., are built in the wrong place to get power to where it is needed, with it being known that if you use extension leads the power is less at the end of the plug, which works the same with wind and solar.

Members made the following comments:

- Councillor Summers thanked Councillor Taylor for agreeing to the amendments and stated that he supports the protection of BMV land.
- Councillor Booth referred to Councillor Taylor mentioning some add-ons to media outlets and asked for these to be pointed out as part of the motion. Councillor Taylor stated that the additional outlets are Farmers to Action, The F in Farmer, Pro-Farmers United, Catherine Blaiklock and Rupert Lowe MP. Councillor Booth stated that it is important that members know exactly what they are voting on. He added that in principle he will be supporting this motion and one thing that is worth noting about food security is that this country has not been self-sufficient since the mid 18<sup>th</sup> century and currently only about 60% of its food is produced in this country, it is obviously an aim to have food security but feels it will be a long time coming.
- Councillor Christy expressed the opinion that it is a very important matter for Fenland but the only concern he has is that he does not feel the motion is strong enough, which relates to an all-party joint letter that was sent to the Prime Minister earlier this year and thinks this motion should be calling for the same sorts of things, an unequivocal ban on large area solar installations on best and most versatile (BMV) agricultural land, which as Councillor Taylor has described is Grades 1, 2 and 3A. He continued that they are also calling for the likely reduction of BMV land as a result of climate change, inclusion of ALC grade 3B in the BMV category and finally a policy promoting a rooftop first and brownfield first approach to siting solar installations at local, regional and national levels. Councillor Christy expressed the view that this would be much more stronger as words and in terms of who that letter should be taken to it should also include the Prime Minister, and supporting cross party MPs which includes the local MPs which are calling for that motion, which puts Fenland on the same playing field and the same level as what is being called for.
- Councillor Count stated that he had not intended to speak on this motion as he felt it was straightforward and sensible being a big supporter of green energy but recognising that agricultural land should be protected. He stated that he was shocked at what Councillor Taylor said in relation to up to £900 million being spent to turn wind turbines off, which he could not believe and he has Googled it and is shocked to find this is correct, a billion pound of taxpayers money was spent last year turning wind turbines off. Councillor Count continued the wording behind this was because of capacity grid constraints so he looked a bit further as to when will it get to the point where the grid can handle this and it will not as it is not just the capacity it is the wind speed when it goes from 25 to 35 mph it is turned off because there is too much fluctuation. He made the point that this is a permanent, ingrained problem with wind turbines that residents will be paying for forever more. Councillor Count stated that for his entire life since wind turbines have arrived he has looked out of his window and seen them all over the Fens and felt a real sense of warmth at thinking that they sit there and generate electricity and to learn something like this today really hurt his feelings. He added that he is not too concerned because he knows what is built and there might be places where it is more suitable, where they are closer to delivering without going through a substation that might not cope but this is about prime land and he had the privilege of leading the County Council for a while and was proud of what happened there with building solar farms, which delivered great savings to the taxpayer but when the policy was written he was insistent that they never be built on Grade 1 agricultural land but he is not sure if that is still policy there today. Councillor Count expressed the view that he believes in taking a measured approach and one of the measured approaches to talk about is food security, which is an issue and he takes on board what Councillor Booth said in that there has not been 100% food security since the 18<sup>th</sup> century but when you have a problem, even if it has gone on for 200 years, it should not be allowed to get worse but recognise there is a problem and not make it get any worse and all security issues should be been thought about and it is vital that matters are addressed such as this. He referred to an old farmers saying you can't grow any more land and that is true, Grade 1 land cannot be reinvented elsewhere and Fenland has the perfect soil for growing, which should be

protected. Councillor Count stated that he appreciated the widening of the brief to say that planning should be used appropriately to protect the land from inappropriate development because it is not just energy, what happens when somebody makes a great case for 100,000 square metre distribution plant on Grade 1 agricultural land and there has to be that widening of the clause so somebody does not skirt around the edges and land is lost that way. He referred to the continued belief that rewetting of the wild Fens will bring it down to net zero, with some people promoting flooding the area losing all the Grade 1 agricultural land because it will somehow help the planet with net zero and, in his view, that is unrealistic. Councillor Count stated that he knows that members need to work within the NPPF and one of the most useful clauses added by Councillor Summers was 'within our means' so that the Council can do what is within its power as well as writing to other people so he does support this motion.

- Councillor Hoy referred to energy security as she feels often a number of people and herself have been scared to say what they have been thinking for a long time and she thinks now is the time to say that net zero is a complete scam as the future that is being left for people is everyone is going to get colder and poorer because people cannot afford to pay the prices of energy bills and whilst everyone blames Russia and Ukraine the truth is that this country has subsidized for years things that do not work, such as turbines that do not turn. She feels that the world is getting worse due to decisions that have been made in the past and it cannot carry on, with the next thing that will be said is that food will not be grown in this country anymore as it is cheaper to import it, on a plane which uses fossil fuels, with everything being said by politicians at a national level not adding up. Councillor Hoy expressed the opinion that something is not right to be told on the one hand that the world is going to end in a few years' time unless carbon emissions are reduced and then paying to import food from other countries on aeroplanes that give out carbon emissions, which does not seem right to her. She stated that she supports the motion and wishes that the Council goes further.
- Councillor Carney stated that he supports the motion and the important thing to remember is that at this point in time the power does lie within the hands of the local planning authorities. He referred to South Kesteven District Council refusing a solar farm citing the exact same reasons as are being talked about today and this was backed up by Lincolnshire County Council, whether this got through on appeal he is not aware but the point remains that the local planning committee should take a measured approach on each application as they are submitted. Councillor Carney expressed the view that generally from a planning point of view is whether it is so necessary to have solar panels and solar farms, Councillor Christy mentioned brownfield sites and he would suggest either nationally or locally on any sort of large scale building scheme, such as warehouses, supermarkets, etc., which has a large roof space either by encouragement or making it compulsory, although he would suggest encouragement, that they have them fitted with solar panels and have them feed into the local generating network. He referred again to South Kesteven which is not on Grade 1 land but they cited it was Grade 2/Grade 3 farmland and they said it was rare, being productive land and as has been mentioned before you cannot make any more of it.
- Councillor Tierney stated that he is a free marketeer and believes if markets are free to run and not controlled they deliver good results and his problem with turbines and solar panels is that if all the subsidies were removed and they compete fair and square nobody would ever invest and ever build turbines or solar panels, except in a very few specialist circumstances. He continued that they only exist because Governments have made, in his view, this terrible, stupid blind policy of net zero, which he feels is the second most dangerous policy after the challenge to freedom of speech and the previous Government and this Government are all following the same stupid path. Councillor Tierney stated he agrees with everything that Councillor Hoy said, this is so damaging to remove Fenland's fantastic growing land and the ability to produce the food needed and the farmers that produce it and replace it with energy generation which would never be built without the fudges that are put in by the Government. He stated that whether all members agree with him that net zero is damaging he feels that it can be agreed that the farmland is needed to

produce the way it should.

- Councillor Taylor, in summing up, stated that, in relation to solar farms and panels, the steel is imported from Turkey and the panels themselves are imported from China on ships that use approximately 20,000 litres of diesel per hour and that is called net zero, which does not add up to him. He expressed the view that if the whole of the EU was 100% net zero from 2020, by 2050 the climate would be 0.02 degrees warmer, almost an unmeasurable amount, and by the turn of the century it would be 1 degree warmer at the cost of trillions of pounds for something which cannot be achieved. Councillor Taylor thanked members for their comments and hopefully the support of the motion.

**The motion was approved.**

*(Councillor J Clark declared that he is a landowner in March)*

*(Councillors Benney, S Clark, Mrs French, Gerstner, Imafidon, Marks, Meekins, Murphy, Patrick, Purser and Rackley declared that they were either substantive or substitute members of the Planning Committee and took no part in the discussions and voting thereon)*

*(Councillor Mrs Laws declared that she is Portfolio Holder for Planning and took no part in the discussion or voting thereon)*

*(Councillor Wallwork was not present in the room when the voting took place)*

#### **C31/25      AUDIT AND RISK MANAGEMENT COMMITTEE ANNUAL REPORT**

Members considered the Audit and Risk Management Committee Annual Report presented by Councillor Kim French as Chairman of the Audit and Risk Management Committee.

**Proposed by Councillor Miss French, seconded by Councillor Booth and AGREED the Audit and Risk Management Committee Annual Report for 2024/25.**

#### **C32/25      REFUSE, RECYCLING AND CLEANSING HGV FLEET REPLACEMENT**

Members considered Cabinet's recommendation to approve the procurement of the required HGV vehicles as part of the ongoing Fleet Replacement Plan, presented by Councillor Tierney.

Members made comments, asked questions and received responses as follows:

- Councillor Gerstner stated it was an excellent report but asked are these vehicles being procured in the UK, are they UK sourced and built? Councillor Tierney responded that officers will be given the right to decide how the vehicles are purchased in consultation with him as Portfolio Holder so he would be pre-empting to say exactly what officers were going to do. He added that if what Councillor Gerstner is saying is that he would like a steer to try and procure in the UK he would be happy to pass this to officers but the most important thing is to ensure the vehicles are purchased in a timely fashion and at the best cost. Councillor Gerstner stated that he fully understands and appreciates this but given the fact that members have just heard that 99% of solar panels are built in China and 99% of wind turbines are built in Europe it would be a good thing for this Council to be seen to, providing the costing are competitive, look at UK suppliers. Councillor Tierney responded that he broadly agrees with this and would like to source from home, officers have heard Councillor Gerstner's comments and will take that as a steer to do what they can to make this possible but taking into account the delivery and price to the taxpayer.
- Councillor Woollard stated that he supports 100% the acquisition and keeping the fleet up-to-date but he does not see any mention of, which he hopes is deliberate, electric vehicles being looked at, which, in his view, is not appropriate. Councillor Tierney responded that as Portfolio Holder if he had been brought information on electric vehicles he would have

looked at them with a very askance view but he doubts this will be possible because the costs are quite different, although it cannot be pre-judged and an open mind needs to be kept but feels it would be very unlikely.

- Councillor Booth referred to the report stating that these are replacement costs but he recalls when he first joined the Council that these vehicles were leased and asked why has this approach been moved away from and has any consideration been given to setting up leasehold agreements? Councillor Tierney responded that is before his time as Portfolio Holder so the question could be addressed later on to the original Portfolio Holder who would have a lot of knowledge around this but his guess would be that it was probably more cost effective to purchase the vehicles. He stated that personally he likes the Council owning its own stock rather than hiring it, which is a positive, but if that worked out cheaper for the new vehicles then he is sure officers will investigate it and make the suggestions that are best for the Council.
- Councillor Mrs French stated that she fully supports this proposal and she remembers many years ago the Council had broken down vehicles and did not have a collection over a Christmas period and a decision was made years ago that the vehicles would not be left to get into such an appalling state.
- Councillor Booth stated that when he asked the question why vehicles were leased in the past he was told that it was most financially prudent way of doing it so, in his view, an open mind is needed to achieve the most cost effective way of ensuring the Council has the fleet of vehicles it needs. Councillor Tierney agreed and is sure that officers have heard his comments and they are welcome to suggest whatever they think the most appropriate and cost effective delivery method is.
- Councillor Summers asked what happens with the old vehicles? Councillor Tierney responded that he not sure of the answer but he would suspect that they are sold as they are still working and would have some value.
- Councillor Gowler asked how does this proposal fit in with the proposed new food waste collection and is this being taken into account when purchasing these vehicles? Councillor Tierney responded that this is a different policy which the Council has different income to deliver so whilst the whole service is tied together this proposal is for the 20 vehicles that the Council has currently that are looking to be replaced and not what might be needed for the new food waste collection service, with further information on this being available in the next 2-3 months.
- Councillor Murphy referred to the question about leasing of the refuse vehicles and stated that the Council stopped leasing the vehicles years ago because it is more cost effective to purchase them and when they are owned by the Council it has its own workshop for repairs, which is a quicker service to get the vehicle back on the road whereas leased vehicles were taken away for weeks on end to repair.
- Councillor Miscandlon stated that he agrees with everything that has been said and on the point that Councillor Gerstner made about obtaining a UK manufacturer he made the point that UK manufacturers are few and far between so the chassis, cab and engine will probably come from abroad but the manufacturing of the actual body is undertaken in this country and he hopes it continues to do so. He added that Councillor Tierney is correct that the Council needs to look at what is available but hopefully it is British manufactured, at least for the bodywork, protecting UK jobs.
- Councillor Tierney thanked members for their comments and he is sure that officers will have heard those members that have made suggestions.

**Proposed by Councillor Tierney, seconded by Councillor Miscandlon and AGREED to**

- **approve the procurement of the 4 HGV vehicles for delivery April 2026 as part of the ongoing Fleet Replacement Plan;**
- **approve the vehicle and capital requirement for 2027/28 and 2028/29 and for these requirements to be added to the Medium-Term Financial Strategy;**
- **approve the delegation of the procurement of these vehicles to the Corporate Director with responsibility for Environmental Services, through existing**



**procurement frameworks or mini tender as required, in consultation with the Portfolio Holder responsible for street sweeping, recycling and refuse collection; and**

- note that the total value of required vehicles that will need to be ordered within the next 24 months is expected to be in the region of £2,560,000, with the Chief Finance Officer determining the best value means of financing these necessary vehicles.**

### **C33/25      CONSTITUTIONAL AMENDMENTS: PLANNING SCHEME OF DELEGATION**

Members considered revisions to the Planning Scheme of Delegation within the Council's Constitution to allow the delegation of authority to initiate prosecutions for non-compliance with enforcement notices to officers, rather than requiring a resolution of the Planning Committee, presented by Councillor Mrs Laws.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French stated that she fully supports this, it was a Planning Committee request as officers spend hours writing these reports and action is delayed by several weeks, especially on the Section 215 and 216s.
- Councillor Hoy expressed reservations about this proposal as it goes against what they have moved towards in Licensing, which is members having a say rather than officers. She stated that she understands that the Planning Committee want this change but she is unsure whether it is the committee that is the cause of the lack of 215s. Councillor Hoy made the point that there are buildings all over Wisbech that could do with being served notices and she does not think that is due to the lack of Planning Committee action. She asked how is consistency in approach going to be ensured because if there is an officer deciding the enforcement process how is it known in which way they are enforcing as some people may be being enforced against more than others and how is it going to be monitored? Councillor Mrs Laws responded that the reason that this has been put forward is because the appropriate planning actions have been looked at and it has been consistent with the officer's recommendation. She does agree that consistency needs to be monitored, there is a Planning Enforcement team and they report into the Head of Planning so these things will be monitored by the Head of Planning and herself.
- Councillor Booth expressed the view that the approach to enforcement in the District is not great, certain people know this and take advantage of the situation. He is frustrated as a Parish Councillor that enforcement action is not taken when it should be and he hopes that it leads to improvement in the services provided and enforcement action increases. Councillor Booth stated that he was told several years ago that only 5% of enforcement enquiries ever resulted in enforcement action, which seemed to him low at the time.
- Councillor Tierney expressed reservations as it goes in the wrong direction in what he believes for local councillors but he has belief in the Portfolio Holder and Planning Committee and if they say this is what they want to do he will support the proposal. He hopes that it can be looked at to see if this is working and if it is not changes can be made accordingly.
- Councillor Boden stated that the comments made by Councillors Hoy and Tierney are correct as the direction with policies is that they are more member controlled justifiably so as elected councillors responsible to the electorate and this goes against that policy but, made the point, that it is very limited in its scope as it is talking about circumstances where enforcement notices have already been served and he feels that practicality comes to the fore, with the need for speed and the lack of bureaucracy. He expressed the opinion that it will be monitored carefully and if it turns out that it does not work as expected it can be revisited and he has faith in officers that they will act appropriate and swiftly in making sure that prosecution is undertaken as appropriate.
- Councillor Nawaz stated that he prefers there to be democratic oversight over decisions as much as possible, especially where there are implications for local communities so he does have reservations, however, he will be supporting this proposal, with the caveat of a review at a later stage.

- Councillor Carney referred to the delegation being revisited and asked if it could be operated for a 12-month trial period? Councillor Mrs Laws responded that she can understand the reservations, the delegation is limited but she will be happy to look at it and bring it back in 12 months' time.
- Councillor Booth expressed the view that the recommendation should be amended so that an annual report be provided to Planning Committee. Councillor Mrs Laws stated that she would be happy with that suggestion.
- Councillor Tierney agreed but rather than an annual report that, which commits to a report every year, that it be a report in 12 months' time as by then it will be known whether it is working or not. Councillor Mrs Laws confirmed she was happy with this.
- Councillor Mrs French made the point that Planning Committee is not in habit of delegating its power, but this is to speed up the Section 215 and 216 process not the actual enforcement, which would in turn save the planning team resource.

**Proposed by Councillors Mrs Laws, seconded by Councillor Mrs French and AGREED that the Planning Scheme of Delegation within the Council's Constitution be revised as set out at Appendix 1 and that a report be submitted to Planning Committee in 12 months.**

*(Councillor Hoy requested it be recorded that she abstained from voting on this item)*

*(Councillor Harris left the meeting during this item and was not present for the remainder of the items on the agenda)*

#### **C34/25 MEMBERS ALLOWANCES - COMBINED AUTHORITY SRA FOR OVERVIEW AND SCRUTINY AND AUDIT AND GOVERNANCE COMMITTEES**

Members considered a proposal to cease payment to Fenland District Council members of the Cambridgeshire and Peterborough Combined Authority (CPCA) Overview and Scrutiny and Audit and Governance Committees, presented by Councillor Boden.

**Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED to**

- **act on the feedback of the Independent Remuneration Panel and remove the SRA from the Members' Allowances Scheme for members appointed to the CPCA Overview and Scrutiny and Audit and Governance Committees; and**
- **delegate to the Monitoring Officer to update the Members' Allowances Scheme within the Constitution in line with the decision taken by Council as set out at Appendix 1.**

*(Councillors Christy, Mrs Davis and Hay declared that they are members of Fenland District Council appointed to these Combined Authority committees and, therefore, affected by this SRA and the decision to be made, and left the room for the duration of the discussion and voting thereon)*

5.19 pm

Chairman

**FRIDAY, 7 NOVEMBER 2025 - 4.00 PM**

**PRESENT:** Councillor B Barber (Chairman), Councillor S Clark (Vice-Chairman), Councillor I Benney, Councillor C Boden, Councillor J Carney, Councillor G Christy, Councillor J Clark, Councillor S Count, Councillor D Cutler, Councillor Mrs M Davis, Councillor L Foice-Beard, Councillor Mrs J French, Councillor G S Gill, Councillor R Gerstner, Councillor A Hay, Councillor P Hicks, Councillor Miss S Hoy, Councillor S Imafidon, Councillor Mrs D Laws, Councillor N Meekins, Councillor A Miscandlon, Councillor P Murphy, Councillor Dr H Nawaz, Councillor D Patrick, Councillor M Purser, Councillor B Rackley, Councillor D Roy, Councillor C Seaton, Councillor M Summers, Councillor T Taylor, Councillor S Tierney, Councillor S Wallwork and Councillor A Woollard

**APOLOGIES:** Councillor G Booth, Councillor A Branton, Councillor D Connor, Councillor K French, Councillor M Humphrey and Councillor D Oliver

## **C35/25      LOCAL GOVERNMENT REORGANISATION - SUBMISSION TO GOVERNMENT**

Members considered the Local Government Reorganisation (LGR) progress update and which one of the five options to advise Cabinet to submit to Government to reorganise local government in Cambridgeshire and Peterborough, presented by Councillor Boden. Councillor Boden stated that this is probably the most important debate that members have because it will impact upon how Fenland's area and its residents are going to be governed in at least the next decade ahead. He reminded members that this came about in December last year when Government without any forewarning produced a white paper, which they called devolution but that is a matter of opinion, and in that they said that within England all of the areas which have two tier local government would be unitarized.

Councillor Boden stated that this announcement came out of the blue and it is not as though local government reform is not needed as structural reform is required but for them to do this in the way that the Government has done it, in his view, is really counterproductive because the one thing which is certain about this across the country is that there will be a worst structure after this reorganisation process than there is now but Government is intent on pushing it through and forwards. He predicts that within 10 years the whole process will be undertaken again because what is being created just will not work.

Councillor Boden expressed the view that it is difficult to reform local government as over the last 190 years there have been at least 7 big attempts to change local government and those attempts have largely failed because it is such a difficult process to go through. He added that almost the major comprehensive changes to local government in England that have taken place have occurred after a royal commission has been established to go through the whole process of examining all the evidence to look at the alternatives and to come up with recommendations to Government.

Councillor Boden stated that long serving members of this Council may recall after the great reform act which changed the Parliamentary elections, a royal commission was set up to reform local government and that reform resulted in the landmark Municipal Corporation Act 1835 which was the first time really that local government was set up in an elected way and the way that people are used to. He continued that this basic structure lasted for about 50 years until the local government acts of 1888 and 1894 came in and they fundamentally changed local government again and after

many years of discussion and of consideration about how change should take place and that itself lasted another 50-60 years until the changes came in 1965 for London and in 1974 for the rest of England under the Local Government Act 1972, which provides the structure that exists now.

Councillor Boden expressed the opinion that this proposal by Government to unitarize everyone has been rushed through and there are so many missed opportunities and there will be boundaries that will be suboptimal because of the way in which Government set this out from the beginning, which cannot be changed and Government is insistent on pushing it through and it looks like they will go through with it even though it is inefficient, ineffective and ultimately counterproductive. He stated that within Cambridgeshire and Peterborough after a lot of conversations that have taken place within the Leaders and Chief Executives five options have been produced, all of which have been circulated and some which have already been discussed.

Councillor Boden stated that in Appendix 3 he is recommending to Council that it is recommended to Cabinet that Option D is put forward, with Option D consisting of Fenland becoming part of a unitary authority with East Cambridgeshire and East and Southern Huntingdonshire, and the reasons he is putting this forward is because Fenland would be in a local authority where it would be one of a number of equals. He continued it would be made up almost exclusively of market towns and their rural hinterlands and it would be internally consistent as opposed to all the other options where Fenland would end up just being part of Greater Peterborough and if Fenland was part of a greater Peterborough, Peterborough would control the money, decisions and Fenland would be an afterthought.

Councillor Boden expressed the view that Option D is the only option where Fenland would not just be absorbed by Peterborough and members might wonder why should it participate in this flawed process at all, which is justified as it could end up with something much worse, but there is one opportunity to make Fenland's voice heard so that the least bad choice is made and he would far rather end up in a unitary authority with East Cambridgeshire and the rural parts of Huntingdonshire than being a subsidiary part of the new Greater Peterborough. He suggested that the authority under Option D would be named the Cambridgeshire Fens Unitary Authority and it would be a very coherent and consistent area, however, without a good amount of cooperation with the other parts of Cambridgeshire and Peterborough which will be in different unitary authorities the whole system would not work well and, in his view, if the Government had tried to push up into a larger area those things that need to be dealt with on a regional or sub-regional basis and push down to a lower area, such as Fenland, those things which should be dealt with more locally members would be talking about something which is potentially sensible instead of the least bad option as far as the new boundaries are concerned.

Members made comments, asked questions and received responses as follows:

- Councillor Gerstner made the point that Cambridgeshire County Council have put forward a different proposal and asked how much influence does this have on the decision being made today? Councillor Boden responded that each of the existing authorities have the right to put forward what they think is the best or least worst option for their area. He continued that the Government have said they will only consider proposals put forward by local authorities for the area and one proposal each but it is not very likely to be a decision that is followed by Government as Cambridgeshire County Council are the only one to put forward a proposal which is outside the Cambridge area linking in East Cambridgeshire with South Cambridgeshire and Cambridge City and the Government is keen to see a Cambridge growth area moving forward. Councillor Boden stated that it is not known for certain what option the other local authorities are going to choose but Fenland should do what it thinks is the best for the residents of Fenland.
- Councillor Patrick asked if there had been discussions with the other local authorities? Councillor Boden responded there has been lots of discussion with authorities in Cambridgeshire and Peterborough, with dozens of meetings with the Leaders, Chief Executives and Section 151 Officers and the amount of money that has already been spent

has run into seven figures just in Cambridgeshire and Peterborough, mainly by the County Council. He stated that a lot of money and time has been spent to just get to this stage and the authorities in Cambridgeshire and Peterborough have cooperated better than other parts of the country, with there being one joint letter from all of the authorities showing the separate recommendations of the different authorities but also showing that the authorities are working on a joint evidence base.

- Councillor Tierney stated that he is uncomfortable today because he does not support this and it is not often that he does not support the Leader, having huge respect for the Leader. He continued that when he first became a councillor, localism was talked about and taking the power to the people and this proposal is the opposite of this, it is moving power from local to the highest, largest most remote council they can make, which, in his view, is a terrible proposal from the Government that he cannot support. He expressed the opinion that none of the options are good, nothing is perfect but local government does not need to be reformed, it works well and he does not agree with what all the councils do because there are different parties at play but they are just reflecting a local flavour of what the people voted for. Councillor Tierney expressed the view that LGR is going to be hugely expensive and things like free parking, not raising Council Tax and a good bin service are going to disappear as a big council cannot do these things if  $\frac{3}{4}$  of the area is doing something different. He stated that the main reasons he does not support LGR is that he does not think anyone thinks it is a good idea and the Government could not care less what Fenland District Council thinks, it does not matter what option is voted for as they will not care and will do whatever they want, however, the public are watching us and if members vote today for one of these options members are saying their Council is rubbish, is not doing a good job, including its officers and councillors and whilst no one is perfect, this Council does work hard for its residents. Councillor Tierney stated that these are not acceptable options, he wants members to face up to Government and say that no option will be chosen as it is a terrible thing to do.
- Councillor Taylor expressed the opinion that this is being led by the unleadable and a major proof is what Keir Starmer is doing at the moment regarding Net Zero. He feels the Council is being instructed as to what it is going to do and this is a rural area that knows rural issues and it must stick to its identity. Councillor Taylor expressed the view that this is a big con and is being undertaken to gain voters for the future and he suggests that LGR be shoved 'where the sun does not shine' and the Council gets on with doing what it has done well for years.
- Councillor Cutler stated that previously there were only three options, A-C, and she favoured C to allow Fenland to remain the most local to deliver services, with the general feeling at the previous meeting being that councillors did not want to be in a unitary with Peterborough because its needs are different. She continued that Peterborough is now in 4 options, with Option D being the only option that does not include Fenland with Peterborough and whilst she agrees with the other members who have spoken and does not want LGR, there is no choice and an option needs to be selected. Councillor Cutler expressed the opinion that Option D is the best choice and whilst she is disappointed about this ill thought-out proposal by the Government, there is no choice but to choose and submit an option and she will support Option D.
- Councillor Summers made the point that the business cases with each proposal were very detailed so there is a lot to read and digest, acknowledging and thanking those that contributed to these, including the Leader. He stated that as everyone has acknowledged, it is apparent that there is not a lot of choice and LGR is going ahead and if he was to put himself in the place of the person receiving the letters he would be more inclined to support the proposals that were more collaborative and positive and whether that is the true feeling or not the process has to be embraced as best it can to get as much out of it. Councillor Summers made the point that Option D is a new option and makes sense for all of the reasons the Leader has put forward in his opening remarks but the thing that jumps out to him is the financial element, it appears that Option D makes the least sense from a financial perspective and Option B makes the most sense, although he acknowledged that he was

not an expert on the matter and is relying on the officers who have produced the business cases to be objective and truthful. He continued that Option D does not strictly meet all the criteria that has been set out but Option B does as far as he can see so his proposal would be that Option B is put forward. Councillor Summers stated that if members believe there are issues with the way the Government has gone about this it should be pointed out in a collaborative way offering solutions and highlighting solutions in a tone which they will be receptive to.

- Councillor Hay stated that previously when LGR was discussed she was very much in favour of Option C, although she prefers if LGR does not go ahead but not choosing an option is not an option in her view. She continued that she does not like being joined with Peterborough, but it is most equitable in number of divisions whereas Option B is 55 divisions versus 26 divisions, which is, in her view, unfair, and Option B has 322,000 residents for Cambridgeshire and the area that Fenland would be in would have 612,000 residents. Councillor Hay stated that she has concerns over Option D as, although the area is one she favours, looking at the figures the net annual savings are lower and the costs and the payback period are higher so feels Government will reject it so she is still favouring Option C.
- Councillor Nawaz stated that his fundamental position remains the same as the last meeting and he agrees with Councillor Tierney that this is a ridiculous idea, lacking any imagination, has not been thought through and is using a one size fits all position, with the only measure being used is 500,000 to 1,000,000 residents and that does not take into account the cultural differences and geographical boundaries. He made the point that, although he disagrees with this process, he does not feel that the Council should 'leave the arena' and let the other authorities walk over Fenland, the Government will probably do what they want any way and his experience of consultations is that they are a tick box, paper exercise. Councillor Nawaz expressed the view that he does know which way two of the other councils are going to vote but this is tentative and he does know when push comes to shove which option Fenland should choose, with Fenland being a large rural area, having particular culture, political and social requirements and is being compared to a densely populated urban area which also happens to have a lot of debt, which would be carried forward. He continued that Fenland currently has free parking, it is an excellent Council, well-run, has a committed team of officers and councillors who are knowledgeable and passionate about their areas and if it is enlarged it will become more remote, be outvoted with councillors in North Bretton having a decisive vote on issues in Pondersbridge, Turves or Coates, which is why he would not support Options B or C. Councillor Nawaz reiterated that Fenland has free parking and in the more urban areas there is a £2.50 charge for ½ hour of parking in the town centre and Council Tax has been kept the same for the last 8 years, which would have to be increased if the debt of Peterborough is carried forward. He made the point that the Council is efficiently run and it should not be diluted by the less well run councils who are not able to make any decisions, when there is political stability, a responsible opposition who put forward constructive, mature, sensible suggestions and work together well whereas other councils are constantly at each others throats, are polarised and divisive. Councillor Nawaz expressed the opinion that he cannot see why the business case for Option D will not work and, as an option needs to be picked that Option D should be the preferred option.
- Councillor Meekins stated that Councillor Tierney has put forward his feeling very eloquently, however, does fear that if an option is not chosen today Fenland is excluding itself from any debate going forward. He stated that he was going to support Option D as the best option but is now not sure whether he can vote for any options.
- Councillor Count expressed the view that members are being asked to put an endorsement to something the Labour Government has put forward, likening it to an early Christmas present that has to be wrapped with minimal provisions so whatever is undertaken to move it forward is going to be botched job and this is not the way that LGR should have gone forward and not the pain that should have been inflicted on residents by a Government that is trying to pursue its own regional ideas with no respect whatsoever for the local voice,

which will be lost if this moves ahead. He made the point that members did not stand to be MPs in the last election, the people voted for this Government, who is in charge and this cannot be overturned today and however abhorrent members find what they are doing it has to engage the best it can on behalf of the residents, which is why he agrees that one of the options needs to be put forward. Councillor Count stated that he has looked at the options and does believe that there are 6 options not 5, with the other option being none of the above which has been put forward by Councillor Tierney and his preference is for Option D. He made the point that many people have already spoken about rurality and there are similarity between the people who live in and get represented in small rural areas that is completely different to the urban areas of Peterborough City and Cambridgeshire County Council. Councillor Count expressed the view that, as a backdrop as to why he feels that one is better than another, whilst there might be some evidence in front of members the financials do not stack up and he has no confidence in these financials, whilst he knows they have been produced by competent people sitting in offices with their spreadsheets working on information that they have in front of them. He provided an example in the case of Option D on highways maintenance, highways lengths are not available at district level so they have apportioned highways lengths on population and assumed it is roughly the same for every district and it has led them to come to a conclusion. Councillor Count referred to Highways and the impact of dissolving and reforming a new unitary, with Fenland currently coming under Cambridgeshire County Council and at the last time he remembers a report being undertaken on the backlog of repairs in Cambridgeshire, there was a backlog of £420 million pounds and you could think that 5 areas that roughly is a bit each which might be fair for someone sitting at a desktop without the information that members have but actually it is made up of two elements, there is £300 million of backlog on the Fen type roads and £120 million apportioned roughly the same and out of that £300 million the vast majority is in Fenland and the rest is in East Cambridgeshire or West Huntingdonshire, the ones that he would prefer joining up with. He continued that if this is not dealt with separate to the finances in front of members then the new unitary will start off with a £300 million plus liability that nobody else has got so whilst these reports are useful there will be a serious discussion to be had afterwards to say stop working things out this way. Councillor Count stated that another example would be the asset base of Cambridgeshire County Council, it has a lot of farmland and a lot of the more valuable farmland is in the south, one particular site could be worth £500 million pounds on its own and is that simply to go to South Cambridgeshire after the devolution because he is a Cambridgeshire County Council resident and he pays his rates like everyone to the County Council so he is entitled to his share of the ownership of that land and entitled to say that those people who do not live in Fenland should be made pay for their debts to its roads and none of that is encapsulated in the financial planning. He feels there is another argument about the size of the adult social care burden and saying whether you are too small or too big as it is seen up and down the country when there is someone too small they have trusts or partnerships where they join up to a larger base. Councillor Count expressed the opinion that despite all the money spent and all the competent people who worked out the finances he does not believe that can be relied upon and the ideas must be based on who Fenland thinks it has the most in common with and who will suit it best so he will support the letter that goes to the Government saying what a terrible idea this is and Option D hoping to show Government that Fenland is engaging.

- Councillor Hicks asked that when a vote is taken on the 5 options that a vote is also taken on none of these options.
- Councillor Hoy expressed the view that East Cambridgeshire and Huntingdonshire do not want Option D so why would members vote for an option that other authorities do not want and members are here to make a decision for Fenland and looking at the options on the table Option D is the only one that does not include it being merged with Peterborough, which would be the worst possible thing to happen to Fenland. She stated that she would like Fenland to have been bold to go on its own and is frustrated hearing other councillors say it is a waste of time, in her view, Labour are not Fenland's friend, they are not listening

to us and they are not going to care about a letter written by us as they do not care about Fenland and her preference would be to do nothing. Councillor Hoy made the point that there used to be borough councils local to the areas before the 1972 Act came into being and they were amalgamated to create Fenland, she questioned whether this is better as she does not know but surely if you are able to go to your local area and make your local reports, how could that not have been better than now as you cannot get into Fenland Hall as there is no one working in the one stop shop and every time things are moved higher up the chain it becomes less accessible. She feels that the Council should be fighting back, but it is not, it is just a letter with a few words at the start which is unhelpful referring to an analogy that Councillor Tierney used that if someone is going to punch you, you do not say please do not punch me it is going to hurt but given that you are please do it quickly and just because someone is proposing something horrible you do not say I am going to say something angry as it make the Council sound so resigned. Councillor Hoy referred to the first paragraph of the letter where it says LGR is desirable and questioned whether it was as she does not think so, there are a number of tiers referring to the Combined Authority where members were told they had to be part of the process or have it done to us, feeling sometimes that the Council goes along with things without thinking. She expressed the opinion that whatever Fenland says, the Government will not listen, officers work hard to deliver the priorities and Council Tax has not been increased, there is free parking, no asylum seekers and what is being said is this Council will not go into battle for its officers and residents. Councillor Hoy made the point that the Government did not listen to the nine district councils in Surrey so why are they going to listen to Fenland and she cannot look people in the eye in the future when things increase and free parking is lost and they cannot complain to the Council because they are one of 6,000 residents and she does not want to be part of any decision that is bad for the taxpayer. She finished by stating that people might think that Fenland is weak and feeble but it has the heart of a tiger and rather than having the Government dishonour its members should say no, no, no.

- Councillor Mrs Davies stated that like Councillor Tierney she does not like any of the options and would have preferred two more, an Option F and Option O! She expressed the opinion that the Government does not care about the electorate and there is proof of this every day. Councillor Mrs Davies stated that she would ask the Leader in his summing up what would happen if members went down the route of none but suspects he would say Fenland could end up worse so feels that members are being forced if Fenland has to have a seat anywhere at the table and to be involved in the decision making. She fears that she would have to choose Option D but is still wavering as it is one of the most difficult decisions that members have had to discuss and make.
- Councillor Rackley expressed the opinion that Fenland is a well-run Council and he was going to support Option D but after hearing from Councillors Tierney and Hoy he agrees with both of them and feels that members are 'stuck between a rock and a hard place' and would like to have gone away and thought about it. He feels that if he has to vote he would vote for Option D.
- Councillor Gerstner made the point that it is a very emotive and emotional debate, with all four market towns in Fenland being unique and having their own identities delivering good results back to the electorate. He stated that demographically for many years in Whittlesey its further education, its health facilities, retail facilities, job opportunities and transport have been in Peterborough and voting on this will not alter this, however, Peterborough has ongoing debt and is a prime example of a failed unitary authority.
- Councillor Mrs Laws thanked the Leader for his presentation, she has been around the Council for over 30 years and feels it has been a healthy debate and would agree with the comments of Councillors Count and Nawaz and to a degree Councillor Gerstner. She expressed the opinion that to do nothing would be the wrong approach, Fenland does need to register its vote today and her support would be for Option D as this Council is unique with its market towns and villages and more aligned to Option D. Councillor Mrs Laws expressed the opinion that moving towards Peterborough or any of the other options would mean Fenland would lose its identity and take on debt, but nothing would change with



Option D. She made the point that from a Whittlesey perspective and at the recent by-election, residents were horrified to think that Fenland would be disbanding, although they were informed that the town and parish councils would not be, but Fenland is a well-run Council and many residents had moved out of Peterborough to get away from the city. She thinks that it does need to be registered that the Council is not happy and are being forced to make a decision, feeling it will be forced on Fenland anyway, but her preference is Option D.

- Councillor Boden in summing up stated that it has been an interesting and lively debate and agrees that Government is not very likely to listen to Fenland on past performance and his heart would definitely be with Councillor Tierney in suggesting to them what they could do with LGR. He continued that what members do today can make a difference as Government has set out that each authority is allowed to put forward one suggested arrangement for the new unitary authorities and Government has said they will pick one of those options and he is recommending Option D for a host of reasons. Councillor Boden referred to Councillor Tierney questioning whether members want to lose free parking and keep Council Tax freezes, making the point that if Fenland were with East Cambridgeshire, who have got exactly the same, and a small part of Huntingdonshire they would have the whip hand on subject such as this, whereas if under Peterborough control Fenland would not. He continued that, as said by Councillor Taylor, Fenland is a rural area and ideally would want to stay in a rural or largely rural unitary authority but why would what Fenland say make any difference, there are 5 options on the table and not all of those 5 options are going to be submitted to Government and it is not known how every other authority in the area is going to vote but it is known that if any of the other local authorities is going to vote for Option D it would be Peterborough but they are not guaranteed to do so. Councillor Boden made the point that Peterborough City Council is hopelessly split politically and personally on the council and what they will support he does not know but what happened when they took this to Scrutiny a couple of weeks ago was that options A and D were recommended to be considered for what Peterborough put forward and if Peterborough do decide to put forward Option A and Fenland does not put forward Option D then Option D cannot be considered and if Option D cannot be considered then Fenland would join with Peterborough and it is only if Option D is on the table that it is even possible for Fenland not to be taken over by Peterborough. He made the point that it is the Government minister that will make the choice ultimately but they will be susceptible to pressure put on them by MPs and to the best of his knowledge he understands that 4 of the areas MPs, Andrew Parkes, Daniel Zeichner, Sam Carling and Steve Barclay, are going to also support Option D so if ministers listen to what local MPs are saying there is a reasonable chance that Fenland will be in a more rural unitary authority with people who share Fenland's ideals and policies and that is the power that members have today, however much members dislike the whole process if Fenland has to plump for anything it plumps for Option D as the least worst of the 5 options and at least it is on the table and there is a chance of the people of Fenland being controlled by Peterborough. Councillor Boden referred to Councillor Meekins asking what will happen if members do not vote for an option does Fenland exclude ourselves from future debate but this is the one chance that members have to put an option on the table and if Option D is not put on the table and if Peterborough in their chaotic state go for Option A then despite the fact that 4 local MPs support Option D the Government cannot consider and recommend that and it condemns Fenland to becoming part of Greater Peterborough. He made the point that Peterborough do not want Fenland, they want the high growth areas that are currently part of Huntingdonshire and in many cases Fenland does not want Peterborough, but the power is in members hands today but he is not suggesting that Government will listen to Fenland but they have set a process up and by Fenland supporting Option D it gives a chance that Fenland will end up in an authority that is with similar authorities and he encouraged members, however much they dislike the process, to vote with their heads rather than their hearts and to vote for Option D rather than say nothing at all. Councillor Boden added that none of the options meet the criteria set by Government and none of the options that he has seen so far in other parts of the country

meet the criteria either because Government is setting objectives for this process which will not be achieved, which is why whatever settlement this area ends up he feels will only last 10 years because it will be harmful to local government and local residents but the area is going to have to live with the consequences and he would rather be in a unitary authority with East Cambridgeshire and the rural part of Huntingdonshire

**Proposed by Councillor Boden, seconded by Councillor Mrs Laws and AGREED, whilst not supporting LGR and following a vote on all five options and a do nothing option, that Council advise Cabinet that:**

- **the preference is for Option D be submitted as the option of Fenland District Council; and**
- **delegation be authorised to the Leader and Chief Executive for the submission on behalf of the Council to MHCLG in regard to electoral arrangements for the new Unitary Authorities, with a view to minimising electoral inequality within each new Unitary Authority.**

*(The Monitoring Officer exercised her delegated constitutional authority to grant a dispensation in relation to the debate and voting on LGR to enable all Members to speak freely on this important subject)*

5.19 pm

Chairman



Fenland District Council Fenland Hall County Road March Cambridgeshire PE15 8NQ  
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## **Civic Engagements From September 6, 2025, to December 4, 2025**

September 12, 2025	Opening of Rushden Feast Attended by the Chairman
September 19, 2025	Chatteris Town Council, Charity Coffee Morning Attended by the Chairman  Fenland District Council Civic Reception
September 27, 2025	St Ives Town Council Freedom Parade Attended by the Chairman
September 28, 2025	South Holland District Council Civic Service Attended by the Chairman
September 30, 2025	Unveiling of Art Work – Train Station Attended by the Chairman
October 6, 2025	Unveiling of Art Work – Manea School Attended by the Chairman
October 8, 2025	Park Lane School, Whittlesey – Art unveiling Attended by the Chairman
October 12, 2025	Ramsey Town Council Civic Service Attended by the Chairman  Hunstanton Town Council Civic Service Attended by the Vice Chairman
October 18, 2025	Trafalgar Day Supper Attended by the Chairman
October 23, 2025	Fenland District Council – Chairmans Coffee Morning
October 26, 2025	High Sheriff Justice Service Attended by the Vice Chairman
October 30, 2025	Huntingdon Town Council - Halloween Afternoon Tea Attended by the Chairman
November 7, 2025	Neale Wade Remembrance Assembly Attended by the Vice Chairman
November 9, 2025	Remembrance Day Events Attended by the Chairman and Vice Chairman
November 22, 2025	Ely Consort Choir Event Attended by the Chairman

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## **Cabinet and Corporate Management Team**

### **Portfolio Holder Briefing Report**

**December 2025  
(For performance in August, September  
and October 2025)**

## Cabinet Members



**Cllr Chris Boden**  
Leader of the Council  
& Portfolio Holder for  
Finance, Governance &  
Business Rates



**Cllr Jan French**  
Deputy Leader of the  
Council, Portfolio Holder for  
ARP, Car Parks, Parking  
Decriminalisation and Parks  
& Open Spaces



**Cllr Gary Christy**  
Portfolio Holder for Housing,  
Licensing & Environmental  
Health Enforcement, Port,  
SHA, Transport and Yacht  
Harbour



**Cllr Steve Count**  
Portfolio Holder for  
Economic Growth, Land  
Charges and Fenland  
Inspire! Leisure Centre  
Projects



**Cllr Sam Hoy**  
Portfolio Holder for Culture,  
Housing, Licensing and  
Wisbech Town Board



**Cllr Sidney Imafidon**  
Portfolio Holder Assets,  
Business Premises, Health  
& Safety and Food Safety,  
Environmental Services and  
Heritage



**Cllr Dee Laws**  
Portfolio Holder for  
Building Control, Flooding,  
IDBs and Planning



**Cllr Chris Seaton**  
Portfolio Holder for Funfairs,  
Fenland Inspire! Projects,  
Markets and Wisbech High  
Street Projects



**Cllr Steve Tierney**  
Portfolio Holder for  
Communications,  
Decarbonisation, ICT,  
Streetsweeping, Street Bins  
& Dog Bins and Recycling &  
Refuse Collection



**Cllr Susan Wallwork**  
Portfolio Holder for  
Cemeteries, Community,  
Safety, Emergency  
Planning, Freedom  
Leisure, Military Covenant,  
Policing, Street Pride,  
Street Naming &  
Numbering and Travellers  
Sites

### Support Vulnerable Members of Our Community

#### Enable residents to claim the Council Tax Support and Housing Benefit they are entitled to (Cllr French)

Welfare Reform was introduced by Government in 2012 as part of wider fiscal measures to reduce deficits, with the intention to encourage work whilst reducing welfare expenditure. As the migration of claimants from legacy benefits to Universal Credit nears completion, the DWP issued all Migration Notices by the end of September. 95% of total claimants have so far claimed Universal Credit.

The DWP has invested up to £15 million nationally in Help to Claim to support the most vulnerable customers move to UC. This enhanced support journey includes outbound calls, visits, and the new complex case coach role.

The spending review announced that £842 million has been made available for a Crisis Resilience Fund (CRF). This is a multi-year settlement and replaces the current Household Support Fund (HSF) and Discretionary Housing Payments (DHPs). The aim is to provide longer-term funding which will enable LAs to take a more preventative approach and plan more effectively to support communities.

The DWP is committed to working in partnership with Local Authorities to co-design the Crisis Resilience Fund, and Anglia Revenues Partnership was represented on the working group which is helping to shape the scheme and feed into how the fund will be implemented.

Taking the feedback from the working group into account, the DWP has now confirmed that they intend to take a phased approach to integrating Discretionary Housing Payments within the Crisis Resilience Fund. This means that funding allocations for housing support will be maintained and provided to the current Local Authority recipient until March 2028.

#### 2025/26 – To end of Quarter 2

	2025/26	
	TARGET	CUMULATIVE PERFORMANCE
<b>Council Tax Support</b>	<b>9</b>	<b>9</b>
<b>Housing Benefit</b>	<b>8</b>	<b>10.23</b>

As we move through Quarter 3, we expect to see an improvement in Housing Benefit processing performance due to a focus on new claims

Recent press release:

[£1.5 million in incorrectly claimed Council Tax support and discounts being recovered - Fenland District Council](#)

### Use our housing powers to improve the condition of private rented homes (Cllr Christy)

Town	HMOs investigated	Other Homes investigated
Wisbech	16	48
March	0	18
Chatteris	4	3
Whittlesey	1	6
Villages	0	8

Total homes investigated is 104 - This is in line with the profile of interventions that are undertaken each year to the target of 250.

### VILLAGE BREAKDOWN

Benwick = 0	Elm = 0	Manea = 0	Thorney Toll = 0
Coates = 1	Fridaybridge = 1	Murrow = 0	Tydd = 0
Coldham = 1	Foul Anchor = 0	Newton = 0	Turves = 0
Christchurch = 2	Gorefield = 0	Parson Drove = 1	Wimblington = 0
Doddington = 0	Guyhirn = 1	Stonea = 0	Wisbech St Mary = 0
Eastrea = 0	Leverington = 1	Throckenholt = 0	

### Use our housing powers to prevent homelessness and reduce rough sleeping (Cllr Hoy)

#### Housing Issues successfully addressed by Housing Options Team for households.

	Up to 01/11/25 for 2025/26
<b>Prevention Stage</b>	51
<b>Relief Stage</b>	81
<b>Total number of households</b>	132

	Up to 01/11/25 for 2025/26	Up to 01/11/24 for 2024/25	% change
<b>Number of households seeking advice (homeless presentations)</b>	1010	1183	-14.6%

The proportion of households presenting to the Council as homeless whose housing circumstances were resolved through Housing Options work for the year = 45% (132 preventions divided by 294 households where duties were owed).

#### Rough Sleeper Prevention and Recovery Grant (RSPARG) work from 01/04/25 to 01/11/25 2025/26

Circumstances	Number of people
Rough Sleeping	15
Successfully moved on	20
Lost contact with services	20 but no longer rough sleeping
Between rough sleeping & sofa surfing	3
Alternative outcome	2
Placed in off the street accommodation awaiting	4



move on	
<b>TOTAL</b>	<b>64</b>

**Reduce emergency accommodation use to provide better quality and more cost-effective short-term accommodation and supported homes for homeless clients (Cllr Hoy)**

Please see [Progress Against the Communities Priorities](#) update report tabled at Overview & Scrutiny Committee on 01.12.25.

**Use our housing powers to meet housing needs, including bringing empty homes back into use (Cllr Christy)**

**Table 1 - Represents the total number of properties brought back into use through officer involvement.**

**From 1 April 2025 to 31 March 2026**

	<b>LTE 6-11MTHS</b>	<b>LTEP 12MTHS +</b>
<b>Total Officer involvement</b>	8	27
<b>Total for the period</b>	1.4.24 – 31.3.25	35

**Table 2 - Represents the number of properties brought back into use for the New Homes Bonus**

**From 7 October 2025 to 5 October 2026 (CTB1 submission date)**

	<b>LTE 6-11MTHS</b>	<b>LTEP 12MTHS+</b>
<b>Total Officer Involvement</b>	1	8
<b>Total for the period</b>	7.10.25 - 5.10.26	9

**Support residents to manage the effects of the cost of living (Cllr Boden) - AG**

As part of our ongoing Cost of Living support work, a community event was held at Whittlesey Library on Friday 7 November, alongside another local engagement activity. The event brought together a range of partners, including Age UK, Know Your Neighbourhood project, Libraries, Work Well, Anglian Water, Social Prescribers, How Are You? Fenland, Citizens Advice Rural Cambs and the Armed Forces Covenant Officer.

Over the two-hour session, 45 residents attended to access vital services, seek advice, and discuss various aspects of their lives. The event provided valuable opportunities for early intervention and community connection, demonstrating the positive impact of partnership working in supporting residents through the ongoing cost of living challenges.

Website link: [Cost of living support in Fenland - Fenland District Council](#)

**Encourage partners to support the delivery of the Golden Age programme and support older people (Cllr Wallwork)**

Recent press releases:

[Over 60s invited to free festive event - Fenland District Council](#)

[Gift collection for older people this Christmas - Fenland District Council](#)

[Over 60s invited to free event - Fenland District Council](#)

Website link: [Golden Age - Fenland District Council](#)

## Promote Health & Wellbeing for all

### Create healthier communities through activities developed and delivered by Active Fenland and Freedom Leisure (Cllr Wallwork)

Recent press releases:

[Free and low-cost exercise and activity sessions - November 2025 - Fenland District Council](#)

[Free and low-cost exercise and activity sessions - September 2025 - Fenland District Council](#)

Website link: [Our Partnerships | Freedom Leisure](#)

### Work with partners to deliver the Early Help Hub, providing a 'one stop shop' of support and advice to individuals and families in their times of need (Cllr Wallwork)

Recent press releases:

[First anniversary of get well for work free support programme - Fenland District Council](#)

Website link: [WorkWell Fenland - Fenland District Council](#)

An additional 110 participants joined the WorkWell programme, August – October 2025, bringing the total to 511 since Go Live in November 2025.

62% of referrals that are received join the programme

To date Coaches have made over 240 referrals, 130 signposts to 91 different service providers.

## Work with partners to keep people safe in their neighbourhoods by reducing crime and anti-social behaviour and promoting social cohesion

### Manage the Fenland Community Safety Partnership to reduce crime and anti-social behaviour (Cllr Wallwork) – DH **additional text by exception**

Recent press releases:

[Businesses and organisations invited to join fight against hate crime - Fenland District Council](#)

[Community Safety Partnership \(CSP\) - Fenland District Council](#)

[Hundreds of children learn vital skills at Safety Zone events in Fenland - Fenland District Council](#)

### Support the Fenland Diverse Communities Forum to deliver the Fenland-wide Community Cohesion Action Plan (Cllr Wallwork)

Please see [Progress Against the Communities Priorities](#) update report tabled at Overview & Scrutiny Committee on 01.12.25.

### Deliver the Community Safety Grant Agreement with the Police and Crime Commissioner (Cllr Wallwork)

Please see [Progress Against the Communities Priorities](#) update report tabled at Overview & Scrutiny Committee on 01.12.25.

### Deliver the CCTV shared service with Peterborough City Council (Cllr Wallwork)

Please see [Progress Against the Communities Priorities](#) update report tabled at Overview & Scrutiny Committee on 01.12.25.

Website link: [CCTV - Fenland District Council](#)

**Street Drinking Update (Cllr Wallwork)**

Please see [Progress Against the Communities Priorities](#) update report tabled at Overview & Scrutiny Committee on 01.12.25.

**Licensing Update (Cllr Christy & Cllr Hoy)**

Website link: [Licensing - Fenland District Council](#)

**Work with partners to promote Fenland through Culture & Heritage**

**Provide proportionate support and advice for community groups to hold safe and successful public events (Cllr Seaton)**

Recent press releases:

[Funfairs coming to Fenland - Spring 2026 - Fenland District Council](#)

[Fun at Whittlesey Festival 2025 - Fenland District Council](#)

[Funfairs coming to Fenland - Sept/Oct 2025 - Fenland District Council](#)

[Summer events coming to March Market Place this August - Fenland District Council](#)

# Key PIs:

Key PI	Description	Baseline	Target 2025/26	Cumulative Performance	Variance (RAG)
ARP1	Days taken to process new claims and changes for Council Tax Support	9.4 days	7.0 days	10.69	
ARP2	Days taken to process new claims and changes for Housing Benefit	8.36 days	7.00 days	11.69	
CELP1	Total number of private rented homes where positive action has been taken to address safety issues	286	250	104	
CELP2	The proportion (%) of households presenting to the Council as homeless whose housing circumstances were resolved through Housing options work	46%	52%	45	
CELP3	Number of empty properties brought back into use	64	50	35	
CELP4	Total number of Active Fenland sessions offered per year (to October 2025 in current year – 50% of previous performance)	1463	750	746	
CELP5	Customer satisfaction with our leisure centres (Net Promoter Score)	17	25	N/A (March 2026)	N/A
CELP6	Value of Arts Council Grants achieved in Fenland	£450,000	£75,000	N/A (March 2026)	N/A

Key:	
	Within 5% of target
	5-10% below target
	10% or more below target

Comments

### Deliver a high performing refuse, recycling and street cleansing service

#### **Work with partners, businesses, the community and volunteers to maximise the quality and quantity of recycling collected (Cllr Tierney)**

Recycling will generate more than £2m of income to support service delivery this year. Despite this, Fenland's customers are recycling less of their waste. Since the highs of the pandemic, recycling in Fenland has reduced 17% compared to 2.4% nationally. There are economic and other reasons for this greater impact locally.

As a result, Cllr Tierney has asked that recycling education overall forms a large part of the communications associated with the launch of the food waste service starting next year.

Cabinet agenda item 15.09.25: Refuse, Recycling and Cleansing HGV Fleet Replacement  
[Agenda for Cabinet on Monday, 15th September, 2025, 2.00 pm - Fenland District Council](#)

Council agenda item 15.09.25: Refuse, Recycling and Cleansing HGV Fleet Replacement  
[Agenda for Council on Monday, 15th September, 2025, 4.00 pm - Fenland District Council](#)

#### **Deliver an effective, self-funding Garden Waste collection service (Cllr Tierney)**

The garden waste service has had another successful year with a total income of £1,191,000 from the 24,600 customers who chose to subscribe in 2025/26. The subscriptions for 2026/27 go on sale in the new year.

Website link: [Garden Waste Service \(Brown Bin\) - Fenland District Council](#)

#### **Deliver clean streets and public spaces as set out in the national code of practice (Cllr Tierney)**

Fenland's small street cleansing team work hard to keep the area as clean as possible. Customers have reported 997 issues such as litter, flytipping or graffiti to them since April. The team responded to these requests the same or next day 90% of the time (893) so far this year.

Service quality inspections, performed by Street Scene officers, have shown that key streets and public open spaces meet the required standard of cleanliness 97.5% of the time; 355 inspections were of an acceptable standard from the 364 performed.

#### **Work with key stakeholders to deliver an effective waste partnership and update the Cambridgeshire and Peterborough Waste Strategy (Cllr Tierney)**

The updated waste strategy for Cambridgeshire and Peterborough is ready for public consultation via the County Council's website. This is an 8-week consultation period, and the results will be brought back to members in 2026.

#### **In cooperation with Cambridgeshire and Peterborough Waste Partnership, to plan and deliver the Environment Act 2021 changes to domestic and commercial waste collection through an updated Waste Strategy (Cllr Tierney)**

Fenland's communications campaign has commenced for the food waste service that will begin in summer 2026.

Recent press release:

[Free, weekly food waste collections coming to Fenland in 2026 - Fenland District Council](#)

### **Getting it Sorted Recycling Champions (Cllr Tierney)**

Following the relaunch of the champions, volunteers are being recruited to help the Fenland community to increase community resilience and recycle more.

Website link: [Getting it Sorted - Volunteer \(casual basis\) - Fenland District Council](#)

### **Deliver a competitive trade waste service (Cllr Tierney)**

The service has 600 small to medium sized businesses, supporting them with their waste, recycling and food waste services.

Website link: [Trade Waste and Recycling Service - Fenland District Council](#)

## **Work with partners and the community on projects to improve the environment and streetscene**

### **Use education, guidance and Council powers to fairly enforce environmental standards and tackle issues such as fly-tipping, abandoned vehicles, dog fouling, littering and antisocial behaviour (Cllr Imafidon)**

Fly tipping continues to be a priority for our communities and streetscene officers work proactively to investigate reported fly tipping, working closely with colleagues and other agencies to ensure swift removal of fly tipping, particularly where this presents a hazard, and to try and ascertain who is responsible.

During this time the Council has removed 290 fly tips. The main locations affected have been Wisbech and its surrounding villages.

Month	Total	Chatteris	March	Whittlesey	Wisbech	Villages
August	71	4	12	4	33	18
Sept	101	11	13	9	41	27
October	118	8	22	6	46	36
Total	290	23	47	19	120	81

The most commonly tipped items are household related, such as DIY waste and rubbish and bulky items. We have attended 103 of these incidents, looking through the waste searching for any evidence. This has resulted in the following enforcement actions:

- 5 x £600 Fixed Penalty Notices have been issued to individuals we believe have either been responsible for fly tipping or those who have failed to employ the services of legitimate waste carriers (resulting in waste being dumped).
- A further 2 formal written warnings for fly tipping offences where the level of evidence was not sufficient to prosecute.
- 12 formal interviews under caution have been carried out with those we suspect are linked to fly tipped instances.
- 2 individuals have failed to attend Peterborough Magistrates Court for scheduled plea

hearings following the non-payment of Fixed Penalty Notices. These were issued to householders who failed to dispose of their waste legally, which resulted in it being fly tipped in Wisbech. Because of failing to attend Court, a warrant was issued by the judge.

Intervention work has continued with visits to address locations where bulky items are left outside properties or in community areas where there are issues with refuse.

### **Illegal Parking (March Market) and Abandoned/Nuisance vehicles**

Due to a Civil Parking Order on March Market Place, the Council is able to issue parking charge notices to vehicles found in breach. During this time:

- We have issued 3 parking fines to drivers who have parked on a market day inconveniencing our traders.
- A total of 108 vehicles has been reported as abandoned. All were investigated and only 7 were deemed abandoned and later removed by our contractor (4 of which were burnt out).
- We have also received a further 36 reports of nuisance parking which have been referred to the Police.
- We have also been accepted by the DVLA to have direct access to registered keepers' details for enforcing our statutory duties. Connection will be accessed within the next couple of months subject to testing.

### **Ensure well maintained parks and open spaces by working with our grounds maintenance contractor (Cllr French)**

Website link: [Parks - Fenland District Council](#)

### **Supporting volunteer Street Pride groups and other environmental volunteers, organisations and partners (Cllr Wallwork)**

Website link: [Street Pride - Fenland District Council](#)

### **Work with Town Councils and the community to provide local markets and thriving market town community events (Cllr Seaton)**

Recent press releases:

[Don't miss free March and Wisbech Christmas events - Fenland District Council](#)

### **Deliver the council's carbon reduction and climate adaptation plan including meeting all climate change targets which are legally required by the UK Government (Cllr Tierney)**

The Net Zero Village Fund has been fully allocated with £85,000 being allocated to 5 community projects which will save energy costs for those community groups. Further information will be published once the schemes are completed.

### **Review the current arrangements for parking enforcement in Fenland (Cllr French)**

The last [update report on CPE](#) (civil parking enforcement) was tabled at Cabinet on 21 July. The implementation costs were calculated using uplifted costs from the November 2023 report for the poor sign and line defects and a provisional sum included for the fair defects.

Formal quotes have since been requested from Cambridgeshire County Councils framework contractor (Milestone) and these are expected to be available by the end of January. Upon receipt of the updated corrective sign and line costs, a further report will be brought back to Cabinet in February for final approval.

The sign and line defect quantities will still be calculated using data from the 2021 survey results but will include both the poor and fair defects with a contingency allowance added for annual deterioration. Whilst the updated implementation costs will still be estimated, the corrective works costs will reflect the most accurate figures without having to resurvey.

A change request form has been submitted to and considered by the CPCA to further extend the CPE funding contribution. It is understood that the CPCA's offer to extend the funding drawdown deadline will be conditional on FDC's decision to fund the CPE budget shortfall.

The project delivery timeline is still estimated to be 2 years from approval with the earliest CPE go live date to be the end of 2027.

### **Street Lighting (Cllr French)**

A total of 48 streetlight faults were reported and have been attended to during the months of August, September and October 2025 by Fenlands streetlight maintenance contractor. Sixteen of the reported faults related to District Council streetlights during this period.

An overview of the fault attendance can be seen below. These figures exclude any capital-programmed replacement or upgrade works undertaken by the Councils' streetlight contractor (Woodstock Streetlighting Services Ltd).

Fenland DC -	16 Fault Reports
Clarion -	5 Fault Reports
Parishes -	27 Fault Reports

The electrical and structural testing works have now been completed. Some district lighting assets were unable to be tested due to power supply faults or were found to have below ground water ingress. These have been made safe and will be added to the future replacement and upgrade works programme.

23 streetlights failed the structural test and have been stumped to make safe. Some streetlights have already been replaced or the works orders placed for replacement. Others are awaiting consent from third party asset owners. A number of test certificates are still awaited along with the updated inventory data from FDC's streetlight contractor. Upon receipt the data will be shared with third party asset owners.

### **FDC Car Park Maintenance (Cllr French)**

Car park inspections are undertaken 6 monthly and were last carried out in October. The associated defects have since been quantified and quotations are being sought for any programmed works. The inspection information is also used to inform minor improvement, and maintenance works for all the Councils public car parks.

The following works have either been identified or programmed.

1. Patching works to various FDC public car parks.
2. Vegetation and Tree trimming to specific sites
3. Road marking works at specific sites

The Engineering Team are responsible for around 6500 highway related assets. The majority



of these assets are either streetlights or street name plates but also include street furniture items such as seats, bus shelters, gateway signs, finger arm signs and bollards.

Routine inspections for the high-risk assets are undertaken each year and various maintenance, and improvement works carried out to ensure that the assets remain safe and fit for purpose. Each year a number of seats, street name plates, streetlights and bus shelters are replaced or upgraded for safety reasons and to enhance the streetscene.

# **Key PIs:**

Key PI	Description	Baseline	Target 25/26	Cumulative Performance	Variance (RAG)
CELP7	% of Rapid or Village Response requests actioned the same or next day	87%	90%	90%	
CELP8	% of inspected streets meeting our cleansing standards	99%	90%	97.5%	
CELP9	% of household waste recycled through the blue bin service (1 month in arrears)	25.0%	25.0%	23.1% (to Sep 2025)	
CELP10	Customer satisfaction with refuse and recycling services	97%	90%	N/A (March 2026)	N/A
CELP11	Customer satisfaction with garden waste service	97%	90%	N/A (March 2026)	N/A
CELP12	Number of Street Pride, In Bloom, Friends Of Groups and Green Dog Walkers community environmental events supported	282	204	199	
CELP13	% of those asked who were satisfied with community events	100%	96%	97%	

Key:	
	Within 5% of target
	5-10% below target
	10% or more below target

Comments
CELP9: Fenland recycling tonnages have reduced.

## Economy

### Attract new businesses, jobs and opportunities whilst supporting our existing businesses

**Promote and develop our Business Premises at South Fens, The Boathouse and Light Industrial Estates to encourage investment, business development, job creation and skills diversification (Cllr Count)**

	South Fens Business centre	South Fens Enterprise Park	Boat House	Manufacturing Estate	Actual
<b>Occupancy %</b>	71.9	100	95.6	100	95.0

### Promote and enable housing growth, economic growth and regeneration

**Enable appropriate growth, development and infrastructure through delivering a proactive and effective Planning service (Cllr Laws)**

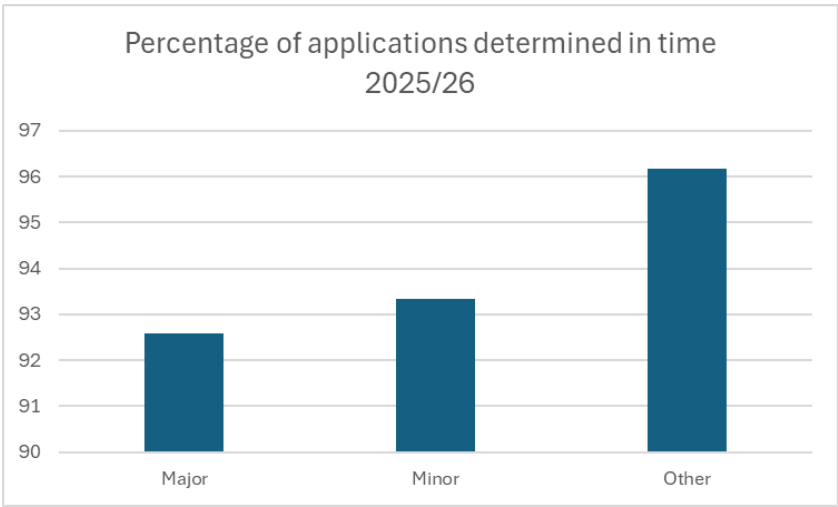
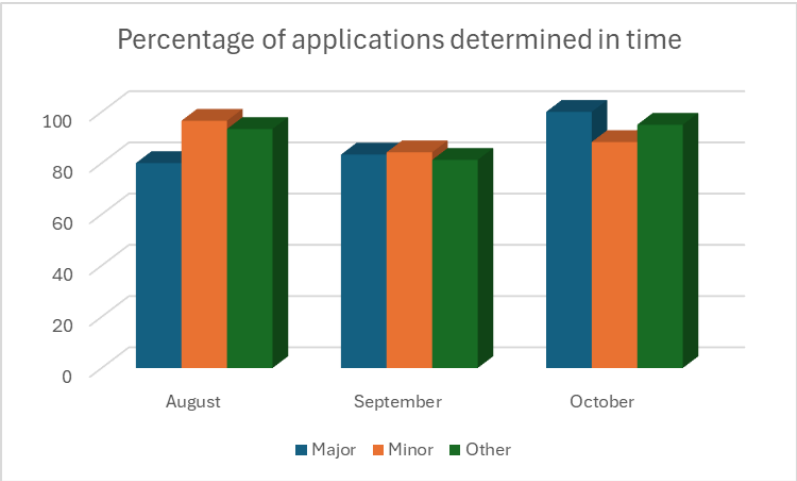
Following the successful recruitment to all key vacancies, including the Development Management Team and the Enforcement Team leadership, the service is now operating with a stable, permanent workforce. This has enabled the reduction of historic application backlogs and improved responsiveness to new planning submissions. This has also enabled the Council to agree a number of Planning Performance Agreements for larger or more complex applications. The fees associated with these agreements seek to allow for a greater level of engagement, amendments and discussions during the lifetime of an application without impacting the core budget or passing additional cost on to the Taxpayer.

The ongoing challenge regarding delegated authority continues to contribute to pressure on committee workloads, leading to longer agendas and additional meetings. This not only affects the efficiency of the Planning Service but also impacts the experience for applicants and members alike. However, the forthcoming introduction of the National Scheme of Delegation is expected to bring significant change by increasing the proportion of applications determined by officers, reducing the burden on Planning Committees and enabling a more streamlined, responsive decision-making process.

The Planning Service has invested additional resources and support into the Enforcement Team, which has resulted in a noticeable increase in the number of cases closed. This enhanced capacity has also allowed the team to make significant progress on a number of more high-profile and complex enforcement cases, with several now approaching the stage of formal notice service. It is important to highlight that both last year and this year the Enforcement Team has experienced a substantial increase in case volumes compared to

previous years, where caseloads had remained relatively stable. Despite this rise, the team’s strengthened approach has ensured continued effective management and resolution of enforcement matters.

The Policy team remains actively engaged with Nationally Significant Infrastructure Projects (NSIPs), recognising the critical role these play in shaping the area’s future growth and connectivity. Increased collaboration with Elected Members is planned to ensure that planning policies reflect local aspirations and deliver sustainable, inclusive growth that benefits all parts of Fenland.



Council agenda item 07.09.25: Constitutional Amendments - Planning Scheme of Delegation  
[Agenda for Council on Monday, 15th September, 2025, 4.00 pm - Fenland District Council](#)

**Statutory Harbour Authority**

The Nationally Significant Infrastructure Project - Grimsby to Walpole have expressed interest in understanding how the Ports on the River Nene could support the project with materials being transported by river under the Government’s Water Preferred Policy. It is early in these discussions however there is potential for additional income and possible strengthening of the Council owned suspended quay.

**Work with our partners to enable new affordable housing to meet housing needs (Cllr**

**Laws & Cllr Hoy)**

217 affordable homes are forecasted for completion in 2025/26 across key sites in March, Whittlesey, Elm, and Wimblington. A further 724 affordable homes are expected to begin construction during 2025/26, with completions anticipated within the next 18–36 months.

The Council's enabling work has supported a strong pipeline of over 1,000 affordable homes in early planning stages, many with planning permission granted. Developer and registered provider interest remains high, with regular engagement by the Council to encourage a focus in Fenland

**Plan for Neighbourhoods, Wisbech (Cllr Hoy****March Future High Street Fund (Cllr Seaton & Cllr French)**

The demolition of the former Barclays Bank is well underway with progress taking place at a pace and completion expected in the coming weeks.

[New Year opening for March toilets - Fenland District Council](#)

[March town transformation continues - Fenland District Council](#)

**24 High Street, Wisbech (Cllr Seaton, Cllr Boden, Cllr Hoy & Cllr Tierney)**

Building works are completed. Minor Building Control issues being addressed with expected Practical Completion and possession of the building expected on 4 December.

**The Elms, Chatteris (Cllr Boden, Cllr Count, Cllr Tierney)**

Reserve Matters Application being determined.

**Nene Waterfront Development (Cllr Boden, Cllr Count, Cllr Tierney)**

Planning permission approved for 70 home extra care scheme.

**Continue to review council land and property assets to ensure they are fit for purpose and optimised to deliver better public services, improve efficiency and release surplus land for residential and commercial development as outlined in our Commercial Investment Strategy (Cllr Boden, Cllr Count, Cllr Tierney & Cllr Imafidon)**

Cabinet agenda item 15.09.25: Investment Board Update and Review of the Commercial and Investment Strategy

[Agenda for Cabinet on Monday, 15th September, 2025, 2.00 pm - Fenland District Council](#)

**Fenland Inspire! (Cllr Seaton and Cllr Count)****Wisbech Splash Pad**

[New water features make a splash at Wisbech Park - Fenland District Council](#)

**Manor Leisure Centre, Whittlesey**

Recent press releases:

[Manor Leisure Centre Redevelopment: Drop-in engagement events in Whittlesey - Fenland District Council](#)

[Residents invited to shape the future of Manor Leisure Centre - Fenland District Council](#)

**Chatteris Leisure Centre Condition Survey Work**

Works will be completed in early December.

### **District Wide Assessment of New Play Equipment**

Please refer to the December 2025 Cabinet report regarding the Pride in Place Impact Fund.

### **Wisbech Orchard Park**

Following a discussion with the Wisbech Orchards lead, FDC will be working together with that project to remove and replant the Wisbech Park orchard trees by the end of January 2026.

### **New Village Green for Wimblington –**

Transfer principles agreed with the Parish Council. S123 Notice have been published and subject to not object transfer can proceed. Solicitors instructed

### **3G Pitches**

Planning permission has been granted for the Manor Field Playzone. A planning application has been submitted for the PlayZone at Barton Road.

### **St John's Chapel, Station Road, March**

Discussions ongoing awaiting March Town Council who are presently considering their options

### **Civil Parking Enforcement**

Please see [earlier update](#) in this report.

## **Promote and lobby for infrastructure improvements**

### **Promote sustainable road, rail and concessionary transport initiatives to improve access to employment and local services (Cllr Christy)**

Recent press releases:

[Share your views on using Whittlesea Railway Station to help unlock plans for future regeneration - Fenland District Council](#)

[Pupils celebrate rail heritage with new artwork at Fenland stations - Fenland District Council](#)

[All aboard! Travel Buddies project expands thanks to additional funding - Fenland District Council](#)

### **Work with the Combined Authority to influence how housing and infrastructure funding is used to stimulate housing development and economic growth and improve connectivity in the district (Cllr Christy, Cllr Hoy and Cllr Laws)**

Recent CPCA report:

[Approval of Cambridgeshire and Peterborough Local Growth Plan.pdf](#)  
[C220817 CPCA Prospectus](#)

**Key PIs:**

Key PI	Description	Baseline	Target 25/26	Cumulative Performance	Variance (RAG)
CELP14	% of major planning applications determined in 13 weeks	91%	85%	92.59%	
CELP15	% of minor planning applications determined in 8 weeks	85%	85%	93.33%	
CELP16	% of other planning applications determined in 8 weeks	91%	85%	96.18%	
EGA1	% occupancy of our business estates	94.2%	92.0%	95.1%	
MS1	% occupancy of Wisbech Yacht Harbour	85%	90%	91%	

Key:	
	Within 5% of target
	5-10% below target
	10% or more below target

Comments

## Excellent Customer Service

### Elections Update (Cllr Boden)

Recent press release:

[Thousands of Fenland postal voters need to reapply under new rules - Fenland District Council](#)

Recent election results:

[Declaration-of-Results-Whittlesey-North-West-Ward-of-Fenland-District-Council](#)  
[Declaration-of-Results-North-West-Ward-of-Whittlesey-Town-Council](#)

### 3C's Update (Cllr Tierney)

Quarterly figures to be reported on, July, October, December and March

August - October 2025	Total received	On time	% On time
<b>Correspondence</b>			
	35	34	87%
<b>Stage 1</b>			
CELP	34	21	62%
GI	2	2	100%
PRCS	9	10	90%
<b>Stage 2</b>			
CELP	3	2	67%
GI	1	Open*	N/A
PRCS	0	0	N/A

\*the response is due after this reporting period.

## Governance, Financial Control & Risk Management

### Maintain robust and effective financial standards, internal controls and organisational management (Cllr Boden)

Council agenda item 24.09.25: Audit and Risk Management Committee Annual Report

[Agenda for Council on Monday, 24th September, 2025, 4.00 pm - Fenland District Council](#)

Please also see [Audit & Risk Management Committee meeting – 24.11.25](#)

### Comply with data protection and General Data Protection Regulation requirements (Cllr Boden)

There have been no reportable breaches of the UK GDPR during the period to which this



briefing relates. However there has been 4 recorded breaches by Housing (1), My Fenland (2) and ARP (1) requiring no further action. The breaches were human error that resulted in information being sent to or shared with the wrong person(s).

In the same period, there have been 4 data subject access requests.

## Communication and Engagement

### News update:

The number of news stories added to the FDC website and distributed as press releases to local media were 8 in August, 9 in September and 10 in October. We also created an additional 7 news articles we published on our website. Links to all news articles: [News and Events - Fenland District Council](#)

All press releases are distributed to relevant press and media organisations, appear as a web article on the news pages of the [Fenland District Council website](#) and on our social media channels [Facebook](#) and [X](#). We also publicise relevant press releases on our LinkedIn.

### Social Media Update:

	X	Facebook	LinkedIn
August	95	88	41
September	110	102	48
October	89	82	41

### Consultation Update:

Manor Leisure Centre – 1 September to 28 September 2025.

Draft Statement of Licensing Policy – 15 September to 26 October 2025.

## Asset Management and Commercialisation

**Ensure our asset base is sustainable, suitable and fully utilised to maximise income opportunities and financial efficiencies (Cllr Imafidon) – MG**

Please see updates on [economic growth](#) and the [CPCA growth plan](#) earlier in the report.

**Continue with our Commercial Investment Strategy to make informed decisions about the purchase and management of property assets through Fenland Future Limited (Cllr Boden, Cllr Count, Cllr Tierney & Cllr Imafidon)**

Please see Cabinet report 15.09.25 - [Investment Board Update and Review of the Commercial and Investment Strategy](#)

## Transformation and Efficiency

### **Local Government Reorganisation (Cllr Boden)**

Website link: [Submitted options for reorganisation](#)

Council Agenda item 07.11.25: Local Government Reorganisation – Submission to Government

[Agenda for Council on Friday, 7th November, 2025, 4.00 pm - Fenland District Council](#)

Cabinet agenda item 07.11.25: Local Government Reorganisation – Submission to Government

[Agenda for Cabinet on Friday, 7th November, 2025, 5.15 pm - Fenland District Council](#)

Recent press releases:

[Fenland Cabinet members call on Government to halt Local Government Reorganisation process - Fenland District Council](#)

[Council leaders thank communities for helping shape the future of local government - Fenland District Council](#)

## Enforcement & Compliance

**Use a fair and proportionate approach to improve living, working and environmental standards as set out in our Enforcement Policies (Cllr French (CPE), Cllr Laws (Planning), Cllr Tierney (Streetscene), Cllr Christy (Environmental Health, Housing & Licensing Enforcement) & Cllr Seaton (Dilapidated Buildings & Enforcement))**

Updates are included earlier in the report.

**Support businesses to ensure compliance with a wide range of regulatory requirements (Cllr Count & Cllr Imafidon)**

In October the council submitted a 6 monthly return to the food standards agency reporting on progress with the approved food safety inspection plan for 2025-2026. The report concluded 267 interventions were planned for April to September and were completed slightly late by the end of October.

Resourcing continues to be a challenge to the service with a full-time vacancy remaining. No suitable applications were received following a 2-month recruitment opportunity.

## Health & Safety

**Maintain effective Health and Safety systems to comply with relevant legislation and local requirements (Cllr Boden)**

Website link: [Health and Safety - Fenland District Council](#)

**Deliver all aspects of the Council's Health and Safety action plan to ensure the safety and wellbeing of our workforce, partners and wider community (Cllr Boden)**

Website link: [Health and Safety - Fenland District Council](#)

### **Cambridgeshire & Peterborough Combined Authority (CPCA) update (Cllr Chris Boden)**

CPCA website - [Cambridgeshire & Peterborough Combined Authority](#)

Meeting details - [Browse Meetings, 2000](#)

Office decision notices and Mayoral decision notices can be found [here](#).

## Key PIs:

Key PI	Description	Target 2025/26	Cumulative Target	Cumulative Performance	Variance (RAG)
PRC1	% of customer queries processed at the first point of contact	92.45%	85%	87%	
PRC2	% of customers satisfied with our service (measured annually in February)	96.66%	90%	N/A (Feb 2026)	
PRC3	% of contact centre calls handled	87.42%	80%	82%	
PRC4	% of businesses who said they were supported and treated fairly	100%	96%	100%	
ARP3	In year % of Council Tax collected	99.67%	96.20%	64.21%	
ARP4	Council Tax net collection fund receipts	£73,350,882	£78,224,486	£50,903,635	
ARP5	In year % of NNDR collected	95.70%	96.46%	64.58%	
ARP6	NNDR net collection fund receipts	£29,467,704	£30,701,571	£21,117,167	
HR2	% of staff that feel proud to work for FDC	86%	85%	N/A (Mar 2026)	

Key:	
	Within 5% of target
	5-10% below target
	10% or more below target

Comments

## **Motion submitted by Councillor Tierney**

### **Opposing the Government's Digital ID Scheme**

Council notes the declared policy intent by Keir Starmer's Labour Government of plans to introduce a mandatory Digital ID scheme for all UK residents.

Council also notes the proposal:

- Is clearly a significant infringement on our civil liberties
- Could make it necessary for citizens of the UK to register a Digital ID to access public services and entitlements.
- Is likely to be a hugely expensive project, wasting billions on a project nobody voted for and is hugely unpopular.
- Claims to be aimed at reducing illegal working and illegal immigration but offers little in those respects, while potentially being the first step down a dark road of authoritarian control.
- Potentially links many aspects of an individual's life into a single identity that then becomes a huge risk in the event of hacking, misuse or cyber-attack.
- Creates a dependency on technology so that if a phone or an internet connection is lost there is huge potential for harm and hardship.
- Excludes people who don't have good technology access which could include the elderly, people in very rural areas, the homeless, people with low incomes, people with learning difficulties.
- Has already triggered a huge national petition, with millions of people signing their opposition to the plans. Even locally, Stephen Barclay MP's petition secured over 1000 signatures.

Council believes that Labour's scheme:

- Represents an expensive measure that will undermine public trust.
- Will do nothing to address the real issues facing our community.
- Is a directly attack on our core British values of liberty and privacy.

Council resolves:

- To strongly oppose the Labour Government's Digital ID plans.
- To request the Leader of the Council and the Chief Executive write to the Secretary of State for the Home Department, our local Member of Parliament, and the Minister for Digital Infrastructure to express our horror at this scheme and to call for these plans to be scrapped.

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Agenda Item No:	9	
Committee:	Council	
Date:	15 December 2025	
Report Title:	Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review 2025/26	

## Cover sheet:

### **1 Purpose / Summary**

The purpose of this report is to review the Council's Treasury Management activity for the first six months of 2025/26 and to provide members with an update on matters pertinent to future updates to the Council's Treasury Management Strategy.

### **2 Key issues**

- The Chartered Institute of Public Finance and Accountancy is currently consulting local authorities in respect of potential changes to the Codes. At this juncture, the focus seems to primarily be on the non-treasury investment aspects of local authority activity. Officers will provide an update on any material developments/changes in due course.
- The Council has operated within its Treasury Management Strategy Statement (TMSS), Annual Investment Strategy, treasury limits and prudential indicators set by Council for the first six months of 2025/26.
- Forecasts that short, medium and long-dated interest rates will fall back over the next year or two, although there are upside risks in respect of the stickiness of inflation and a continuing tight labour market, as well as the size of gilt issuance.
- Forward projections for PWLB certainty rates are forecast to fall back over the next two to three years as inflation dampens.
- Prudential indicators have been updated to reflect the latest capital programme and borrowing projections.
- The Council temporarily borrowed £5M in May from another local authority to cover cash flow requirements. This temporary loan has now been repaid. It is anticipated that further borrowing will be undertaken during this financial year.
- Investment income received from temporary investments (call accounts and fixed term deposits) for the first six months of 2025/26 was £188k. The 2025/26 budget of £300k is expected to be achieved.
- The Council was invested in two property funds at the start of the financial year. Both funds had large redemption notices served by Trust Unit holders and with respect to Federated Hermes Property Fund (FHPT), Extraordinary General meetings were held that proposed a merger of the fund with Legal and General Management Property Fund. This merger was passed in August and excluded non pension fund unitholders from transferring their funds. Subsequently, the Council's investment was sold and repaid, resulting in a capital loss of £362k.

- With regards to the Patrizia Property Fund, the Trust has initiated a formal consultation and decision-making process regarding its potential wind-down or merger. Either scenario would require formal unitholder approval prior to execution.
- Debt rescheduling opportunities have increased over the course of the past six months and will be considered if giving rise to long-term savings. However, no debt rescheduling has been undertaken to date in the current financial year.

### 3 Recommendations

It is recommended that Members note the report.

Wards Affected	All
Portfolio Holder(s)	Cllr Chris Boden, Leader and Portfolio Holder, Finance
Report Originator(s)	Peter Catchpole, Chief Finance Officer and Corporate Director Sian Warren, Chief Accountant
Contact Officer(s)	Peter Catchpole, Chief Finance Officer and Corporate Director Sian Warren, Chief Accountant
Background Paper (s)	MUFG Corporate Markets template Council Report - 24 February 2025 - General Fund Budget 2025/26 and Capital Programme 2025-28



## Report:

### **1 Context**

- 1.1 The Council's responsibilities in relation to Treasury Management are defined as part of the Local Government Act 2003 ('the Act'). The Act requires the Council to have regard to the Treasury Management Code published by the Chartered Institute of Public Finance and Accountancy, (CIPFA).
- 1.2 Additionally, there is a statutory requirement for the Council to comply with the Prudential Code. There is a close interaction between the Treasury Management Code and the Prudential Code. The Prudential Code establishes a framework for the Council to self-regulate the affordability, prudence and sustainability of its capital expenditure and borrowing plans whilst the Treasury Management Code is concerned with how the Council uses its Treasury Management function to progress the future plans developed with reference to the Prudential Code.
- 1.3 In December 2021, CIPFA issued revised Prudential and Treasury Management Codes. These require local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments.
- 1.4 The Chartered Institute of Public Finance and Accountancy is currently consulting local authorities in respect of potential changes to the Codes. At this juncture, the focus seems to primarily be on the non-treasury investment aspects of local authority activity. Officers will provide an update on any material developments or changes in due course.
- 1.5 The Council's Capital Strategy for 2025/26 was approved by Full Council on the 24 February 2025.

### **2 Treasury Management**

- 2.1 Treasury management is defined as "The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks."
- 2.2 The Council complies with the requirements of CIPFA's Code of Practice on Treasury Management (revised 2021).
- 2.3 The primary requirements of the Code applicable to the 2025/26 financial year are as follows:
  - Creation and maintenance of a Treasury Management Policy Statement, which sets out the policies and objectives of the Council's treasury management activities.
  - Creation and maintenance of Treasury Management Practices, which set out the manner in which the Council will seek to achieve those policies and objectives.
  - Receipt by Full Council of an annual Treasury Management Strategy Statement, including the Annual Investment Strategy and Minimum Revenue Provision Policy for the year ahead, a Mid-year Review Report and an Annual Report covering activities during the previous year.
  - Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.

- Delegation by the Council of the role of scrutiny of treasury management strategy and policies (including Mid-year Review Report) to a specific named body. For this Council the delegated body is the Audit and Risk Management Committee.
- 2.4 This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management and covers the following:
- an economic update for the first six months of 2025/26 taking account of expert analysis provided by the Council's Treasury Management Advisors, MUFG Corporate Markets;
  - a review of the Treasury Management Strategy Statement and Annual Investment Strategy;
  - the Council's Capital Plans;
  - a review of the Council's Investment Portfolio for 2025/26;
  - a report of the Council's Borrowing Strategy for 2025/26;
  - a report of Debt Rescheduling during 2025/26;
  - a review of compliance with Treasury and Prudential Limits for 2025/26.

### 3 Economic Update

#### 3.1 The first half of 2025/26 saw:

- A 0.3% pick up in GDP for the period April to June 2025. More recently, the economy flatlined in July, with higher taxes for businesses restraining growth.
- A weakening jobs market with payroll employment falling and softer wage pressures.
- CPI inflation has ebbed and flowed but finished September at 3.8%.
- The Bank of England cut interest rates from 4.50% to 4.25% in May, and then to 4% in August.

#### 3.2 The Bank of England does not anticipate CPI getting to 2% until early 2027, and with wages still rising by just below 5%, it was no surprise that the September meeting saw the MPC vote 7-2 for keeping rates at 4% (Dhingra and Taylor voted for a further 25bps reduction).

#### 3.3 The Bank also took the opportunity to announce that they would only shrink its balance sheet by £70bn over the next 12 months, rather than £100bn. The repetition of the phrase that "a gradual and careful" approach to rate cuts is appropriate suggests the Bank still thinks interest rates will fall further but possibly not until February, which aligns with that of the prevailing market sentiment.

### 4 Interest Rate Forecast

#### 4.1 The Council's treasury advisor, MUFG Corporate Markets, provided the following interest rate forecasts on 11th August 2025). The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20bps):

MUFG Corporate Markets Interest Rate View 11.08.25													
	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27	Jun-27	Sep-27	Dec-27	Mar-28	Jun-28	Sep-28
<b>BANK RATE</b>	4.00	4.00	3.75	3.75	3.50	3.50	3.50	3.50	3.25	3.25	3.25	3.25	3.25
<b>3 month ave earnings</b>	4.00	4.00	3.80	3.80	3.50	3.50	3.50	3.50	3.30	3.30	3.30	3.30	3.30
<b>6 month ave earnings</b>	4.00	3.90	3.70	3.70	3.50	3.50	3.50	3.50	3.30	3.30	3.40	3.40	3.40
<b>12 month ave earnings</b>	4.00	3.90	3.70	3.70	3.50	3.50	3.50	3.50	3.30	3.40	3.50	3.60	3.60
<b>5 yr PWLB</b>	4.80	4.70	4.50	4.40	4.30	4.30	4.30	4.20	4.20	4.20	4.20	4.10	4.10
<b>10 yr PWLB</b>	5.30	5.20	5.00	4.90	4.80	4.80	4.80	4.70	4.70	4.70	4.70	4.60	4.60
<b>25 yr PWLB</b>	6.10	5.90	5.70	5.70	5.50	5.50	5.50	5.40	5.40	5.30	5.30	5.30	5.20
<b>50 yr PWLB</b>	5.80	5.60	5.40	5.40	5.30	5.30	5.30	5.20	5.20	5.10	5.10	5.00	5.00

- 4.2 The latest forecast on 11 August 2025 sets out a view that short, medium and long-dated interest rates will fall back over the next year or two, although there are upside risks in respect of the stickiness of inflation and a continuing tight labour market, as well as the size of gilt issuance.
- 4.3 PWLB Forecast - At this juncture, MUFG Corporate Markets still forecasts rates to fall back over the next two to three years as inflation dampens, although there is upside risk to all forecasts at present. The CPI measure of inflation is expected to fall below 2% in early 2027 but hit a peak of 4% or higher later in 2025.
- 4.4 The Bank of England announced in September that it would be favouring the short and medium part of the curve for the foreseeable future when issuing gilts, but market reaction to the November Budget is likely to be the decisive factor in future gilt market attractiveness to investors and their willingness to buy UK sovereign debt.

## **5 Treasury Management Strategy Statement and Annual Investment Strategy Update**

- 5.1 The Treasury Management Strategy Statement (TMSS) for 2025/26 was approved by Council on 24 February 2025. There are no policy changes to the TMSS.
- 5.2 Changes are required to some of the prudential indicators as a result of the forecast 2025/26 capital outturn. The following table compares the previous prudential indicators (agreed on 24th February) against the latest revised indicators.

<b>Prudential Indicators</b>	<b>2025/26 Previous £000</b>	<b>2025/26 Revised £000</b>
Capital Programme	17,121	23,611
Capital Financing Requirement	31,821	33,018
Gross Debt	27,255	28,450
Operational Boundary	33,255	29,450
Authorised Limit For External Debt	38,255	34,450

## **6 The Council's Capital Position**

- 6.1 This part of the report is structured to update:
- the Council's capital expenditure plans;
  - how these plans are being financed;
  - the impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
  - compliance with limits in place for borrowing activity.
- 6.2 An update capital programme and the financing of that programme for 2025/26 is to be presented to Cabinet for approval on 15 December 2025. This revised estimate will address amendments to the programme since February, including re-profiling schemes from 2024/25 and the allocation of further capital funds for Fenland Railway projects to be funded from the CPCA funding and a re-assessment of

resources available in the period 2025-28. The tables in this report reflect this updated programme.

- 6.3 The table below compares the revised estimates with the original capital programme which was incorporated into the 2025/26 Treasury Management Strategy Statement (TMSS).

<b>Capital Programme</b>	<b>2025/26 Original Estimate £000</b>	<b>2025/26 Revised Estimate £000</b>
<b>Current Forecast Expenditure</b>	<b>17,121</b>	<b>23,611</b>
Financed by:		
Capital Grants	3,678	8,957
Capital Receipts	250	250
Capital Reserves	200	214
<b>Total Financing (before borrowing)</b>	<b>4,128</b>	<b>9,421</b>
<b>Borrowing Requirement</b>	<b>12,993</b>	<b>14,190</b>

- 6.4 The capital expenditure plans set out above provide a summary of future level of spend. The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet service activity and the Council's capital strategy.
- 6.5 The Council's projections for borrowings in 2025/26 are summarised below. The following table shows the actual external debt, against the underlying capital borrowing need (the Capital Financing Requirement – CFR). The revised estimated CFR is higher than the original budget forecast (see paragraph 5.2 to 5.4 above) due to proposed capital expenditure slippage from 2024/25.

<b>External Debt Projections</b>	<b>2025/26 Original Estimate £000</b>	<b>2025/26 Revised Estimate £000</b>
External Debt at 1 April	14,260	7,800
Prudential Borrowing	12,995	20,650
<b>Gross Debt at 31 March</b>	<b>27,255</b>	<b>28,450</b>
<b>Capital Financing Requirement at 31 March 2026</b>	<b>31,821</b>	<b>33,018</b>
<b>Borrowing Less CFR – 31 March 2026</b>	<b>(4,566)</b>	<b>(4,568)</b>

- 6.6 The Council has made provision to repay all 'borrowing' liabilities through increased Minimum Revenue Provision (MRP) in the General Fund revenue budget.

- 6.7 Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total CFR in the preceding year plus the estimates of any additional CFR for 2025/26 and the next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need. The policy permits borrowing in advance of need where it is prudent to do so. Members should note that the current limits and estimates set out below have been determined with reference to the existing capital programme.
- 6.8 The operational boundary is the limit beyond which external debt is not normally expected to exceed. In most cases this would be a similar figure to the CFR but may be lower or higher depending on the levels of actual debt.

<b>Operational Boundary</b>	<b>2025/26 Original Estimate £000</b>	<b>2025/26 Revised Estimate £000</b>
Debt	24,555	20,750
Plus Other Long Term Liabilities Finance Leases	1,000	1,000
Commercial Activities/ Non-Financial Investments	7,700	7,700
<b>Operational Boundary for Year</b>	<b>33,255</b>	<b>29,450</b>

- 6.9 A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit, which represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level for borrowing which, while not desired could be afforded in the short term but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

<b>Authorised Limit For External Debt</b>	<b>2025/26 Original Estimate £000</b>	<b>2025/26 Revised Estimate £000</b>
Debt	29,555	25,750
Plus Other Long Term Liabilities Finance Leases	1,000	1,000
Commercial Activities/ Non-Financial Investments	7,700	7,700
<b>Total Borrowing</b>	<b>38,255</b>	<b>34,450</b>

- 6.10 The Corporate Director & Chief Finance Officer reports that no difficulties are envisaged for the current year in complying with the above prudential indicators.

## **7 Investment Portfolio**

- 7.1 In accordance with the Treasury Management Code, it is the Council's priority to ensure security of capital and liquidity and to obtain an appropriate level of return which is consistent with the Council's risk appetite.
- 7.2 The current forecasts for bank rate are shown in paragraph 3.1 above.
- 7.3 The Council held £11.61m of investments, including property funds at 30<sup>th</sup> September 2025 (£6.9m at 31<sup>st</sup> March 2025). The investment portfolio yield from temporary investments (call and fixed term deposits) for the first 6 months of the year was 3.94% (7 day backward looking average Sonia Rate 4.20%).
- 7.4 The Council has achieved investment income of 188k on its temporary investment income to 30<sup>th</sup> September 2025. The projected income for 2025/26 (£300k) is expected to be achieved.
- 7.5 The Corporate Director and Chief Finance Officer confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2025/26.

## **8 Property funds**

- 8.1 At the start of the financial year the Council's investments, held in the Federated Hermes and Patrizia Hanover managed pooled property funds were valued at £1.643M and £1.91m respectively. £4m was originally invested, split equally, between the two funds.
- 8.2 Investment property funds are intended as a long-term investment (typically 5 years plus) where the value of the Council's underlying investment may increase and decrease over the period the Council maintains invested. The benefit to the Council of investing in property funds is that it receives a quarterly cash distribution reflecting rental income collected by the fund manager from tenants and the potential for capital growth.
- 8.3 Since mid-2022 commercial property markets have had a difficult time in general as property prices fell sharply in response to high inflation, rising interest rates and increased debt costs which result in capital losses which haven't been fully recovered. Income flows to property remained strong and distributions from the fund are not affected by movements in capital value.
- 8.4 A large redemption order of c.22% of the Federated Hermes Trust's net asset value (NAV) was reported at the end of Q2 2024. An Extraordinary General Meeting (EGM) was held in August 2024 requesting support for an additional 12-month period within which to meet the redemptions received prior to the end of Q2 2024 and all other requests to be 'gated', limiting future redemptions to protect capital.
- 8.5 This vote was defeated and in late 2024, early 2025 the trust manager held discussions with unit holders including Fenland and subsequently at an EGM in June 2025 a merger of the Federated Hermes Property Fund and the Legal and General Management Property Fund (LGMPF) was agreed.
- 8.6 The merger excluded non-pension fund holders from transferring their holding to LGMPF and shortly after the completion of the merger on 15 August 2025 paid this Council the NAV price at the merger date of £1,637,058.
- 8.7 This represents a net loss to the Council of £362,498 to be recognised in full in the 2025/26 accounts. This amount will be funded from the Cambridgeshire Horizon Reserve.

- 8.8 In addition, the annual property distribution payment (£65k estimated in 2025/26) will no longer be payable and the projected outturn property fund income reduced to reflect that.
- 8.9 Within the Patrizia Property Fund Q2 fund snapshot report the Council was informed of the following 'As of 14 July 2025, redemption notices have been served on approximately 85% of the Trust's units, equating to £435 million at the prevailing Bid Price. Since this exceeds the threshold of two-thirds of units in issue, the Trust has initiated a formal consultation and decision-making process regarding its potential wind-down or merger'.
- 8.10 Patrizia has since appointed a property investment advisor engaging with unitholders to explore the possibility of merging the Trust into an existing fund within the MSCI Benchmark Index. Should a suitable solution emerge—one that offers necessary liquidity while preserving investment continuity—it will be communicated to unitholders for consideration. Any merger or termination event would require formal Unitholder approval prior to execution.
- 8.11 Officers will continue to keep Members informed of progress.

## **9 Borrowing Strategy**

- 9.1 The Council's estimated CFR for 2025/26 is £33.018m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions.
- 9.2 Due to the overall financial position and the underlying need to borrow for capital purposes (the CFR), no new long term external borrowing was undertaken. The capital programme is being kept under regular review due to the effects of on-going budgetary pressures. Our borrowing strategy will, therefore, also be regularly reviewed and then revised, if necessary, to achieve optimum value and risk exposure in the long-term.
- 9.3 The Council temporarily borrowed £5M in May from another local authority to cover cash flow requirements. This temporary loan has now been repaid.
- 9.4 It is anticipated that further borrowing will be undertaken during this financial year. Assumptions about the level of external interest payable are included within the budget. Responsibility for deciding when to borrow externally, together with details of the amount to borrow and the term and type of any loan, rests with the Chief Finance Officer. The Chief Finance Officer's decision will be informed by advice from the Council's treasury management advisors and information regarding the progress of schemes set out in the capital programme. Any borrowing decisions will be reported to Cabinet through the annual treasury management report.

## **10 Debt Rescheduling**

- 10.1 Debt rescheduling opportunities have increased over the course of the past six months and will be considered if giving rise to long-term savings. However, no debt rescheduling has been undertaken to date in the current financial year.

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<b>Agenda Item No:</b>	10	
<b>Committee:</b>	Council	
<b>Date:</b>	15 December 2025	
<b>Report Title:</b>	Local Plan Update	

## 1 Purpose / Summary

- 1.1 In February 2019, Fenland District Council agreed to prepare a new Local Plan. Progress has been slower than expected since publication of the Draft Local Plan due to the uncertainty created by ongoing national planning reforms, Covid 19, updated flood-risk data, resourcing and procurement challenges, and the potential for Local Government Reorganisation (LGR). It is now necessary to rethink our approach to ensure Fenland continues to have a strong voice after LGR.
- 1.2 This report therefore recommends formally withdrawing the Draft Fenland Local Plan (2019–2040) and beginning work on a new Local Plan under the new plan making system introduced by the Levelling-up and Regeneration Act 2023. Much of the work done to date can be updated and carried forward into this new process.
- 1.3 The new Plan will provide a more streamlined, responsive, and forward-looking framework that reflects local priorities and clearly articulates the district's ambitions. It will place people and place at its core—ensuring future development supports quality homes, good jobs, town centres, services, and resilient communities. It will also have a facilitative and inward investment focus which is increasingly important given the sluggish national economic context.

## 2 Key Issues

- 2.1 Local planning authorities have a statutory duty under Section 15 of the Planning and Compulsory Purchase Act 2004 to prepare and maintain an up-to-date Local Plan. The current Local Plan was adopted in 2014 and some policies in the Plan are becoming increasingly more outdated which is why Council resolved to prepare a new Local Plan in February 2019.
- 2.2 Work on the emerging Local Plan had paused to enable the Council to review and best respond to the multiple changes at the national and local level including new and proposed changes to national policies and plan making guidance. It is recommended that the current emerging Local Plan be withdrawn and replaced with a new style Local Plan developed under new plan making regulations due to be published in the coming months.
- 2.3 The new style Local Plan will consider the plan period 2025-2050, proactively addressing current and emerging place issues including the proposed Fens Reservoir, overconcentration of Houses in Multiple Occupation and the need to bring forward more supporting infrastructure like health, community and education centres, addressing those issues considered important to Members.

- 2.4 The legal, financial, and equality implications are set out in detail later in this report. In summary, the updated spend profiling confirms that the new Local Plan can be submitted for Examination by March 2028.

### Recommendations

- 2.5 For Council to:
- a) Withdraw the emerging Fenland Local Plan 2021-2040.
  - b) Commence the production of a new Local Plan under the new system to be completed by March 2028 that will cover the period 2025 to 2050 once the new plan making regulations are published.
  - c) Delegate authority to the Head of Planning in consultation with the relevant Portfolio Holder to publish and keep up to date a new Local Development Scheme.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr Dee Laws – Portfolio Holder for Building Control, Flooding, IDBs & Planning
Report Originator(s)	Kirsty Paul – Planning Policy Manager
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Background Papers	<ul style="list-style-type: none"> <li><a href="#">February 2019 – Cabinet Report - Local Plan Review and Update</a></li> </ul>

## **1 BACKGROUND AND INTENDED OUTCOMES**

- 1.1 A Local Plan is the statutory development plan prepared by a local planning authority to guide decisions on the use and development of land in its area. It sets out the vision, spatial strategy, and policies to deliver housing, economic growth, infrastructure, and environmental protection over a defined plan period. Local Plans form the basis for determining planning applications and are central to shaping how places grow and change in line with community needs and aspirations.
- 1.2 The legal requirement to prepare and maintain an up-to-date Local Plan is set out in Section 15 of the Planning and Compulsory Purchase Act 2004, which requires local planning authorities to produce a Local Development Scheme (LDS) (the timetable for the Plan's production) and keep their development plans under regular review. Local Plans must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.
- 1.3 Regulation 10A of the 2012 Regulations (inserted in 2017) requires that Local Plans be reviewed at least once every five years from the date of adoption, to assess whether they remain effective and up to date. Paragraph 33 of the National Planning Policy Framework (NPPF, December 2024) reinforces this duty, stating that plans should be reviewed to take account of changing circumstances and national policy. Where a review concludes that the plan is no longer effective, a full or partial update must be undertaken.
- 1.4 In Fenland, the currently adopted Local Plan dates from 2014. In February 2019, the Council resolved to begin preparing a new Local Plan for the district to replace the existing plan and respond to updated evidence, national policy changes, and emerging local priorities. Since then, two rounds of public consultation under Regulation 18 have been completed, and a wide range of supporting evidence has been commissioned.
- 1.5 However, progress has been slower than originally anticipated - challenges that have fundamentally slowed the plan-making process, include: the impact of the COVID-19 pandemic; growing uncertainty surrounding changes to national planning policy and the plan-making process; and internal resourcing challenges following Peterborough City Council's decision in April 2023 to terminate its Service Level Agreement with Fenland District Council, which had previously supported the Council's plan-making efforts.
- 1.6 The Government have also published a host of changes to national planning policy and guidance. This, combined with other developments—such as changes to local place priorities, new technical data for things like flood risk data, proposed reforms to local government, procurement difficulties, and capacity constraints have prompted a reconsideration of the Council's approach.
- 1.7 This report recommends formally withdrawing the current emerging Local Plan (2019–2040) and commencing the preparation of a new Local Plan which would cover the period 2025 to 2050 and be prepared in accordance with the forthcoming new plan making system.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 The recommendation to withdraw the emerging Fenland Local Plan (2019–2040) and begin a new plan reflects the scale of recent national reforms and shifting local priorities. Extensive work has already informed the current draft, but changes in legislation, policy, and guidance mean that the methods used to prepare it are no longer completely aligned with how Local Plans must now be produced under the new system.
- 2.2 The Levelling-up and Regeneration Act introduces a new plan-making system expected to take effect this year, and Government has set a hard deadline of 31 December 2026 for submitting plans under the current system. Any plan not submitted by then must restart under the new regime. These national decisions leave the Council with limited room to manoeuvre, making it necessary to begin a new-style Local Plan now to ensure Fenland retains a clear and influential voice through and beyond local government reform.
- 2.3 Local circumstances have also evolved. Issues such as the nationally significant Fens Reservoir proposal, pressures from HMOs in Wisbech, new opportunities in advanced manufacturing and clean tech, updated flood-risk modelling, and wider governance uncertainty all require a fresh strategic response. Added to this, the emerging Local Growth Plan identifies Fenland as a key area of investment and opportunity, reinforcing the need for a planning framework that can support and shape this long-term economic potential.
- 2.4 Preparing a new Local Plan will allow the Council to respond proactively to these challenges and opportunities, influence regional planning and investment, and ensure local policies remain legally sound, locally grounded, and nationally compliant. Although some previously completed work will need to be updated, much of it can still inform the new plan, and the district's strong five-year housing land supply provides the space to make this transition responsibly.
- 2.5 The benefits of moving early to the new system outweigh the risks. Acting now avoids duplicated effort, prevents further resource waste as national deadlines approach, and places Fenland in the strongest position to deliver a modern, place-based plan aligned with national reforms and local economic ambitions—ensuring the district can fully capitalise on the investment opportunities set out in the Local Growth Plan and support sustainable growth to 2050 whilst Fenland District Council continues to exist.

## **3 CONSULTATION**

- 3.1 There is no statutory requirement to undertake public consultation before or after withdrawing an emerging Local Plan. However, should Full Council resolve to withdraw the emerging Local Plan 2019–2040, the Council will follow good practice by publishing a public statement on its website and notifying statutory consultees as well as stakeholders who have previously submitted formal representations, as well as MHCLG.

## **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There are no viable alternative options. The technical work underpinning the existing draft would need to be substantially revisited to meet new national

planning guidance, leaving insufficient time to submit a compliant plan under the current system. Continuing with the existing plan is therefore not feasible, and choosing not to prepare a plan is not permitted under national policy. Starting a new Local Plan, whilst retaining much of the information already completed, is the only practical and responsible way to ensure Fenland maintains control over future development and retains a strong voice within the reformed planning system.

## **5 IMPLICATIONS**

### **5.1 Legal Implications**

- 5.2 Fenland District Council has a statutory duty to maintain an up-to-date Local Plan under Section 15 of the Planning and Compulsory Purchase Act 2004. Regulation 10A requires plans to be reviewed at least every five years, and paragraph 33 of the NPPF (2024) confirms that plans must be updated where they are no longer effective.
- 5.3 Failure to do so can trigger intervention by the Secretary of State under Section 27, including directing the preparation of a plan, appointing another body to carry out the work, or applying financial sanctions. Withdrawal of the emerging plan may therefore attract scrutiny in terms of whether the Council continues to meet its legal plan-making duties.
- 5.4 However, Fenland currently has a robust five-year housing land supply (around 6.6 years) and strong housing delivery performance. This reduces the risk of speculative development and provides the flexibility needed to transition to a new Local Plan.
- 5.5 Preparing a new plan under the reformed national system will also allow updated policies to reflect current circumstances, including major infrastructure proposals such as the Fens Reservoir, emerging local issues around water resources, flood risk and housing mix, and the need for a long-term strategy for sustainable growth to 2050.
- 5.6 In summary, while withdrawal carries legal risks if the Council is perceived not to be maintaining an up-to-date plan, Fenland's strong supply position and delivery record demonstrate that current requirements are being met. This provides the necessary capacity to prepare a new Local Plan under the reformed system while remaining compliant with statutory and national policy obligations.
- 5.7 *Legal Power to Withdraw the Emerging Local Plan*
- 5.8 The Council has clear legal authority under Section 22 of the 2004 Act to withdraw its emerging Local Plan at any point before adoption. As the current plan has not yet reached submission (Regulation 22), it can be withdrawn by resolution of the Council. While formal notification to the Secretary of State is not required, the Council must update its Local Development Scheme (LDS) and ensure that stakeholders are informed of the change.
- 5.9 *Transition to the Reformed Planning System*
- 5.10 The Levelling-up and Regeneration Act 2023 introduces a new legal framework for how Local Plans must be prepared. Under this new system, plans will follow a stricter, "digital-first" process with set stages and a fixed 30-month timetable. The Government has confirmed that any Local Plan still

being prepared under the current system must be submitted for examination by 31 December 2026. Plans that miss this deadline cannot continue; they must start again under the new rules.

- 5.11 For Fenland, this creates a key legal and practical risk. If the current Local Plan cannot realistically be submitted in time, continuing with it may lead to wasted work, additional cost, and the possibility of having to restart the entire process later. There is also a risk that work carried out now may not meet the stronger evidence and procedural requirements expected under the updated national guidance.
- 5.12 Withdrawing the current plan at this stage would avoid these risks. It would allow the Council to begin preparing a new Local Plan that is fully aligned with the new system from the start. This provides greater certainty, reduces the chance of legal challenge around process or compliance, and ensures that time and resources are focused on producing a plan that meets future national requirements rather than those being phased out.

### **5.13 Financial Implications**

- 5.14 Withdrawing the emerging Local Plan and preparing a new plan under the reformed national system will have financial implications, but continuing under the current system would be significantly more costly. Much of the technical evidence supporting the existing draft needs to be updated due to national policy changes, updated demographic and flood-risk data, and new information on nationally significant projects such as the Fens Reservoir. This evidence would need to be updated regardless of the route taken.
- 5.15 The cost of preparing a new Local Plan under the forthcoming system is estimated at £659,500–£783,000 (excluding salaries). The Council currently holds £386,702.17 in a dedicated planning reserve, built up from Government planning policy grants, and anticipated income from the team's work on Nationally Significant Infrastructure Projects is expected to further support delivery. The Council was also awarded £220,000 from government to develop the Local Plan and there has been more recent announcements about more funding potentially being available. Together, these funding streams mean the new plan-making process is likely to remain cost neutral (when planned MTFS/budget provision is included).
- 5.16 Budget provision will be included in the MTFS for 2026/27 onwards as part of the normal budget setting process.

### **5.17 Equality Implications**

- 5.18 In considering withdrawal of the emerging Local Plan, the Council has assessed its duties under the Equality Act 2010 and the Public Sector Equality Duty. As the emerging plan has not been adopted, it currently carries limited weight, though supporting evidence—such as the Gypsy and Traveller Accommodation Needs Assessment—remains valid and can continue to inform decisions.
- 5.19 The draft plan included policies aimed at meeting the needs of groups with protected characteristics, but these are not yet in use. The adopted Local Plan still provides a stable framework that supports mixed, inclusive communities.

- 5.20 Preparing a new Local Plan under the Levelling-up and Regeneration Act will allow these equality-focused policies to be reviewed and strengthened. The new system encourages early, inclusive engagement and improved digital accessibility, and Equality Impact Assessments will be undertaken at key stages to identify and mitigate impacts.
- 5.21 In summary, withdrawing the emerging plan does not conflict with the Council's equality duties, and the new plan-making process provides an opportunity to enhance equality outcomes.

## **5.22 Any Other Relevant Implications**

### **5.23 *Crime and Community Safety***

- 5.24 The Local Plan plays a role in shaping safe and inclusive environments through policies on layout, design, lighting, public spaces, and community facilities. Withdrawal of the emerging plan may temporarily delay the introduction of updated policies that help reduce opportunities for crime and promote safer places. The Council will need to ensure that community safety remains a core principle within the new plan and that engagement with Cambridgeshire Constabulary's Designing Out Crime Officer is maintained during policy and site allocation development.

### **5.25 *Environmental and Climate Impacts***

- 5.26 The current Local Plan process includes updated policies relating to sustainability, flood risk management, biodiversity net gain, and resource efficiency. Withdrawing the plan may result in a delay to the adoption of these strengthened environmental policies, which could in turn affect the delivery of more sustainable and resilient development across the district.
- 5.27 However, preparing a new Local Plan under the forthcoming system may offer opportunities to take a more ambitious and evidence-led approach to environmental policy. This could include enhanced protections for nature recovery, better integration of water resource planning, and more effective responses to environmental risks and pressures in line with updated national expectations.

### **5.28 *Economic Growth and Infrastructure Delivery***


- 5.29 A Local Plan is a critical tool in coordinating infrastructure, supporting inward investment, and providing certainty to developers and landowners. Withdrawal may temporarily create uncertainty, particularly for strategic infrastructure providers (e.g. utilities, education, health), housing associations, and the business community. This risk should be managed through clear communication and close coordination with partners.

## **6 SCHEDULES**

N/A

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Agenda Item No:	11	
Committee:	COUNCIL	
Date:	15 DECEMBER 2025	
Report Title:	Adoption of Hackney Carriage and Private Hire Licensing Policy for the period of 2026 - 2031	

## 1 Purpose / Summary

- The Proposed Fenland District Council Private Hire and Hackney Carriage Policy was recommended for approval by the Licensing Committee on the 24 November 2025.
- The Policy is to regulate the Taxi trade in order to ensure a high standard of Public Safety
- This report seeks approval by Council of the updated Taxi policy and for it to come into force on 23 February 2026.

## 2 Key issues

- The Licensing Committee approved the draft policy at its meeting on 24 November 2025, a copy of the minutes can be seen here: [Agenda for Licensing Committee on Monday, 24th November, 2025, 10.00 am - Fenland District Council](#)
- The recommended policy can be seen at **APPENDIX A**
- It is best practice to publish a policy which sets out our general approach to regulation and enforcement activities in relation to taxi and private hire services to maintain a consistent approach, build public confidence and assist in supporting business.

## 3 Recommendations

- Recommendation that Full Council adopt the proposed Hackney Carriage & Private Hire Policy for the period of 2026 - 2031. A copy of the Draft Policy can be seen at **APPENDIX A**

<b>Wards Affected</b>	All Wards
<b>Forward Plan Reference</b>	N/A
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<b>Background Paper(s)</b>	<p>Part II of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>Town Police Clauses Act 1847</p> <p>The DfT Statutory Taxi &amp; Private Hire Vehicle Standards 2020 - <a href="#">Statutory taxi and private hire vehicle standards - GOV.UK</a></p> <p>Institute of Licensing (IOL) – Determining the suitability of a Hackney Carriage and Private Hire driver</p> <p>LGA Taxi and PHV licensing Councillors’ Handbook <a href="#">Councillor Handbook: Taxi and PHV Licensing   Local Government Association</a></p> <p>Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England Nov 2023 - <a href="#">Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK</a></p>
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## **1 BACKGROUND/INTRODUCTION**

- 1.1 Fenland District Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the district. To date this responsibility has been exercised in accordance with several policies and developed over the years.
- 1.2 The policy is intended to strike a balance between the right of an applicant to make an application for a taxi or private hire licence, against the right of any person to travel in any taxi or private hire vehicle in safety and comfort. A successful balance will help the taxi and private hire businesses to develop whilst providing assurance to the public through our policy objectives.
- 1.3 The DfT issued new Best Practice Guidance in November 2023. Taking this into account, it is necessary to bring forward a new edition of the Fenland District Council Hackney Carriage and Private Hire Licensing Policy which is intended to run from 2026 – 2031.
- 1.4 Licensing Authorities should review their licensing policies every five years but should also consider interim reviews should there be significant issues arising in their area.
- 1.5 The revised licensing policy seeks to provide guidance to applicants and members of the public, whilst looking to promote the following objectives:
  - The protection of the environment.
  - Public Safety.
  - Ensuring an efficient and effective hackney carriage and private hire provision.
  - To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.
- 1.6 On 10<sup>th</sup> September 2025 a meeting was held with the taxi trade to discuss their thoughts regarding amendments to the policy. All parties were advised that any formal consultation responses must be submitted in writing and could not be taken verbally.
- 1.7 The changes and suggestions by officers were all deemed unnecessary at this time and that all that was required was minor changes and a tidy up, which did not require formal consultation.
- 1.8 Officers also cross referenced the DfT Best Practice Guidance November 2023 and found that our policy already meets those standards, and therefore the changes made are minimal either grammatical or rewording for easier clarification.
- 1.9 The Council's Licensing Committee met on 24 November 2025, where the report was discussed and approved, with no further changes. A copy of the minutes can be seen here: [Agenda for Licensing Committee on Monday, 24th November, 2025, 10.00 am - Fenland District Council](#)

## **2 ALTERNATIVE OPTIONS CONSIDERED**

- 2.1 Not to approve the revised policy. This is not recommended as any changes proposed ensure that the policy is compliant with current statutory guidance. Failure to have in place an updated policy would leave the Licensing Authority with an outdated and non-compliant policy to guide the decision-making process and would increase the risk of delayed or inconsistent decisions being taken.

## **3 IMPLICATIONS**

### **3.1 Legal Implications**

The Legal implications are as set out in this Report.

### **3.2 Financial Implications**

The proposed policy changes do not attract any new or additional financial implications.

### **3.3 Equality Implications**

There are no new or additional equalities considerations arising as a result of the proposals set out in this report.

### **3.4 Community Implications**

A Community Impact Assessment will be undertaken in relation to the draft Hackney Carriage & Private Hire policy 2026 - 2031.

## **4 APPENDICES**

### **4.1 The proposed updated draft policy can be seen at **APPENDIX A****



# DRAFT

# Hackney Carriage and Private Hire Licensing Policy

## 2026 - 2031

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## PART 1 - INTRODUCTION

### 1.1 Powers and Duties

Fenland District Council (the Council) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles (collectively referred to as taxis), their Drivers, Operators and Proprietors in the District.

This Policy sets out the standard that the Council will use to inform its decisions on applications for licenses, their renewal and consideration of their continuance. This Policy will also be useful for members of the hackney carriage and private hire trades, those seeking licenses, the travelling public and others in the community.

Licence holders and applicants for licenses will find guidance on the application processes in the Appendices to this Policy and on the Council website. If a member of the public has a concern or question about the taxi trade, they should get in touch with The Licensing team at the Council at: [licensing@fenland.gov.uk](mailto:licensing@fenland.gov.uk)

This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Fenland District Council ("the Council") the duty to carry out its licensing functions in respect of Taxis, Drivers, Operators and Proprietors in the District

This policy has also considered and will continue to refer to the following documents:

- a) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades issued by the Institute of Licensing IOL (dated April 2018)
- b) Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport (dated July 2020)

### 1.2 Policy Objectives

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They can provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.

In setting out its policy, the Council seeks to promote the following objectives:

- (a) The protection of the environment;
- (b) Public Safety;
- (c) Ensuring an efficient and effective hackney carriage and private hire

- provision;
- (d) To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.

When considering this Policy, the Council have tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

Licenses issued by the Council

- (a) Hackney carriage driver's licence (HCD)
- (b) Hackney carriage vehicle licence (HCV)
- (c) Private hire driver's licence (PHD)
- (d) Private hire vehicle licence (PHV)
- (e) Private hire operator's licence (PHO)

Note that the licence the Council issues to individuals who wish to drive taxis or private hire vehicles are referred to as a **'driver's licence'**, and the licence issued to all motor road vehicle drivers by the DVLA is referred to as a **'driving licence'**.

The Council does not issue school transport permits, these are issued by Cambridgeshire County Council.

Any badge, licence or vehicle plate issued to any person remains the property of the Council.

## **1.2 Hackney carriages and private hire vehicles; what's the difference?**

The licences, fares, insurance and working practices of the vehicles are different.

Only hackney carriages may use the word 'Taxi' or 'Cabs' in their name, advertising or signage.

Other differences are set out in this table:

	Private Hire	Hackney Carriage
<b>Bookings</b>		
Can be pre-booked	✓	✓
Can wait in a hackney carriage rank	✗	✓
Can be hailed	✗	✓
<b>Fares</b>		
Set by the council	✗	✓
Uses a taximeter	✗	✓
Set by Operator	✓	✗
<b>Visual differences</b>		
Illuminated roof sign	✗	✓
'Black cab' type allowed	✗	✓
Cab or Taxi in name	✗	✓
Licence plate position	Rear	Rear
Internal plate	✓	✓

### 1.3 Departure from the Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.

Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.

#### Substantial departure from Policy

Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Licensing Sub – Committee may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances.

#### Minor departure from Policy

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would

still ensure that the policy objectives are achieved, the Licensing Manager may authorise a licence to be issued. An example of this could be a short delay within the admin process whereby we are waiting for an updated insurance certificate to be sent.

## **1.4 Policy Duration**

This Policy will take effect from 23 February 2021.

Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

The Policy will be reviewed every five years in line with the requirements of the Statutory guidance that was introduced in July 2020, to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation.

In the event of any significant amendment to the Policy, a full consultation will be undertaken prior to consideration by the Licensing Committee who will make a recommendation for consideration by Council.

For the purpose of this section, a significant amendment is defined as one that:

- a) will have significant financial impact on applicants, licence holders or the public,
- b) will have a significant procedural impact on applicants, licence holders or the public, or
- c) may not be perceived by the trade or the public to be consistent with the policy objectives.
- d) It does not relate to mandatory changes in legislation and/or statutory guidance

## PART 2 - VEHICLES

### 2.1 Limitation of Numbers

The Council currently has no limit on the number of hackney carriages which may be licensed within the District and has no intention of introducing one unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders and re-evaluated every three (3) years to maintain a cap.

To assess the unmet demand for Hackney Carriage vehicles, this would be carried out through an independent survey, of which the results data would be analyzed, and a decision made if as a Council we had sufficient licensed vehicles to cope with the demand

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

### 2.2 Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriage and private hire vehicles provide a necessary service to the public; however, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

Part 2 of this Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all hackney carriage and private hire vehicle licenses:

*"This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the Policy) throughout the duration of the licence period."*



## 2.3 Accessibility

In regulating the hackney carriage and private hire trade the Council aim to meet the diverse needs of all accessibility requirements in the district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. The Council do not place any restrictions on PHV types. However, if the vehicle is to be wheelchair accessible, to ensure public safety, PHV applicants will be required to provide the V5 document that shows that the vehicle has been defined as wheelchair accessible or the certificate of conformance

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

*“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”*

It is defensible that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver whereas private hire vehicles can only be booked through an operator.

## 2.4 List of Wheelchair Accessible Vehicles (WAV's)

Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose.

Section 165 – 167 of the Equalities Act 2010 (the 2010 Act) came into force 7th April 2017 and allows local authorities to create a list of designated wheelchair accessible vehicles (a S167 List).

The Council will publish a S167 List of wheelchair accessible vehicles. This means that any vehicle that meets the Council's definition of a wheelchair accessible vehicle will be designated on the list.

By the Council creating the S167 List, this brings into effect the duties placed on drivers under section 165 of the 2010 Act, making it a criminal offence if the driver of a designated vehicle fails to comply with the duties specified

under section 165

Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs can apply to the Council for an exemption certificate.

Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle.

In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair.

## **2.5 Environmental Considerations**

The Council have given careful consideration to the recommendation in the Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and considers its responsibility in protecting the environment to be a strong factor within the licensing policy.

This flexible approach is allowed in conjunction with its six- monthly testing requirements for all vehicles over five (5) years old to offset the need not to require tougher emission standards for licensed vehicles

## **2.6 Vehicle Idling**

Clearly emissions from hackney carriages and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:

- (a) better and more frequent vehicle maintenance and servicing; or
- (b) switching off engines when stationary or idling, particularly at hackney carriage ranks and schools can make a significant environmental impact considering the number of licensed vehicles.

The Hackney Carriage and Private Hire trade members have an important role to play in raising awareness of environmental issues.

## **2.7 Maximum Age of Vehicles**

The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the

setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate.

Therefore, at this time we do not intend to implement an upper age limit on the vehicles we licence.

## **2.8 Vehicle Testing**

In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Compliance pass certificate from the Council's nominated testing facility, both of which must be dated no earlier than one calendar (1) month prior to the licence commencement date.

Vehicles that are less than one (1) year old will be exempt from producing a current MOT pass certificate but will be required to obtain a Compliance pass certificate.

All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach five (5) years old. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of Compliance pass Certificate.

Once a vehicle reaches five (5) years old it will be subject to six-monthly testing requirement of a Compliance Test.

For the avoidance of doubt, any vehicle renewal application that would take the licence beyond the age of five (5) years. This will facilitate the vehicle being tested at six-monthly intervals as required.

The Council's nominated testing facility is:

- a) MOT  
Any testing facility currently registered with the Department for Transport to undertake MOT testing.
- b) Compliance Certificate  
Undertaken by approved premises in Fenland District

### **Vehicle Failures**

The licence of any vehicle which fails its testing requirements will be subject to either an automatic suspension or a time limited period for the vehicle failure to be rectified and re-examined. Until such time as the vehicle has been re-examined and the necessary pass certificates obtained, the Council, or its nominated testing facility, may retain the vehicle licence plate until such time as the inspection requirements are met.

### **MOT advisories**

With public safety being a significant objective of this Policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. The Council also reserve the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public.

### **Vehicles involved in an Accident**

With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, however minor, will be required to obtain a compliance test approval to continue operating. Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given.

In the case of only cosmetic damage, a timescale for repair will be set by the Council at the end of which the vehicle must be presented to the Council's nominated inspection facility. If the vehicle would not pass a Certificate of Compliance examination, that vehicle cannot continue to operate as a hackney carriage or private hire vehicle until such time as the vehicle would meet the testing requirements.

## **2.9 Officer Inspections**

In addition to the above testing requirements, the Council will undertake its own program of inspections. These tests will be undertaken at any other location within the District as advised by a Council Officer and will ensure that vehicles maintain the high standard of testing throughout its licence period.

In the event of any concern in relation to mechanical vehicle safety, the vehicle will be referred to the Council's nominated testing facility for a formal assessment. Where the testing requirements would not be met, the Officer may either agree a period of time for rectification and re-inspection or suspend the vehicle until such time as the testing requirements would be met.

## **2.10 Vehicle Type**

Left-hand drive vehicles will not be considered suitable for licensing, except for stretched limousines which will be subject to the specification requirements detailed in **Appendix E**. This is to ensure that passengers travelling in the front passenger seat can exit the vehicle directly onto the footway rather than directly into the carriageway.

## **2.11 New Vehicles**

### Hackney carriages

All vehicle applications for a new hackney carriage licence, must be either:

- a) a 'London' type hackney carriage, or
- b) a suitable wheelchair accessible vehicle, approved by the Council,  
this will take effect from when we have issued with an active  
licence for One hundred and ten (110) hackney carriages

For the avoidance of doubt, this does not mean plate number HCV110  
this is the total number of hackney carriage licenses in a status of  
issued.

### Private hire vehicles

All vehicles for new private hire licence applications must be either:

- a) a saloon, estate, MPV or hatchback vehicle with a least four (4) side  
doors, or
- b) a purpose-built minibus designed to carry not less than (4) nor  
more than eight (8) passengers.

## **2.12 Vehicle Types & Category write-off's**

### Vehicle Types

Licensed vehicles shall ordinarily have European Community Whole  
Vehicle Type Approval (see  
<http://www.dft.gov.uk/vca/vehicletype/index.asp>) and be compliant with  
the relevant Road Vehicles (Construction and Use) Regulations in effect  
at the time of application

In the absence of European Community Whole Vehicle Type Approval,  
or if a vehicle has been modified in any way since manufacture,  
vehicles can be considered for licensing that have:

- a) National Small Series Type Approval (see  
<http://www.dft.gov.uk/vca/vehicletype/index.asp>), or
- b) Individual Vehicle Approval (see  
<http://www.dft.gov.uk/vca/vehicletype/index.asp>)

However, Individual Type Approval will not be accepted:

- a) where the seatbelts fitted to the vehicle are not those fitted by the  
manufacturer and tested in accordance with the vehicle's  
original type approval, or
- b) where the vehicle has been fitted with seating/wheelchair tracking  
which may invalidate the original type approval for any seats fitted to  
the vehicle except where suitable evidence is provided by the  
applicant(s) that this is not the case.

### Category write – off's

An application for a vehicle licence will not be accepted if the category is

showing as S. This means the vehicle has been previously written off with structural damage and is deemed to be not suitable to be a licensed vehicle.

Category N is non structural and will be accepted on a case-by-case basis providing all the repair documentation can be provided as requested.

## **2.13 Vehicle Specification**

All hackney carriage and private hire vehicles must:

- a) be capable of carrying not less than four (4) nor more than eight (8) passengers,
- b) have no damage affecting the structural safety of the vehicle,
- c) not have been written off for insurance purposes at any time,
- d) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
- e) be maintained in sound and roadworthy condition at all times,
- f) serviced in accordance with manufacturers' recommendations.

## **2.14 Vehicle Roof Sign and PH Door Signage**

### Hackney Carriage Vehicles

All Hackney carriage vehicles must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign.

Roof signs fitted upon a Hackney Carriage Vehicle must be white in colour and shall be securely fitted to the vehicle. Roof signs must be of a design and shape approved by the District Council.

All Hackney Carriage Vehicle roof signs shall display the wording 'taxi' on the front and the words 'Fenland District Council' together with the carriage licence number on the back (except in the case of a London Style cab).

The sign shall be capable of being illuminated internally in such a manner that the word 'TAXI', Fenland District Council and the carriage licence number, is always illuminated when the vehicle is plying for hire, but not otherwise.

All wording shall be black in colour and the word 'TAXI' must not be less than 90mm in height. Wording on the rear of the roof light must not be less than 25mm in height

### Private hire vehicles

A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that

it is a hackney carriage.

A private hire vehicle must display Council-approved signage on both front doors of the vehicle. Signage will be displayed in oval shape and on a yellow background with the Fenland Logo, Wording stating Pre-Booked Only, Telephone number and text stating – Insurance invalid unless booked with the operator.

Once you have been issued your new Operator/Vehicle licence we will supply you with a PDF document which will allow you to have the signage printed and affixed by your chosen sign writer.

## **2.15 Vehicle Livery**

The Council believes that the requirements of this policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery.

However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to the public, either in terms of specific vehicle colors and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

## **2.16 Licence plates**

At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption has been granted, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle.

At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed in a prominent position to the front windscreen or dashboard.

The licence plates must always be clearly identifiable and legible to the public.

### Private Hire Plate and Door Sticker Exemptions

This may be given to private hire vehicles used for executive hire, corporate contracts, school contracts or work of a similar nature. In order to qualify for an exemption, you must complete the template form stating why you are requesting this. Once you have received approval the following must take place;

- a) a written letter of exemption issued by the Council must always be carried in the vehicle,
- b) the licence plate must always be carried in the vehicle,
- c) the internal plate issued by the Council must be displayed on



- the front windscreen of the vehicle, and
- d) the vehicle must be undertaking the nature of work for which the exemption was granted. If any of these four criteria are not met, then an exception will not be granted.

For the avoidance of doubt, vehicles that are used for a combination of 'exempt' work and normal private hire work will always be required to display external licence plates when the exemption does not apply.

## **2.17 Third Party Advertising**

Third Party advertising is only permitted with prior written approval of the Council.

The following advertising will not be permitted:

- a. Anything of a religious or political nature;
- b. Alcohol or tobacco products;
- c. Any matter of a sexual nature or likely to cause offence;
- d. Any matter which is insulting, offensive or abusive.

The content of any advertising on the vehicle shall be legal, decent and truthful. No words, letters or graphics may be displayed on any windows of the vehicle.

No advertisement will be permitted which impedes the vision of the driver.

The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission of the Council or for any reason affecting the appearance of the advertisement.

All materials used and affixed for advertising purposes on Hackney Carriage Vehicles must comply with current legislation which includes the Motor Vehicle (Construction and Use) Regulations and must not provide any risk of injury to drivers /passengers or pedestrians.

No secondary advertising of any kind will be permitted including the name of the company preparing the vehicle or the name of the advertising agency.

All advertisements must comply with the UK Advertising Standards Authority (ASA) Codes and it is the responsibility of the vehicle proprietor to ensure that they do so.

Advertising to do with crime and disorder or public safety issues such as advertising "Crime Stoppers" or Crime Prevention Matters will be permitted.

### Exterior Advertising

The following surfaces are permitted for the use of exterior advertising on licensed Hackney Carriages, subject to the requirements above:

Doors only - advertising material covering the exterior lower panels of rear doors on both sides of the vehicle



Boot lid - advertising on the boot lid is permitted other than where it in any way obscures the licence plate.

#### Interior Advertising

Interior advertisements are permitted on the rear window but must be:

- a) no more than ten (10) centimetres in height,
- b) positioned so that they do not obstruct the driver's view in any way, and
- iii) be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.

For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.

Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire", same for the word "taxi" being part of the company name.

### **2.18 Seating in Multi-Passenger Vehicles**

The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.

All vehicles licensed to carry in excess of four (4) passengers will only be licensed in accordance with the seating layouts detailed in **Appendix G**, unless the Original Manufacturer's Specification provides an alternative arrangement. Any seating arrangements not illustrated in **Appendix G** will be considered by the Council in relation to safety requirements however it should not be assumed that permission will automatically be granted.

### **2.19 Doors**

All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

All vehicles must have sufficient, safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door (with the exemption of WAV vehicles).

### **2.20 Tyres**

The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

## **2.21 Drivers' Vehicle Mirrors**

External rear view mirrors must be fitted to both sides of all licensed vehicles.

All licensed vehicles must have an internal rear-view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

## **2.22 Seats - Minimum Interior Dimensions**

The following minimum dimensions are applicable to both Hackney Carriage and Private Hire vehicles.

Proprietors should bear in mind that the manufacturers' claimed seating capacity may not always be the same as the Council's licensed seating capacity scheme as detailed below.

Height - From the top of the seat cushions to the roof at the lowest part (inside) must not be less than 865 mm (34 inches approx.)

Seat Depth - fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be no less than 406 mm (16 inches approx.)

Seat Width - fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person. There must also be a minimum of 1371mm (54 inches) between the inner door handles.

Legroom – each passenger seat shall provide sufficient legroom for

passengers to be seated in comfort.

Facing seats - the distance between the seat backs measured in a horizontal plane along the top surface of the seating cushion must be not less than 1300 mm (51 inches approx.). The distance between the front edges of the seat cushions must be not less than 425 mm (16 ¾ inches approx.).

Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one (1) passenger to move.

Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.

## **2.23 Seat Belts**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with. As a guide a child over 12, or over 135 cm (approx. 4' 5") in height may ride in the front seat of a Licensed vehicle providing they wear the fitted seatbelt.

## **2.24 Fire Extinguishers**

This council deems that it is not a necessary requirement for the vehicle to carry an extinguisher. The advice given is that in the event of a fire the driver and passengers leave the vehicle immediately and keep a safe distance.

## **2.25 First Aid Kits**

In line with the Health & Safety legislation, all licensed vehicles must carry a first aid kit, this shall be used in an emergency to treat minor injuries and therefore must always be easily accessible.

The contents of the first aid kit must be in date and comply with health & safety requirements.

It must be marked with the vehicle registration number or licence plate number.

## **2.26 Ventilation**

Windows must be provided to all passenger compartments along with adequate means of opening and closing, not less than one (1) window on either side of the vehicle, in both the front and rear passenger compartments.

Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

## **2.27 Luggage**

Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.

If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

## **2.28 Maintenance and Condition of the Vehicle**

The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner always. In particular, the exterior of the vehicle shall:

- a) be free of large and/or sharp-edged dents,
- b) be free of visible rust,
- c) be free of unrepaired accident damage,
- d) have uniform paintwork equivalent to that applied by the manufacturer, and
- e) be maintained in an acceptable state of cleanliness.

The interior of all licensed vehicles shall be maintained in a clean, safe and satisfactory manner always. In particular, the interior of the vehicle shall:

- f) be free of all stains to the upholstery or seat covers if fitted.
- g) be free of all splits and tears to the seats,
- h) be maintained in an acceptable state of cleanliness, and
- i) provide seats functioning in accordance with the Original Manufacturers' Specification.

## **2.29 Modifications**

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, insurance requirements, and written approval for the change(s) from the Council.

## **2.30 Communications Devices**

All two-way radio equipment must be of a type currently approved by and must be fitted securely in accordance with guidelines published by, the Radio Communications Agency. They must not be fitted as to obscure the drivers view through the front window screen.

The use of radio scanning devices is prohibited, and such devices must not be fitted or carried in the vehicle.

## **2.31 Meters**

### Hackney carriages

An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

The taximeter must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and must be set at the correct date and time at all times throughout the period of the vehicle licence.

The taximeter shall be positioned so that the display on the face of the meter may always be clearly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and at any time at the request of the hirer.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

An official copy of the Council's fare tariff must be clearly displayed and legible in the vehicle to be plainly visible to passengers carried therein.

The vehicle taximeter must be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages. For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.

In the event of such a journey commencing in but ending outside the District, the customer may be charged for the journey of such fare as

was agreed before the hiring was affected. If no such agreement was made, then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

On occasions, a journey will commence during one tariff period and end within another tariff period. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

### Private Hire

Private hire vehicles are not required to be fitted with a taximeter however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

## **2.32 Trailers**

Trailers may only be used with the prior approval of the Council and then subject to the following requirements:

- a) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
- b) the trailer must always comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
- c) the vehicle insurance must include cover for towing a trailer,
- d) trailers must not be left unattended anywhere on the highway,
- e) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
- f) trailers must display an identical licence plate to the licensed vehicle,
- g) trailers cannot be used on a hackney carriage rank and should only be used for specific pre- booked journeys, not whilst plying for hire.

## **2.33 Disability Access**

In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle must ensure that any wheelchair is loaded from the side or the rear of the vehicle.

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- a) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
- b) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
- c) a suitable restraint must be available for the occupant of a wheelchair.
- d) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
- e) ramps and lifts must be securely stored in the vehicle before it may move off,
- f) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).

Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair bound passengers.

## **2.34 Vehicles Powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

## **2.35 Tinted Windows**

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.



The rear windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, nor the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them, unless the following criteria can be met:

- a) the vehicle is licensed as private hire vehicle only,
- b) the vehicle is a stretched limousine vehicle,
- c) the vehicle will not be engaged at any time for the carriage of school children,
- d) the private hire operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

## **2.36 Insurance**

There shall be a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence including appropriate cover for hackney carriage or private hire (as applicable).

Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.

Where a cover note is provided as part of a licence application, a full Certificate for a twelve (12) month period of Insurance must be provided prior to the expiry of the cover note.

The registered owner of the licensed vehicle shall ensure that it is always adequately insured to the satisfaction of the Council and all relevant legislation that it is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.

As case law has established that a vehicle licensed as a hackney carriage or private hire vehicle always remains a licensed vehicle until the licence expires or is surrendered, only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid hackney carriage or private hire driver licence (as appropriate) for the vehicle.

## **2.37 Change of Ownership**

Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen (14) days of such



change.

When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

### **2.38 Inspection**

All hackney carriage and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer of the Council or a Police Officer.

All vehicle documentation must be produced within twenty-four (24) hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.

### **2.39 Unauthorised Use**

The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current hackney carriage or private hire driver licence issued by the Council.

For the avoidance of doubt, case law has established that once licensed as a hackney carriage or private hire vehicle, the vehicle always remains a licensed vehicle until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licensed driver.

### **2.40 Accident Reporting**

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

- a) the safety, performance or appearance of the vehicle, or
- b) the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.

Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle

must immediately be inspected by an authorised council officer to determine its fitness for continued use.

On some occasions it may be required for a vehicle compliance test to be undertaken to ascertain any damage. If the Council's nominated testing facility determines that the vehicle is fit for continued use, the timescale for cosmetic repairs must be agreed with a Council Licensing Officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle of a similar type, provided:

- a) the damage to, or defect in, the vehicle has been reported to the Council,
- b) an application is made in the prescribed manner for a temporary vehicle licence,
- c) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

## **2.41 Miscellaneous**

The proprietor of a hackney carriage or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.

## **2.42 Security/CCTV**

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves.

If CCTV is installed in a vehicle, it will be the responsibility of the operator/proprietor to handle relevant data gathered in a secure manner and register with the Information Commissioner's Office (ICO). You will also be required to display the correct signage to notify customers accordingly.

## **2.43 Stretched Limousines & Novelty Vehicles**

Stretched limousines are generally used for all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

For the purposes of this Policy, a stretch limousine is defined as follows:  
*“A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;*  
*a) can carry up to but not exceeding 8 passengers;*  
*b) is not a decommissioned military or emergency service vehicle.”*

Any stretched limousines capable of carrying eight (8) passengers or less which are offered for private hire does require a licence from the Council. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight (8) passengers requires licensing by the Traffic Commissioners as a public service vehicle.

Any stretched limousine approved for licensing as a private hire vehicle will be subject to specification set out in **Appendix E**, which will be attached as conditions to all limousines licensed as a private hire vehicle.

It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

## **2.44 Funeral and Wedding Vehicles**

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered a licensable activity.

## **2.45 Voluntary Sector Transport**

The Council will assess each individual organisation on its own merits to determine whether it will require licensing as a private hire business.

To make an initial enquiry and discuss your query please contact the licensing team.

## **2.46 Dual Plating**

The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority.

### 3.1 Licenses

Due to similarity of a hackney carriage and private hire driver, this section will apply equally to private hire and hackney carriage drivers unless otherwise stated.

The Council requires that separate driver licenses be ordinarily held in respect of hackney carriage and private hire vehicles. However, with effect from the date of this policy we will no longer be issuing 'dual licenses.

For the avoidance of doubt, if you are issued with a hackney carriage drivers licence then you will also receive private hire driver status. But if issued with a private hire drivers licence then you will only be able to operate as a private hire driver.

### 3.2 Age and Experience

A licence will not be granted to anyone who has not held a full driving licence, for a period of at least twelve (12) months immediately prior to the application.

An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve (12) months of the issue of the hackney carriage or private hire driver licence. Where this requirement is not satisfied, the hackney carriage or private hire driver licence will be automatically suspended pending compliance.

### 3.3 Driver Knowledge Tests

Hackney carriage drivers clearly need a good working knowledge of the District for which they are licensed, because hackney carriages can be hired immediately, directly with the driver at ranks or on the street.

In order to determine fitness to hold a licence, applicants for a hackney carriage driver's licence are required to undertake a knowledge test based on local geography, places of interest, basic knowledge of English language & math's and the Council's Licensing Policy.

To hold a private hire drivers licence you will also be required to undertake the knowledge test, however we recognise that the same instant knowledge is not required as there would be an opportunity to research the required route so this part will not be included.

A knowledge test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months

following the successful knowledge test, a further knowledge test pass will be required prior to a licence being granted. The exception to this would be if a delay occurred during the administration process

The fee set for the knowledge test only includes the one (1) test, any subsequent re-tests will be charged at the set fee.

An applicant may only sit a maximum of four (4) knowledge tests during a twelve (12) month period. Failure to achieve a pass mark during this period will result in a drivers licence not being issued and the applicant will need to re-apply at a later stage.

Further details of the respective tests are set out in Part 5 of this Policy.

### **3.4 Driving Proficiency and Qualifications**

The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers and therefore they must complete an advanced driving assessment, details of this can be found on our website.

Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage drivers to consider completing this.

### **3.5 Medical Examination including Eyesight Test**

In order to promote the Council's public safety licensing objective, it will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive. A new medical certificate will be required at the following intervals:

- a) The applicant is a new driver.
- b) The licence holder is aged forty-five (45) years of age and every subsequent five (5) years from then
- c) The licence holder is aged sixty-five (65) years of age and every subsequent twelve (12) months; or
- d) The applicant/licence holder has a health condition that may impact upon their ability to drive a hackney carriage or private hire vehicle

Applicants may still apply for a three-year licence, however, must produce further medical certification at the required age period or at a shorter period where recommended by the medical practitioner.

The medical assessment required by this section must:

- a) be completed on the Council's prescribed medical form (available on

- the Council website),
- b) be completed by the applicant's GP or a GMC register doctor, having access to the applicant's summary medical history,
  - c) less than six (6) month's old at the licence start date,
  - d) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.
  - e) A separate Eye test examination maybe required if the GP is unable to complete this, the date of this must be less than six (6) months old at the licence start date.

If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential assessment must be submitted to the Council accompanied by any relevant supporting documentation.

Holders of current PSV and/or HGV Licenses, where the holder can produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements are met.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable however this list is not exhaustive:

- f) any heart-related condition
- g) any eyesight related condition
- h) diabetes (Type 1 or Type 2)
- i) epilepsy
- j) sudden attacks of giddiness or fainting
- k) conditions causing excessive daytime sleepiness such as sleep apnea
- l) alcohol or drug dependency
- m) mental or psychological disorders
- n) any other condition that may affect the ability to drive

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment, at the applicant's own expense.

### **3.6 Medical Exemption Certificates**

#### Carriage of wheelchairs: medical exemption certificates

Given that the main reasons for a hackney carriage or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the Council expect the number of drivers likely to be eligible for an exemption to be low.

Drivers will need to provide medical evidence to support their application. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

#### Carriage of assistance dogs: medical exemption certificates

The main reasons a hackney carriage or private hire vehicle driver may wish to apply for a medical exemption are:

- a) if they have a condition such as severe asthma, that is aggravated by contact with dogs.
- b) if they are allergic to dogs; or
- c) if they have an acute phobia to dogs.

The Council therefore expect the number of drivers likely to be eligible for an exemption to be very low.

Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council expects this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

#### Suitable medical professionals: medical exemption certificates

Examples of suitable medical professionals include, but are not limited to:

- a) medical specialist / consultant.
- b) specialist nurse (for example, an asthma nurse);

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner. The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.



### **3.7 Disclosure & Barring Service (DBS) Disclosures**

A DBS check on a driver is seen as an essential safety measure in assessing whether an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required by all applicants, whether new or renewal applications.

Before an application for a driver licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure; the only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS to which the online check refers.

We will be carrying out DBS checks on licensed drivers at every six (6) month intervals. Therefore, to ensure this is completed in a timely manner it is a mandatory requirement that all licensed drivers sign up to the DBS online checking service. Failure to have this in place and an adequate check not being completed, will result in either a temporary suspension of the drivers licence or a delay in the renewal process.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licenses; therefore, applicants are required to disclose all convictions, including those that would normally be regarded as spent.

In the case of applicants with less than five (5) years residence in the UK, a Certificate of Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council who do not receive a copy. Once the Council have obtained the necessary information from a DBS certificate, no information from the DBS will be retained by the Council.

### **3.8 Relevance of Convictions and Cautions**

In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the guidelines set out in **Appendix B** of this Policy.

### **3.9 Convictions during period of licence**

Where offences resulting in conviction are committed by licensed drivers

in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.

Driver's licence holders, who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within seven (7) days of the conviction. In the case of a deferred sentence, the penalty must be disclosed to the Council within seven (7) days of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

Should an applicant, applying as a new driver or renewal, have seven (7) or more points on the DVLA driving licence and or any previous convictions then their application will be referred to a Licensing Sub-Committee hearing to ascertain whether the applicant is a 'fit and proper person' to hold a licence.

### **3.10 Safeguarding & Disability Awareness Training**

The Council acknowledges the importance of safeguarding and disability awareness training to all licensed drivers and operators, particularly about the prevention of child sexual exploitation, but additionally regarding vulnerable adults and children.

A renewal applicant will be expected to undertake this training.

- a) every six (6) years or sooner if required
- b) if an officer or the Licensing Sub-Committee, feel it necessary for the driver to demonstrate they are safe & suitable to be a licensed driver.

### **3.11 Right to Work**

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

### **3.12 Conditions of Licence**

The Council is not permitted to attach conditions to a hackney carriage driver's licence however it is empowered to attach such conditions to a private hire driver's licence as are considered necessary.

For consistency, conditions will not be attached to driver licenses however the Council consider continued compliance with this Policy as an essential requirement of the 'fit and proper' person test. Failure to comply with all policy requirements is likely to result in enforcement action being taken.

### **3.13 Driver Code of Conduct**

Adopting a Driver Code of Conduct for hackney carriage and private hire licence holders serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trades; the standards expected of licence holders are detailed in **Appendix C**. This Code of Conduct is an integral part of the 'fit and proper' assessment.

### **3.14 DVLA Licence Checking**

In order to ensure that the Council have a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council upon new and renewal application will request you to provide a DVLA share code.

By providing this code it will allow us to check your DVLA licence and history from the DVLA website. The application form declaration includes a section where the applicant signs to give their consent for this check.

Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

### **3.15 National Register - NR3 Checks**

This Council has subscribed to the National Register of Hackney Carriage and PHV driver licence refusals and revocations, the 'national register of refusals and revocations' or NR3 as it is more commonly known. The council will search the national database in all cases where an application is made for a new hackney carriage or private hire driver licence and when an application is made for the renewal of these licences.

Whilst completing these checks if any areas of concern are identified they will be addressed with the applicant immediately and may lead to a suspension or revocation of their licence.

## PART 4 - PRIVATE HIRE OPERATORS

### 4.1 Requirements and Obligations

Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator Licence. A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver licence. All three licenses, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.

It is for the Council to decide whether the applicant is a 'fit and proper person' to hold a private hire operator licence.

### 4.2 Disclosure & Barring Service (DBS) Disclosures

Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances.

Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

### 4.3 Conditions

The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following conditions will be attached to all private hire operator licenses issued by the Council:

- a) This licence is granted subject to compliance with the requirements of Part 4 of the Council's Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period

- b) All private hire booking records as per section 4.11 must be kept for a minimum of 12 months
- c) Any staff member working as a vehicle dispatcher on behalf of the licensed operator must have a valid Basic DBS Disclosure of Criminal Convictions check dated less than 3 months old from commencement of employment.

#### **4.4 Public Liability Insurance**

It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public. Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed or sign a declaration that their premises is not open to the public.

#### **4.5 Licence Duration**

The Council will issue a successful applicant for a private hire operator licence with a one or five-year licence from the date of grant, although we do encourage applying for a five-year licence.

#### **4.6 Address from which an Operator may Operate**

Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and dispatch vehicles. This address will ordinarily be the address stated on the application form.

The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises or sign a declaration that their new premises is not open to the public prior to the change being approved.

#### **4.7 Operating Bases**

A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of Fenland.

#### **4.8 Right to Work**

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

## **4.9 Sub-contracting of Private Hire Bookings**

Legislation now allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.

All three licenses (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.

## **4.10 Standards of Service**

The operator shall:

- a) provide a prompt, efficient and reliable service to members of the public,
- b) ensure that their office staff act in a civil and courteous manner at all times,
- c) ensure that booked vehicles arrive punctually at the appointed place,
- d) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
- e) ensure compliance with legislation regarding the length of employee working hours.

## **4.11 Records**

Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.

Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:

- a) date of the booking,
- b) name, address and contact number of the hirer,
- c) time of pick-up
- d) address of the point of pick-up,
- e) address of the destination drop off,
- f) licence number (or other identification) of the driver allocated to the booking,
- g) plate number (or other identification) of the vehicle allocated to the booking,
- h) fare agreed between the operator and hirer at the time of booking.

The operator shall keep the following records for all private hire vehicles operated by them:

- a) type, make, model, colour and engine size of vehicles,
- b) year when the vehicle was first licensed for private hire,
- c) vehicle registration numbers,
- d) number of seats for passengers,
- e) owner of the vehicles,
- f) insurance details of vehicles,
- g) method of charging, i.e. whether or not a meter is fitted,
- h) private hire vehicle plate number.

The operator shall keep the following records for all drivers of private hire vehicles operated by them:

- a) driver's name, address and contact number,
- b) driver's licence number issued by local authority,
- c) date employment commenced,
- d) date employment ceased,
- e) any change of address, including the date the address changed
- f) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
- g) expiry date of both the DVLA & driver licence issued.

All records maintained by the operator shall be kept for at least twelve (12) months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

The operator shall be required to register your details with the Information Commission's Officer (ICO), this is a requirement under GDPR as you will be retaining personal data.

#### **4.12 Complaints**

The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business that they feel prudent to do so, for example for their own protection against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

#### **4.13 Disclosure of Convictions**

The operator shall, within seven (7) days of conviction, notify the Council in writing of any conviction or fixed penalty imposed on them during the licence period of their operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

#### **4.14 Private Hire Insurance**

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence.

#### **4.15 Private Hire Driver Licenses**

The operator shall ensure that every driver working under their operator licence has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavour to ensure that all drivers have a badge issued by the Council and that the drivers always wear the badge whilst available for hire.

#### **4.16 Planning Consent**

To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.



## **PART 5 – APPLICATION PROCEDURE**

### **5.1 General**

This Part of the Policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserve the right to make changes to the administrative process provided that the focus of the policy objectives are maintained.

Where the administrative process is amended, the Licensing Manager may amend this Part of the Policy in accordance with the delegation set out in part 12

### **5.2 Vehicles**

An application for a vehicle licence will only be considered complete when all the following documents have been received:

- a) prescribed application form, fully completed
- b) appropriate fee
- c) V5 registration document
  - ❖ which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s).
  - ❖ once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
- d) current valid insurance certificate or cover note
  - ❖ the certificate must include the appropriate usage as a hackney carriage or private hire vehicle.
  - ❖ the certificate must cover a minimum of one (1) calendar month from the start date of the licence.
  - ❖ the certificate must not contain the name(s) of any driver not licensed with the Council.
  - ❖ if a cover note is provided, a full certificate of insurance (a period of no less than twelve (12) months must be provided before the expiry date of the cover note.
- e) Compliance Certificate
- f) Hackney Carriage Meter certificate (New Vehicle)

### **5.3 Drivers**

An application for a driver licence will only be considered complete when all the following documents have been received:

- a) prescribed application form, fully completed
- b) appropriate fee

- c) a current valid full driving licence and DVLA authorisation check code.
- d) enhanced Disclosure & Barring Service (DBS) certificate, unless registered with the online DBS checking service
- e) knowledge test passes (new applicants only)
- f) medical certificate (new applicants or renewals where the applicant has reached the prescribed age requiring a further check.
- g) proof of right to work in the UK (new applicants and every renewal)
- h) a passport-sized, clear and easily identifiable photograph of the applicant
- i) a pass certificate for Driving Standards Agency advanced test
- j) a safeguarding certificate relating to Licensed Driver – Taxi/Private Hire

All new applicants can submit the above documentation whilst waiting to take the knowledge test assessment.

## **5.4 Operators**

An application for an operator licence will only be considered complete when all the following documents have been received:

- a) prescribed application form, fully completed
- b) appropriate fee
- c) inspection of the operating premises by a licensing officer
- d) basic Disclosure & Barring Service (DBS) disclosure, unless licensed as a driver with the Council

## **5.5 Submitting Applications and Documentation**

Renewal application forms, appropriate fees and all supporting documentation should be submitted at least fourteen (14) days prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation and the correct fee being received and satisfying the requirements of this policy. It is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.

When submitting renewal applications, applicants should be aware that it may take up to five (5) working days to process and issue a licence once all relevant information and the fee have been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.

Documentation must be emailed to the licensing department via email address [licensing@fenland.gov.uk](mailto:licensing@fenland.gov.uk)

Any original documentation for example right to work check, DBS certificate and DVLA licence can be verified during the knowledge test whilst visiting the council offices.

## **5.6 Issue of vehicle plates and driver badges**

Once the application has been processed and the licence is issued, all Licence plates and driver badges will need to be collected from your requested location. Your paper licenses will be emailed directly to you.

## **5.7 Return of vehicle plates and licence badges**

All licence plates and licence badges remain the property of the Council and must be returned:

- a) upon written request within seven (7) days of such a request,
- b) within seven (7) days of expiry or surrender, or
- c) immediately upon suspension or revocation.
- d) When collecting new plates/badges

A licence plate and a licence badge signify the existence of a current valid licence but are not licenses in their own right therefore there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.

Renewed badges and plates will need to be collected from the council offices and old badges/plates returned at the same time. If unable to return at the same time, will need to be returned within 7 days of the collection of the new ones

## **5.8 New Driver Knowledge Tests**

In order to maintain the high standards that the Council expects of its hackney carriage drivers operating within the District, all new drivers are required to pass a knowledge test. All parts must be passed to be considered for a hackney carriage or private hire driver licence. The written part is split into four (4) sections.

- 1) Legislation and policy knowledge
- 2) Basic Written literacy and numeracy
- 3) Routes (This section is for Hackney Carriage only)

Applicants will be tested on their knowledge of Fenland District and significant locations in the surrounding areas where they are likely to be required to travel to.

Questions for the knowledge test may include:

- a) the shortest route between locations based on the town where the applicant will predominately ply for hire.
- b) the shortest route between prominent locations based on the District as a whole .
- c) the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation.
- d) customer care; and

- e) basic numeracy, including the calculation of change for a given fare.

A maximum of One hour will be allowed for this part of the knowledge test and a pass of 80% must be achieved in each section as follows:

- 1) Policy and Legislation
- 2) Basic Written literacy and numeracy
- 3) Routes (This section is for Hackney Carriage only)

#### Driver Test Failure

Four (4) attempts are permitted at passing the knowledge test in a twelve (12) month period. In the event of a re-test taking place then each section must be taken as a whole test. The fee will include one test, any subsequent re-tests will be incurring a fee at the applicant's expense.

#### Booking Tests

Both written and verbal knowledge test are available on a monthly basis, save for exceptional circumstances. All bookings must be accompanied by the appropriate test fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours prior notice.

To book a knowledge test you can email [licensing@fenland.gov.uk](mailto:licensing@fenland.gov.uk), please include a copy of your receipt as proof of payment. These tests only take place once a month and are normally held every third Tuesday

### **5.9 Disclosure & Barring Service (DBS) Disclosures**

No application for a hackney carriage or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this Policy.

If you need to apply for a new DBS, this can be arranged following the submission of your new/renewal application.

The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS every six (6) months during the term of the licence and upon each renewal.

### **5.10 The consideration of applications**

Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.

For an application to be considered as a renewal application, the fully

completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available.

Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this Policy in respect of new applications.

## PART 6 – DISCIPLINARY AND ENFORCEMENT MEASURES

### 6.1 Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.

All enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it.

Enforcement action must always be consistent, proportionate and reasonable whilst ensuring that the public receive adequate protection. Determination of enforcement action may consider, but will not be limited to, the following:

- a) seriousness of any offence(s).
- b) driver's or operator's past history.
- c) consequence of non-compliance.
- d) likely effectiveness of the various enforcement options.
- e) risk to the public.

The Council will ensure that its enforcement is in line with this Policy and also consider the Council's Enforcement Policy.

### 6.2 Penalty Points Scheme

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holder's ability to fulfil the 'fit and proper' test, a penalty points system will be utilised as described in **Appendix D**. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement,

The Penalty Points System will not, however, compromise the Council's ability to enforce breaches of statute or the Council's Licensing Policy in the Courts should an offence necessitate such action.

### 6.3 Referrals to the Licensing Sub-Committee

Whilst the day to day enforcement of hackney carriage and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers under the supervision of the licensing manager, serious disciplinary matters will be referred to the Licensing Sub-Committee.

Serious disciplinary matters will include, but are not limited to:

- a) an accumulation of twelve (12) or more penalty points as detailed in **Appendix D** during a rolling twelve (12) month period.
- b) refusal to carry a passenger without good reason.
- c) unlawful plying for hire.
- d) more than one offence of touting for business.
- e) insurance offences.
- (v) overcharging; and
- (vi) any conviction relevant to **Appendix B**.

The Licensing Sub-Committee will consider the impact of the breach, or an accumulation of penalty points, on the fitness of an individual to hold a hackney carriage or private hire licence and take appropriate action.

The individual or company will be entitled to attend a hearing with the Licensing Sub-Committee to answer allegations and/or provide any mitigating circumstances.

Prior to attending the hearing, the investigating officer will provide a written report containing all the information necessary to understand the allegation(s), the relevant sections of this Policy, the options available to the Licensing Sub-Committee and any other relevant information. The report will be provided to the individual or company at least five (5) days prior to the hearing.

The Licensing Sub-Committee may decide to take one or more of the following actions:

- a) no action.
- b) informal action (verbal or written warnings or penalty points).
- c) require the production of driving licenses or other specified documentation at the Council Offices.
- d) use statutory notices (s68 stop notices, etc.).
- e) suspend a licence.
- f) revoke a licence.
- g) other appropriate action as deemed necessary, including any combination of the above.

#### Alternative to enforcement action for first time smoking offences

To support the initiatives of Cambridgeshire & Peterborough tobacco alliance strategy, in addition to offering health benefits to offenders, first time smoking offenders may be offered a fixed period of time, at the Council's discretion, to attend an official 'stop smoking' course.

### Alternative to enforcement action when there are driving standards concerns

Where concerns are raised in respect of a driver's standard of driving, the driver may be required to re-take an appropriate driving standard assessment at the discretion of the Council. Failure to achieve a pass within a specified period will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

## **6.4 Informal Action**

Informal action to secure compliance includes offering advice, verbal or written warnings, and the issuing of penalty points.

Informal enforcement action may be appropriate in, but not limited to, the following scenarios:

- a) the act or omission is not serious enough to warrant formal action.
- b) it can reasonably be expected that informal action will achieve future compliance.
- c) confidence in the driver or operator is ordinarily high; or
- d) the consequences of non-compliance will not pose a significant risk to public safety.

## **6.5 Suspension**

### Vehicles

Hackney carriage and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specification and conditions of this Policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at the Council's nominated testing facility, at the licence holder's expense, and meets the testing requirements of this Policy.

### Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Licensing Manager. Following any temporary suspension issued, the Licensing Manager would then look to refer the licence holder to the Licensing Sub-Committee because they have been convicted of a serious criminal offence or have accumulated twelve or more penalty points under the



Council's penalty points system.

## **6.6 Section 68 (Stop) Notices**

An Authorised Officer of the Council or a Police Officer may serve notice in writing for a hackney carriage or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's nominated testing facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.

In addition, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that the Council's testing requirements have been met.

If the issuing officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

## **6.7 Revocation**

Where a licence holder has been referred to the Licensing Sub-Committee because they have:

- a) committed a criminal offence.
  - b) have accumulated twelve (12) or more penalty points issued under **Appendix D**.
  - c) no longer meet the 'fit and proper' test set out in **Appendix A**; or
  - d) for any other reason whereby the policy objectives would not be met,
- the Licensing Sub-Committee may revoke the licence. Ordinarily, any revocation is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Licensing Sub-Committee may determine that a revocation takes immediate effect and is not held pending an appeal.

## **6.8 Refusal to Renew**

As an alternative to revocation, the Licensing Sub-Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Licensing Sub-Committee may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

## **6.9 Simple Cautions**

The purpose of a Simple Caution as an alternative to prosecution is to:

- a) deal quickly and efficiently with less serious offences.

- b) divert less serious offences away from the Courts; and
- c) reduce the likelihood of repeat offences.

In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:

- d) there must be sufficient evidence of guilt to give a realistic prospect of a conviction.
- e) the offender must admit the offence; and
- f) the offender must understand the significance of the caution and give informed consent to be cautioned.

Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

## **6.10 Prosecution**

The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:

- a) blatant disregard for legislation and/or this Policy, particularly where the economic benefits are substantial and provide advantage of those licence holders who are law-abiding and compliant with this Policy.
- b) when there has been blatant and/or reckless disregard for the safety of passengers or other road users.
- c) where there have been repeated breaches of legislation or the requirements of this Policy.
- d) where an offence is prevalent, and a clear message needs to be sent; or
- e) where a contravention has caused serious public concern.

A decision on whether to prosecute may consider, but is not limited to, the following:

- a) the seriousness of the offence or contravention.
- b) the risk of harm to the public.
- c) identifiable victims (including the impact on the victims).
- d) failure to comply with statutory notices, warnings, or other enforcement sanctions.
- e) disregard of public safety for financial reward.
- f) the offender's previous history, in particular repeated offences or contraventions.
- g) the ability and willingness of witnesses to co-operate.
- h) the likelihood of future compliance.
- i) the probable public benefit of a prosecution and the importance of the case in establishing precedent or addressing public concern.
- j) whether other action, such as a Simple Caution, would be more appropriate or effective.

## **6.11 Complaints against Drivers**

Complaints against hackney carriage and private hire drivers are relatively low in Fenland District, however, when received usually relate to overcharging or unprofessional behaviour. All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.

The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to the Licensing Manager who will reach a decision in accordance with the Council Enforcement Policy and this Policy.

The outcome of any complaint will be advised to the complainant in the form of a written response.

### 7.1 Hackney Carriages

Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales when a request is received by the trade.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost- effective service at the times it is needed.

The fare for any journey that starts and ends within the Fenland District cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.

The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

The Council will review the fares tariff when a request is received from a minimum of three (3) licensed drivers. The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.

A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

### 7.2 Private Hire Vehicles

The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.

The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.

A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

## PART 8 – LICENCE FEES

### 8.1 Fee Structure

The legislation and established case law provide that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. In simple terms, the

Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.

Discretionary services that do not fall within the remit, such as pre-application advice, knowledge testing, Safeguarding Course, DBS appointments, etc. will be charged for separately utilising the same 'reasonable cost recovery' basis. This is to ensure that the cost of these applicant-specific services is not incorporated into the licence fees paid by existing licence holders.

The fees currently payable for the grant and renewal of hackney carriage and private hire licenses are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

### 8.2 Payments

The Council can accept payment by debit or credit card, or BACS payments. The Council is unable to accept cash payments.

A payment can be made by accessing our website - <https://www.fenland.gov.uk/pay> or by contacting the customer service team on 01354 654321

### 8.3 Refunds and Duplicate Copies

In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee.

Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

## **PART 9 – HACKNEY CARRIAGE RANKS (STANDS)**

### **9.1 Taxi Ranks/Stands**

The Council will periodically review the provision of hackney carriage ranks/stands within the District. If there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public regarding the suitability of existing provision.

### **9.2 Waiting on Stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a hackney carriage unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this Policy.

### **9.3 Plying for Hire**

For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi stand between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

## PART 10 – TRADE FORUM

### 10.1 Working Party

The Council wishes to encourage discussions between the trade and the licensing authority in order to promote a successful working relationship. To facilitate this, the Council has already set up a Hackney Carriage and Private Hire Working party to help facilitate the production of this policy.

We will continue to have meetings as required in order to maintain good communication and working relations between the trade and local authority. This is a combined mix of both Hackney Carriage and Private Hire drivers, and we would encourage this to continue to ensure a balanced view.

## **PART 11 – RIGHT OF APPEAL**

### **11.1 Legislation**

The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 detail an applicant's right of appeal.

In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence, or impose conditions on a licence the applicant has a right of appeal to the local Magistrates' Court. The only two exceptions are:

- a) in the case of a refusal to grant or renew a hackney carriage vehicle licence where the appeal lies directly to the Crown Court, and
- b) the decision to suspend a hackney carriage or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal

### **12.2 Appeal process**

Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.



## PART 12 – DELEGATED POWERS

### 12.1 Authorised Officers

All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Licensing Policy, save for any issues delegated to the Licensing sub-Committee

All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations may issue penalty points in accordance with **Appendix D**.

### 12.2 Licensing Manager

The following powers are specifically reserved to the Licensing Manager (or, any officer delegated to act in association with the Licensing Manager):

- a) the authorisation of applications that are compliant with this Policy,
- b) minor departures from Policy
- c) any minor amendment with regards to administration procedures as set out in section 1.3.
- d) the issuing of Stop Notices under s68 of the 1976 Act,
- e) temporary suspension of licensed drivers pending a disciplinary hearing before the Licensing Sub-Committee,

### 12.3 Licensing Sub-Committee

The following powers are specifically reserved to the Licensing Sub – Committee

- a) suspension or revocation of existing licenses
- b) refusal to renew existing licenses,
- c) refusal of new applications,
- d) any major amendments to this Policy in accordance with section 1.3
- e) setting of hackney carriage and private hire licensing fees and charges,
- f) setting of hackney carriage fare tariffs

## PART 13 – DEFINITIONS

### List of Policy Definitions

All references in this policy document can be linked to the following definitions

<b>Term</b>	<b>Definition</b>
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976
Authorised Council Officer	Any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
Statutory Guidance	Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport (dated July 2020)
IOL Guidance	Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades issued by The Institute of Licensing (dated April 2018)
the Council or the Licensing Authority	Fenland District Council
the trade	any holder of a current driver, vehicle or operator licence issued by Fenland District Council
the District	The geographical region contained within the boundaries of Fenland District
the Licensing Manager	The current post-holder (or the manager of the service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles
this Policy	Fenland District Council's Hackney Carriage and Private Hire Licensing Policy
proprietor licence	either a hackney carriage or private hire vehicle licence
Licensing Committee and Licensing Sub-Committee	The Elected Members Responsible Licensing and can act as a whole committee or can appoint members of the committee to form a sub-committee.

Registered Medical Practitioner	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
driver Licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a hackney carriage or private hire driver's licence (within the context of the specific paragraph) issued by the Council
vehicle licence	Any reference to the term vehicle licence refers to a hackney carriage or private hire proprietor licence (within the context of the specific paragraph) issued by the Council

Hackney Carriage (as defined by s 38 of the Town Police Clauses Act 1847)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Private Hire Vehicle (as defined by s 80 of the Local Government (Miscellaneous Provisions) Act 1976)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

## APPENDIX A

### THE DEFINITION OF 'FIT AND PROPER'

The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person. We will also refer to the expression "safe and suitable" as another interpretation to the meaning "fit and proper"

**At the time of an application**, the onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.

When considering disciplinary or enforcement action, **the onus is on the Council to demonstrate that the licence holder no longer meets this requirement.**

#### Definition of 'Fit and Proper'

In the absence of a judicially approved definition of "fit and proper", the Council use the test of:

***"Would the Officer charged with the ability to grant a licence allow a person for whom they care or any other person, to get into a licensed vehicle with the applicant day or night?"***

#### IOL Guidance

In deciding any applications as to a driver's suitability to be licensed, we will have full regard to the guidance document issued by the Institute of Licensing – *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.*

In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

a) Honesty and trustworthiness

Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign persons; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between

themselves and the driver.

b) Professionalism

Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour, the Council expects drivers to remain professional at all times and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers.

Confrontation should be avoided, and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

c) Good and safe driving ability

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

## **APPENDIX B**

### **THE RELEVANCE OF CAUTIONS AND CONVICTIONS**

#### **General Principles**

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within section 1.2 of this Policy, public safety.

Although regard will be taken of this Policy, each application will be determined on its own merits.

Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licenses, and the renewal of existing licenses, for hackney carriage and private hire vehicle, driver and operator licenses.

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

For the purpose of this Policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

#### **Period free from conviction**

Any reference to a period free from conviction relates to the period commencing from either:

- a) where a custodial sentence has been imposed, from the end of the custodial period; or
- b) in any other case, from the date of conviction.

#### **History**

The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether a person is 'fit and proper' the Council may consider such matters as the applicant's complaint history, their compliance with this Policy, their co-operation with licensing officers' requests, and any other reasonable matters.

## **DVLA Penalty Points**

Hackney carriage and private hire drivers should provide a professional service to the public and must always be aware of the safety of passengers and other road users. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

Convictions or cautions for traffic offences will not automatically preclude an applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.

### Six unspent penalty points or less on a current DVLA driving licence

In cases of six (6) unspent penalty points or less on an applicant's DVLA driving licence, an application will usually be granted. A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

### Seven unspent penalty points on a current DVLA driving licence

In cases of seven (7) unspent penalty points on an applicant's DVLA driving licence, an application may be granted depending on the nature of the offences and the frequency. Although all applications received both new and renewal showing seven (7) or more points on the DVLA licence will be referred to the Licensing Sub-Committee for them to determine the application.

## **Major Traffic Offences**

For the purposes of this section, major traffic offences include, but is not limited to:

- a) driving whilst disqualified,
- b) failure to stop after an accident,
- c) driving without valid insurance,
- d) careless driving, and
- e) driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc.)
- f) dangerous driving.

If the applicant has been convicted of one major traffic offence, then a licence application will be referred to the Licensing Sub-committee for them to determine.

### “Totting Up” under section 35 of the Road Traffic Offenders Act 1988

Where an applicant/licence holder has been disqualified from driving by

the courts under the “totting up” procedure, the Council will normally refuse an application until there has been a period of twelve (12) months free of relevant convictions. If the applicant has demonstrated to the court “exceptional hardship” and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve (12) months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

#### Failure to Declare Motoring Offences

Where an applicant/licence holder fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of the issuing of penalty points. If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this policy.

### **Major Traffic Offences resulting in Death**

The driving offences of causing death by:

- a) dangerous driving,
- b) careless driving,
- c) driving under the influence of alcohol or drugs, or
- d) driving unlicensed, disqualified or uninsured,

due to their nature, will be considered by the Council to be an unacceptable risk to public safety and an application will normally be refused.

### **Drunkenness**

Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.

#### In Charge of a Motor Vehicle

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public; however, an isolated incident will not automatically preclude an application from being granted.

- a) A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five (5) years from the restoration of the DVLA driving licence.
- b) More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will be refused.

#### Not in Charge of a Motor Vehicle

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.



- a) Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning as to future driving standards detailing the likely effect of further offences.
- b) More than two (2) convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three (3) years free of convictions has elapsed.

## **Drug Offences**

The Council considers all offences related to controlled substances as a serious risk to the public.

An applicant with one conviction for any Class A drug related offence, including supplying or trafficking, will be required to show a period of ten (10) years free of convictions before an application is considered.

An applicant with more than one conviction for any Class A drug related offence, including supplying or trafficking, will be considered an unacceptable risk to public safety and an application will be refused.

An applicant with a conviction for any Class B drug related offence, including supplying or trafficking, will be required to show a minimum period of five (5) years free of convictions before an application is considered. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

An applicant with a conviction for any Class C drug related offence will be required to show a period of at least three (3) years free of convictions before an application will be considered.

In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five (5) years has elapsed since the completion of a recognised detoxification programme.

## **Sexual or Indecency Offences**

As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence (other than a major offence) will normally be refused a licence until such time as they have been free of convictions for a period of seven (7) to twelve (12) years. The length of period over and above the minimum seven (7) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

### Major Sexual or Indecency Offences

For the purpose of this Policy, the following offences will be considered as major sexual or indecency offences with the highest element of risk to the public:

- a) rape.
- b) indecent or sexual assault.
- c) assault by penetration.
- d) making, distributing or possession of child pornography.
- e) trafficking and/or preparatory offences (defined by the Sexual Offences Act 2003); or
- f) sexual offences involving children or vulnerable adults

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused.

### **Violent Offences**

The Council considers all violence related offences as a serious risk to the public; offence of public order will be treated as a violent offence for the purposes of this Policy.

An application will be refused where the applicant has been convicted of:

- a) murder or attempted murder,
- b) manslaughter,
- c) any offence involving the possession of a firearm,
- d) any terrorism-related offence, or
- e) racially aggravated grievous bodily harm or malicious wounding.

An application will be refused where the applicant has been convicted of:

- f) arson,
- a) possession of a weapon (other than a firearm),
- b) any racially aggravated offence,
- c) any offence that may be categorised as domestic violence,
- d) violent disorder or riot.

unless there has been a period of ten (10) years free of conviction.

An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed above, unless there has been a period of five (5) to ten (10) years free of convictions. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

### Multiple Offences

Whilst an isolated conviction for a violent offence, other than those listed above, will not normally permanently exclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

An application will be refused in cases where an applicant has three (3) or

more separate convictions for violent offences.

## **Dishonesty**

Hackney carriage and private hire drivers are expected to be persons of trust; it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the difference in currency and become vulnerable to an unscrupulous driver. Equally, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle. As members of the public entrust themselves to the care of licensed drivers, the Council considers offences involving dishonesty as a serious risk to public safety.

An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five (5) to ten (10) years. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

## **Other Offences and Special Circumstances**

If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, or the specific circumstances of the application justify it, the application may be referred to the Licensing Sub-Committee for determination in line with the principles of this policy.

In particular, if an applicant/licence holder is not precluded by any one section of this policy but has a series of convictions that in their totality cause concern as to their ability to meet the 'fit and proper' test, the application may be referred to the Licensing Sub-Committee for determination in line with the principles of this policy.

## **Summary**

Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently excluded from obtaining a hackney carriage or private hire driver's licence.

The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within Fenland.

### **Existing Licence Holders**

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions as though they were a new applicant

Existing licence holders should be aware that if the Council receives notification from the police that a driver is being investigated for an offence that would preclude the grant of a licence or is likely to result in the revocation of an existing licence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.

- a) In the event that no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration.
- b) In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

In this situation the licence holder would be suspended and referred to the Licensing Sub-committee for them to make a decision based on the principles of this policy.

### **Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")**

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.

Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire drivers' licenses. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence. The determination as to whether certain

convictions are spent, therefore, may be a relevant exercise.

### **Mitigation and/or Exceptional Circumstances**

Where the Licensing Sub-Committee are considering whether an applicant meets the 'fit and proper' person test, the applicant will be entitled to provide them with any written mitigating circumstances.

The applicant will be invited to attend a Licensing Hearing. Prior to attending the hearing, the applicant will be provided with a committee report containing all the information necessary for the Licensing Sub-Committee to review at the hearing. The report will be provided to the applicant at least five (5) days prior to the hearing.

## APPENDIX C - DRIVER CODE OF CONDUCT

### General Responsibilities of a Licensed Driver

Licensed drivers shall use their best endeavour to promote the image of the trade by:

- a) complying with all aspects of this Policy,
- b) maintaining their vehicles in a safe and satisfactory condition at all times,
- c) attending punctually when undertaking pre-booked hiring,
- d) assisting passengers entering into and alighting from the vehicle,
- e) offering passengers reasonable assistance with luggage, and
- f) behaving in a civil, orderly and responsible manner at all times.

To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:

- a) not sound the vehicle's horn illegally to attract the passenger's attention,
- b) keep the volume of all audio equipment to a reasonable level, and
- c) switch off the engine when required to wait.

Whilst waiting on hackney carriage ranks, a licensed driver shall:

- a) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol, and
- b) remain in the vehicle where possible,
- c) no vehicle idling.

Whilst waiting at private hire operator premises, a licensed driver shall:

- a) not undertake servicing or repair of vehicles on the highway,
- b) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained, and
- c) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents.

### Driver Dress Code

The Council believes that licensed drivers have a responsibility to dress professionally and appropriately whilst undertaking hackney carriage or private hire work to promote confidence amongst members of the public, especially visitors to the District.

In order to raise the profile of the licensed trade, drivers should always operate in a professional manner and conform to minimum standard of dress and personal hygiene.

The following are deemed unacceptable: -

- a) Clothing not kept in a clean condition or which is torn or damaged;
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend;

- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.);
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel;
- e) Drivers not having either the top or bottom half of their bodies suitably clothed;
- f) Shorts, other than tailored shorts;

## **Driver Conduct**

The driver shall be respectably dressed, clean and tidy in appearance always whilst their vehicle is being made available for hire.

The driver shall always, when acting in accordance with the drivers licence granted to them, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

The driver shall not lend the badge to any other person or cause or permit any other person to wear it.

On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.

The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.

The driver shall not willfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any information illegible.

The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by enough cause, punctually attend with such vehicle at such appointed time and place.

The driver, when hired to drive to a destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.

The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.

The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

The driver must not solicit, by calling out or otherwise beg any person to hire or be carried for hire.

The vehicle shall be presented in a clean and tidy condition for each journey.

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including any time when it is not being used for hire. Therefore, the driver must not smoke or 'vape' in a licensed vehicle at any time.

The driver shall not drink or eat in the vehicle whilst conveying passengers.

The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.

The driver shall not operate the horn as a means of signaling that the vehicle has arrived.

Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

The driver must notify the Council within a period of seven (7) days of:

- a) any criminal conviction, caution, or fixed penalty notice,
- b) any driving endorsement,
- c) any change of medical condition that may impact on the ability to drive,

### **Lost Property**

A licensed driver shall diligently search the vehicle after each passenger has left the vehicle for any property which may have been accidentally left therein.

In the event of lost property being found that is identifiable to a known passenger, the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.

Any property found that is not identifiable to a passenger and not subsequently claimed within two (2) days should be taken to the nearest police station and/or left in the custody of a police officer after obtaining a receipt.

### **Carriage of Animals**

A driver may not carry any animal not belonging to a passenger in a



licensed vehicle whilst available for hire or carrying passengers.

Animals, other than assistance dogs, in the custody of passengers may be carried at the driver's discretion, provided they are restrained in a safe manner.

### Assistance Dogs

A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assist a disabled person with a physical or mental impairment.

### **Carriages of Passengers with Wheelchairs**

Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver **must** carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

Drivers of wheelchair accessible vehicles must:

- a) not refuse to carry any passenger with a wheelchair,
- b) not charge any additional fare for passengers with wheelchairs,
- c) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
- d) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
- e) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are always available in full working order when the vehicle is available for hire.

## APPENDIX D - PENALTY POINTS SCHEME

### Guidance Notes

The Penalty Points Scheme will operate as follows:

The Council's Enforcement Policy will be fully considered by the enforcing officer when determining the way any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this Appendix. If this appendix allows a range of points for the incident, the enforcing officer will determine the appropriate number of points proportionate to the offence.

Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that drivers who repeatedly contravene regulations and/or this Policy are assessed by the Licensing Manager.

### Issuing Process

Points issued to either a proprietor or driver (includes both Hackney Carriage and Private Hire) will be confirmed in writing within ten (10) working days from the discovery of the contravention or the conclusion of an investigation into a complaint, whichever is the later.

When issued, the penalty points will remain "live" for a period of twelve (12) months from the date they are imposed so that only points accumulated in a rolling twelve (12) month period will be considered.

If a driver, proprietor or operator accumulates twelve (12) or more points within a period of one (1) year from the date they are imposed, they will be required to attend a Licensing hearing with the Licensing Sub-Committee, where the appropriate action to be taken in accordance with this Policy.

Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal one-year period.

Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar

offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Enforcement Policy and the provisions of Part 6 of this Policy. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

## Appeal Process

There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction.

## Table of Offences

The penalty points are issued in conjunction with the level of fine that could be issued by the courts should the applicant be prosecuted for the offence.

The following abbreviations are used.

TPCA – Town Police Clauses Act 1847

LGMPA – Local Government (Miscellaneous Provisions) Act 1976

EA – Equality Act 2010

TA – Transport Act 1980

HC – Hackney Carriage

PH – Private Hire

Levels of Fines.

Level 1 £250, Level 2 £500, Level 3 £1,000 Level 4 £2,500 Level 5 £5,000

<b>HACKNEY CARRIAGE VEHICLE PROPRIETORS' PROVISIONS</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.40 TPCA	H01	Giving false information on an application for HC proprietors licence	Level 1	2
s. 44 TPCA	H02	Failure to notify change of address of HC proprietor	Level 1	2
s. 45 TPCA	H03	Plying for hire without a HC proprietor's licence	Level 4	8
s.47 TPCA	H04	Driving a HC without a HC driver's licence	Level 3	6
s.47 TPCA	H05	Lending or parting with a HC driver's licence	Level 3	6
s.47 TPCA	H06	HC proprietor employing an unlicensed driver	Level 3	6
s.48 TPCA	H07	Failure by HC proprietor to hold a HC driver's licence	Level 1	2
s.48 TPCA	H08	Failure by HC proprietor to produce HC driver's licence	Level 1	2
s.52 TPCA	H09	Failure to display HC plate	Level 1	2

s.54 TPCA	H10	Demanding more than the agreed fare	Level 1	2
s.49 LGMPA	H11	Failure to notify transfer of HC proprietor's licence	Level 3	6
s.50(1) LGMPA	H12	Failure to present HC for inspection as required	Level 3	6
s.50(2) LGMPA	H13	Failure to inform local authority where HC is stored if requested	Level 3	6
s.50(3) LGMPA	H14	Failure to report an accident involving a HC to local authority within 72 hours	Level 3	6
s.50(4) LGMPA	H15	Failure to produce HC proprietors' licence or insurance certificate	Level 3	6
s.57 LGMPA	H16	Making false statement or withholding information to obtain HC vehicle's licence	Level 3	6
s.58(2) LGMPA	H17	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	Level 3 plus daily fine of £10	6
s.71 LGMPA	H18	Interfering with a taximeter or allowing a vehicle to be used without an approved and tested taximeter	Level 3	6
s.73(1)(a) LGMPA	H19	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	H20	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c) LGMPA	H21	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	H22	Making a false statement to authorised persons	Level 3	6

<b>HACKNEY CARRIAGE DRIVERS' PROVISIONS</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.47 TPCA	D01	Driving a HC without a HC driver's licence	Level 3	6
s.52 TPCA	D02	Driver refusing to carry the prescribed number	Level 1	2
s.53 TPCA	D03	Refusal (without reasonable excuse) to take a fare	Level 2	4
s.54 TPCA	D04	Charging more than the agreed fare	Level 1	2

s.55 TPCA	D05	Obtaining more than the legal fare	Level 3- and 1-months imprisonment until the excess is re-funded	6
s.56 TPCA	D06	Travelling less than the lawful distance for an agreed fare	Level 1	2
s.57 TPCA	D07	Failing to wait after a deposit to wait has been paid	Level 1	2
s.58 TPCA	D08	Charging more than the legal fare	Level 3	6
s.59 TPCA	D09	Carrying any other person than the hirer without consent	Level 1	2
s.60 TPCA	D10	Driving a HC without proprietors' consent	Level 1	2
s.60 TPCA	D11	Person allowing another to drive HC without proprietor's consent	Level 1	2
s.61 TPCA	D12	Drunken driving of a HC	Level 1	2
s.61 TPCA	D13	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1	2
s.62 TPCA	D14	Driver leaving HC unattended	Level 1	2
s.64 TPCA	D15	HC driver obstructing other HC drivers	Level 1	2
s.53(3) LGMPA	D16	Failure to produce HC driver's licence	Level 3	6
s.54 LGMPA	D17	Failing to wear driver's badge when acting in accordance with a hackney carriage driver's licence	Level 3	6
s.57 LGMPA	D18	Making false statement or withholding information to obtain HC driver's licence	Level 3	6
s.61(2) LGMPA	D19	Failure to surrender drivers' licence after suspension, revocation or refusal to renew	Level 3	6
s.66 LGMPA	D20	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3	6
s.67 LGMPA	D21	Charging more than the meter fare when HC used as a private hire vehicle	Level 3	6
s.69 LGMPA	D22	Unnecessarily prolonging a journey	Level 3	6
s.71 LGMPA	D23	Interfering with a taximeter.	Level 3	6
s.73(1)(a) LGMPA	D24	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	D25	Failure to comply with requirement of authorised officer or constable	Level 3	6

s.73(1)(c) LGMP A	D26	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	D27	Making a false statement to authorised persons	Level 3	6

<b>PRIVATE HIRE VEHICLE PROPRIETORS' PROVISIONS</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.46(1)(a) LGMPA	P01	Using an unlicensed PH vehicle	Level 3	6
s.46(1)(c) LGMP A	P02	Proprietor of a PH vehicle using an unlicensed driver	Level 3	6
s.48(6) LGMPA	P03	Failure to display PH vehicle plate in prescribed manner	Level 3	6
s.49 LGMPA	P04	Failure to notify transfer of PH vehicle licence within 14 days	Level 3	6
s.50(1) LGMPA	P05	Failure to present PH vehicle for inspection as required	Level 3	6
s.50(2) LGMPA	P06	Failure to inform local authority where PH vehicle is stored if requested	Level 3	6
s.50(3) LGMPA	P07	Failure to report an accident involving a PH vehicle to local authority within 72 hours	Level 3	6
s.50(4) LGMPA	P08	Failure to produce PH vehicle licence and insurance certificate	Level 3	6
s.57 LGMPA	P09	Making false statement or withholding information to obtain private hire vehicle's licence	Level 3	6
s.58(2) LGMPA	P10	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10 per day	6
s.71 LGMPA	P11	Interfering with a taximeter	Level 3	6
s.73(1)(a) LGMPA	P12	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	P13	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	P14	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	P15	Making a false statement to authorised persons	Level 3	6

s.46(1)(b) LGMPA	D28	Driving a PH vehicle without a PH driver's licence	Level 3	6
s.48(6) LGMPA	D29	Failure to display PH vehicle plate in prescribed manner	Level 3	6
s.53(3) LGMPA	D30	Failure to produce PH driver's licence	Level 3	6
s.54(2) LGMPA	D31	Failure to wear PH driver's badge	Level 3	6
s.57 LGMPA	D32	Making a false statement or withholding information to obtain a PH driver's licence	Level 3	6
s.61(2) LGMPA	D33	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3	6
s.64 LGMPA	D34	Permitting any vehicle other than a HC to wait on a HC stand	Level 3	6
s.69 LGMPA	D35	Unnecessarily prolonging a journey	Level 3	6

s.71 LGMPA	D36	Interfering with a taximeter	Level 3	6
s.73(1)(a) LGMPA	D37	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	D38	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	D39	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	D40	Making a false statement to authorised persons	Level 3	6

PRIVATE HIRE OPERATORS' PROVISIONS				
Legislation	Code	Offence	Maximum Penalty	Penalty Points
s.46(1)(d) LGMPA	O01	Operating a PH vehicle without a PH operator's licence	Level 3	6
s.46(1)(e) LGMPA	O02	Operating a vehicle as a PH vehicle when the vehicle or driver is not licensed as a PH vehicle or PH driver	Level 3	6
s.56(2) LGMPA	O03	Failure by PH operator to keep a record of bookings	Level 3	6
s.56(3) LGMPA	O04	Failure by PH operator to keep records of PH vehicles operated by him	Level 3	6
s.56(4) LGMPA	O05	Failure to produce PH operator's licence on request	Level 3	6
s.57 LGMPA	O06	Making a false statement or withholding information to obtain a PH operator's	Level 3	6

		licence		
s.73(1)(a) LGMPA	O07	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	O08	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	O09	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	O10	Making a false statement to authorised persons	Level 3	6

<b>EQUALITY ACT 2010</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s. 168 (2)(a) EA 2010	EA1	Refusal by HC driver to carry an assistance dog unless in possession of an exemption certificate	Level 3	6
s. 168 (2)(b) EA 2010	EA2	HC driver making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3	6
s. 170 (1)(a) EA 2010	EA3	Refusal by PH operator to accept booking if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person	Level 3	6
s. 170 (2) EA 2010	EA4	PH operator making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3	6
s. 170 (3)(a) EA 2010	EA5	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person,	Level 3	6
s. 170 (3)(b) EA 2010	EA6	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is that the disabled person is accompanied by an assistance dog.	Level 3	6



Transport Act 1980				
Legislation	Code	Offence	Maximum Penalty	Penalty Points
s.64(2)(a) TA 1980	TR1	Driving a Private Hire vehicle with a roof sign that contravenes section 64(1) of the Act	Level 3	6
s.64(2)(a)	TR2	Causing or permitting a Private Hire vehicle to be driven with a roof sign that contravenes section 64(2)(b)	Level 3	6
Fenland District Council Hackney Carriage and Private Hire Driver Conditions				
Code	Offence		Max Penalty	Penalty Points
Fenland District Council Hackney Carriage and Private Hire Driver Conditions				
FDC01	Failure to comply with Hackney Carriage/Private Hire Vehicle Drivers Conditions of Licence			4
Fenland District Council Hackney Carriage and Private Hire Vehicle Licence Conditions				
FDC02	Failure to comply with Hackney Carriage/Private Hire Vehicle Conditions of Licence			4
Fenland District Council Operator Licence Conditions				
FDC03	Failure to comply with Private Hire Vehicle Operator Conditions of Licence			4
FDC04	Any other reasonable cause.			3 – 12

## **APPENDIX E**

### **CONDITIONS FOR LICENSING STRETCHED LIMOUSINES**

#### **Permitted Vehicle Types**

Left-hand drive limousines will be permitted as private hire vehicles

Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.

All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.

All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.

All limousines licensed as private hire vehicles must:

- a) reduce their seating capacity to a maximum of eight (8) passengers,
- b) not carry more than eight (8) passengers, including children, at any time,
- c) not carry passengers in any seats in the driver's compartment,
- d) ensure that any advertising of the limousine states the maximum seating capacity.

#### **Legislation**

Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must always be worn by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted, they must always be worn by passengers whilst the vehicle is in motion.

If alcohol drinks are to be provided in the vehicle:

- a) an appropriate licence under the Licensing Act 2003 must be in effect,
- b) alcohol may only be sold whilst the vehicle is stationary,
- c) whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
- d) if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
- e) all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.

The driver shall not play or permit the performance of any media that,

given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle.

Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.

Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.

Limousines that are licensed private hire vehicles may only be booked from and dispatched by a licensed private hire operator and driven by a licensed private hire driver; all three licenses must be issued by the same licensing authority.

## APPENDIX F - RIGHT TO WORK

### Guidance Notes

From 1 December 2016, the Council is under a new legal duty to ensure that both the driver and operator licenses are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement. This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

All applicants will need to attend the Council Offices where a council officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a knowledge test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation are acceptable.

- a) For applicants who are British Citizens  
All you need to provide is a British passport confirming you are a British Citizen  
If you do not have a British passport you can produce any of the other documents contained within **List A**.
- b) For applicants who are not British Citizens but have no restrictions on their right to work in the UK  
All you need to provide is any of the other documents contained within **List A**.
- c) For applicants who have restrictions on their right to work in the UK  
You will need to produce any of the documents contained within **List B**. If your documentation proves a right to work that expires prior to the normal licence expiry date, your licence will only be granted for the period we have proof of a right to work.

If you have a VISA that confirms your right to reside in the UK, but it is attached to an expired passport we cannot accept this as proof. You will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a six-month licence can be granted to allow time for the Home office to process the application.

You must bring original documentation (not a photocopy) and it is your responsibility to make sure you can provide acceptable forms of documentation.

The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and

take a photocopy for Council records.

If the documentation you provide demonstrates that you have a permanent right to work in the UK (from **List A**) you will not be required to produce documentation for future applications.

In other cases, you will be required to provide your documentation when you next apply to renew your licence so that your right to work can be verified again at that point in time.

### **List A**

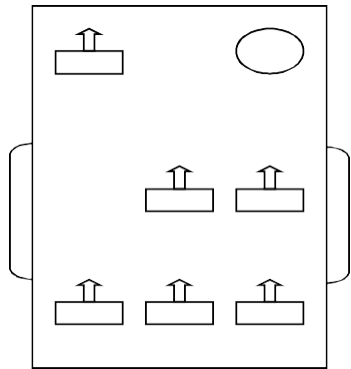
- a) A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- b) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- c) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- d) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- e) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- f) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- g) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- h) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- i) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- j) A certificate of registration or naturalisation as a British Citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

### **List B**

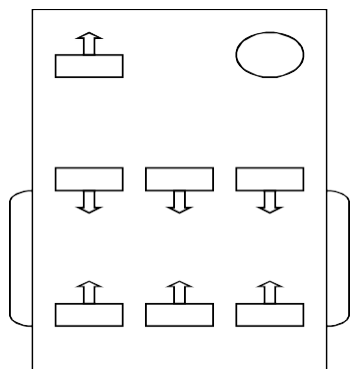
- a) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- b) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- c) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- d) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- e) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. *This licence may be granted for six months from the date of the Certificate of Application.*
- f) A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in-time application, appeal or administrative review and which is outstanding. *This licence may be issued for six months from the date of the licence decision.*

## APPENDIX G

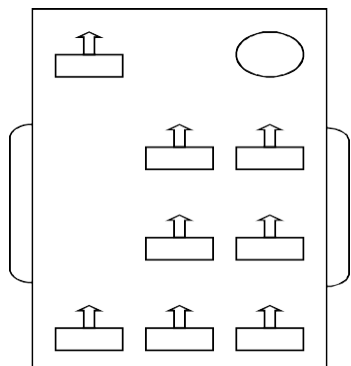
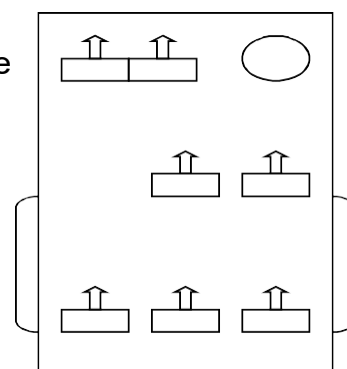
### APPROVED SEATING CONFIGURATIONS IN MULTI-PASSENGER



Six-seater vehicle





Seven-seater vehicle



Eight-seater vehicle

 Driver

 Passenger Seat     Passenger facing

 Door

## **APPENDIX H**

### **VEHICLE COMPLIANCE STANDARDS**

#### **Guidance**

Standards of vehicle test to be applied in addition to the statutory requirements of the MOT test.

This document is intended to provide practical guidance to the Council's vehicle testers charged with assessing vehicles being issued with a Certificate of Compliance.

It will also give a general insight into the type of examination the vehicle will be subjected to before it can be issued with a Certificate of Compliance.

It is the responsibility of owners, operators and drivers to ensure that their vehicles always comply with the current rules and regulations of the appropriate Road Traffic Act and current Construction and Use Regulations.

Where a vehicle is found not to conform to the requirements of an MOT test and/or the compliance test standards, that vehicle may have its licence suspended until the Council's authorised officers are satisfied that the vehicle is fit to be licensed.

No adaptations, alterations, modifications, additional equipment, optional extras except for tow bars fitted to a professional standard, are to be fitted to the vehicles without the prior approval of the Council.

Any owner wishing to alter or modify the vehicle, including the fitting of extras or alternative parts to those supplied by the manufacturer must seek prior permission from the Council.

Certain modifications may require special inspection by the Council's Authorised Officer or his/her nominee before approval is given. (A fee may be applicable).

When a vehicle presented for compliance test fails that vehicle will have to be re-submitted for a full compliance test and the fee charged will be the re-test fee.

All compliance failure items must be resolved before a vehicle licence plate can be issued.



## APPENDIX I – FENLAND DISTRICT COUNCIL BYELAWS

These Byelaws were made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875, by the Fenland District Council with respect to hackney carriages in Fenland District.

### Interpretation

1) Throughout these byelaws “the Council” means the District Council of Fenland and “the District” means Fenland District.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.

- 2) a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
b) A proprietor or driver of a hackney carriage shall.
  - i. I not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
  - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3) The proprietor of a hackney carriage shall.

- a) provide sufficient means by which any person in the carriage may communicate with the driver.
- b) cause the roof or covering to be kept water tight.
- c) provide any necessary windows and means of opening and closing not less than one window on each side.
- d) cause the seats to be properly cushioned or covered.
- e) cause the floor to be provided with a proper carpet, mat, or other suitable covering.
- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.
- g) provide means for securing luggage if the carriage is so constructed as to carry luggage.
- h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
- i) provide at least two doors for the use of persons conveyed in such a separate means of ingress and egress for the driver.

- 4) (a) The proprietor of a hackney carriage shall cause any taximeter, with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:
- b) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.
  - c) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
  - d) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;
  - e) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - f) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - g) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges.**

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

- 6) A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
- 7) Every proprietor of a hackney carriage not provided with a taximeter fitted with a flag or other device bearing the words "for hire" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
  - a) the sign shall bear the words "For Hire" in plain letters at least one and a half inches in height and
  - b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is for hire.
- 8) The driver of a hackney carriage provided with a sign in pursuance of Byelaw 7 shall
  - a) when standing, or plying for hire, operate the sign so that the words "For Hire" is clearly and conveniently legible by persons outside the carriage.
  - b) as soon as the carriage is hired, whether by distance or by time, operate the said sign so that the words "For Hire" are not conveniently legible to persons outside the carriage.
- 9) the driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
  - a) where appropriate proceed with reasonable speed to one of the stands fixed by the Council, where appropriate, in that behalf except that in March the driver shall not station the carriage in the stand if the other two places in the stand are occupied by carriages owned by his firm or by the firm for which he is driving;
  - b) on arriving at a stand in Wisbech not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction.
  - c) in respect of b) above from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 10) a proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such

carriage and shall not make use of the services of any other person for the purpose.

- 11) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 12) The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 13) A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 14) If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when, hired, wear that badge in such position and manner as to be plainly visible.
- 15) The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
  - a. conveys a reasonable quantity of luggage.
  - b. affords reasonable assistance in loading and unloading;
  - c. affords reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares**

- 16) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.


Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- 17) a. The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

- 18) The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 19) The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
  - a. carries it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - b. is entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

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Agenda Item No:	12	
Committee:	COUNCIL	
Date:	15 December 2025	
Report Title:	Review of Licensing Statement of Policy Document - Licensing Act 2003 following responses received during consultation.	

## 1 Purpose / Summary

- To adopt the Statement of Licensing Policy for the period of 2026 - 2031

## 2 Key issues

- The last policy was adopted by Council in December 2020.
- The legislation states that the policy should be reviewed every five years
- The consultation for the draft policy took place from 15 September 2025 until 26 October 2025
- The results of the consultation and draft policy were taken to the Licensing Committee on 24 November 2025. Minutes of the meeting can be seen here - [Agenda for Licensing Committee on Monday, 24th November, 2025, 10.00 am - Fenland District Council](#)

## 3 Recommendations

- That Council approve the statement of licensing policy for the period of 2026- 2031 as per **APPENDIX A**

<b>Wards Affected</b>	All Wards
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Councillor Sam Hoy, Portfolio Holder for Licensing
<b>Report Originator(s)</b>	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: <a href="mailto:mbishop@fenland.gov.uk">mbishop@fenland.gov.uk</a>
<b>Contact Officer(s)</b>	Amy Brown, Assistant Director <a href="mailto:amybrown@fenland.gov.uk">amybrown@fenland.gov.uk</a> Peter Catchpole, Corporate Director, 01354 654321, <a href="mailto:petercatchpole@fenland.gov.uk">petercatchpole@fenland.gov.uk</a>

<b>Background Paper(s)</b>	<p>Licensing Act 2003 <a href="https://www.legislation.gov.uk/ukpga/2003/30/contents/enacted">Licensing Act 2003 (legislation.gov.uk)</a></p> <p>Section 182 Guidance <a href="https://www.gov.uk/guidance/section-182-guidance-revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022">Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (accessible) - GOV.UK (www.gov.uk)</a></p> <p>The Council's Licensing Policy Statement Current Licensing Policy <a href="#">FENLAND DISTRICT COUNCIL</a></p> <p>Government Policies and Guidance</p>
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## Report:

### **1 Background / introduction**

- 1.1 The Council as the Licensing Authority has a statutory duty to review its Statement of Licensing Policy under the Licensing Act 2003 every five years.
- 1.2 The current policy was adopted at Full Council and came into effect on 01 January 2021.
- 1.3 The Licensing Act 2003 requires each Licensing Authority to prepare and publish a Statement of Licensing policy under the Licensing Act. The statement sets out how the authority intends to approach its licensing responsibilities and how it intends to promote the four licensing objectives namely:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.4 The Licensing Policy is to be renewed every five years, and the draft policy will cover the period of 2026 - 2031
- 1.5 On 24 November 2025, the Licensing Committee approved the draft policy and recommended it for approval to Council. A copy of the minutes can be seen at [Agenda for Licensing Committee on Monday, 24th November, 2025, 10.00 am - Fenland District Council](#)
- 1.6 All comments made during the Licensing Committee meeting have been made to the draft policy.

### **2 Considerations**

- 2.1 The consultation on the draft Statement of Licensing Policy took place from 15 September 2025 until 26 October 2025.
- 2.2 The draft policy can be seen at **APPENDIX A**, which includes a change log highlighting the sections added or amended.
- 2.3 All Responsible Authorities were notified by email of the draft Licensing Policy.
- 2.4 Notification of the draft policy was also given to Town/Parish Councils and made available on our Council's website.
- 2.5 The draft policy was promoted on social media platforms.
- 2.6 Responsible Authorities, residents and other public consultees were invited to comment on the draft policy.

### **3 IMPLICATIONS**

#### **3.1 Legal Implications**

The Legal implications are as set out in this Report.

### 3.2 Financial Implications

The proposed Statement of Licencing Policy does not attract any new or additional financial implications.

### 3.3 Equality Implications

3.1 There are no new or additional equalities considerations arising as a result of the proposals set out in this report.

### 3.4 Community Implications

A Community Impact Assessment will be undertaken in relation to the draft Hackney Carriage & Private Hire policy 2026 - 2031.

## 4 APPENDICES

The proposed Statement of Licencing Policy can be seen at APPENDIX A.



## **Fenland District Council**

# **DRAFT - Statement of Licensing Policy 2026 - 2031**

Approved: TBC  
Effective: TBC

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## Summary of Changes

Section Number	Current wording	New wording	New Section added
3.3	Previous consultation and policy approval dates	Dates updated in line with consultation and committee/council dates	
6.12			Agent of Change
6.13			Equality and Inclusion in Licensed Premises
6.14			Women's Safety and Wider Vulnerability
6.15			Terrorism Act(Martyn's Law)
Appendix A – Responsible Authority list		Email addresses updated for RA's	

Approved: **TBC**  
Effective: **TBC**

## Preface

This Statement of Licensing Policy has been prepared by Fenland District Council acting as the licensing authority under section 5 of the Licensing Act 2003. It represents the authority's policy with respect to the exercise of its licensing functions for the licensing of the sale and supply of alcohol, certain forms of entertainment and the provision of late-night refreshment.

This statement of licensing policy will be kept under review throughout its period of validity and amended as considered necessary. Any amendments will be subject to consultation, with the exception of changes that may be required in line with legislation requirements.

The statement takes effect from **01 January 2026** and will be scheduled for review in **2031**

The Act has introduced greater flexibility for the entertainment industry, which can have a positive impact upon local communities in Fenland. This is balanced by tougher controls for the police and the licensing authority and an opportunity for other businesses and residents to raise concerns in the event of those greater freedoms having an adverse effect on our communities.

Fenland District Council covers an area of 54,645 hectares and is situated in the north-east of Cambridgeshire between the larger and contrasting centres of Cambridge, Peterborough, King's Lynn and Huntingdon. The area is predominantly rural in character with four market towns at Chatteris, March, Whittlesey and Wisbech plus a number of villages and hamlets. It has a population of approximately 102,742.

The Fenland district offers a wide and developing variety of culture, history, businesses, recreation and dwellings with transport infrastructure provided by the mainline railway to London, Peterborough, Cambridge and Stansted Airport, and local bus services.

# **1. Introduction**

## **1.1 Foreword**

The licensing regime implemented by the Act and operated by Fenland District Council as licensing authority is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act. Applications covered by the Act and relevant to this statement include:

- personal licences
- premises licences – including provisional statements
- variations
- transfers
- interim authorities
- temporary events
- club premises certificates
- designated premises supervisors
- reviews

Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria.

However, it should be recognised that this policy covers a wide variety of premises and activities undertaken therein, including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 23:00 hours. For this reason, it is not practical to detail all the possible factors that could influence the achievement of the licensing objectives in any given scenario.

## **1.2 Licensing Committee**

The Licensing Act gained Royal Assent on 10 July 2003 and replaced regimes previously administered by either the Licensing Justices or the local authority with a unified system of licensing under the control of the local authority. The new regime came into effect on 24 November 2005. The council set up a Licensing Committee as part of these changes.

The Licensing Authority is required to discharge its licensing function through a committee of between 10 and 15 members known as the Licensing Committee. The Council has appointed a Licensing Committee compatible with this requirement and a Licensing Sub-Committee has been established to determine applications. The quorum of the Sub-Committee is three members.

No licensing functions may be discharged by the Council's executive. The vast majority of licensing functions cannot be undertaken by the Council itself but are the



responsibility of a special Licensing Committee which has been established by the Council. The responsibilities and powers are detailed in the Act. Fenland's statutory Licensing Committee comprises twelve councillors appointed by the whole Licensing Authority, that is, the Full Council.

### **1.3 Licensing Function**

The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the council's area. It makes for a vibrant and attractive area, which subsequently has a positive effect on employment. The licensing authority also recognises that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.

The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in Fenland. It will assist all applicants in endeavouring to meet their aspirations within the law.

The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise and street crime. It is, however, recognised that the licence holder has limited control over individuals once they are away from the premises.

The licensing authority recognises that the diverse range of licensed premises throughout Fenland makes a major contribution to attracting both initial and repeat visitors to both the historic localities, and diverse venues.

### **1.4 Key Aims**

The key aims of this statement of licensing policy are for the council as the licensing authority to:

- Promote and give precedence to the licensing objectives
- Recognise the need to assist in building a fair, vibrant, and prosperous society in Fenland that properly balances the rights of residential communities, the business sector and other relevant parties
- Secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in Fenland.
- Integrate its aims and objectives with other initiatives that will:
  - create an attractive and vibrant area, which has a positive effect on employment
  - reduce local crime, disorder and anti-social behaviour
  - reduce alcohol harm
  - stop the supply and use of illegal drugs in licensed premises
  - encourage the self-sufficiency of local communities
  - reduce the burden of unnecessary regulation on businesses and promote self-help
  - reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on Emergency Services

- continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion and achievement of the objectives set out in this policy
- give direction to applicants, so that they can make informed decisions in respect of their own ventures.

When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives.

However, it should be recognised that this policy covers a wide variety of premises and activities undertaken therein, including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late-night food premises and vehicles selling hot food or hot drink after 23:00 hours. For this reason, it is not practical to detail all the possible factors that could influence the achievement of the licensing objectives in any given scenario.

## 2. Licensing Objectives

The 2003 Act requires the Licensing Authority to undertake its various licensing functions in a manner that promotes the four licensing objectives.

These are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

These objectives are the only matters to be considered in determining the application. Any conditions to be attached must be necessary to achieve the licensing objectives.

In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

The section below sets out the Local Authority policy in relation to each objective.

### 2.1 Prevention of Crime and Disorder

The District Council acknowledges that the Police are the main source of advice on Crime and Disorder.

Fenland District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon Fenland District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include:

- under-age drinking
- drunkenness on premises
- public drunkenness
- drugs
- violent behaviour
- anti-social behaviour

Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises.

Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives.

In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications.

Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten working days minimum statutory notice, to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder. The Licensing Authority acknowledges that 'ten working days' notice' means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

## **2.2 Public Safety**

Fenland District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

Licence holders have a responsibility to ensure the safety of those using their premises as part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered.

The following non exhaustive examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- provision of effective CCTV in and around premises

The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. The District Council expects applicants to consider these when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they will achieve that.

## **2.3 Prevention of Public Nuisance**

Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. Fenland District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises,

whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti- social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.

In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- the hours of opening, particularly between 23.00 and 07.00
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and, in particular, the presence of noise-limiting features
- the availability of public transport
- ‘wind down period’ between the end of the licensable activities and closure of the premises
- last admission time

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)

- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting
- management arrangements for collection and disposal of litter
- effective ventilation systems to prevent nuisance from odour.

## **2.4 Protection of Children From Harm**

It is an offence under the 2003 Act to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate, or temporary event notice. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premise where the consumption of alcohol is not the exclusive or primary activity.

Between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises.

It is not intended that the definition 'exclusively or primarily' in relation to the consumption of alcohol should be applied in a particular way by reference to turnover, floor space or any similar measure. The expression should be given its ordinary and

natural meaning in the context of the particular circumstances. It will normally be quite clear that the business being operated at the premises is predominantly the sale and consumption of alcohol. Mixed businesses may be harder to pigeonhole, and we would advise operators to consult with enforcement agencies where necessary about their respective interpretations of the activities taking place on the premises before any moves are taken which may lead to prosecution.

The protection of children from harm is a most important issue. It is hoped that family- friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional

responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programs or videos. This includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances, children are more vulnerable, and their needs will require special consideration.

Conditions requiring the admission of children to any premises cannot be justified and will not be attached to licenses or certificates.

The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include:

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises will be imposed by the District Council in these circumstances.



The District Council recognises the Cambridgeshire Safeguarding and Standards Unit as the lead responsible authority in relation to the protection of children from harm.

The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol
- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or Fenland District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to assess the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

### **3. Statement of Licensing Policy**

The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Licensing Authority for Fenland ('the Council') makes this Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 ('The Act'). The policy sets out how Fenland will exercise its licensing functions. Licensing functions are the duties and powers of the Council in its capacity as 'the Licensing Authority'.

The licensing authority under the Licensing Act 2003 and is responsible for the licensing of licensable activities as defined under the Act.

These are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment;
- The provision of late night refreshment (i.e. the supply of hot food or hot drink between 11pm & 5am).

#### **3.1 Regulated Entertainment**

This is where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. The descriptions of entertainment are:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance.

Entertainment of a similar description to a performance of live music, recorded music or performance of dance.

#### **3.2 Other Legislation**

This policy statement will not seek to regulate matters which are provided for in other legislation e.g. planning, health & safety, fire safety etc.

The Secretary of State has provided guidance on the relationship between planning and licensing stating that they are separate regimes. Where the Licensing Authority receives relevant representations that a licensing proposal is contrary to a planning

consent and that to grant a licence for such activity would be likely to affect the licensing objectives then a refusal, or the attaching of conditions to prevent such a use until the position has been regularised may be appropriate. It would be expected that a responsible and prudent applicant would ensure that an appropriate planning consent was in place before submitting a licence application.

### **3.3 Policy Consultation**

This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Home Office Guidance issued under Section 182 of the Act.

The 2003 Act further requires the Licensing Authority to monitor, review, and, where appropriate, amend its Statement of Licensing Policy.

Before determining its policy for any five-year period, the Licensing Authority will consult the community and in particular:

- The chief officer of police for the area (Cambridgeshire Constabulary)
- The fire authority for the area (Cambridgeshire Fire and Rescue Service)
- Persons/bodies representative of local holders of premises licences
- Persons/bodies representative of local holders of club premises
- Persons/bodies representative of local holders of personal licences; and
- Persons/bodies representative of businesses and residents in its area

The views of all these persons/bodies listed will be given appropriate weight when the policy is determined. It is recognised that it may be difficult to identify persons or bodies' representative for all parts of industry affected by the provisions of the 2003 Act, but the Licensing Authority will make reasonable efforts to identify persons or bodies concerned.

The consultation process was conducted by way of an email to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration.

In determining its policy, the Licensing Authority will have regard to the guidance issued under Section 182 of the Licensing Act 2003.

This Statement of Licensing Policy was reviewed in 2025, circulated for consultation between 15 September 2025 and 26 October 2025 prior to being approved by Licensing Committee on 24 November 2025 and ratified by Council on 15 December 2025.

### **3.4 Disclaimer**

Advice and guidance contained in the Statement of Licensing Policy is intended only to assist readers and should not be regarded as legal advice. Readers are strongly

advised to seek their own individual legal advice if they are unsure of the requirements of the Licensing Act 2003 or of the Guidance or Regulations issued under the Act.

### **3.5 Stakeholders**

There are a number of groups which have a stake in the leisure industry, including providers, customers, residents and enforcers, all of which have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

In developing this policy statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Responsible Authorities), the views of existing licence holders, businesses, voluntary groups and residents were also considered. Due consideration was given to the views of all those who responded to that consultation process.

### **3.6 Need for Licensed Premises**

There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

## 4. Links to Strategies and Plans

In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in Fenland District Council's local strategies on crime prevention, planning, transport, culture, tourism, community, eGovernment and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact upon this Statement of Licensing Policy.

This Statement of Licensing Policy will have key links to the Cambridgeshire & Peterborough Joint Health and Wellbeing Strategy, which prioritises reducing health inequalities. The Clinical Commissioning Groups emerging Primary Care Network and Fenland District Council's Health and Wellbeing Strategy. Public Health Strategic Plan and the NHS Long Term Plan, which includes commitments to reduce alcohol-related hospital admissions and improve access to treatment. Public Health has been working closely with representations from Fenland District Council and Fenland Community Safety Partnership to work collaboratively to address alcohol misuse and we welcome an inclusion of the role of this partnership and associated strategies in this section.

Licensing decisions can support these aims by promoting responsible alcohol retailing and creating safer environments.

Licensing policy can contribute to these goals through evidence-based decision making and partnership working.

The Licensing Authority recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Licensing Authority also recognises its responsibilities under the Data Protection Act 2018, and the General Data Protection Regulation (GDPR) when it comes to

handling and storing personal data, and has created a data retention and sharing policy which is available via the Council's website.

## 5. Licensing Process

### 5.1 Applications – Overview

When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003 and the licensing objectives
- Home Office Guidance issued under Section 182 of the Licensing Act 2003
- any supporting regulations
- this Statement of Licensing Policy

This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.

When one part of Fenland District Council seeks a premises license from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly and impartially by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

It should be noted that incomplete applications will not be accepted and processed but will be returned with an explanation of why it is incomplete.

The licensing authority welcomes applications made via Fenland District Council's electronic application facility.

### 5.2 Delegation Function

The District Council appreciates the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. The District Council delegates decisions and functions and has appointed officers and established sub-committees to deal with them.

Where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers to speed matters through the system.

With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Council has an approved scheme of delegation of functions under the Licensing Act 2003.

The Act itself requires that applications be granted unless a representation or objection is raised. Where a function is delegated to an officer, they will be responsible for liaising with the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to proportionate and necessary conditions. Where objections/representations are made, the officer will liaise with the applicant, those making the representation and the responsible authorities to see if a settlement is possible to overcome the representations without the need for the matter to go before the licensing subcommittee. Only where issues are raised which cannot be agreed will the application be referred through to the licensing sub-committee for determination.

### **5.3 Licensing Committee Hearings**

Whilst contested licensing applications are quasi-judicial in nature, the licensing sub-committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal representation with them if they wish, this is not a requirement.

Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.

The licensing sub-committee will determine each case on its individual merits whilst taking into consideration the terms of this policy document. Where the licensing sub-committee determines that it is appropriate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

The licensing authority will expect the applicant to have had due regard to the contents of this policy and the attached appendices that provide guidance only.

A decision of the licensing authority can be the subject of an appeal at the magistrates' court. As a consequence, the licensing authority will record full reasons for any decision(s) made. The refusal of an application does not prevent a further application being made, but the licensing authority would expect the applicant to carefully consider the issues of concern before doing so.

Regulation 24 of the Licensing Act 2003 (Hearings) Regulations requires the District Council to give all parties at licensing hearings an equal maximum period of time to present their case.

Copies of applications and letters of representation will be included within the report and distributed prior to hearings before a Licensing Sub Committee. Applicants, Responsible Authorities, and Other Persons wishing to present additional evidence in support of their application/representations should do so at least 3 working days before the hearing starts. Failure to do so may result in the Licensing Sub-Committee dis regarding this additional evidence.

#### **5.4 Applications for Premises Licence or Club Certificate**

Where no premises licence or club premises certificate exists in respect of a premises, an application for a new premises licence or club premises certificate must be made to enable the carrying out of licensable activities.

Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a set of plans, which will be endorsed and issued with the premises licence/club premises certificate.

Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a 'copy of the public notice'. This acknowledges the applicants understanding for the requirement of displaying notices and should avoid any undue delay in the application process.

Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a 'copy of the public notice. This acknowledges the applicants understanding for giving a copy of the application to the responsible authorities and should avoid any undue delay in the application process.

Where applications have to be advertised, licensing officers will routinely check that public notices are displayed at the premises and in a local newspaper as part of the application validation process.

The District Council is required under the Act to suspend premises licenses and club premises certificates where the annual fee has not been paid. The District Council will invoice each licence/certificate holder when the annual fee is due. Where the fee has not been paid or there has been no claim of administrative error, the District Council will serve a notice to suspend the licence until such time as the fee has been paid.

#### **5.5 Applications to Vary a Premises Licence or Club Premises Certificate**

An application to vary an existing premises licence or club premises certificate should be made where the proposed variation is in respect of changes to the types of licensable activities that are to be undertaken and/or the hours that those activities are to take place, or where structural changes are to be made to the premises.



Where the proposed variation to a premises licence or club premises certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in addition to the existing premises licence or club premises certificate and the plan to which it relates.

If the actual date when the alterations have been completed differs from that requested, applicants must inform the licensing authority so that the premises licence or club premises certificate can be issued correctly. Failure to do so may result in an offence being committed under Section 136 of the Licensing Act 2003 of carrying on a licensable activity otherwise than under and in accordance with an authorisation.

## **5.6 Licence Conditions**

The District Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or Other Persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and appropriate to achieve the Licensing Objectives.

Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.

The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of consideration of the representations.

The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and thereby achieve the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.

To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.

Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives.

Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned.

If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such. The Licensing Authority reserves the legal right to amend the wording of offered prohibitions or restrictions to ensure they are clear and enforceable but will ensure that the amended wording does not go beyond the original offering.

The Licensing Authority will consider all applications on an individual basis and any condition attached to such a licence will be tailored to each individual premise, depending upon the facts of each particular application, to avoid the imposition of disproportionate, unnecessary and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be necessary for promotion of the licensing objectives.

## **5.7 Shadow Licence**

Nothing within the 2003 Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person. (section 2, Licensing Act 2003). The s.182 Guidance further provides at paragraph 8.19, "There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held."

Shadow Licences may occur where for example a Landlord seeks to protect the Premises Licence by creating a 'shadow licence' where the licensed premises are operated by a tenant. Shadow licences are usually created on the same terms as the existing premises licence.

When granting a licence on a premises that already holds a premises licence, the responsible authorities may seek to add conditions to the additional licence, that mirror the current premises licence or may seek to impose a 'cooling off' period before trading can begin. Responsible authorities are also able to review the shadow licence whenever the original licence is under review. It must always be clear to the responsible authorities as to which licence is in operation to avoid two individuals trading within the same licensed area at the same time under a different premises licence.

## **5.8 Licencing Hours**

The licensing authority deals with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours extending beyond 11pm, higher standards of control generally need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where crime and / or anti-social behaviour takes place. There is no presumption within the legislation for longer opening hours.

In considering all licence applications, the licensing authority takes into account the adequacy of the measures proposed to deal with the potential for nuisance and/or public disorder and has regard to all the circumstances of the case.

Where no representations are received an application is approved as applied for. Where a hearing or a review takes place the licensing authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area. In addition, the licensing authority may in the case of an application refuse to grant a licence and at a review, revoke an existing licence. Throughout the application process consultation with relevant partners is welcomed and encouraged.

The licensing authority recognises that having fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The licensing authority aims, through the promotion of the licensing objectives, to reduce the potential for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.

The licensing authority does not seek to adopt fixed terminal hours in designated areas (known as "zoning"), as this can lead to the significant movement of people across boundaries in search of premises opening later.

Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

## **5.9 Permitted Temporary Activities (TENs)**

The Act requires that a minimum of 10 working days' notice must be given for a standard temporary event notice and a minimum of 5 working days' notice for a late temporary event notice. Section 193 of the Act defines a 'working day' as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

'Working days' notice means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

There is no discretion to relax either the 10 working days' notice or the five working days' notice, so the District Council encourage notice givers to provide the earliest possible notice within 12 months of events likely to take place.

## **5.10 Large Scale events**

These are events that are temporary, but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The licensing authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organizer / applicant to provide the licensing authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted.

It is expected that the applicant will consider how their event will take place safely and how it will impact on the surrounding area. For large events such as festivals the licensing authority will expect to receive an event management plan to be submitted with their application for a licence. An event management plan should be a working document to include information which outlines how the premises will be run during the event. Details should be provided of (although not limited to):

- Roles and responsibilities of the event organiser
- Crowd management
- Contractor management
- Electrical, gas and water supply
- Temporary structures
- Fire safety
- Medical and first aid provision
- Site accessibility
- Traffic Management
- Security staff/stewards/marshals
- Incident management
- Health and Safety management for members of the public
- Welfare provision for members of the public

The licensing authority requires they are given at least six months' notice to allow for a sufficient lead in time. Failure to consult in sufficient time may result in an objection on the grounds that insufficient time has been allowed to properly assess and consult to ensure that, in particular, public safety is not undermined.

Fenland Council has an established Events Safety Advisory Group (ESAG). This includes relevant council officers, representatives of the emergency services and the voluntary first aid sector. ESAG's aim is to advise on safety at public events held throughout Fenland, regardless of whether or not a premises licence or a temporary event notice is required. Event organisers are encouraged to contact the Licensing team for advice at the earliest opportunity when planning their community events.

### **5.11 Applications for Personal Licences**

The Police and Home Office Immigration will have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

An individual may seek a personal licence regardless of whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

The licensing authority must grant a personal licence if the applicant:

- is aged 18 years or over
- is in possession of a relevant licensing qualification or is a person of a prescribed description
- has not forfeited a personal licence in the previous five years, beginning with the day the application was made
- has not been convicted of any relevant offence under Schedule 4 of the Act, or a foreign offence
- has the right to work in the UK
- has paid the appropriate fee to the licensing authority

Applicants with unspent criminal convictions for the relevant offences set out in the Licensing Act 2003 are encouraged to first discuss their intended application with the police and licensing authority before making an application.

In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a relevant criminal record office basic disclosure certificate, with the application form, together with a signed disclosure form by them.

The licensing authority and police may arrange a joint interview with a prospective personal licence holder(s) to discuss the circumstances surrounding their conviction(s). Ultimately, the police may be minded to object to the grant of the personal licence. In these circumstances, the applicant is entitled to a hearing before

the licensing sub- committee. The application will be refused, based on the police's objection, if the licensing authority considers it appropriate for the crime prevention objective to do so.

Fenland District Council licensing authority will be the 'relevant licensing authority' for all personal licences, regardless of the subsequent place of residence of the holder. It will maintain all notified changes of address on its database.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to allow the Licensing Authority to suspend, for up to 6 months, or revoke a Personal Licence upon a Personal Licence Holder being convicted of a Relevant Offence.

## **5.12 Responsible Authorities and Other Persons**

Responsible authorities are public bodies that are statutory consultees that must be notified of licensing applications. A list of the responsible authorities in respect of applications and notices made to the District Council can be found at Appendix A to this policy or alternatively at [www.fenland.gov.uk/licensing](http://www.fenland.gov.uk/licensing) .

An "other person" is defined as any person who lives or is involved in a business in the relevant authority's area, who is likely to be affected by the application. The Licensing Authority will also consider the term 'involved in any businesses in its widest possible context, which might include partnerships, charities, faith groups and medical practices.

Cambridgeshire County Council Director of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings. This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders. This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.

When dealing with licensing applications for premises licences and club premises certificates the District Council is obliged to consider representations from two categories of persons, referred to as responsible authorities and other persons. This allows for a broad range of comment to be received both for and against the licensing applications.

The District Council has carefully considered its role as the Licensing Authority as a Responsible Authority under the Act. It achieves separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest.

The District Council does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be exceptional circumstances where this approach may be required.

In cases where this Licensing Authority is also acting as responsible authority there will be a separation of powers between those officers who exercise that role and those who administer the licensing application to ensure procedural fairness and eliminate conflicts of interest.

### **5.13 Representations**

Any Responsible Authority or Other Person may make relevant representations on applications for the grant of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.

A representation will only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation in relation to Other Persons must not be frivolous or vexatious.

Only the Chief Officer of Police may make representations in respect of the grant of a personal licence relating only to the crime prevention objective of the Act.

As the Licensing Authority must be satisfied that the representation is made by an Other Person, which can generally only be determined by reference to the name and address of the person making it, this authority will not consider any representation that fails to provide those details.

Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant or his/her representative. The Licensing Authority accepts that in exceptional circumstances another Person may not wish for his/her personal details to be disclosed to the applicant.

Where the Licensing Authority considers that a relevant representation has been made and that exceptional circumstances exist, details of the name and address may be deleted from the copy of the representation that is provided to the applicant or his/her representative.

In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates' Court against the decision of the committee.

Where the Responsible Authorities or Other Persons do not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.



## **6. Compliance**

### **6.1 Cultural Activities**

The Licensing Authority recognises the need to encourage and promote a broad range of entertainment for the wider cultural benefit of the communities. A natural concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly the cultural benefits for young people. In determining what conditions should be attached to licence and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority is aware of the need to avoid measures which deter regulated entertainment by imposing indirect costs of a disproportionate nature.

### **6.2 Duplication**

The District Council has a firm commitment to avoid duplication with other regulatory regimes so far as possible. For example, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are 'necessary' for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered as necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities particularly regulated entertainment, at specific premises and tailored conditions may be necessary.

### **6.3 Enforcement**

The District Council recognises that most licence, certificate and notice holders seek to comply with the law. Notwithstanding, any enforcement action will take a graduated approach and in the first instance will include education and guidance. Where holders of authorisations continue to flout the law or act irresponsibly then firm action, including prosecution may be taken.

Fenland District Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. The authority has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, Fenland District Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

The Enforcement Concordat is based upon the principles that businesses should:



- receive clear explanations from enforcers of what they need to do and by when
- have opportunities to resolve differences before enforcement action is taken, unless immediate action is needed
- receive an explanation of their rights of appeal.

A copy of the Council's Enforcement Policy is available on [www.fenland.gov.uk](http://www.fenland.gov.uk).

The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or break the law consistently.

#### **6.4 Inspection of Licensed Premises**

The Licensing Authority aim to inspect premises on a risk based approach to secure compliance with the Licensing Act and to promote the licensing objectives.

Authorised officers will have the discretion as to which premises require a 'during performance' inspection and the frequency when they are undertaken. Where appropriate, joint visits will take place encompassing a number of relevant agencies.

The Licensing Authority works in partnership with all of the Responsible Authorities under the Licensing Act 2003 on enforcement issues. This joint working protocol provides for a more efficient deployment of staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises, which require greater attention, while providing a lighter touch in respect of low-risk premises, which are well run.

The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principal of risk assessment and targeting will prevail, and inspections will not be taken routinely but if and when they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

#### **6.5 Complaints regarding Licenced Premises**

The licensing authority will investigate or refer to other relevant agencies/council services complaints received against licensed premises where appropriate, normally providing that the complainant's personal details and the nature of the issue(s) must be provided from the outset. For certain matters the complainant may be encouraged to raise the issue of concern directly with the licensee.

In exceptional circumstances the personal details referred to above may not be required, whilst the facts of the complaint are referred onto the police.

## **6.6 Annual fees for Premises Licence and Club Premises Certificates**

The Police Reform and Social Responsibility Act 2011 introduced a requirement for Licensing Authorities to suspend Premises Licences and Club Premises Certificates when the annual fee is not paid by the due date.

Where a licence or certificate holder disputes the presented fee, or claims an administrative error prior to the annual fee due date, the suspension will start after the 21-day permitted grace period has expired.

## **6.7 Review of Licences**

Where possible and appropriate, the Licensing Authority and the Responsible Authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

The Act sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. This arrangement will follow an application from a responsible authority or any other person. The Section 182 guidance will be used to ensure that all matters for review are considered appropriately. The process shall not be subject to abuse by disaffected parties. Matters for consideration must be relevant, and not vexatious, frivolous or repetitious. However, matters involving the following may be considered as serious shortcomings by the licensing sub-committee at their hearings:

- use of licensed premises for the sale and distribution of illegal drugs and/or the laundering of the proceeds of drug crimes
- use of licensed premises for the sale and/or distribution of firearms
- evasion of copyright in respect of “pirated” films and music
- underage purchase and/or consumption of alcohol
- use of licensed premises for prostitution or the sale of unlawful pornography
- use of licensed premises for unlawful gaming
- use of licensed premises as a base for organised criminal activity
- the closure of the premises by a senior police officer, or an environmental health officer due to noise nuisance
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
- use of licensed premises for the sale of smuggled tobacco or goods
- the use of licensed premises for the sale of stolen goods
- where the police are frequently called to attend to incidents of disorder
- prolonged and/or repeated instances of public nuisance
- where serious risks to public safety have been identified, and the management is unable or unwilling to correct those
- where serious risks to children have been identified e.g. repeat underage sales
- significant or repetitive breaches of licence conditions/licensing law
- failure to act on previous warnings/advice/uncooperative attitude towards authorised officers.

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by the licensing authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:

- the modification of the conditions of the licence
- the exclusion of a licensable activity from the scope of the licence
- the removal of the designated premises supervisor
- the suspension of the licence for a period not exceeding three months
- the revocation of the licence.

Any Responsible Authority or Other Person may apply for a review of a Premises licence or a club premises certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.

Where an Other Person applies for a review, the Licensing Authority must be satisfied that the application is relevant. There is no appeal to the decision of the Licensing Authority other than by the way of Judicial Review.

This Authority will not consider any application that fails to provide the name and address applicable to the Other Persons.

## **6.8 Crime and Policing Act 2014 – Closure Notice**

A senior police officer, of the rank of superintendent or higher, or an inspector of weights and measures, may issue a closure notice where there is evidence that a person has committed the new offence of persistently selling alcohol to children at the premises in question, and he considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it.

A closure notice will prohibit sales of alcohol at the premises in question for a period not exceeding 48 hours; and will offer the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed in the notice. The premises licence holder will have fourteen days to decide whether or not to accept the proposed prohibition or to elect to be tried for the offence. Where the licence holder decides to accept the prohibition, it must take effect not less than fourteen days after the date on which the notice was served at a time specified in the closure notice.

Closure notices may be served by police officers, trading standards officers and community support officers.

Anti-Social Behaviour, Crime and Policing Act 2014 permits an authorised officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within its curtilage is causing a public noise nuisance. The 'test' is a lesser one than required to determine a statutory noise nuisance and the statutory defence of 'best practicable means' is not available.

The licensing authority also recognises that there are other tools and powers at their, and their partner agencies', disposal. All powers are subject to change and amendments, in particular by the Anti-Social Behaviour, Crime and Policing Act 2014. More details can be made available on request to the licensing authority.

## **6.9 Immigration Act 2016**

The Immigration Act 2016 amends the Licensing Act 2003 to provide Immigration Officers enforcement powers. An Immigration Officer will be able to issue an "illegal working closure notice" for up to 48 hours if he or she is satisfied, on reasonable grounds, that an employer operating at the premises is employing a person who does not have the correct work status.

The closure notice prohibits access to the premises unless authorised in writing by the immigration officer.

An application to the Court for a compliance order must be made by the immigration officer and heard within 48hrs after service of the closure notice. The Court may issue the compliance order if satisfied, on the balance of probabilities, that an illegal worker was working on the premises and that it is necessary to make the order to prevent the employer at the premises from employing illegal workers.

The Court can make an order which includes, prohibiting the access to the premises; requiring right to work checks to be carried out; requiring right to work documents to be produced and specifying times for an immigration officer to enter the premises. A compliance order can have effect for a maximum of 12 months, but the immigration officer may apply for this to be extended.

The Court will notify the licensing authority of the order and the licensing authority must then review the premises licence. If an offence is committed in relation to the compliance order, the court can impose a prison sentence for up to 51 weeks or a fine.

The licensing authority will have regard to the European Convention on Human Rights particularly:

- Article 6- entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal and
- Article 8 - the right to respect for home and private life; and
- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions, as they may interface with the licensing objectives.

## **6.10 Regulated Entertainment**

Having regard to Fenland District Council's equality and diversity policies and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities.

The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events.

The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children & young people.

## **6.11 Planning and Building Control**

The licensing authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.

The licensing authority would normally expect that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, the licensing authority acknowledges that applications for premises licences or club premises certificates may be made prior to any relevant planning permission having been sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained.

The licensing authority recognises that licensing applications should not be a re-run of planning applications, nor should they cut across decisions taken by the planning committee or following appeals against decisions taken by the Council's planning committee. The licensing authority's licensing committee will not be bound by decisions made by the Council's planning committee and vice versa.

Where the granting of any variation to a premises licence or club premises certificate involves a material alteration to a premise, the licensing authority would expect the applicant to apply for relevant planning permission or building control consent where appropriate.

The licensing authority recognises that when, as a condition of planning permission a terminal hour has been set for the use of the premises for commercial purposes, and where these hours are different from the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

## **6.12 Agent of Change**

It is well established that an entertainment venue moving into an area adjacent to residents must take measures to ensure that the activities in the new building will not cause noise problems for those living nearby.

However, the position in reverse, where new residential development is located next to a noise source, has not been equally clear.

The inclusion of an explicit reference to the agent of change is therefore a change of emphasis and clarifies the application of the principle. The National Planning Policy Framework (NPPF) now states that both planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (e.g. places of worship, pubs, music venues and sports clubs). “Unreasonable restrictions” should not be placed on existing businesses because of development permitted after they were established.

“Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

### National Planning Policy Framework

The Licensing Authority will take into account the Agent of Change principles.

## **6.13 Equality and Inclusion in Licensed Premises**

Fenland District Council’s vision, as outlined in our Corporate Plan, is to uphold a strong commitment to equality, diversity, and inclusion, particularly through our people, while striving to become a more efficient, effective, and customer-focused organisation

The Council will work with its partners and local communities to challenge discrimination, to celebrate diversity and to promote cohesion.

Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website <https://www.equalityhumanrights.com>.

- The Act makes discrimination against any person (including employees and customers) unlawful
- Section 149 (7) of the Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- Any activity in breach of the Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

The Council must have regard to its public sector equality duty under the Equality Act 2010. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between people who share a relevant protected characteristic and people who do not share it

There is no one size that fits all approach to making a venue inclusive, and each operator will need to assess its own practices and policies. However, the following are common and best practice examples that could be adopted:

- Inclusive and transparent policies (for example admittance policies may clearly stipulate adherence to a dress code and refusal if someone presents as intoxicated; however, they must not prevent admittance based on perceived attractiveness, size, or against any of the protected characteristics)
- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff. It is important that any training is regularly refreshed.

#### **6.14 Women's Safety and Wider Vulnerability**

This Authority are committed to tackling violence against women and girls and are working alongside the Community Safety Partnership (CSP) to develop and promote a Violence Against Women and Girls Strategy to include both verbal and physical. The Licensing Authority is committed to tackling violence against women and girls, and we strive to foster an environment amongst our licensed premises that ensure all women feel safe whether they are workers, residents or visitors.

The safety of women within the night-time economy is crucial, as often the nighttime can pose a risk of harassment, unwelcome situations and a feeling of vulnerability.

As a licensed premises, establishing clear policies and staff training can create a more secure atmosphere and implementing simple measures such as well-lit entrances and exits and having visible security can enhance overall safety and comfort for women in social spaces.



The Licensing Authority has set out examples of measures that can be undertaken to promote women's safety at a licensed premises:

### **Staff Training**

- Providing staff training which focuses on increasing the skills, knowledge and confidence to identify vulnerability and what the appropriate interventions should be.
- We encourage regular refresher training sessions to stay updated on best practices, emerging issues and campaigns relating to the promotion of women and vulnerable people safety and wellbeing.
- Multiple agencies have partnered together to develop & support the 'Business Against Abuse' training which is a free training course and is available across Fenland District Council.

### **Ask for Angela/Safe space**

- This Authority supports and promotes the 'Ask for Angela' scheme, it encourages licence holders to sign up and be part of making their venue a Safe Space.
- 'Ask for Angela' scheme is designed for woman/men or vulnerable person that can make a discreet signal by asking for Angela, to alert staff if they are in danger or need help removing themselves from a situation.
- A safe space within your premises can be used by customers if they feel uncomfortable or threatened. The area should be secure and monitored by appropriate security personnel.
- All staff should be aware of where these areas are located within the premises and all staff trained in the 'Ask for Angela' scheme.

### **Drink Spiking:**

- As a licensed premises, suitable measures should be taken to prevent incidents of spiking. In November 2024 the Government announced that spiking will become a new criminal offence.
- The following are examples within the range of behaviours that would be considered spiking:
  - Putting alcohol into someone's drink without their knowledge or permission
  - Putting drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Premises must ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police.
- It is helpful to the police if staff: obtain full details of the affected person reporting the incident, including a description of what they are wearing; can provide a description of the suspected perpetrator, if known, including clothing; can provide an approximate time of the incident and the location within the premises where they believe it occurred; can secure the



drinking vessel(s) that is suspected as containing the 'drug' so this can be tested at a later time; and can seize any drinking vessel that the suspect may have been using.

- Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer
- Consider providing information (such as posters) regarding drink spiking on the premises.
- Consider whether it would be useful to provide anti spiking bottle stoppers and protective drink covers.
- Where bottles of alcohol are purchased from the bar and left unsupervised at tables, suitable steps should be taken to ensure this doesn't pose an additional risk because of free pouring or putting alcohol into someone's drink without their knowledge or permission. This could lead to an increased vulnerability particularly to women and girls

#### **Incident Reporting:**

- Reporting incidents is essential for several reasons. It helps to ensure accountability by bringing attention to inappropriate behaviour which can lead to necessary interventions and consequences for offenders. It can also contribute to recognising patterns of behaviour and trends which allow for preventative measures to be implemented
- Don't be afraid to encourage incident reporting within your premises, raising awareness can foster a culture of transparency, responsibility and ultimately it supports women in validating their experience

### **6.15 The Terrorism (Protection of Premises) Act**

The Terrorism (Protection of Premises) Bill will soon become legislation. It is also known as Martyn's Law.

The Bill is intended to ensure public premises and events are better prepared for terrorist attacks and ready to respond. It will require them to take reasonably practicable actions, which vary accordingly, to mitigate the impact of a terrorist attack and reduce physical harm. In addition to this, certain larger premises and events must also take steps to reduce the vulnerability of the premises to terrorist attacks.

This will be done by mandating, for the first time, who is responsible for considering the risk from terrorism and how they would respond to a terrorist attack at certain premises and events.

Dedicated guidance and support will be provided for duty holders to ensure that those in scope have the required information on what to do and how best to do it.

There are different requirements which are determined by the capacity of the venue.

Persons responsible for a standard duty premises, i.e. qualifying premises where it is reasonable to expect that between 200 and 799 individuals may be present at the same time, will be required to:

- notify the regulator of their premises; and
- put in place appropriate and reasonably practicable public protection procedures as set out in the legislation.

These procedures are to be followed by people working at the premises if an act of terrorism was to occur at the premises or in the immediate vicinity, which may be expected to reduce the risk of physical harm being caused to individuals. This includes ensuring there are procedures in place to provide information to individuals on the premises and to evacuate, invacuate or lockdown the premises.

The requirements for standard duty premises are focused on simple activities surrounding policies and procedures, which are to be followed by staff in the event of terrorist attack or suspected terrorist attack occurring. The aim of these requirements is to improve staff preparedness and responses. There is no requirement to put in place physical measures in this tier. Furthermore, the reasonably practicable element will enable standard duty premises to tailor their approach to the resources they have available.

Enhanced duty premises and qualifying events are premises or events where it is reasonable to expect that 800 or more individuals may be present on the premises or attend the event at the same time. In addition to the same procedures as standard duty premises, persons responsible for enhanced duty premises and qualifying events will be required to:

- notify the regulator of their premises/event;
- put in place appropriate and reasonably practicable public protection measures that could be expected to reduce both: the vulnerability of the premises or event to an act of terrorism occurring at the location, and the risk of physical harm being caused to individuals if an attack was to occur there or nearby.

For example, enhanced duty premises will be required, insofar as reasonably practicable, to implement measures relating to the monitoring of the premises and their immediate vicinity;

- document the public protection procedures and measures in place, or proposed to put in place, and provide this document to the regulator. This document should include an assessment as to how those procedures and measures may be expected to reduce, so far as is

reasonably practicable, vulnerability and risk of harm.

Where the responsible person for an enhanced duty premises or qualifying event is not an individual, they must appoint an individual as a designated senior individual with responsibility for ensuring that the relevant requirements are met.

## **7. Special Policies**

The Licensing Act 2003 permits a Licensing Authority to introduce a number of special policies within its Statement of Licensing Policy where evidence exists to support the introduction of such a special policy.

### **7.1 Cumulative Impact of a Concentration of Licenced Premises**

“Cumulative impact” means the potential impact upon the promotion of the licensing objectives where there are a number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.

The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.

The Licensing Authority may adopt a special policy on cumulative impact based on evidence that a significant number of licensed premises concentrated in one area are resulting, in unacceptable levels of crime and disorder or public nuisance.

During the adoption of such policy, Section 5A of the Licensing Act will be observed and any policy of this nature will be considered by the Licensing Sub-Committee when deciding on the granting or refusing of applications.

### **7.2 Early Morning Restriction Orders (EMRO)**

The power for this licensing authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions and the regulations prescribing the requirements in relation to the process were brought in force on 31st October 2012. Government Guidance has also been produced.

The legislation provides this licensing authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority must be satisfied that such an order would be appropriate to promote licensing objectives.

The only exemptions relating to EMRO's are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service. The decision to implement an EMRO will be evidence based.

The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the Licensing Committee.

### **7.3 Late Night Levy**

The legislative provisions relating to the late-night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions. Government Guidance has been produced.

These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. The function of making, varying or ceasing the requirement for a levy may not be delegated to the licensing committee.

### **7.4 Public Spaces Protection Orders (PSPO)**

Public Space Protection Orders (PSPO's) replaced Designated Public Place Orders (DPPO's) when the Anti-social Behaviour Crime and Policing Act 2014 came into effect.

Fenland District Council's Community Safety Partnership is responsible for the introduction and management of PSPO's within the district.

## **8. Further advice and guidance**

The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities will offer as much advice and guidance to applicants as resources permit.

The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that he/she discusses his/her proposal with the Licensing Section and those from who they think representations are likely prior to submitting an application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

All application forms and further advice can be obtained from Fenland District Council's licensing pages - [www.fenland.gov.uk/licensing](http://www.fenland.gov.uk/licensing)

You can also contact a member of the team by emailing [licensing@fenland.gov.uk](mailto:licensing@fenland.gov.uk)

If additional assistance is required, the Licensing Authority provides a paid for licensing pre-application advice service for all applicants. Full details are available on the Council's website.

### **8.1 Other Relevant Legislation**

#### **Adult Entertainment**

The District Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions. The District Council acknowledges that there is an exemption which allows sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Premises using this exemption should ensure that procedures are in place to exclude children when entertainment of this nature is offered.

#### **Gaming Machines**

Automatic entitlement in licensed premises. There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D.

### **Gaming Machine Permit**

If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and the District Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as licensing officers consider relevant.

### **Exempt Gaming**

Premises licensed under the Licensing Act 2003 may offer gaming such as poker and bingo provided the stakes and prizes do not exceed permitted levels. Details of these limits are available from the District Council or the Gambling Commission.

## Appendix A: Responsible Authorities

### Cambridgeshire Constabulary

Police Licensing Officer (Fenland)

Email: [licensingnorth@cambs.police.uk](mailto:licensingnorth@cambs.police.uk)

### Cambridgeshire Fire and Rescue Service

Email: [fireprotectionnorthconsultations@cambsfire.gov.uk](mailto:fireprotectionnorthconsultations@cambsfire.gov.uk)

### The Body Responsible for the Protection of Children from Harm

[ReferralCentre.Children@cambridgeshire.gov.uk](mailto:ReferralCentre.Children@cambridgeshire.gov.uk)

[Hannah.watt@cambridgeshire.gov.uk](mailto:Hannah.watt@cambridgeshire.gov.uk)

Web: [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

### Local Authority Planning Authority

Fenland District Council Development Services

Fenland Hall County Road March Cambridgeshire PE15 8NQ

Telephone: 01354 654321

Web: [www.fenland.gov.uk](http://www.fenland.gov.uk)

Email: [planning@fenland.gov.uk](mailto:planning@fenland.gov.uk)

### Public Health

Cambridgeshire County Council

Email: [HealthinAllPolicies@cambridgeshire.gov.uk](mailto:HealthinAllPolicies@cambridgeshire.gov.uk)

### Local Authority Environmental Health Services

Fenland District Council Environmental Health

Fenland Hall County Road Cambridgeshire PE15 8NQ

Telephone: 01354 654321

Email: [envhealth@fenland.gov.uk](mailto:envhealth@fenland.gov.uk)

### The Body Responsible for Health and Safety

#### Environmental Health

Fenland Hall County Road March Cambridgeshire PE15 8NQ

Telephone: 01354 654321

Email: [dsadler@fenland.gov.uk](mailto:dsadler@fenland.gov.uk)

### Local Authority Licensing Compliance Officer

Licensing Compliance Officer - Andy Fox

Fenland Hall County Road March Cambridgeshire PE15 8NQ

Telephone: 01354 654321



Email: [Afox@fenland.gov.uk](mailto:Afox@fenland.gov.uk)

Web: [www.fenland.gov.uk](http://www.fenland.gov.uk)

**Weights and Measures (Trading Standards)**

Email: [ts.administration@cambridgeshire.gov.uk](mailto:ts.administration@cambridgeshire.gov.uk)

**Home Office Immigration**

Email: [IE.licensing.applications@homeoffice.gov.uk](mailto:IE.licensing.applications@homeoffice.gov.uk)

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