

FAREHAM

BOROUGH COUNCIL

AGENDA

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 13 June 2017

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor Ms S Pankhurst (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S M Bell

F Birkett

T M Cartwright, MBE

Mrs T L Ellis

M J Ford, JP

Mrs C Heneghan

L Keeble

A Mandry

Mrs K Mandry

R H Price, JP

Mrs K K Trott



Deputies: K D Evans
S Cunningham

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel: 01329 236100
democraticservices@fareham.gov.uk**

1. Apologies for Absence

2. Minutes (Pages 5 - 6)

To confirm as a correct record the minutes of the meeting of the Committee held on 11 May 2017.

3. Chairman's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Responsibilities of the Licensing and Regulatory Affairs Committee

To receive a presentation by the Head of Environmental Health on the responsibilities of the Licensing and Regulatory Affairs Committee.

7. Taxis and Wheelchair Accessibility (Pages 7 - 10)

To consider a report by the Head of Environmental Health on Taxis and Wheelchair Accessibility.

8. Licensing and Regulatory Affairs Committee Work Programme (Pages 11 - 16)

To consider a report by the Head of Environmental Health on the Committee's Work Programme for 2017/18.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
5 June 2017

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FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Thursday, 11 May 2017

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Mrs P M Bryant (Chairman)

Councillor Ms S Pankhurst (Vice-Chairman)

Councillors: Mrs S M Bayford, Miss S M Bell, F Birkett, T M Cartwright, MBE,
Mrs T L Ellis, M J Ford, JP, Mrs C Heneghan, L Keeble,
A Mandry, Mrs K Mandry, R H Price, JP and Mrs K K Trott

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES

RESOLVED that the minutes of the Licensing and Regulatory Affairs Committee held on 21 March 2017 be confirmed and signed as a correct record.

3. APPOINTMENT OF LICENSING PANEL

RESOLVED that:-

- (a) a Licensing Panel be appointed for 2017/18 with those terms of reference and delegated powers previously determined by the Committee on 01 February 2005, as amended on 23 January 2007 and subsequently confirmed by the Council on 15 February 2007;
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Panel for 2017/18.
- (c) members of the Licensing and Regulatory Affairs Committee be appointed to the Licensing Panel, such that it comprises the Chairman and two members of the Committee, appointed on a rotating basis, subject to their having completed the necessary training.

4. APPOINTMENT OF TRADING CONCESSIONS PANEL

The Committee was reminded that it had decided to appoint a Trading Concessions Panel to deal with occasional issues from the grant of concessions in West Street, Fareham. The Committee was invited to appoint the Panel for 2017/18.

RESOLVED that:

- (a) Councillors Miss S M Bell, Mrs P M Bryant, T M Cartwright, L Keeble and Mrs K Mandry be appointed to the Licensing Trading Concessions Panel for 2017/18; and
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Trading Concessions Panel for 2017/18.

(The meeting started at 2.50 pm
and ended at 3.00 pm).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **13 June 2017**

Report of: **Head of Environmental Health**

Subject: **Taxis and Wheelchair Accessibility**

SUMMARY

In 2004 and in 2008 the Licensing and Regulatory Affairs Committee considered the requirements of the Disability Discrimination Act 1995 in relation to wheel chair accessible Hackney Carriage vehicles. This report updates the Committee on the current situation regarding wheelchair accessible vehicles in the Borough.

RECOMMENDATION

That Members consider whether the current arrangements for wheelchair accessible vehicles are sufficient.

INTRODUCTION

1. A report to the Licensing & Regulatory Affairs Committee in 2004 reported on how the Government had decided to implement the taxi provisions of the Disability Discrimination Act (DDA) 1995 in England and Wales over a ten year period (2010-2020) on a phased basis.
2. The decision can be seen in the Minutes of that meeting linked via the Background Papers.
 - (a) that the proposed changes to the requirements for Taxi Accessibility under the Disability Discrimination Act 1995 be noted; and
 - (b) that the officers be requested to note members' comments concerning the report, including the differing types of hackney carriage vehicle preferred by all the different sections of the community, the financial and health and safety implications for the taxi trade, the need for the Council to consult with representatives of the trade on the requirements of the Act and the criteria used to select the licensing authorities in the 'first phase'.
3. Further updates were taken to the Licensing & Regulatory Affairs Committee on the following dates:
 - March 2008
 - March 2009
 - March 2011

CURRENT SITATUION

4. There has been no further guidance from the Government since the last report was taken to the Licensing & Regulatory Affairs Committee. In 2008 the Department for Transport were working on developing technical specifications to form the basis of the design and performance requirements for accessible taxis. This has not been produced to date. This failure to produce a basic design is in itself a problem to the Taxi Trade as vehicles are already available that are wheelchair accessible but these are expensive and if a mandatory design for accessible vehicles is then produced, the operators may be faced with considerable additional costs.
5. Fareham Borough Council currently has 3 wheelchair accessible vehicles licensed as Hackney Carriages. This represents approximately 1% of the 306 Hackney Carriages currently licenced. This number has diminished from 9 (3%) in 2008 and is likely to be due to vehicles getting older and not being replaced like for like.
6. There are many private hire companies outside of the Borough who can provide wheelchair accessible vehicles. Private Hire vehicles (PHV) are allowed to pick up and drop off anywhere whereas Hackney Carriage vehicles have to pick up or drop off in the area they are licensed.

7. The following are figures for wheelchair accessible vehicles in local authorities which are near to or border Fareham Borough Council area:
- (a) Gosport – 38 HC 0 PHV
 - (b) Eastleigh – 5 HC 47 PHV
 - (c) Havant – 7 HC 12 PHV
 - (d) Portsmouth – 85 HC 27 PHV
8. The Licensing section has received no direct complaints in the last year (1 indirect) and generally receives very few complaints. When they do receive a complaint it is generally at a time such as Christmas when there is a higher demand than usual for all taxis.

RISK ASSESSMENT

9. There are no significant risk considerations in relation to this report

CONCLUSION

10. From 6 April 2017 it was illegal for the drivers of wheelchair accessible vehicles to discriminate against wheelchair accessible users. In a change to the law, drivers found to be discriminating against wheelchair users face fines of up to £1,000 as part of provisions being enacted from the Equality Act. Drivers may also face having their taxi or private hire vehicle (PHV) licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons will be able to apply to their licensing authority for an exemption from the new requirements.
11. However, neither the proposed guidance or technical specifications for wheelchair accessible vehicles have been forthcoming.
12. Therefore the situation regarding the provision of wheelchair accessible vehicles is unchanged.

APPENDICES

None

Background Papers:

- a. [The Disability Discrimination Act 1995](#)
- b. [Statement of Mr McNulty \(Under Secretary of State for Transport and Excerpt from Taxi Accessibility Regulations – Department for Transport](#)
- c. [Report of the Chief Health and Regulatory Services Officer - The Disability Discrimination Act 1995 - First Phase of Taxi Provisions - 21 July 2004](#)
- d. [Minutes of the meeting held 21 July 2004.](#)
- e. [Report of the Director of Regulatory Services – The Disability Discrimination Act 2005 in Relation to Taxis – March 2008.](#)
- f. [Minutes of the meeting held 18 March 2008.](#)

- g. [Report of Director of Regulatory Services – Disability Discrimination Act 1995 \(Taxis\) 17 March 2009](#)
- h. [Minutes of the meeting held 17 March 2009.](#)
- i. [Report of Director of Regulatory and Democratic Services – Taxi Wheelchair Accessibility – 22 March 2011](#)
- j. [Minutes of the meeting held 22 March 2011](#)

Reference Papers:

None

Enquiries:

For further information on this report please contact Ian Rickman (Ext 4773)

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date 13 June 2017

Report of: Head of Environmental Health

Subject: LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2017/18

SUMMARY

At its meeting in March, the progress of the Work Programme for 2016/17 was considered by the Licensing and Regulatory Affairs Committee and a Work Programme for 2017/18 was agreed. Members are now invited to note the actions from the last meeting and to agree the Work Programme for 2017/18.

RECOMMENDATION

That the Committee:-

- (a) notes the progress on actions arising from the meeting of the Committee held on 21 March 2017, as shown in Appendix A to the report; and
- (b) agrees the Work Programme for 2017/18, attached as Appendix B to the report.

INTRODUCTION

1. At the Committee meeting on 21 March 2017, the Committee agreed a Work Programme for 2017/18 which was submitted to the Council for approval at its meeting on 27 April 2017.

MONITORING

2. Details of progress on actions arising from matters considered at the meeting on 21 March 2017 are shown in Appendix A for members' information.

WORK PROGRAMME FOR 2017/18

3. The Work Programme for 2017/18 is attached as Appendix B. Members are asked to note and agree the inclusion of Licensing and Regulatory Affairs training which will be arranged to take place prior to the Committee meeting on 19 September 2017.

RISK ASSESSMENT

4. There are no significant risk considerations in relation to this report

CONCLUSION

5. The Committee is invited to:-
 - (i). note the progress on matters considered by the Committee at its last meeting, as shown in Appendix A; and
 - (ii). agree the Licensing and Regulatory Affairs Committee Work Programme for 2017/18, as set out in Appendix B.

Background Papers:

Reference Papers:

Enquiries:

For further information on this report please contact Ian Rickman. (Ext 4773)

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee – 13 June 2017

Progress on Actions from last meeting

Date of Meeting	21 March 2017
Subject	UPDATE ON FAREHAM AND GOSPORT ENVIRONMENTAL HEALTH PARTNERSHIP
Type of Item	Verbal presentation
Action by Committee	<p>The Committee received a presentation by the Head of Environmental Health which provided Members with an update on the Fareham and Gosport Environmental Health Partnership.</p> <p>The presentation outlined the Partnership milestones achieved since December 2010, the management and scope of the Partnership, staffing restructures that have taken place across the two offices, financial information, current performance and current issues, particularly the need to reconsider the future provision and cost effectiveness of the Pest Control Service.</p>
Outcome	RESOLVED that the Committee note the significant progress and considerable cost saving that has been achieved since the Partnership commenced.
Link Officer	Ian Rickman
Subject	UPDATE ON THE ALIGNMENT OF FEES AND CHARGES
Type of Item	Verbal presentation
Action by Committee	<p>The Committee received an update from the Head of Environmental Health on the alignment of Fees and Charges across the Boroughs of Fareham and Gosport.</p> <p>Members were advised that Fees and Charges are different between Fareham and Gosport. Recently, Portsmouth City Council has taken over the management of Gosport Borough Council, so little progress has been in this area, although it has been raised by the Partnership Member Panel. Portsmouth City Council has demonstrated a very positive attitude towards this partnership.</p>
Outcome	RESOLVED that the Head of Environmental Health be thanked for providing the verbal update
Link Officer	Ian Rickman

Subject	FINAL REVIEW OF WORK PROGRAMME 2016/17 AND DRAFT WORK PROGRAMME 2017/18
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on the Committee's Work Programme for 2016/17 and a proposed draft Work Programme for 2017/18.</p> <p>Members were invited to put forward suggestions for the 2017/18 Work Programme. It was suggested that the Update on Taxis and Wheelchair Accessibility scheduled to take place at the June meeting should include an opportunity to view the content of the disability video that is shown as part of the application procedure for new Hackney Carriage/Private Vehicle Hire driving licenses.</p>
Outcome	<p>RESOLVED that the Committee:-</p> <ul style="list-style-type: none"> (a) note the Work Programme for the current year 2016/17; (b) agree the proposed Work Programme for 2017/18; and (c) submit the proposed Work Programme for 2017/18 to Council for endorsement.
Link Officer	Ian Rickman

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2017/18**

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
13 June 2017	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee Review of Work Programme 2017/18 Update on Taxis and Wheelchair Accessibility	
11 July 2017	Review of Work Programme 2017/18	
19 September 2017	Setting of Taxi Tariff Review of Work Programme 2017/18 Police Update – Jason Pearce Actual Revenue Expenditure 2016/17 Boundary Commission for England Review	Training
28 November 2017	Review of Work Programme 2017/18	
23 January 2018	Preliminary Review of Work Programme 2017/18 and Draft Work Programme 2018/19 Spending Plans 2018/19 Fees and Charges 2018/19	
27 March 2018	Update on Fareham & Gosport Environmental Health Partnership – Presentation Final Review of Work Programme 2017/18 and Draft Work Programme 2018/19	

