

AGENDA
LICENSING AND REGULATORY AFFAIRS
COMMITTEE

Date: Tuesday, 22 September 2015

Time: 6:00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S M Bell

Mrs M E Ellerton

M J Ford, JP

N R Gregory

T J Howard

L Keeble

Mrs K Mandry

D J Norris

Mrs S Pankhurst

Deputies: K D Evans

R H Price, JP



1. Apologies for Absence

2. Minutes (Pages 1 - 10)

To confirm as a correct record the minutes of the meeting of the Committee held on 7 July 2015.

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. Licensing and Regulatory Affairs Committee Work Programme (Pages 11 - 18)

To consider a report by the Director of Community on the Committee's Work Programme for 2015/16.

7. A Review of the Hackney and Private Hire Licensing Conditions (Pages 19 - 60)

To consider a report by the Director of Community on a request to review the Hackney Carriage and Private Hire Licensing Conditions.

8. Review of Hackney Carriage Fares (Pages 61 - 68)

To consider a report by the Director of Community on the Review of Hackney Carriage Fares.

9. Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees (Pages 69 - 72)

To consider a report by the Director of Community on proposed changes to Private Hire and Hackney Carriage Licensing Duration and Fees as a result of the Deregulation Act 2015.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
14 September 2015

**For further information please contact:
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democraticservices@fareham.gov.uk**

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Tuesday, 7 July 2015

Venue: Collingwood Room - Civic Offices, Fareham

PRESENT:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors: Mrs S M Bayford, Miss S M Bell, Mrs M E Ellerton, K D Evans (deputising for M J Ford, JP), T J Howard, L Keeble, D J Norris and Mrs S Pankhurst



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M J Ford, JP, N R Gregory and Mrs K Mandry.

2. MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 2 June 2015 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

MATTER SUBMITTED FOR CONFIRMATION

6. HAMPSHIRE COUNTY COUNCIL ELECTORAL REVIEW

The Committee considered a report by the Director of Finance and Resources on the Hampshire County Council Electoral Review being carried out by the Local Government Boundary Commission for England. The Democratic Services Manager presented the report and illustrated various aspects with slides showing the European Regions, Parliamentary Constituencies, County Divisions, Fareham Wards and the distribution of electors within the Borough. A paper containing a suggested consultation response from Fareham Borough Council, which had been prepared in consultation with the Chairman, was circulated to those present.

RECOMMENDED that the suggested consultation response, attached as Appendix A to these minutes, be adopted as Fareham Borough Council's response to the Local Government Boundary Commission for England's consultation on Hampshire County Council electoral boundaries.

DECISIONS UNDER DELEGATED POWERS

7. LICENSED PREMISES AND COMMUNITY SAFETY

The Committee received a presentation from the Community Safety Manager on Licensed Premises and Community Safety. The presentation included details of the Licensing Act 2003, the Licensing Objectives, Responsible Authorities, the Council's Licensing Policy, Data concerning Temporary Event Notices, Applications under the Licensing Act 2003 and Juvenile test purchase operations, the Partnership Action Group, the Designated Public Places Order

and the Police. A paper showing details of Juvenile test purchases carried out during 2014/15 was circulated to those present.

RESOLVED that the Community Safety Manager be thanked for her presentation.

8. ACTUAL REVENUE EXPENDITURE 2014/15

The Committee considered a report by the Director of Finance and Resources on Actual Revenue Expenditure for 2014/15.

RESOLVED that the report be noted.

9. ANNUAL HEALTH AND SAFETY SERVICE PLAN

The Committee considered a report by the Director of Community on the Annual Health and Safety Service Plan. A paper giving examples of the type of premises the Health and Safety Executive and the local authority were responsible for enforcing was circulated to those present.

RESOLVED that the Section 18 Health & Safety Intervention Plan, as shown in Appendix A to the report, be approved.

10. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee considered a report by the Director of Community on its work programme for 2015/16.

RESOLVED that:-

- (a) the progress on actions arising from the meeting of the Committee held on 2 June 2015, as shown in Appendix A to the report, be noted;
- (b) the officers be requested to look into the possibility of arranging a training session for all members on taxi firms that operate by mobile phone communication;
- (c) subject to (b) above, the work programme for 2015/16, as shown in Appendix B to the report be confirmed; and
- (d) it be noted that the in-house training session for members prior to the meeting of the Committee on 22 September 2015 would be based on the processes involved in the licensing of events.

(The meeting started at 6.00pm
and ended at 6.49pm).

APPENDIX A

Suggested consultation response from Fareham Borough Council

Fareham Borough Profile

Fareham Borough is a coastal area lying between the two cities of Portsmouth and Southampton on the south coast of Hampshire. It covers an area of approximately 30 square miles, being 8 miles long from east to west and has a population of approximately 110,000 living in 48,000 households consisting of 89139 electors. Whilst over half of the land area is countryside, the Borough is mainly urban in character consisting of a number of sizeable settlements all of which are located close to each other. Fareham is the largest town with a population of around 37,300. The Western Wards (Sarisbury, Locks Heath, Park Gate, Swanwick, Titchfield Common and Warsash), together are a similar size to Fareham (30,500 population), whilst Portchester in the east of Borough has a population of 17,600 people. Other key settlements include Whiteley, Titchfield and Stubbington & Hill Head.

There are currently seven County Councillors representing Fareham, five representing one division and two representing a joint division as shown below:

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
Fareham Crofton	1	11,729	-10.3%	11,665	-15%
Fareham Portchester	1	14,491	+10.8%	14,117	+2%
Fareham Sarisbury	1	12,026	-8.1%	13,456	-2%
Fareham Titchfield	1	11,759	-10.1%	11,641	-15%
Fareham Town	2	27,946	+6.8%	30,883	+1%
Fareham Warsash	1	11,188	-14.5%	11,214	-19%
Total	7	89,139		92,976	

The existing pattern of divisions across the Borough serves the electorate and the distinct communities within the divisions effectively but it is recognised by Fareham Borough Council that the majority of the divisions fall outside of the + / - 10% variance threshold required by the statutory criteria of this review.

It is not proposed to suggest any name change to any of the divisions.

The proposed amendments to address the variances in each division are as follows:

Fareham Crofton

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
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Fareham Crofton	1	11,729	-10.3%	11,665	-15%
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This division currently comprises of the Hill Head & Stubbington wards forming a single urban area with a range of services including a local centre, doctors, dentists, two primary schools, a secondary school and a community centre.. Its boundaries are well defined by Solent Water to the south, Gosport divisions to the east, a strategic gap to the north and open fields to the west. These features create a natural settlement boundary separating the division from Titchfield division to the west and Fareham Town to the north.

It is accepted that the figures fall outside of the + / - 10% variance threshold required by the statutory criteria of this review but it is considered that this settlement in terms of its geography is isolated and no changes should be made to the existing division boundaries.

RECOMMEND: No change

Fareham Portchester

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
Fareham Portchester	1	14,491	+10.8%	14,117	+2%

Fareham Portchester division comprises of Portchester East and Portchester West ward and forms part of the eastern boundary of the Borough . The main settlement of Portchester consists of modern residential and industrial development alongside the A27 road and the railway, both of which link Fareham and Portsmouth. This part of Portchester has a railway station, a public library and health centre and a large shopping centre. A market is held on Wednesday in the pedestrian area of the shopping precinct. From the centre of Portchester, Castle Street leads to the Grade 1 Listed Building, Portchester Castle located on the southern boundary of the division. Along the way there are many 18th century houses with much unspoilt character. It is considered that these areas are served by the central hub of the shopping area in West Street and the recently built Community Centre in Westlands Grove providing an important role in supplying local facilities and services to the community.

Moving west from Portchester shopping centre along the A27, the development is disassociated from the district centre as the land falls towards the viaduct and the slip road from the M27 motorway in the town centre of Fareham. It is considered that the electorate in this reea are more likely to use the facilities available in Fareham town centre than to consider themselves part of the Portchester settlement. By moving part of the electorate from Portchester West 4 district to Fareham Town division, both divisions will achieve the Hampshire average in terms of electorate.

RECOMMEND: Transfer the western part of Portchester West 4 district to extend the eastern boundary of Fareham Town division.

Fareham Sarisbury

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
Fareham Sarisbury	1	12,026	-8.1%	13,456	-2%

Fareham Sarisbury division currently comprises of Park Gate and Sarisbury wards. This includes the smaller village settlements of Swanwick, Burrige and Sarisbury together with the more modern development of Whiteley. The division is constrained by the River Hamble to the west and the Borough boundary which separates Fareham from Winchester and Eastleigh. As the electorate falls within the + / - 10% variance threshold required by the statutory criteria of this review, no change is considered to be necessary.

RECOMMEND: No Change

Fareham Titchfield

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
Fareham Titchfield	1	11,759	-10.1%	11,641	-15%

Fareham Titchfield division currently comprises of Titchfield and Titchfield Common wards. It is situated in the centre of the borough with the mainly urban area of the Titchfield Common to the west, the village settlement of Titchfield in the centre with large areas of open fields surrounding the village and the urban Peak Lane and Catisfield areas adjacent to the western edge of Fareham town of to the east.

Titchfield village has a local centre, doctors, dentists, a primary school and a community centre serving the local population.. It is separated from Titchfield Abbey by the A27 and there are conservation areas at Titchfield and Titchfield Abbey. The key factors shaping future development in the village include its important historic environment and its position in the Meon Valley separating the two main urban areas within Fareham.

As the village is restricted in housing development terms, the division includes areas which form part of both main urban areas, Fareham Town to the east and the Western Wards to the west. As the electorate is forecast to be significantly lower than the Hampshire average, it is considered that the urban area to the east which forms districts 2, 3 and 4 of Fareham West ward are included within Titchfield division and districts 3 and 4 of Titchfield Common ward are transferred to Fareham Warsash division to retain the identities of the communities.

Titchfield Common was formed as a ward at the conclusion of the last Boundary Commission review in 2001 as the number of properties had increased substantially in the Western Wards to merit a re-organisation of wards. In addition, the area has been defined in the Fareham Borough Council Local Plan as part of the Western Wards and the electorate are disassociated with the other areas in the division.

RECOMMEND:

1. Add polling districts FW2, FW3 and FW4 from Fareham Town division;
and
2. Transfer polling districts TC3 and TC4 into Fareham Warsash division

Fareham Town

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
Fareham Town	2	27,946	+6.8%	30,883	+1%

Fareham Town is a two member division which forms the main focus for facilities and services in the Borough and currently comprises of the following wards:

- Fareham East
- Fareham North
- Fareham North West
- Fareham South
- Fareham West

The division includes the main urban town centre which has good public transport links and the M27 motorway and A27 run east to west. The division also includes the rural area north of the M27 motorway adjacent to the boundary with Winchester City Council divisions and the proposed new development of Welborne will also be included in the division.

It is considered that the existing arrangement of a two member ward should continue as the stability will assist in supporting the existing communities within the division whilst developing Welborne, a major new community being planned for the north of Fareham which will include up to 6,000 homes, workplaces, schools, green space, shops and local community services. New roads and utilities infrastructure will also be required to support the new community. In the circumstances, two members will be required to adequately address all the issues which cut across the whole division.

It is recognised that the electorate for this division will be in excess of the 2021 Hampshire average. To achieve electoral equality, it is necessary to transfer polling districts from Fareham Town west into Titchfield division and add Portchester West 4 district into Fareham Town division for the reasons stated in previous paragraphs.

RECOMMEND:

1. Transfer polling districts FW2, FW3 and FW4 into Fareham Titchfield division
2. Add PW4 to Fareham Town division

Fareham Warsash

Division name	Members	2014 Electorate	2014 Variance	2021 Electorate	2021 Variance
Fareham Warsash	1	11,188	-14.5%	11,214	-19%

This division covers the south western section of the borough and includes Warsash and the central part of Locks Heath as well as a large area of open country fronting the Solent. The division currently includes Locks Heath and Warsash ward. A district centre is located at Locks Heath with a local centre in Warsash which provide day to day services to a local catchment area. Locks Heath in particular, has a good range of shops and services including a library, community facilities and public transport. The recent opening of a Waitrose branch has assisted in increasing vitality and viability to the centre which is complemented by 3 hour free parking.

Whilst this area saw substantial growth during the last 20 years, the electorate is significantly below the 2021 Hampshire average. To achieve electoral equality, it is necessary to add the built up districts of Titchfield Common which traditionally form the area of the Borough grouped together as the Western Wards and are strategically linked with public transport which run through the Locks Heath hub.

RECOMMEND: Add polling districts TC3 and TC4 to Fareham Warsash division

Conclusion

Having regard to the proposals, the revised divisions would be as follows:

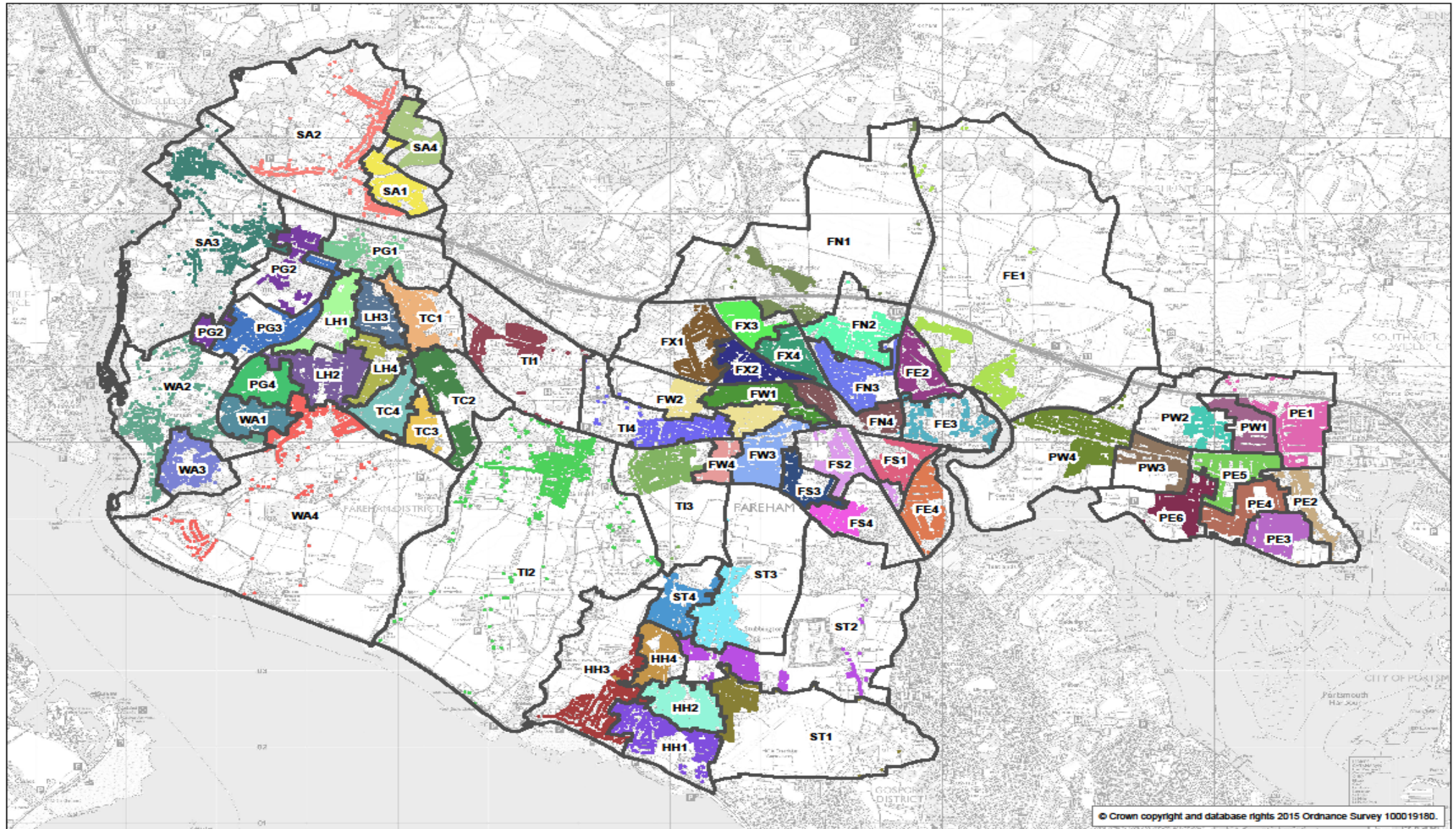
Division name	Members	2021 Electorate (Existing Forecast)	2021 Variance (Existing Forecast)	2021 Electorate (Proposed)	2021 Variance (Proposed)
Fareham Crofton	1	11,665	-15.8%	11,665	-15.8%
Fareham Portchester	1	14,117	2.0%	13,717	-0.9%
Fareham Sarisbury	1	13,456	-2.8%	13,456	-2.8%
Fareham Titchfield	1	11,641	-15.9%	13,105	-5.4%
Fareham Town	2	30,883	11.5%	27,364	-1.2%
Fareham Warsash	1	11,214	-19.0%	13,669	-1.3%
Total	7	92,976		92,976	

In support of the recommendations the following information is attached:

1. a map showing the electorate in the settlements using a dot for each address which clearly shows the demarcation of the distinct settlements within electoral divisions
2. a map showing the former Fareham Borough Council Local Plan, the brown areas indicate the settlements.

RECOMMEND: That the Licensing and Regulatory Affairs Committee recommend the above proposals to Council and this report is submitted to the

Local Government Boundary Commission for England as a formal response to the Review of Hampshire Divisions.



FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date 22 September 2015

Report of: Director of Community

Subject: LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2015/16

SUMMARY

At the Committee meeting in July, the Work Programme for 2015/16 was reviewed. Members are now invited to note the actions from the last meeting and to further review the work programme for 2015/16.

RECOMMENDATION

- (a) that the progress on actions arising from the meeting of the Committee held on 7 July 2015, as shown in Appendix A to the report, be noted; and
- (b) that the Work Programme for 2015/16, attached as Appendix B to the report, be reviewed.

INTRODUCTION

1. At the Committee meeting on 7 July 2015, the Work Programme for 2015/16 was reviewed.

MONITORING

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

WORK PROGRAMME FOR 2015/16

3. The work programme for 2015/16 agreed at the last meeting and with the following subsequent additions is attached as Appendix B:

Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees – added to 22 September 2015;

Update on Police Changes – Licensing Arrangements – added to 17 November 2015;

A Review of the Hackney and Private Hire Licensing Conditions – Outcome of Consultation – added to 26 January 2016.

RISK ASSESSMENT

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

CONCLUSION

The Committee is invited to:-

- (i) note progress on matters considered by the Committee at its last meeting, as shown in Appendix A; and
- (ii) review the Licensing and Regulatory Affairs Committee Work Programme for 2015/16, as set out in Appendix B.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Martyn George (Ext 4400).

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee –22 September 2015

Progress on Actions from last meeting

Page 13

Date of Meeting	7 July 2015
Subject	Hampshire County Council Electoral Review
Type of Item	consultation
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on the Hampshire County Council Electoral Review being carried out by the Local Government Boundary Commission for England. The Democratic Services Manager presented the report and illustrated various aspects with slides showing the European Regions, Parliamentary Constituencies, County Divisions, Fareham Wards and the distribution of electors within the Borough. A paper containing a suggested consultation response from Fareham Borough Council, which had been prepared in consultation with the Chairman, was circulated to those present.</p> <p>RECOMMENDED that the suggested consultation response, attached as Appendix A to these minutes, be adopted as Fareham Borough Council's response to the Local Government Boundary Commission for England's consultation on Hampshire County Council electoral boundaries.</p>
Outcome	At the Council meeting on 30 July 2015 the formal response was approved and the Chief Executive Officer authorised to submit the response (minute 17 refers).The response was subsequently sent and acknowledged.
Link Officer	Elaine Wildig
Subject	Licensed Premises and Community Safety
Type of Item	Presentation/monitoring
Action by Committee	<p>The Committee received a presentation from the Community Safety Manager on Licensed Premises and Community Safety. The presentation included details of the Licensing Act 2003, the Licensing Objectives, Responsible Authorities, the Council's Licensing Policy, Data concerning Temporary Event Notices, Applications under the Licensing Act 2003 and Juvenile test purchase operations, the Partnership Action Group, the Designated Public Places Order and the Police. A paper showing details of Juvenile test purchases carried out during 2014/15 was circulated to those present.</p>

	RESOLVED that the Community Safety Manager be thanked for her presentation.
Outcome	complete
Link Officer	Narinder Bains
Subject	Actual Revenue Expenditure
Type of Item	finance
Action by Committee	The Committee considered a report by the Director of Finance and Resources on Actual Revenue Expenditure for 2014/15. RESOLVED that the report be noted.
Outcome	complete
Link Officer	Neil Wood
Subject	Annual Health and Safety Service Plan
Type of Item	Service Plan Review
Action by Committee	The Committee considered a report by the Director of Community on the Annual Health and Safety Service Plan. A paper giving examples of the type of premises the Health and Safety Executive and the local authority were responsible for enforcing was circulated to those present. RESOLVED that the Section 18 Health & Safety Intervention Plan, as shown in Appendix A to the report, be approved.
Outcome	complete
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2015/16
Type of Item	Programming
Action by Committee	The Committee considered a report by the Director of Community on its work programme for 2015/16. RESOLVED that:-

	<p>(a) the progress on actions arising from the meeting of the Committee held on 2 June 2015, as shown in Appendix A to the report, be noted;</p> <p>(b) the officers be requested to look into the possibility of arranging a training session for all members on taxi firms that operate by mobile phone communication;</p> <p>(c) subject to (b) above, the work programme for 2015/16, as shown in Appendix B to the report be confirmed; and</p> <p>(d) it be noted that the in-house training session for members prior to the meeting of the Committee on 22 September 2015 would be based on the processes involved in the licensing of events.</p>
Outcome	(d) - Invitations sent to Committee members
Link Officer	Martyn George

LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2015/16

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
2 JUNE 2015	<p>Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee</p> <p>Committee work programme 2015/16</p> <p>Annual Monitoring Report on Applications Received</p>	
7 JULY 2015	<p>Committee work programme 2015/16</p> <p>Actual Revenue Expenditure 2014/15</p> <p>Annual Health and Safety Service Plan</p> <p>Licensed Premises and Community Safety</p> <p>Hampshire County Council Electoral Review</p>	
22 SEPTEMBER 2015	<p>Committee work programme 2015/16</p> <p>Taxi Tariff</p> <p>Advertising on Hackney Carriage Vehicles</p> <p>Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees</p>	Processes involved in the licensing of events
17 NOVEMBER 2015	<p>Spending Plans 2016/17</p> <p>Committee work programme 2015/16</p> <p>Update on Police Changes – Licensing Arrangements</p>	
26 JANUARY 2016	<p>Committee work programme 2015/16</p> <p>A Review of the Hackney Carriage and Private Hire Licensing Conditions – Outcome of</p>	

	Consultation	
22 MARCH 2016	Committee work programme 2015/16 and draft for 2016/17 Update on Fareham & Gosport Environmental Health Partnership	

To be assigned:

In-house Licensing Training Sessions (2) - (one to be held on 22 September 2015)

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **22 September 2015**

Report of: **Director of Community**

Subject: **A REVIEW OF THE HACKNEY AND PRIVATE HIRE LICENSING
CONDITIONS**

SUMMARY

This report proposes changes to the conditions for Hackney Carriage and Private Hire vehicles and operators.

RECOMMENDATION

- (a) the proposed changes to the Conditions as summarised in Appendix B be sent to all licensed taxi operators / plate holders and badge holders in the area (the "Trade"), inviting any representations to be made to the Head of Environmental Health within 6 weeks;
- (b) the Head of Environmental Health be authorised to draft Conditions and Requirements, as amended, after the consultation process; and
- (c) following the consultation process, the revised conditions be submitted to the Committee at its meeting on 26 January 2016.

INTRODUCTION

1. As the licensing authority for Hackney Carriage and Private Hire drivers and vehicles, this Council is able to apply reasonable conditions to the vehicle and operators' licences that it grants. The current Private Hire / Taxi Vehicle Requirements and Specifications were approved in 2008 (Appendix A).
2. Since 2008 there have been many changes to this area of licensing brought about by legislation and case law, guidance issued by the Department of Transport, and technological advances.
3. This background has merited a review of the Conditions by the Head of Environmental Health. It is proposed a number of changes are made to the Conditions. This opportunity has also been taken to remove conditions which are repeated in legislation and to simplify the conditions overall. The proposed Conditions and Requirements can be seen as Appendix C.

PROPOSALS

4. It is proposed to reflect changes to this area of licensing brought about by legislation and case law, guidance issued by the Department of Transport, and technological advances by updating the document. Changes are summarised in Appendix B.

RISK ASSESSMENT

5. It is important that the Council's Hackney Carriage and Private Hire Conditions are kept up to date to accurately reflect the legislative and policy changes effecting local Taxi and Private Hire services. Failure to keep the Council's Hackney Carriage and Private Hire Conditions up to date may provide grounds for a judicial review and could affect the protection of the safety of the travelling public in the Borough
6. The Council is aware that implementing the proposed changes to the Conditions will impact on the Trade and it is therefore important to consult and take into account any representations before any final decision to change the Conditions is made.

CONCLUSION

7. The Private Hire/Taxi Vehicle Requirements and Specifications has been updated to Hackney Carriage and Private Hire Conditions and Requirements. It is proposed to change the format, with duplications removed and the layout simplified.
8. There have been many changes to Hackney Carriage and Private Hire conditions that have been introduced by legislation and High Court, together with technology advances that merit revision and publication of the Private Hire/Taxi Vehicle Requirements and Specifications
9. The revised Conditions and Requirements are set out as an Appendix to this report. See Appendix C.

Appendices:

Appendix A The current Hackney Carriage and Private Hire Driver Requirements

Appendix B Summary of Proposed Changes

Appendix C Revised Conditions and Requirements

Background Papers:

Licensing and Regulatory Affairs Committee Minutes 18 March 2008

Reference Papers:

None.

Enquiries:

For further information on this report please contact Helen Spires (Ext 4411).

**TAXI VEHICLE
REQUIREMENTS AND
SPECIFICATIONS
FROM 22 JANUARY 2008**



FAREHAM BOROUGH
COUNCIL

www.fareham.gov.uk

Contents

Section	Title	Page
1	Requirements and specifications of application for hackney carriage and private hire vehicle licensing	3
2	Hackney Carriage conditions	6
3	Code of Practice for Hackney Carriages licensed by Fareham Borough Council	11
4.	Advisory diagram for Hackney Carriage and Private Hire vehicle owners	12
5.	Private Hire vehicle conditions	13
6.	Private Hire Operators' Conditions	18

Section 1

Requirements and specifications of application for Hackney Carriage and Private Hire vehicle licensing

Every vehicle presented for inspection for licensing as a hackney carriage or private hire vehicle is expected to be in first class condition. The mechanical condition is to be confirmed by a detailed inspection undertaken at the expense of the proprietor by a suitable garage or other vehicle maintenance business.

The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp.

In the case of a recently acquired vehicle a report from the garage which sold the car will not be accepted. The Council reserve the right to call for a separate additional mechanical inspection by an independent garage.

It is recommended that a set of spare bulbs be carried in licensed vehicles.

All vehicles will be subject to not less than one and not more than three annual visual inspections of its suitability and cleanliness by the Licensing Officer. Strict compliance with the following points is also required at all times:

1. All applicants wishing to licence hackney carriage or private hire vehicles in the Fareham borough must have a residential or postal address within the Borough at which the vehicle can be registered, P.O. boxes are not acceptable.
2. Hackney carriages licensed to new plates must be under two years from date of first registration.
3. Hackney carriages to be transferred to an existing plate must be younger than the vehicle they are replacing and in all cases under five years from date of first registration.
4. The licence number shall be displayed on the official plate provided on the outside of the vehicle affixed above the rear bumper.
5. The vehicle is to be equipped with a 'FOR HIRE' sign in the lower left area of the front windscreen.
6. The vehicle is to be equipped with a roof sign showing the word 'TAXI' to both the front and the rear. (This must be connected and working in conjunction with the 'FOR HIRE' sign.

7. The vehicle is to have a meter checked by the Licensing Officer in accordance with the Council's current fares tariff and a copy of the tariff is to be clearly visible inside the vehicle.
8. The vehicle is to be fitted with an efficient fire extinguisher in such a position as to be readily available for use by the driver. (With a date stamp of expiry or pressure gauge with the marker in the green area)
9. The vehicle must be of sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the luggage of the passengers and the driver (The seating capacity to be determined in accordance with Reg. 42 of the Road Vehicles (Registration and Licensing) Regulations, 1871)
10. The minimum wheelbase acceptable for any vehicle to be licensed as a Taxi or Private Hire vehicle should be 100ins (2540mms).
11. The seating capacity of the vehicle to be determined where bench seats are provided on the basis of not less than 16ins (45mms) per person. A rear bench seat width when measured in a continuous line from edge to edge of at least 48ins (1220mms). These measurements also apply where the rear seating is not made up of a continuous cushion, individual seats when placed in a line must be measured separately (see attached diagram for measuring instructions). There must be three individual seats or a continuous bench.
12. There must be no quick release catches or maneuvering of seats to allow for ease of access and egress for all passengers, in the event of 2 separate seats being placed in front of a three seat arrangement to the rear of the vehicle there must be at least 8ins (200mms) between the two front seats to allow passengers to walk through.
13. The vehicle must have adequate internal luggage space in relation to the number of passengers licensed to be carried. (Roof boxes or trailers are not acceptable).
14. The vehicle must be right hand drive only.
15. The vehicle must not have less than four road wheels.
16. The vehicle is to be fitted with not less than four doors giving adequate access and egress for passengers from the vehicle.
17. The use of the vehicle is to be covered by a valid certificate of insurance covering the carriage of passengers for hire or reward.
18. All Hackney vehicles over one year old to be covered by a current Department of Transport Certificate.

19. It is a requirement of the Council that seat belts be provided for all persons, as per the Department of Transport guidelines.
20. The seat belt notice is to be displayed inside the vehicle. (This should be the sign issued by the Council).
21. Exemptions for vehicles to carry their plates on the interior of their vehicles are at the discretion of the Licensing Officer.

NOTE

Items 2, 3,5,6,7 and 16 apply to hackney carriages only.

Items 1, 4, 8, 9, 10, 11,12,13,14,15,16,17, 19, 20 and 21 apply to both private hire and hackney vehicles.

Item 18 does not apply to private hire vehicles which are treated the same as privately owned vehicles, ie vehicles are three years old before needing MOT.

These Requirements form a part of the Conditions for Hackney and Private Hire Vehicles in the Fareham Borough

Section 2

Hackney Carriage Conditions

(Made under Sec. 47(1) of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by Fareham Borough Council with respect to Hackney Carriages plying for hire within the Borough.)

General

1. Before a licence is granted in respect of a hackney carriage vehicle the applicant shall:-
 - I. Complete and submit to the Borough Council an application in the form prescribed by the Council
 - II. Satisfy the Council that the vehicle is suitable in size, type and design for use as a Hackney Carriage vehicle:-

2. A hackney carriage vehicle must:-
 - (a) be a car fitted with four road wheels and at least four doors allowing suitable access and egress to all passengers
 - (b) be right hand drive
 - (c) be of sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the luggage of the passengers and the driver (The seating capacity to be determined in accordance with Reg. 42 of the Road Vehicles (Registration and Licensing) Regulations, 1871)
 - (d) be in a satisfactory, safe, clean, well maintained and comfortable condition for the carriage of passengers
 - (e) have in force during the currency of the licence in relation to the use of the vehicle for the carriage of passengers for hire or reward an insurance policy complying with the provision of Part IV of the Road Traffic Act 1972.

3. Present the vehicle for inspection at such place within the Borough of Fareham and at such time as the Council's authorised officer shall require having been previously been given notice.

4. Operators of licensed hackney carriages shall comply with all the requirements of the Town Police Clauses Act 1847 and any byelaws made there under, of the Local Government (Miscellaneous Provisions) Act 1976 - Part II, the Requirements and Specifications of applications for Hackney Carriage and Private Hire Licensing and any other local or general legislation regarding the use of motor vehicles.

Interpretation

In this licence and in these Conditions, unless the subject or context otherwise requires:-

“authorised officer” means any officer of the Council authorised in writing by the Chief Health and Regulatory Affairs Officer of the Council for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;

“The Council” means the Fareham Borough Council

“hackney carriage” has the same meaning as in the Town Police Clauses Act 1847;

“licence plate” means the plate issued by the Council for the purposes of identifying the vehicle as a hackney carriage duly licensed to ply for hire by the Council;

“proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle.

The proprietor shall observe and carry out the following terms and Conditions:-

5. The licence number shall be displayed on the official plate provided on the outside of the vehicle affixed above the rear bumper.
6. An accurate taximeter must be fixed in the vehicle in a position approved by the Council. No proprietor or driver may tamper with the mechanism of the taximeter or its seals. Should the meter become defective, it may be repaired providing the Council is notified on the first working day afterwards and

immediate arrangements are made with the Council for the meter to be tested on the measured mile.

7. The vehicle shall be submitted for inspection at least once, but not more than three times, in a year. In addition, any authorised officer of the Council may inspect and test the vehicle at any reasonable time and require further inspection and testing if not satisfied.
8. The proprietor shall, at the request by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a hackney carriage vehicle. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of the request to an authorised officer at the office of the Licensing Officer, Civic Offices, Civic Way, Fareham PO16 7PU.
8. The licence number of the vehicle must be exhibited on the tariff sheet inside the car and this and the seat belt sign must be mounted and displayed in a position approved by the Council.
9. Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days or after the service on the proprietor by the Council of a notice requiring its return.
10. The Council prefer the holder of a hackney carriage licence to drive the vehicle personally full time and to manage his/her business.
11. No proprietor or driver of a hackney carriage shall convey, or permit to be conveyed in the vehicle irrespective of age more than the number of persons specified on the licence plate issued in respect of the hackney carriage vehicle.
12. The vehicle is to be fitted with an efficient fire extinguisher in such a position as to be readily available for use by the driver. (With a date stamp of expiry or pressure gauge with the marker in the green area)
13. The proprietor of a hackney carriage shall notify the Council within seven days of the commencement or termination of

employment of any driver of his vehicle, including “self-employed” drivers.

14. The proprietor shall notify the Council in writing within seven days of any change of personal or business address.
15. The proprietor or driver of a hackney carriage should after each journey search the vehicle for any property which may have been left by passenger/s. If any such lost property is found or passed to the driver by a subsequent passenger, it should be taken within 48 hours to the Licensing Section, Civic Offices, Civic Way, Fareham PO16 7PU where a receipt will be given to the driver for it.
16. The proprietor of a hackney carriage vehicle in the event that he transfers his/her interest in that vehicle to a person other than those named on the licence, should within fourteen days of the transfer taking place, give notice in writing to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.
17. No person shall refuse to carry a passenger in a hackney vehicle by reason of the fact that the passenger is disabled or requires to have with him/her a wheelchair or other facility of reasonable size for the disabled.
18. Licensed hackney vehicles will be required under S.37 of the Disability Discrimination Act 1995 to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without additional charge, the dog must be allowed to remain with the passenger.
19. Advertising may be placed on the front lower driver and passenger doors of a hackney vehicle, all advertising must be approved by the Licensing Officer prior to it being placed on the vehicle.
20. The code of practice attached should be adhered to at all times.
21. Exemption for vehicles to carry their plates in the interior of the vehicle for specific contract work is at the discretion of the Licensing Officer.

22. All Fareham taxi proprietors must advise their drivers that they are required to take travel tokens in lieu of cash which can be exchanged at the banking hall of Fareham Council.

23. The Penalty Point system will apply to all vehicle owners and operators for general breaches of Hackney Carriage legislation
24. The Council may vary any or all of the Conditions herein at any time.

NOTE:

By virtue of the Local Government (Miscellaneous Provisions) Act 1976 and the Public Health Act 1936, any person aggrieved by any condition attached to this licence may appeal to Fareham Magistrates' Court by giving notice within 21 days of the issue of the licence.

Section 3

Code of Practice for hackney carriages licensed by Fareham Borough Council

- All cars should be moved up the ranks as space becomes available.
 - The front car must always have the driver in attendance.
 - The only times the front car is not used is when:-
 1. A vehicle with more than four seats is required
 2. When an elderly or disabled person requires a specific vehicle
 3. When a member of the public wishes to use his regular company
- There should be no overtaking in the Borough en-route to the rank unless signalled to do so by the driver in front.
- All taxis are to pick-up facing north on the station rank, unless advised to do otherwise by Railway staff.
- There should be no parking on any taxi rank whilst the taxi is not working.
- No driver will permit passengers to alight from a taxi or take payment for a fare on the ranks; this must be done prior to re-joining the ranks.
- Parking on the ranks for any other purpose than picking-up fares is not permitted
- No “For Hire” sign is to be illuminated outside the Borough.

The Code of Practice is a part of the Conditions of the Hackney Carriage Vehicle Licence and should be adhered to at all times.

Section 4

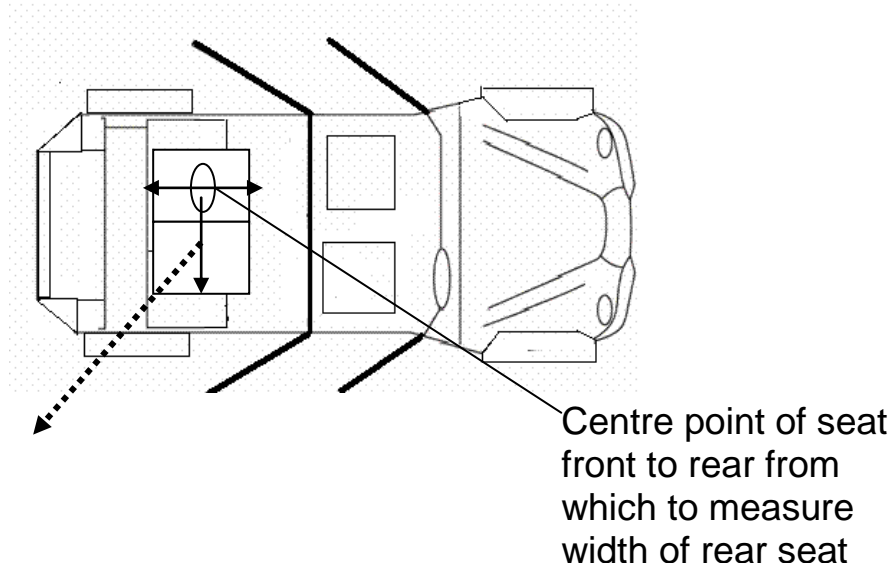
Advisory diagram for hackney carriage and private hire vehicle owners

- (1) Wheelbase from centre to centre of front and rear wheels minimum 100ins. (2540mm)



- (2) Measurements of seats in vehicle:

- i. Single seats should measure minimum of 16ins (401mm)
- ii. Rear bench seat should measure across the centre minimum of 48ins (1220mm)
- iii. Distinct seats across the rear of the vehicle should also measure minimum of 16in (401mm) equalling minimum 48ins (1220mm)
- iv. The centre point of all seats can be determined by measuring the seat from front to back and halving the figure, this is the central point for measuring your seats.



Section 5

Private Hire vehicle conditions

(Made Under Section 48(2) of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by Fareham Borough Council with respect to Private Hire Vehicles within the said Borough.)

General

1. Before a licence is granted in respect of a private hire vehicle, the applicant being a proprietor of the vehicle must:-
 - (1) Complete and submit to the Council an application in the form prescribed by the Council
 - (2) Satisfy the Council that the vehicle is suitable in size, type and design for use as a private hire vehicle and that the design or appearance is not such as is likely to lead any person to believe that the vehicle is a hackney carriage licensed to ply for hire.

2. A private hire vehicle must:-
 - (a) be a car fitted with four road wheels and at least four doors allowing suitable ingress and egress to all passengers
 - (b) be a right hand drive
 - (c) be of sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the driver. (The seating capacity to be determined in accordance with Reg.42 of the Road Vehicles (Registration and Licensing) Regulations, 1871);
 - (d) be in a satisfactory safe, clean, well maintained and comfortable condition for the carriage of passengers;
 - (e) have in force during the currency of the licence in relation to the use of the vehicle for the carriage of passengers for hire or reward a policy of insurance complying with the provisions of Part VI of the Road Traffic Act 1972.

3. Present the vehicle for inspection at such place within the Borough of Fareham and at such time as the Council's authorised officer shall require having previously been given notice.

4. The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, the Requirements and Specifications of application for Taxi and Private Hire Licensing and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the use of motor vehicles.

Interpretation

In this licence and in these Conditions, unless the subject or context otherwise requires:-

"authorised officer" means the any officer of the Council authorised in writing by the Chief Health and Regulatory Affairs Officer of the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

"the Council" means the Fareham Borough Council;

"private hire vehicle" has the same meaning as in the Local Government (Miscellaneous Provisions) Act 1976;

"licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;

"proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle. (Where a car belonging to an owner/driver is let for use as a private hire car to a private hire operator, the private hire vehicle licence in respect of that vehicle may be granted either in the name of the operator or in that of the owner/driver. This will invariably be the person (or firm) completing an application.)

The proprietor shall observe and carry out the following terms and Conditions:-

4. The proprietor must ensure that the licence plate issued by the Council is fixed on the outside of the vehicle affixed above the rear bumper. The plate should be displayed on the vehicle at all times during which the vehicle is being used as a private hire vehicle.

5. The private hire vehicle licence plate shall remain the property of the Council and shall be returned within seven days or after the service on the proprietor of an appropriate notice by the Licensing Officer of the Council.
6. An authorised officer of the Council may inspect and test the vehicle at all reasonable times.
7. Without prejudice to the provisions of Condition 3, the proprietor shall present the vehicle for inspection when required by the Council, at least once but not more than three times in a year.
8. The proprietor shall, on being so required by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a private hire vehicle. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of such request to an authorised officer at the office of the Licensing Officer, Civic Offices, Civic Way, Fareham PO16 7PU.
9. (i) There shall not, on any private hire vehicle licensed as such in the Borough of Fareham, be displayed on or from that vehicle any sign, notice or mark which consists of or includes –
 - (a) the word "taxi" or "cab", whether in the singular or plural, or "hire" or any other word of similar meaning or appearance to any of those words, whether alone or as part of another word, or
 - (b) any illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a taxi-cab that the vehicle is used for the purpose of carrying passengers for hire or reward.
- (ii) the foregoing provisions of this Condition shall not apply to a sign displayed on or from a private hire vehicle –
 - (a) which is prescribed by or under any local or public general Act, or

- (b) which is a strip (which shall not be illuminated) on the windscreen and/or rear window showing, subject to paragraph (i) above, the name or trade name and the telephone number of the firm operating the vehicle, and
 - (c) the lettering of which does not exceed 2.5 inches in height and which is displayed in such a position that it does not contravene the Road Traffic Acts or regulations made there under, or
 - (d) advertising containing the name and telephone number of the company and the words 'pre-booked only' may be displayed with the prior approval of the Licensing Officer.
10. The proprietor shall not convey, or cause to permit to be conveyed in the private hire vehicle a greater number of persons (irrespective of age) exclusive of the driver than the number of persons specified in the licence.
 11. The vehicle is to be fitted with an efficient fire extinguisher in such a position as to be readily available for use by the driver. (With a date stamp of expiry or pressure gauge with the marker in the green area)
 12. Should a taximeter be installed in a private hire vehicle, it must be tested, approved and sealed by an authorised officer of the Council.
 13. The proprietor of a private hire vehicle in respect of which a vehicle licence has been granted by the Council transfers his interest in that vehicle to a person other than those named on the licence, should within fourteen days after the transfer, give notice in writing to the council specifying the name and address of the person to whom the private hire vehicle has been transferred.
 14. The proprietor or operator of a private hire vehicle shall not place or cause or permit to be placed any advertisement without the prior confirmation of the Licensing Officer, this advertising may only contain the name and telephone of the company and the words 'pre-booked'. The words "taxi" or "cab" whether in the singular or plural and whether alone or as part of another word cannot be used on private hire vehicles unless the proprietor of the vehicle is also the proprietor or

part proprietor of a hackney carriage company licensed by Fareham Borough Council and registered as such.

15. No person shall refuse to carry a passenger in a private hire vehicle by reason of the fact that the passenger is disabled or requires to have with him/her a wheelchair or other facility of reasonable size for the disabled.
16. Licensed private hire vehicles will be required under S.37 of the Disability Discrimination Act 1995 to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without additional charge, the dog must be allowed to remain with the passenger.
17. Exemption for vehicles to carry their plates in the interior of the vehicle for specific contract work is at the discretion of the Licensing Officer.
18. All Fareham private hire vehicle proprietors must advise their drivers that they are required to take travel tokens which can be exchanged at the banking hall of the Council.
19. The Penalty Point system will apply to all owners and operators for general breaches of taxi and private hire legislation.
20. Exemptions for vehicles to carry their plates on the interior of their vehicles are at the discretion of the Licensing Officer.
21. The Council may vary any or all of the Conditions herein at any time.

Note 1: "Advertisement" includes every form of advertising whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television and reference to the issue of an advertisement shall be construed accordingly.

Note 2: Private Hire vehicles being used to carry passengers to, from or in connection with any wedding ceremony will not be required to display a private hire vehicle plate during such journeys.

Note 3: By virtue of the Local Government (Miscellaneous Provisions) Act 1976 and the Public Health Act 1936,

any person aggrieved by any condition attached to this licence may appeal to Fareham Magistrates Court by giving notice within 21 days of the issue of the licence.

Section 6

Private Hire Operators' Conditions

(Made under Sec. 55(3) of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by Fareham Borough Council with respect to the operation of private hire vehicles within the said Borough).

General

1. Before a licence is granted to a private hire vehicle operator, the applicant must:-
 - (a) complete and submit to the Council an application in the form prescribed by the Council, and
 - (b) satisfy the Council that the applicant is a fit and proper person to hold such a licence

The holder of a private hire vehicle operator's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicle(s) used by him and the Requirements and Specifications of Applications for hackney carriage and private hire licensing.

Interpretation

In the licence and in these Conditions, unless the subject or context otherwise requires:-

“authorised officer” means any officer of the Council authorised in writing by the Director of Regulatory Services of the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;

“the Council” means the Fareham Borough Council;

“private hire” has the same meaning as the Local Government (Miscellaneous Provisions) Act 1976;

“licence plate” means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;

“proprietor” includes a part-proprietor and in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person

in possession of the vehicle. (Where a car belonging to an owner/driver is let for use as a private hire car to a private hire operator, the private hire vehicle licence in respect of that vehicle may be granted either in the name of the operator or in that of the owner/driver. This will invariably be the person (or firm) completing an application).

2. The licence is not transferable to another person nor does it authorise the licensee to operate from any address(es) other than that (those) specified in the licence.
3. An operator shall not convey, or cause or permit to be conveyed in any private hire vehicle a greater number of persons irrespective of age than the number specified in the licence for that vehicle.
4. An operator shall maintain a record in a form satisfactory to the Council and enter, or arrange to be entered, before the commencement of each journey such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the Council may prescribe, and shall produce such record on request to any authorised officer of the Council or to any Police Officer for inspection and shall afford such officer the opportunity to make notes or copies of entries therein

Note: Such records to be retained for not less than 1 year.

The entries to be entered in such record book to be:-

- (a) The time and date the booking was made;
 - (b) how the booking was received (eg by telephone, personally etc);
 - (c) address or place where passenger(s) to be picked up;
 - (d) time and date when passenger(s) to be picked up;
 - (e) destination; and
 - (f) name or private hire vehicle driver's badge number of the licensed driver who is to undertake the hiring.
5. Every contract for the hire of a private hire vehicle licensed by the Council shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not he himself provided the vehicle.
 6. The operator shall not display or cause or permit to be displayed on or from any private hire vehicle any sign or notice contrary to Condition 6 of the Conditions of Licensing of Private Hire Vehicles.
 7. The operator shall notify the licensing authority in writing within seven days

of the commencement or termination of employment of any driver in his employ, including “self-employed” drivers and “owner/drivers”.

8. No person shall refuse to carry a passenger in a private hire vehicle by reason of the fact that the passenger is disabled or requires to have with him/her a wheelchair or other facility of reasonable size for the disabled.
9. All licensed private hire vehicles will be required to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without any additional charge. The dog must be allowed to remain with the passenger.
10. This licence shall be deemed void if the use of the premises from which the operator of a private hire vehicle carries on business does not comply with the requirements of the Town and Country Planning Act 1971 and Orders and Regulations made thereunder.
11. Advertising containing the name and telephone number of the company and the words ‘pre-booked only’ may be displayed with the prior approval of the Licensing Officer.
12. The Penalty Point system will apply to all owners and operators for general breaches of taxi and private hire legislation.
13. Exemption for vehicles to carry their plates in the interior of the vehicle for specific contract work is at the discretion of the Licensing Officer.
14. The Council may vary any or all of the Conditions herein at any time.

Note 1: “Advertisement” includes every form of advertising whether in a publication, by the display of notices, by means of circulars or other documents, by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television and reference to the issue of such an advertisement shall be construed accordingly.

Note 2 By virtue of the Local Government (Miscellaneous Provisions) Act 1976 and the Public Health Act 1936, any person aggrieved by any condition attached to this licence may appeal to Fareham Magistrates’ Court by giving notice within 21 days of the issue of the licence.

As agreed at the Licensing and Regulatory Affairs Committee 22.1.2008

Summary of Proposed changes

<p>Order of document changed to simplify, so rather than a section for Private Hire and a section for Hackney Carriage vehicles there is one section with the differences highlighted in a separate paragraph.</p>	
<p><u>Old</u></p> <ol style="list-style-type: none"> 1. Requirements and specifications of application for hackney carriage and private hire vehicle licensing. 2. Advisory diagram for hackney carriage and private hire vehicle owners. 3. Code of Practice for hackney carriages licensed by Fareham Borough Council. 4. Hackney Carriage conditions 5. Private Hire vehicle conditions 6. Advisory diagram for hackney carriage and private hire vehicle owners 7. Private Hire Operators' Conditions 	<p><u>New</u></p> <p>Introduction</p> <p>Vehicles</p> <ul style="list-style-type: none"> • Fitness • Specific Conditions for: <ul style="list-style-type: none"> ▪ Hackney Carriages ▪ Taximeters ▪ Private Hire Vehicles <p>Drivers</p> <ul style="list-style-type: none"> • Drivers Appearance • Found Property • Specific Conditions for: <ul style="list-style-type: none"> ▪ Hackney Carriage Drivers <p>Private Hire Operators</p> <p>General Information</p> <p>Novelty Vehicles</p> <ul style="list-style-type: none"> • Interpretation Novelty Vehicle <p>Executive Vehicles</p> <p>Stretched Limousines</p>
Section 1, para 4 (spare bulbs)	Removed as unnecessary
Section 1, (1) (address)	Removed as unable to enforce
Section 1, (2) Amended from 2 to 5 years	Due to the improved condition of older vehicles and financial constraints recently experienced by all sectorsNo 2 ix
Section 1, (5) (for hire sign)	Removed as duplication of roof sign (ie if sign lit they are for hire)
Section 1, (7) (taximeters)	Wording changed to 'All Hackney Carriage vehicles and those Private Hire vehicles fitted with a taximeter must use a meter approved by the Public Carriage Office. These vehicles must display the Council's current tariff card at all times.
Section 1, (17) (Insurance)	Removed as legislation
Section 1, (19) (seatbelts)	Removed as legislation
Section 1, (20)	Removed as legislation
Section 1, Notes	Removed as not applicable

Section 3, (Code of Conduct)	Removed - keep as code of conduct but not as a condition
Section 4, (8) (plate number and seat belt sign on tariff)	Removed as unnecessary
Section 4, (10) (prefer plate holder to drive vehicle)	Removed as unenforceable especially if more than one vehicle
Section 4, (11) (only carry number on plate)	Removed as in legislation
Section 4, (13) (who's driving vehicle)	Removed as impracticable
Section 4, (23) (Penalty points)	Removed
Section 4, (24) (may vary conditions)	Removed as unnecessary
Section 4, Note	Removed as unnecessary
Section 5, (4) (must observe requirements)	Removed as legislation
Section 5, (9) (signs or marks)	9(i) a keep, 9(ii) a-c remove, d keep
Section 5, Note 1 (advertising)	Keep
Section 5, Note 2 (weddings)	Removed as legislation
Section 5, Note 3 (appeals)	Removed as information given to aggrieved drivers/proprietors/operators when necessary
Section 7, Para 1 and (1) & Interpretation	Removed as unnecessary and possibly confusing
Section 7, (2) (transfer)	Removed
Section 7, (5) (bookings)	Removed as legislation
Section 7, (6) (advertising)	Removed (duplication)
Section 7, (7) (who's driving)	Removed as unenforceable
Section 7, (10) (Planning Permission)	Removed as legislation

New or amended:

4.	Vehicles over 6 years old will be required to undertake an engineer's report at 6 monthly intervals.
5.	The proprietor of a licensed vehicle shall report as soon as is reasonably practicable to the Council, and in any case within seventy two hours, the occurrence of any accident to such vehicle causing material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of the passengers.
17.	The vehicle should not be of such a design and appearance as to lead any person to believe that the vehicle is a taxi (HCV).
18.	If a taximeter is installed in a private vehicle it must be calibrated to the current Licensing Authority Taxi Tariff.

19.	Applicants for Private Hire/Hackney Carriage or dual driver licences must submit a Disclosure and Barring Service (DBS) check at the enhanced level via the DBS with their initial application, and thereafter, every three years. The applicant must present their DBS Certificate to the Licensing Authority.
20.	A certificate of "Good Conduct" will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English.
21.	Applicants must be able to demonstrate they have an entitlement to work in the UK that will be verified during the application process. Details may be checked or shared with the Home Office for verification.
22.	Each person making an initial application for a driver's licence shall be required to complete and pass a Hackney Carriage/Private Hire driving assessment through Fareham Borough Council's approved accredited providers, at the applicant's own expense. A candidate will only be allowed three consecutive attempts in any 12 month period in connection with the application.
23.	All new driver applicants will be required to undertake and pass the current knowledge test. Should drivers wish to change the type of licence they hold at any time, they may be required to undertake a further knowledge test. All new driver candidates will be required to demonstrate during the licensing process that they have an acceptable command of English.
24.	An applicant must have held a full current UK or European Community driving licence for at least two years. A UK driving licence must be obtained within one year of their Hackney Carriage or Private Hire licence being granted.
25.	All applicants are required to undertake a DVLA driving record check annually.
26.	Where the Council revoke or refuse to renew any licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 they shall give to the driver within twenty-one days, notice of the grounds on which the licence has been revoked, or on which they have refused to renew such licence. The driver shall on demand return to the Borough Council the driver's badge issued to him/her in accordance with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976.
27.	If it appears that for public safety reasons we are required to revoke the licence with immediate effect, notice will be given to the driver under section 61(2), (a) which includes a statement that this is so, along with an explanation why the revocation takes effect, when the notice is given to the driver.
28.	Every driver must wear the badge provided by the Council in such a position and manner as to be plainly and distinctly visible.

29.	A medical certificate to DVLA Group 2 standards shall be produced on making the initial application. Additional group 2 medical certificates will be required in accordance with the Group II medical standard. The medical certificate must be completed and signed by the applicant's registered GP's surgery. The medical certificate must be provided at the applicant's own expense. The Council's medical referee will independently assess the medical certificate.
30.	Drivers must inform the Council if they are suffering from a serious illness. In the event of a driver suffering a serious illness, the Local Authority may require a medical certificate of fitness to return to work, all certification must comply with DVLA group 2 medical standards.
31.	The personal appearance and hygiene of all drivers is important to the comfort of the passengers and is in the best interests of the Trade in general. The authorised officer must be satisfied that an acceptable standard is maintained by all drivers in as much as a driver shall at all times be clean and respectable in their appearance and behave in a civil and orderly manner.
32.	All drivers shall at all times whilst operating a vehicle licensed as a hackney carriage or private hire vehicle, conduct themselves in an orderly manner and with civility and propriety towards every person, and shall comply with every reasonable requirement of the person hiring the vehicle.
33.	All drivers should be fully aware of the current seat belt regulations and adhere to them. For more information about the law relating to seat belts for children, visit www.childcarseats.org.uk
34.	In no circumstances must Hackney Carriages be left unattended while the driver carries out activities away from the rank except for short comfort breaks.
35.	Applicants for private hire operators licences must submit a DBS to an enhanced level in accordance with condition 16 above.
36.	The words "taxi" or "cab" or similar words likely to mislead members of the public must not be included in the title describing the operator's undertakings and from any advertising material, unless the proprietor of the vehicle is also the proprietor of a Hackney Carriage company licensed by Fareham Borough Council and registered as such.
37.	Upon initial enquiry the client should be properly informed of what charges will be incurred and the fact that the booking is in respect of a private hire vehicle.
38.	If for any reason a surcharge is to be imposed on the normal fare, the hirer will be informed of the intent at the time of booking.
39.	Applications for renewal of licences must be made to the Council at least 6 weeks before the expiration of the existing licence, where the renewal process involves the attainment of a DBS Certificate.
40.	Drivers and where appropriate operators must notify the licensing officer within 28 days of any criminal convictions or cautions received during the period of the current licence.

41.	<p>NOVELTY VEHICLES</p> <p>In order to widen the licensing regime without compromising public safety, a system to licence Novelty Vehicles under the Private Hire provisions has been adopted. A Novelty Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A complete application must be made for the vehicle prior to the Licensing Board including MOT certificate, log book/V5c document, insurance certificate, engineers report etc.) to provide a degree of confidence in the condition of the vehicle on initial application.</p> <p>Interpretation Novelty Vehicle</p> <p>For the purposes of this policy and license conditions a novelty vehicle is defined as follows:-</p> <ul style="list-style-type: none"> a) any vehicle that has been specially constructed adapted or converted by a low volume specialist vehicle manufacture or modifier; b) any vehicle that has been specially modified from it's original design or specification c) any vehicle that, in the opinion of the Head of Environmental Health because of its specialist design/styling or origin requires to be classed as a Novelty Vehicle; d) any vehicle granted a licence under the Novelty Vehicle provision, will only be able to be operated in accordance with the business model submitted to and approved by the Board.
42.	<p>EXECUTIVE VEHICLES</p> <p>There is no legal definition of Executive vehicle; however, there is common acceptance that an Executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. Vehicles qualifying for executive status must be of a high-end vehicle specification, and must still meet the private hire vehicle criteria. The Head of Environmental Health shall decide in their absolute discretion whether a vehicle is an Executive vehicle. Those vehicles classed as Executive will qualify for a plate dispensation.</p>
43.	<p>Where a vehicle is classified as an Executive Vehicle, Novelty Vehicle or Stretched Limousine, an application for a dispensation may be made to the Licensing Officer to allow for the rear plate to be kept in the boot of the vehicle. This will apply to specific contract work only and will be at the discretion of the Licensing Officer. Window plates will be issued once an application for dispensation has been granted and must be displayed in the front windscreen at all times.</p>
44.	<p>STRETCHED LIMOUSINES</p> <p>Where practicable the existing Hackney Carriage and Private Hire conditions of this Council will apply to Stretched Limousines. The following additional or alternative conditions will also apply.</p>

	<p>SL1. The vehicle must not be over 5 years old on first application for licensing. Vehicles over 8 years old will be subject to the licensing regime adopted for Exceptional Vehicles in addition to the special conditions for Stretched Limousines.</p> <p>SL2. DVLA V5 or equivalent shall be produced to authenticate registration.</p> <p>SL3. A Department for Transport (DfT), Single Vehicle Approval (SVA) documentation shall be produced to prove vehicle compliance with EC Type Approval Standards.</p> <p>SL4. The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.</p> <p>SL5. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.</p> <p>SL6. The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.</p> <p>SL7. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).</p> <p>SL8. Every seat shall have fitted a suitable seat belt or restraint for each passenger.</p> <p>SL9. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.</p> <p>SL10. There shall be no passengers carried in the front compartment.</p> <p>SL11. A plate on the door pillar shall confirm the total weight of the vehicle.</p> <p>SL12. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.</p> <p>SL13. A stretched limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station. Vehicles licensed under the Exceptional scheme will be subject to mechanical inspection at 4 monthly intervals.</p> <p>SL14. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).</p> <p>SL15. The vehicle shall display the licence plate issued by the Council on the rear of the vehicle. Unless a dispensation has been granted by the Head of Environmental Health, in this case only a window plate will be required to be on display.</p> <p>SL16. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence badge issued by this Council when operating the vehicle.</p>
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FAREHAM

BOROUGH COUNCIL

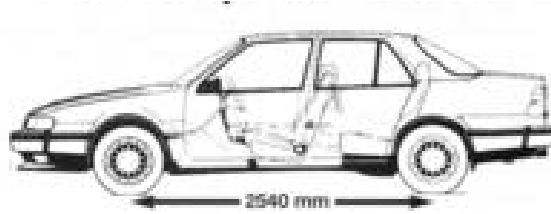
Introduction

The operation of a successful Hackney Carriage and Private Hire vehicle service is essential to the economic well-being of the Borough. It is equally important that the service provided by the Trade be properly regulated in order to instil confidence in the travelling public who wish to use the service. Whilst the Council no longer limits the number of vehicles that it licences, it does continue to regulate the condition of those vehicles to ensure the safety of the public.

The Council therefore has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by the Hackney Carriage and Private Hire Vehicle Conditions adopted by the Council. These conditions clearly identify what is required of the trade and ensure that council officers take a consistent approach in their application.

VEHICLES

1. The proprietor of any vehicle licensed by the Council shall, at the request of any authorised officer of the Council, produce for inspection the vehicle licence and any other documentation as required.
2. The vehicle must comply with the following requirements (stretched limousines or novelty vehicles may be subject to amended or additional conditions, see sections 44 and 41):
 - i. suitable in type and design for use as a licensed vehicle and capable of carrying not less than four and no more than eight passengers;
 - ii. in a suitable mechanical and physical condition;
 - iii. All vehicles must have at least 4 wheels and must carry a spare wheel to the same specification as the road wheels, or a space saver wheel or any approved manufacturer's device including an inflation kit.
 - iv. safe;
 - v. seats are of adequate comfort
 - vi. must be right hand drive
 - vii. only a vehicle with at least four doors will be considered for a licence. The doors must be of sufficient size to allow easy access and egress to seats for passengers, passengers must have clear access to the exit doors without the need to move or to climb over seating. This should not require the passenger to use a static tip-up seat mechanism (see section on "Exceptional Vehicles").
 - viii. where necessary there must be satisfactory provision of a suitable luggage gate or similar structure to ensure passenger safety.
 - ix. On initial application vehicles may be no older than 5 years since the date of first registration.
 - x. where a vehicle is already licenced this plate can be transferred onto a new vehicle, replacing the old vehicle. The new vehicle must be newer than the vehicle it is being transferred from (this is calculated by the vehicle date of registration), but must still be less than 5 years old from first date of registration.
 - xi. the vehicle wheelbase measured from the centre of front and rear wheels must be minimum distance is 2540 mm (100ins).



- xii Measurements of seats in vehicle:
 - i. Single seats should measure minimum of 16ins (401mm)
 - ii. Rear bench seat should measure across from the widest point a minimum of 48ins (1220mm)
 - iii. Distinct seats across the rear of the vehicle should also measure minimum of 16in (401mm) equalling minimum 48ins (1220mm)

If you have any uncertainty regarding your vehicles ability to meet any of the requirements please contact the licensing section of the council for clarification.

Fitness

3. Every vehicle upon initial application or annual renewal shall be presented with an engineer's report. The engineer's report form must be completed by a Department for Transport approved vehicle examiner, who is completely independent of the vendor, owner, driver or operator of the vehicle. The date of the engineer's report must be within 3 months prior to the expiry of any existing licence.
4. Vehicles over 6 years old will be required to undertake an engineer's report at 6 monthly intervals.
5. The proprietor of a licensed vehicle shall report as soon as is reasonably practicable to the Council, and in any case within seventy two hours, the occurrence of any accident to such vehicle causing material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of the passengers.
6. No person shall use a licensed vehicle on taxi/private hire business unless the plate issued by the Council is affixed to the outside rear of the vehicle in such a manner as to be plainly and distinctly visible (except where a vehicle plate dispensation has been granted in respect of the vehicle). Window plates where issued must be displayed at all times.
7. If a proprietor transfers a licensed vehicle to another person, they shall within fourteen days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.
8. The legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year. For private hire vehicles the requirement is for an annual MOT test after the vehicle is four years old.
9. Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days or after the service on the proprietor by the Council of a notice requiring its return.

10. The proprietor of a vehicle, in the event that he/she transfers his/her interest in that vehicle to a person other than those named on the licence, should within fourteen days of the transfer taking place, give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.

Specific Conditions for:

Hackney Carriages

11. A sign shall be displayed on the roof of each licensed hackney carriage bearing the word "taxi" and must shine red to the rear, such sign to be approved by the Council.
12. Licensed Hackney vehicles will be required under S.37 of the Disability Discrimination Act 1995 to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without additional charge, the dog must be allowed to remain with the passenger. Drivers who have a medical condition preventing them from carrying dogs, must obtain a medical exemption certificate from the Licensing Officer to display in their licensed vehicle.
13. The vehicle must be of sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the luggage of the passengers and the driver. (The seating capacity to be determined in accordance with Reg 42 of the Road Vehicle (Registration and Licensing) Regulations 1871.
14. All proprietors of Hackney Carriage vehicles must advise their drivers that they are required to take travel tokens in lieu of cash.

Taximeters

15. All Hackney Carriage vehicles and those Private Hire vehicles fitted with a taximeter must use a meter approved by the Public Carriage Office. These vehicles must display the council's current tariff card at all times.

Private Hire Vehicles

16. Private Hire vehicles must not display on or above the roof of any sign, notice, mark illumination or other feature, which may suggest that the vehicle is a taxi (HCV).
17. The vehicle should not be of such a design and appearance as to lead any person to believe that the vehicle is a taxi (HCV).
18. If a taximeter is installed in a private vehicle it must be calibrated to the current Licensing Authority Taxi Tariff.

DRIVERS REQUIREMENTS

19. Applicants for Private Hire/Hackney Carriage or dual driver licences must submit a Disclosure and Barring Service check at the enhanced level via the Disclosure and

Barring Service with their initial application, and thereafter, every three years. The applicant must present their DBS Certificate to the Licensing Authority.

20. A certificate of "Good Conduct" will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English
21. Applicants must be able to demonstrate they have an entitlement to work in the UK that will be verified during the application process. Details may be checked or shared with the Home Office for verification.
22. Each person making an initial application for a driver's licence shall be required to complete and pass a Hackney Carriage/Private Hire driving assessment through Fareham Borough Council's approved accredited providers, at the applicant's own expense. A candidate will only be allowed three consecutive attempts in any 12 month period in connection with the application.
23. All new driver applicants will be required to undertake and pass the current knowledge test. Should drivers wish to change the type of licence they hold at any time, they may be required to undertake a further knowledge test. All new driver candidates will be required to demonstrate during the licensing process that they have an acceptable command of English.
24. An applicant must have held a full current UK or European Community driving licence for at least two years. A UK driving licence must be obtained within one year of their Hackney Carriage or Private Hire licence being granted.
25. All applicants are required to undertake a DVLA driving record check annually.
26. Where the Council revoke or refuse to renew any licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 they shall give to the driver within twenty-one days, notice of the grounds on which the licence has been revoked, or on which they have refused to renew such licence. The driver shall on demand return to the Borough Council the driver's badge issued to him/her in accordance with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976.
27. If it appears that for public safety reasons we are required to revoke the licence with immediate effect, notice will be given to the driver under section 61(2), (a) which includes a statement that this is so, along with an explanation why the revocation takes effect, when the notice is given to the driver.
28. Every driver must wear the badge provided by the Council in such a position and manner as to be plainly and distinctly visible.
29. A medical certificate to DVLA Group 2 standards shall be produced on making the initial application. Additional group 2 medical certificates will be required in accordance with the Group II medical standard. The medical certificate must be completed and signed by the applicant's registered GP's surgery. The medical

certificate must be provided at the applicant's own expense. The Council's medical referee will independently assess the medical certificate.

30. Drivers must inform the Council if they are suffering from a serious illness. In the event of a driver suffering a serious illness, the Local Authority may require a medical certificate of fitness to return to work, all certification must comply with DVLA group 2 medical standards.

Drivers Appearance

31. The personal appearance and hygiene of all drivers is important to the comfort of the passengers and is in the best interests of the Trade in general. The authorised officer must be satisfied that an acceptable standard is maintained by all drivers in as much as a driver shall at all times be clean and respectable in their appearance and behave in a civil and orderly manner.
32. All drivers shall at all times whilst operating a vehicle licensed as a hackney carriage or private hire vehicle, conduct themselves in an orderly manner and with civility and propriety towards every person, and shall comply with every reasonable requirement of the person hiring the vehicle.

Found Property

33. All drivers shall immediately having finished a hiring, or as soon as possible afterwards, carefully search the vehicle for any property that has been left inside. If you find any property, or any property is handed to you, you must take it to the nearest Police reception facility to deposit as found property at the earliest opportunity.
34. All drivers should be fully aware of the current seat belt regulations and adhere to them.

For more information about the law relating to seat belts for children, visit www.childcarseats.org.uk

Specific Requirements for:

Hackney Carriage Drivers

35. In no circumstances must Hackney Carriages be left unattended while the driver carries out activities away from the rank except for short comfort breaks.

PRIVATE HIRE OPERATORS

36. Applicants for private hire operators licences must submit a DBS to an enhanced level in accordance with condition 14 above.
37. A record shall be kept of all journeys undertaken by each vehicle operated by the licence holder, such record to include the name and address of the client.
38. The words “taxi” or “cab” or similar words likely to mislead members of the public must not be included in the title describing the operator’s undertakings and from any advertising material, unless the proprietor of the vehicle is also the proprietor of a Hackney Carriage company licensed by Fareham Borough Council and registered as such.
39. Upon initial enquiry the client should be properly informed of what charges will be incurred and the fact that the booking is in respect of a private hire vehicle.
40. If for any reason a surcharge is to be imposed on the normal fare, the hirer will be informed of the intent at the time of booking.

GENERAL INFORMATION

41. Applications for renewal of licences must be made to the Council at least 6 weeks before the expiration of the existing licence, where the renewal process involves the attainment of a DBS Certificate.
42. Drivers and where appropriate operators must notify the licensing officer within 28 days of any criminal convictions or cautions received during the period of the current licence.
43. All licence holders must notify the Council within 2 weeks of any a change of address.

NOVELTY VEHICLES

44. In order to widen the licensing regime without compromising public safety, a system to licence Novelty Vehicles under the Private Hire provisions has been adopted. A Novelty Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A complete application must be made for the vehicle prior to the Licensing Board including MOT certificate, log book/V5c document, insurance certificate, engineers report etc.) to provide a degree of confidence in the condition of the vehicle on initial application.

Interpretation Novelty Vehicle

For the purposes of this policy and license conditions a novelty vehicle is defined as follows:-

- a) any vehicle that has been specially constructed adapted or converted by a low volume specialist vehicle manufacture or modifier;
- b) any vehicle that has been specially modified from it's original design or specification
- c) any vehicle that, in the opinion of the Head of Environmental Health because of its specialist design/styling or origin requires to be classed as a Novelty Vehicle;
- d) any vehicle granted a licence under the Novelty Vehicle provision, will only be able to be operated in accordance with the business model submitted to and approved by the Board.

EXECUTIVE VEHICLES

45. There is no legal definition of Executive vehicle; however, there is common acceptance that an Executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. Vehicles qualifying for executive status must be of a high-end vehicle specification, and must still meet the private hire vehicle criteria. The Head of Environmental Health shall decide in their absolute discretion whether a vehicle is an Executive vehicle. Those vehicles classed as Executive will qualify for a plate dispensation.
46. Where a vehicle is classified as an Executive Vehicle, Novelty Vehicle or Stretched Limousine, an application for a dispensation may be made to the Licensing Officer to allow for the rear plate to be kept in the boot of the vehicle. This will apply to specific contract work only and will be at the discretion of the Licensing Officer. Window plates will be issued once an application for dispensation has been granted and must be displayed in the front windscreen at all times.

STRETCHED LIMOUSINES

47. Where practicable the existing Hackney Carriage and Private Hire conditions of this Council will apply to Stretched Limousines. The following additional or alternative conditions will also apply.

- SL1. The vehicle must not be over 5 years old on first application for licensing. Vehicles over 8 years old will be subject to the licensing regime adopted for Exceptional Vehicles in addition to the special conditions for Stretched Limousines.
- SL2. DVLA V5 or equivalent shall be produced to authenticate registration.
- SL3. A Department for Transport (DfT), Single Vehicle Approval (SVA) documentation shall be produced to prove vehicle compliance with EC Type Approval Standards.
- SL4. The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- SL5. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
- SL6. The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.
- SL7. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).
- SL8. Every seat shall have fitted a suitable seat belt or restraint for each passenger.
- SL9. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.
- SL10. There shall be no passengers carried in the front compartment.
- SL11. A plate on the door pillar shall confirm the total weight of the vehicle.
- SL12. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
- SL13. A stretched limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station. Vehicles licensed under the Exceptional scheme will be subject to mechanical inspection at 4 monthly intervals.
- SL14. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).
- SL15. The vehicle shall display the licence plate issued by the Council on the rear of the vehicle. Unless a dispensation has been granted by the Head of

Environmental Health, in this case only a window plate will be required to be on display. The requirement to display "Pre Booking Only" stickers will not be applied to such vehicles.

- SL16. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence badge issued by this Council when operating the vehicle.

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **22 September 2015**

Report of: **Director of Community**

Subject: **REVIEW OF HACKNEY CARRIAGE FARES**

SUMMARY

Each year the views of the taxi trade are sought in respect of whether they wish the Council to consider an increase to the taxi tariff. The last time the trade indicated they wanted a tariff increase was in 2008, and the matter was considered by the Committee at that time and an increase was granted. In July this year a newsletter was sent to the taxi trade, which sought their view on whether they wished to have an increase to the taxi tariff and gave an illustration of an increase proposed by the Hackney Carriage Association.

RECOMMENDATION

The Committee is requested to consider the increase proposed by the Hackney Carriage Association and consider if an increase is appropriate and make a recommendation to the Executive in respect of the level of taxi tariff.

INTRODUCTION

1. Each year the taxi trade are consulted in respect of the level of taxi tariff. The last time the trade indicated they wanted a tariff increase following consultation was in 2008, and the matter was considered by the Committee at that time and an increase was granted.
2. Last year no increase was requested; however, the issue of charges for credit card payments was raised. It was agreed at Committee on 20 January 2015 that there should be no reference to charges for paying by credit or debit card included on the tariff card at that time.
3. On 29 June this year an email from Paul Rogerson of the Hackney Carriage Association was received (Appendix A), with proposed changes to the tariff.
4. The first change proposed was a change to the cost of carrying luggage. Instead of 'For each article of luggage carried outside of the passenger compartment - 10p', it was proposed to change to '**A charge of 50p will be made when luggage is carried outside of the passenger compartment**'. This will mean a change of 50p regardless of the amount of luggage carried.
5. The second proposal was to change the fee for fouling a vehicle from 'A Maximum charge of £45 may be made against any person fouling the vehicle' to '**A Maximum charge of £70 may be made against any person fouling the vehicle or allowing an animal to foul the vehicle**'.
6. In July this year a newsletter was sent to the taxi trade (Appendix B) to consult upon the taxi tariff. The proposal of the Association was put forward and the Trade were asked to let us know if they agreed or disagreed or would like to propose something else. No responses were received.
7. There are currently 213 Hackney Carriage vehicles licensed in the Borough, 206 licensed Hackney Carriage drivers and 120 Dual Licensed Drivers.

INDICES

8. Since the last tariff increase in September 2008, average earnings have remained fairly static, whilst motoring and other travel costs have increased significantly. Inflation is currently around 0.1% and has varied between 0% and 4% year on year since 2008.

RECOMMENDATION

9. Members are asked to review the fares comparison spread sheet (Appendix C) and consider whether to recommend an increase in the tariff. Also included in Appendix C are some example increases in order to further assist members
10. There are no significant risk considerations in relation to this report.

CONCLUSION

11. That members consider the information contained in the report when making their decision regarding the level of Fareham Taxi Tariff.

Background Papers: None

Reference Papers: None

Enquiries:

For further information on this report please contact Helen Spires (Ext 4411).

APPENDIX A – Email content from Paul Rogerson

APPENDIX B – Taxi Trade Newsletter July 2015

APPENDIX C – Fares Comparison Spread sheet and examples of Increase to tariff

Sarah,

At the last meeting of our Association on Tuesday, 9th June 15 the membership discussed and voted on whether they want a tariff increase:-

The decision was that-

- A. The meeting voted to remain on 190m for the pull off of £2.20 and to continue with 20p for each succeeding 190m.
- B. No change in the waiting time of 20p for each 60secs.
- C. No change to the Rate 2 or 3 increases nor to the times that they are implemented.
- D. No change on the Station surcharge.
- E. Proposal accepted by the meeting to change the Extra Charges that apply to 'For each article of luggage carried outside of the passenger compartment - 10p' to read '**A charge of 50p will be made when luggage is carried outside of the passenger compartment**'. (One piece of luggage or ten pieces of luggage would have a min/max charge of 50p).
- F. Proposal accepted by the meeting to apply to change from 'A Maximum charge of £45 may be made against any person fouling the vehicle' to '**A Maximum charge of £70 may be made against any person fouling the vehicle or allowing an animal to foul the vehicle**'.

The meeting agreed that if it is more convenient, these increases be applied for at the same time as Ian and you review the Hackney Carriage Licensing Conditions. If acceptable I will formally ask for these changes when Ian and you discuss the changes to the conditions.

Many thanks,

Paul Rogerson

Vice Chairperson of the Fareham Hackney Carriage and Private Hire Association.

July 2015
Issue: 43

Taxi & Private Hire News

Tariff

It is the time of year when the Trade has to decide whether or not to request a tariff change. The Association has proposed the following:

- A. The meeting voted to remain on 190m for the pull off of £2.20 and to continue with 20p for each succeeding 190m.
- B. No change in the waiting time of 20p for each 60secs.
- C. No change to the Rate 2 or 3 increases nor to the times that they are implemented.
- D. No change on the Station surcharge.
- E. Proposal accepted by the meeting to change the Extra Charges that apply to 'For each article of luggage carried outside of the passenger compartment - 10p' to read '**A charge of 50p will be made when luggage is carried outside of the passenger compartment**'. (One piece of luggage or ten pieces of luggage would have a min/max charge of 50p).
- F. Proposal accepted by the meeting to apply to change from 'A Maximum charge of £45 may be made against any person fouling the vehicle' to '**A Maximum charge of £70 may be made against any person fouling the vehicle or allowing an animal to foul the vehicle**'.

If you agree with what is being proposed, or would like to propose something different, or do not want a change, please let us know either by email to licensing@fareham.gov.uk or by post to: Licensing Team, Fareham Borough Council, Civic Offices, Civic Way, Fareham PO16 7AZ.

Considerate Driving

We have received a complaint from someone who lives in Duncan Road. She states that the taxis who are coming from the train station are coming round a blind bend at considerable speed and nearly causing accidents.

Please be considerate to other road users especially in built up areas where people may be trying to get on/off their drives.

Dual Drivers

All dual drivers need to have an operator's licence or be working for a company that has one.

Running Engines

Please turn off engines when on the rank or waiting for a fare as much as possible.

Equality and Human Rights Commission

If you feel you are being discriminated against for any reason the Equality and Human Rights Commission is there to help you. They can be contacted for advice and guidance. The number for the helpline is 0845 604 6610.

Contact Us

If you have any comments regarding this newsletter, ideas for subjects to be covered or any other issue regarding taxis, private hire or related matters please contact us by email at regulatory@fareham.gov.uk or by phone on 01329 236100.

Further information regarding Taxi and Private Hire can be found on our website at www.fareham.gov.uk

Abolition of the Counterpart

We can now check driving licences on-line either by you providing us with a code or coming into the Civic Offices and sitting with us whilst we do it.

Please visit <https://www.gov.uk/view-driving-licence> to see how this is done.

As we will not be employing a company to check your licence we are able to pass on the £5.75 saving.

We still need you to come in 5 or more working days before your badge expires to give us time to make it.

If you have already received your renewal paperwork please cross through the DP20 line on the receipt before you pay.

Times given if you require a DBS or medical still apply.

Drop-Off Point

It has been agreed that Hackney vehicles can have a drop off point in the town centre.

This is going to be at the top of the rank which is currently marked with double yellow lines. Drivers will be able to come up the side of the rank, drop off and pull off either to go to their next job or to join the rear of the rank.

This area is double yellow lined at the moment to allow space for Wilkinsons lorries to manoeuvre. As this will be a drop off point only (and parking or picking up will not be allowed in any circumstances) it should not cause any inconvenience.

This new drop off point will be available in the Autumn. Please do not drop off here until road markings have been completed.



True Vision launches free Hate Crime App for smartphones

The free downloadable app works alongside the full web facility at www.report-it.org.uk.

The App can give basic information about what a hate crime is and can link directly to an online facility to report hate crime and incidents directly to the police force where the crime took place.

Users can also share the app with friends by email and sms

Taxi Tariff Comparison

DISTRICT	NUMBER OF MILES	6
		£
SOUTHAMPTON	Pull off £2.80 for first 110 metres 20p each 110 metres thereafter until distance travelled of 330 metres 20p each 195 thereafter	12.76
PORTSMOUTH	Pull off £2.20 for the first 274 metres (or 51.43 seconds) 20p each 182.88 metres until fare reaches £12.60 20p each 141.73 metres thereafter	12.46
GOSPORT	Pull off £2.20 for first 199 metres 20p each 178 metres thereafter	12.80
FAREHAM (EXISTING)	Pull off £2.20 for first 190 metres 20p each 190 metres thereafter	12.20

Examples of effect of different increases to tariff

	NUMBER OF MILES	6
		£
FAREHAM EXISTING	Pull off £2.20 for first 190 metres 20p each 190 metres thereafter	12.20
FAREHAM (reduced distance1)	Pull off £2.20 for the first 190 metres 20p each 185 metres thereafter	12.44 +1.7%
FAREHAM (reduced distance2)	Pull off £2.20 for first 190 metres 20p each 180 metres thereafter	12.72 +4.3%
FAREHAM CONSULTATION RESPONSE	Pull off £2.40 for the first 190 metres 20p each 190 metres thereafter	12.40 +1.6%

NB The percentage increase in fare decreases as the journey length increases.

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **22 September 2015**

Report of: **Director of Community**

Subject: **AMENDMENT TO PRIVATE HIRE AND HACKNEY CARRIAGE
LICENSING DURATION AND FEES.**

SUMMARY

To introduce 3 year licences for Private Hire and Hackney Carriage Drivers and 5 year licences for Private Hire Operators and to set the level of fee for these licences.

RECOMMENDATION

- (a) That Private Hire and Hackney Carriage Drivers' Licences be granted for 3 years from 1 October 2015 unless the Council consider a lesser period to be more appropriate in the circumstances.
- (b) That Private Hire Operator's Licences be granted for 5 years, from 1 October 2015, unless the Council consider that a lesser period to be more appropriate in the circumstances.
- (c) Consideration be given to Private Hire and Hackney Licence conditions being varied to require a 3 yearly driving licence check instead of annual.
- (d) If Members are in agreement, the Licensing Service, in accordance with the provisions of section 70 of the Local Government (Miscellaneous Provisions) Act 1976, will publish in the Portsmouth News a notice (specifying a period of not less than 28 days) when any person aggrieved by the proposed fee variations can make an objection.
- (e) If there are any objections they shall be considered at the Committee meeting of 17 November 2015.

INTRODUCTION

1. The Deregulation Act 2015 received Royal Assent on 26 March 2015 with an implementation date of 1 October 2015 for the hackney carriage and private hire licensing elements. The whole Act consists of a raft of changes to many regulatory functions including two provisions that will affect taxi and private hire licensing.
2. The first provision is that hackney carriage and private hire driver's licences should be issued for 3 years and private hire operator licences for 5 years, unless there are reasons for not doing so.
3. The second provision is to permit private hire operators to sub contract journeys to other private hire operators outside of the district they are licensed in. At present, private hire operators are only permitted to subcontract journeys to other private hire operators who are licensed in the same district.
4. Currently, the Authority issues hackney carriage and private hire driver's licences for 1 year and private hire operator licences are issued for 3 years, therefore it is necessary to review this approach in light of the Deregulation Act.
5. The current licence fees are based on the overall cost of delivering the Hackney and Private Hire Service and the costs related to the work involved with each element.
6. The Data and Barring Scheme (DBS) checks are carried out 3 yearly in accordance with the DBS guidelines, the changes therefore would not affect this part of the licensing procedure and the DBS would fall due when the licence renewals are due.
7. Driving Licence checks for licence holders are carried out annually, this check helps to protect public safety, as a driver could easily lose their licence over the course of 12 months for driving offences. Under the new regime in order to further the Government's deregulation agenda it is proposed to carry out driving licence checks 3 yearly to match the DBS and drivers licensing requirements.
8. The DVLA sometimes issue driving licence s for specific periods, should an applicant be issued a driving licence for less than 3 years the Taxi/Private Hire Licence would be issued annually, so as not to extend pass the expiry of the DVLA licence.
9. The changes to be brought about by the Deregulation Act have necessitated a review of the licence fees for Private Hire and Hackney Carriage Driver's licences and Private Hire Operators licences.
10. The relevant fee levels have been reviewed and the current annual fee level and the proposed 3 and 5 yearly fees can be seen as Appendix A. In this area the Council should only recover the cost of delivering the service, this is a complicated calculation as there are many elements e.g. accommodation, ICT, Finance, Personal, Democratic processes etc which are difficult to calculate in relation to the issue for a single licence as a unit cost. In addition the cost any enforcement activities cannot be included.
11. The revised fee structure will result in reduced income phased over a period of time. This will be offset by income budget adjustments and a reduction in the costs relating to the Environmental Health Partnership that are charged to this area.

RISK ASSESSMENT

12. The Council could be open to legal challenge regarding its Hackney and Private Hire Licensing arrangements if it does not amend the period's its licences can be granted for and set an appropriate level of fee for them.

CONCLUSION

13. The Committee are invited to set the periods licences can granted for and set the level of fee for them. There is Statutory consultation to take place which will now unfortunately exceed the commencement date for the new fees, the Licensing Team would put into place some temporary arrangements until the new fees/periods have been set by this Committee following consultation

Background Papers: None

Reference Papers: None

Enquiries:

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

Proposed Hackney Carriage and Private Hire Driver and Operator fees

Licence type	Duration	Fee	Notes
Hackney Carriage Drivers Licence	1 Year	£60	Current fee level
Hackney Carriage Drivers Licence	3 Year	£155	
Private Hire Drivers Licence	1 Year	£60	Current fee level
Private Hire Drivers Licence	3 Year	£155	
Private Hire Operators Licence	1 Year	£185	Current fee level
Private Hire Operators Licence	5 Year	£455	