

FAREHAM

BOROUGH COUNCIL

AGENDA LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 19 June 2018

Time: 5.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors I Bastable
Mrs S M Bayford
Miss S M Bell
F Birkett
T Davies
M J Ford, JP
J S Forrest
Mrs C Heneghan
L Keeble
Mrs K Mandry
Ms S Pankhurst
R H Price, JP



Deputies: K D Evans
S Cunningham

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

1. Apologies for Absence

2. Minutes (Pages 5 - 6)

To confirm as a correct record the minutes of the meeting of the Committee held on 10 May 2018.

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. Appointment of Trading Concessions Panel

The Committee is reminded that it has decided to appoint a Trading Concessions Panel to deal with occasional issues arising from the grant of catering concessions in West Street, Fareham.

The Committee is invited to appoint the Panel for 2018/19 and is reminded that last year the Panel comprised five Members (Councillors Miss S M Bell, Mrs P M Bryant, T M Cartwright, MBE, L Keeble and Mrs K Mandry).

The allocation of seats to political groups will be provided to Members at the meeting.

The Committee is invited to appoint Members to the Trading Concessions Panel in accordance with groups' wishes and may proceed to appoint a Chairman from among those Members appointed to the Panel.

7. Responsibilities of the Licensing and Regulatory Affairs Committee (Pages 7 - 8)

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

8. Taxis and Wheelchair Accessibility (Pages 9 - 12)

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

9. Taxi Replacement Incentive Scheme (Pages 13 - 16)

To consider a report by the Head of Environmental Health on a proposed Taxi Replacement Incentive Scheme.

10. Licensing Conditions Update (Pages 17 - 32)

To consider a report by the Head of Environmental Health which proposes amendments to the Licensing Conditions.

11. Licensing and Regulatory Affairs Committee Work Programme (Pages 33 - 38)

To consider a report by the Head of Environmental Health on the Committee's Work Programme for 2018/19.



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
11 June 2018

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FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Thursday, 10 May 2018

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors: Mrs S M Bayford, Miss S M Bell, F Birkett, T Davies,
M J Ford, JP, J S Forrest, Mrs C Heneghan, L Keeble,
Mrs K Mandry, Ms S Pankhurst, R H Price, JP and K D Evans
(deputising for I J Bastable)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor I J Bastable.

2. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 27 March 2018 be confirmed and signed as a true record.

3. APPOINTMENT OF LICENSING PANEL

RESOLVED that

- (a) a Licensing Panel be appointed for 2018/19 with those terms of reference and delegated powers previously determined by the Committee on 01 February 2005, as amended on 23 January 2007 and subsequently confirmed by Council on 15 February 2007;
- (b) Members of the Licensing and Regulatory Affairs Committee be appointed to the Licensing Panel, such that it comprises the Chairman and two other Members of the Licensing and Regulatory Affairs Committee, appointed on a rotating basis, subject to their having completed the necessary training; and
- (c) the Chairman of the Licensing and Regulatory Affairs Committee preside at meetings of the Panel, with the Vice Chairman deputising as occasion requires.

4. APPOINTMENT OF TRADING CONCESSIONS PANEL

The Committee was reminded that it had decided to appoint a Trading Concessions Panel to deal with occasional issues from the grant of concessions in West Street, Fareham. The Committee was invited to appoint the Panel for 2018/19.

As the position regarding the allocation of seats to political groups needed to be clarified before the Committee could appoint Members to the Trading Concessions Panel it was agreed that this item be deferred to the next meeting.

RESOLVED that the appointment of the Trading Concessions Panel be deferred to the meeting.

(The meeting started at 3.05 pm
and ended at 3.15 pm).

FAREHAM

BOROUGH COUNCIL

Presentation to the Licensing and Regulatory Affairs Committee

Date: 19 June 2018

Report of: Head of Environmental Health

Subject: RESPONSIBILITIES OF THE LICENSING AND REGULATORY AFFAIRS
COMMITTEE

SUMMARY

Officers will provide the Committee with a presentation outlining the service areas falling within the Licensing and Regulatory Affairs Committee. The presentation will outline the key recent achievements and future challenges for each of the service areas.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee NOTES the content of the presentation.

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **19 June 2018**

Report of: **Head of Environmental Health**

Subject: **TAXIS AND WHEELCHAIR ACCESSIBILITY REPORT**

SUMMARY

On 13th June 2017 the Head of Environmental Health took a report to the Licensing and Regulatory Affairs Committee for Members to consider whether the current arrangements for wheelchair accessible vehicles are sufficient. The Committee resolved that officers should consult with local disability groups and Hackney Carriage/Private Hire Associations to gain a clearer picture of the issues faced by disabled residents and provide a further report on Taxis and Wheelchair Accessibility for consideration at a future meeting of the Committee. This consultation has now been carried out and the findings and recommendation are presented in this report.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee agrees that the age limit for Wheelchair Accessible Vehicles, when first plated as a licensed Hackney Carriage, be increased from 5 years to 10 years (but that the vehicle must still be in immaculate condition).

INTRODUCTION

1. On 13th June 2017, the Head of Environmental Health took a report to the Licensing and Regulatory Affairs Committee for Members to consider whether the current arrangements for wheelchair accessible vehicles were sufficient.
2. At this meeting it was reported that Fareham Borough Council had 3 wheelchair accessible vehicles (WAV) although private hire companies in the surrounding areas had WAV and could pick up any unmet demand.
3. Neither the proposed guidance or technical specifications for wheelchair accessible vehicles had been forthcoming from the Government.
4. Therefore, the situation regarding the provision of wheelchair accessible vehicles was unchanged from previous meetings.
5. Members discussed and considered in detail whether the wheelchair accessible hackney carriage and private hire vehicles that serve the Borough are meeting the needs of people with disabilities. It was agreed that further evidence should be gathered from relevant parties to ensure that all issues are fully understood.
6. It was resolved that, having considered whether the current arrangements for wheelchair accessible vehicles are sufficient, officers be requested to:
 - (a) consult with local disability groups and Hackney Carriage/Private Hire Associations to gain a clearer picture of the issues faced by disabled residents; and
 - (b) provide a further report on Taxis and Wheelchair Accessibility for consideration at a future meeting of the Committee.

INVESTIGATION

7. The Head of Environmental Health and the Licensing Manager spoke to representatives from Dial a Ride, Shop Mobility, the MS Society and the Health Forum. The situation regarding WAVs in Fareham was explained and the representatives were asked for the peoples' experiences, problems and thoughts. The main points which came out were:
 - In Fareham the overall users of Dial-a-Ride had dropped in number. However, this was due to the rise by 50% of wheelchair users meaning there were less seats available for the elderly or those who do not use a wheelchair. In other areas (Gosport) where there are more accessible taxis, numbers had remained constant.
 - Dial-a-Ride is funded by Fareham Borough Council, Gosport Borough Council and Hampshire County Council and at the time of speaking to the agencies, this funding was due to be withdrawn. Since that time, it has been decided that funding will remain.
 - 6-8k from FBC
 - 6.8k from GBC
 - 48k from HCC for both FBC/GBC, i.e. a total of £96k.

- Dial-a-Ride cannot take people out of the Borough within which they live, i.e. if a person wanted to visit a relative at QA they could not use the service.
 - The trip to Queen Alexandra Hospital (QAH) would cost approx. £3, in a taxi £30, some operators up to £70.
 - Bus subsidies will be removed by 2019 which will mean that people who travelled by bus on a wheelchair may then need to use another service such as taxis.
 - Often customers with wheelchairs are faced with long waits due to no vehicles being available in the Borough.
 - People do not know who to complain to.
8. A questionnaire was sent to all licensed drivers in the Borough (305) not all of whom own a current vehicle. 24 responses were received which is 7.8% .
9. The main points raised were:
- Drivers overall did not feel there was a requirement for more WAVs with 17 of those who responded (24) saying they had not had to turn away work. Some pointed out that many wheelchairs are foldable and will fit in a saloon car.
 - The main reasons preventing drivers from getting a WAV were:
 - Initial cost of vehicle
 - Running and maintenance cost of vehicle
 - Journeys take longer (loading and unloading) than a saloon vehicle but fare is the same
 - Incentives put forward by drivers to encourage more WAVs were:
 - Subsidise cost of vehicle
 - Increase age limit for WAVs
 - Lower licensing fees for WAVs
 - Raise fares charged for WAVs

CONSIDERATIONS

10. In addition to the above from the survey, it is possible to require all new vehicles to be wheelchair accessible, however this would risk there becoming an artificially high value to existing saloon plated vehicles and would not necessarily see new WAV's being plated.
11. The council is not in a position to subsidise the cost of the vehicle or running costs. The licence cost is relatively low in comparison to the cost of a vehicle so would offer little incentive if waived.
12. The status quo remains the same as funding has not been withdrawn to other services offering wheelchair accessible vehicles.

13. The Government may still come up with a definition of a WAV. Although this is unlikely to be prescriptive it should still be taken into account.
14. The Disability Discrimination Act prevents additional charges being levied for passengers who are in a wheelchair.
15. Currently, Hackney Carriage vehicles plated for the first time must be no older than 5 years since first registration. If this were relaxed to 10 years for wheelchair accessible vehicles, this would effectively subsidise the cost as older vehicles are less expensive. All vehicles are required to have both a valid MOT and also an independent engineer's report, so public safety would not be compromised.
16. This change would be contrary to the air quality objectives the Council is trying to achieve, however the policy could be kept under review and when the number of WAV vehicles has increased to a more reasonable number could be reversed.

RISK ASSESSMENT

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

CONCLUSION

18. Should the Committee wish to allow for more Wheelchair Accessible vehicles without the need to adopt a 100% WAV policy, we need to encourage more proprietors to change to this type of vehicle by adopting the following:

Increase the age limit for first time plated WAV Hackney Carriage Vehicles from 5 years to 10 years (but must still be in immaculate condition).

Background Papers:

None

Reference Papers:

None

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **19 June 2018**

Report of: **Head of Environmental Health**

Subject: **TAXI REPLACEMENT INCENTIVE SCHEME**

SUMMARY

The United Kingdom's revised National Air Quality Plan was published by DEFRA in July 2017. Fareham Borough Council was highlighted as one of the Authorities that must produce a targeted local plan. The area of road identified is from the Delme roundabout taking in part of the A27 to Portchester, Eastern and Western way taking in part of the A32 and the A27 off of the Station roundabout. To that end, DEFRA issued a Compliance Directive on Fareham Borough Council, along with the other identified Authorities. As part of the Government's national Air Quality programme we have had the opportunity to bid for Early Measures funding to help achieve compliance with the above. A bid was submitted in January 2018 to the Early Measures fund in respect of funding for an incentive scheme to encourage the replacement of older polluting diesel fuelled taxi and hackney carriages within Fareham and Gosport. This bid was successful and £150,000 was awarded in this respect. This report details the scheme approved by the Joint Air Quality Unit.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee notes the content of this report.

INTRODUCTION

1. The UK Government is required under the Environment Act 1995 to produce a National Air Quality Plan. The Plan sets out the United Kingdom's air quality objectives and recognises that action at national, regional and local levels may be needed, depending on the scale and nature of the air quality problem. The United Kingdom's revised National Air Quality Plan was published by DEFRA in July 2017. This Plan identified 29 local authorities with likely pollution exceedances in 2020 (based on computer air pollution monitoring).
2. Fareham Borough Council was highlighted as one of the Authorities that must produce a targeted local plan. The area of road identified is from the Delme roundabout taking in part of the A27 to Portchester, Eastern and Western way taking in part of the A32 and the A27 off of the Station roundabout. To that end, DEFRA issued a Compliance Directive on Fareham Borough Council, along with the other identified Authorities.
3. This Direction required the Authority to undertake and submit a Feasibility Study (Initial Plan) to identify the option which will deliver compliance with legal limits by 31 March 2018, this has been complied with. The Authority must now also submit a Final Plan by 31 December 2018 which must identify the preferred option to deliver compliance. The Government is funding this work.
4. As part of the Government's national Air Quality programme we have had the opportunity to bid for Early Measures funding to help achieve compliance with the above. A bid was submitted in January 2018 to the Early Measures fund in respect of funding for an incentive scheme to encourage the replacement of older polluting diesel fuelled taxi and hackney carriages within Fareham and Gosport. This bid was successful and £150,000 was awarded in this respect.
5. With many Authorities currently considering Clean Air Zones, it is likely these older diesel vehicles will be charged for entering some of these zones if implemented.

THE SCHEME

6. The joint Air Quality Unit have been very prescriptive as to the form the scheme must take.
7. Older Diesel vehicles are the most polluting in terms of Nitrogen Dioxide. Since January 1992 engines have had to meet standards in terms of exhaust emissions at the time the Standard was Euro 1. Periodically the standards have been improved, with the latest standard being introduced from 1st September 2015, which is Euro 6. With advancements in technology the diesel 6 standard for emissions is significantly better than its predecessor Euro 5. There are different standards for diesel and petrol vehicles.
8. Within the Fareham and Gosport Taxi and Private Hire fleet, there are a significant number of Taxi and Private Hire Vehicles which are Euro 5 or earlier.
9. Owners of licensed vehicles that have had the vehicle licensed for the previous 12 months when applying can apply for financial incentives to replace their current vehicle if it is a Euro 5 diesel or earlier, to help with running costs, based on the below:-

Replacing a diesel Euro 5

£925 5 years free licensing

£750 Servicing costs (on production of receipts, depending on warranty)

£750 Insurance

£2425 total

Replacing a diesel Euro 4

£925 5 years free licensing

£500 Servicing costs (on production of receipts, depending on warranty)

£500 Insurance

£1925 total

Replacing a diesel Euro 3

£925 5 years free licensing

£250 Servicing costs (on production of receipts, depending on warranty)

£250 Insurance

£1425 total

10. The vehicle that is being purchased to replace the older diesel vehicles must be either an Ultra-Low Emission vehicle or at least a Euro 5 or 6 hybrid vehicle. It must meet all of the other usual licensing criteria.
11. There is a Sliding scale as the newer vehicles were more expensive to buy and would be replaced normally after a longer period.
12. A commitment to being licensed for 5 years, with the same Authority will be required, insurance is checked as part of the normal process.

THE NEXT STEPS

13. The Scheme will be launched later in June and run through to the end of February 2019.
14. The Joint Air Quality Unit will be monitoring the Schemes Delivery monthly. It may be possible to extend it should there be available funding.

RISK ASSESSMENT

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

CONCLUSION

16. It is hoped that by incentivising the replacement of the most polluting vehicles with cleaner types that this will have a knock on effect of improving Air Quality in the affected area and beyond. It is estimated that 5% of journeys in the study area for the Air Quality Project are made by Taxi and Private Hire Vehicles. The Joint Air Quality Unit are finding this scheme.

Background Papers:

None

Reference Papers:

None

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **19 June 2018**

Report of: **Head of Environmental Health**

Subject: **LICENSING CONDITIONS UPDATE**

SUMMARY

In 2017 Fareham Borough Council was served an Air Quality Direction in respect of predicted exceedances of Nitrogen Dioxide on Eastern Western Way and a small section of the A27 and A32 of off those roads. This background has merited a review of certain Conditions by the Head of Environmental Health in order to not worsen the air quality situation. At the same time, the opportunity has been taken to review the rest of the conditions to update them. This report proposes changes to the title of the document and to the conditions relating to Air Quality, Seating and E-cigarettes.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:

- a) approves the proposed changes to “the Hackney Carriage and Private Hire Conditions and Requirements” in respect of the title of the document and the conditions relating to Air Quality, Seating and E-Cigarettes; and
- b) delegates authority to the Head of Environmental Health to redraft and publish the document to reflect these changes.

INTRODUCTION

1. As the licensing authority for Hackney Carriage and Private Hire drivers and vehicles, this Council can apply reasonable conditions or licensing policy and criteria to the vehicle and operators' licences that it grants. The current Conditions were approved in 2015 and are attached as Appendix A to this report.
2. In 2017 Fareham Borough Council was served an Air Quality Direction in respect of predicted exceedances of Nitrogen Dioxide on Eastern Western Way and a small section of the A27 and A32 of off those roads
3. This background has merited a review of certain Conditions by the Head of Environmental Health in order to not worsen the air quality situation. At the same time, the opportunity has been taken to review the rest of the conditions to update them.
4. In addition, we have had legal difficulties in naming our licensing terms and conditions and would seek to rename them from "The Hackney Carriage and Private Hire Conditions and Requirements" to "Hackney Carriage and Private Hire Licensing Criteria and Policy".

AIR QUALITY

5. Older Diesel vehicles are the most polluting in terms of Nitrogen Dioxide. Since January 1992 engines have had to meet standards in terms of exhaust emissions. At that time the Standard was Euro 1. Periodically the standards have been improved, with the latest standard being introduced from 1st September 2015, which is Euro 6. With advancements in technology the diesel 6 standard for emissions is significantly better than its predecessor Euro 5. There are different standards for diesel and petrol vehicles.
6. Currently vehicles can be plated for the first time as long as they were first registered not more than 5 years from date of application. Therefore we could currently be plating diesel vehicles registered as early as 1st June 2013, these would be Euro 5 standard and therefore one of the worst polluting. We would therefore like to amend this condition so as to only allow vehicles if they are diesel to be plated if they are Euro 6.

SEATING

7. In some of the larger vehicles we currently do not allow flip forward seats in order to afford maximum access. With the improvement in seat adjustments and the fact that these vehicles usually have 5 or 6 other seats, this condition is considered to be out dated. We would therefore like to remove it

E-CIGARETTES

8. With the introduction of E-cigarettes, enforcement of no smoking in vehicles legislation can be difficult. We would therefore like to introduce a condition to make smoking E-Cigarettes in licensed vehicles prohibited.

CONSULTATION

9. 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 consider any representations before any final decision to change the Conditions is made. A letter

was sent to all vehicle owners and operators on the 6 April 2018 and the 30 April 2018. This can be seen as Appendix B. Only one response was received which made no comment if the proposals do not affect existing vehicles (which they don't).

RISK ASSESSMENT

10. 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 affecting 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

CONCLUSION

11. The revised Conditions and Requirements will be updated if Members agree to the updates.

APPENDICES

Appendix A: The Current Hackney Carriage and Private Hire Conditions and Requirements

Appendix B: Consultation letter to the Trade

Background Papers:

None

Reference Papers:

None

Enquiries:

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

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 48):
 - 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 "Stretched Limousines").
 - viii. where necessary there must be satisfactory provision of a suitable luggage gate or similar structure to ensure passenger safety.
 - ix. on initial application Hackney Carriage vehicles may be no older than 5 years since the date of first registration. Private Hire vehicles can be any age but must be in excellent condition.
 - 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 a Hackney Carriage 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. 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
4. 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.
5. 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.
6. 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.
7. All licensed hackney carriage vehicles to be subject to an annual MOT test after the age of one year. For Private Hire vehicles the requirement is the same as for private vehicles.
8. 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.

Specific Conditions for:

Hackney Carriages

9. A sign shall be displayed on the roof of each licensed hackney carriage bearing the word "taxi". This sign is to be illuminated when switched on and must shine red to the rear. Roof signs to be approved by the Council.
10. 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.
11. All proprietors of Hackney Carriage vehicles must advise their drivers that they are required to take travel tokens in lieu of cash.
12. 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.

Taximeters

13. 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.

Advertising

14. Advertising may be placed on the front lower driver and passenger doors of a Hackney Carriage or Private Hire vehicle. This may contain the name and telephone number of the company and for Private Hire companies the words "pre-booked only". In addition a small strip providing only the company details on the rear windscreen (name, telephone number). Internal advertising will be at the proprietor's discretion. All advertising must be approved by the Licensing Officer prior to it being placed on the vehicle.
15. 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 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, ie roof sign.

The above refers to advertising in all media.

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 Hire 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.
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. A candidate will only be allowed three consecutive attempts in any 12 month period in connection with the application.
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 19 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

45. 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 Panel.

EXECUTIVE VEHICLES

46. 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.
47. 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

48. 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

«Merge Record #»

«Name»

«Address1»

«Address2»

«Address3»

«Postcode» «Next Record»

Head of Environmental Health
Ian Rickman

Contact: Helen Spires**Ext.:** 01329 824411**Date:** 09-04-18

Dear Vehicle Owner

GOVERNMENT FUNDING AWARD / PROPOSED CHANGES TO CONDITIONS / TRAVEL VOUCHERS

We are writing to inform you of Government Funding which has been awarded to Fareham and Gosport Councils to improve the overall emission standard of the licensed fleet. To consult with you on proposed changes to the taxi and private hire licensing conditions and to remind you that travel vouchers need to be exchanged by 20th April 2017.

Government Funding Award

In July 2017, the Government published its latest National Air Quality Plan. This was immediately followed with a Ministerial Direction issued to Fareham Borough Council in respect of the likely exceedance of nitrogen dioxide levels in 2020 on sections of the A27 and the A32 in Fareham. Since this Direction was issued Fareham has been working with other authorities including Gosport and Hampshire to work up measures that will avoid this likely exceedance.

In March 2018 Fareham Borough Council made a successful bid to the Joint Air Quality Unit (DEFRA and DfT) for funds to incentivise the replacement of diesel taxis/private hire vehicles that were first registered before 1st September 2015. The Award was for £150,000 to be used for such a scheme across Fareham and Gosport. There are specific conditions attached to the award but essentially from June 2018 there will be a cash incentive for eligible vehicles to be replaced with either ultra-low emission vehicles (ULEVs) or Euro V/VI hybrid vehicles. We will write to you again once the detail of this scheme has been finalised.

Planning and Regulation

Civic Offices Civic Way Fareham PO16 7AZ

Tel: 01329 236100 Fax: 01329 550576

Voicemail: 01329 824630 irickman@fareham.gov.uk

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Proposed Changes to Conditions

1. To change the requirement on vehicle age at first licensing to be no more than 5 years old and to have been first registered after the 1st September 2015.

Reason: Vehicles registered after 1st September 2015 will meet the most recent emission standards.

2. To remove the requirement regarding the movement of seats for access and egress in multi seat vehicles. To allow for maximum occupancy.
3. To increase the 'no smoking' requirement in vehicles to include VAPE, e-cigarettes or any other substitute which could be mistaken for a cigarette.

Please let us know in writing, either by letter or email any comments you wish to make by end of business (17:15 hours) on the 8th May 2018,

Reminder

Hampshire County Council travel vouchers for 2017/18 must be cashed before 20th April 2018 to give us time to forward them to Hampshire for exchange.

Should you have any queries regarding any of this letter, please do not hesitate to contact Helen Spires on 01329 824411 or email hspires@fareham.gov.uk.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Rickman', with a long horizontal flourish extending to the right.

Ian Rickman
Head of Environmental Health & Licensing

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **19 June 2018**

Report of: **Head of Environmental Health**

Subject: **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2018/19**

SUMMARY

At its meeting in March, the progress of the Work Programme for 2017/18 was considered by the Licensing and Regulatory Affairs Committee and a Work Programme for 2018/19 was agreed. Members are now invited to note the actions from the last meeting and to review the Work Programme for 2018/19.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:-

- (a) notes the progress on actions arising from the meeting of the Committee held on 27 March 2018, as shown in Appendix A to the report; and

- (b) agrees the updated Work Programme for 2018/19, as attached as Appendix B to the report.,

INTRODUCTION

1. At the Committee meeting on 27 March 2018, the Committee agreed a Work Programme for 2018/19 which was submitted to Council for approval at its meeting on 26 April 2018.

MONITORING

2. The progress on actions since the last meeting of the Committee is attached as Appendix A to this report for information.

WORK PROGRAMME 2018/19

3. The Committee's Work Programme for 2018/19 is attached as Appendix B to this report.

REVISIONS TO THE WORK PROGRAMME 2018/19

4. As agreed at the meeting of the Committee held on 27 March 2018, Members are asked to note the following revisions to the Work Programme for 2018/19:
 - i. The addition of an item entitled 'Taxi Replacement Incentive Scheme' to the agenda of the meeting scheduled to take place on 19 June 2018; and
 - ii. The addition of an item entitled 'Licensing Conditions Update' to the agenda of the meeting scheduled to take place on 19 June 2018;
5. Members are also asked to note the addition of an item entitled 'Air Quality and Taxi Replacement Incentive Scheme Update' to the agenda of the meeting scheduled to take place on 26 March 2019.

RISK ASSESSMENT

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

CONCLUSION

7. To summarise, the Committee is now invited to note the progress on matters considered by the Committee at its last meeting, as shown in Appendix A to this report and agree the updated Licensing and Regulatory Affairs Committee Work Programme for 2018/19, as set out in Appendix B.

APPENDICES:

Appendix A – Progress on actions since the last Committee Meeting

Appendix B – Updated Work Programme 2018/19

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

LICENSING AND REGULATORY AFFAIRS COMMITTEE – 19 June 2018

Progress on Actions from last meeting

Date of Meeting	27 March 2018
Subject	Update on Fareham and Gosport Environmental Health Update
Type of Item	Presentation
Action by Committee	<p>The Committee received a presentation by the Head of Environmental Health which provided Members with an update on the Fareham and Gosport Environmental Health Partnership.</p> <p>The presentation gave details of the membership and management of the Panel, the scope of its service, an overview of progress to date, key financial information and an update on service delivery performance. A summary of current issues was also provided which covered the need for the Partnership Agreement to be updated, changes to the food regulation system and a brief update on Air Quality. This included confirmation that grant funding of £150,000 has been awarded this week to fund a taxi replacement incentive scheme across Fareham and Gosport that will help the Council to reduce the number of older, diesel cars on the roads. The Head of Environmental Health advised Members that a report will be brought to the Committee in June to provide further information about the incentive scheme.</p> <p>The Committee was also advised that there are a small number of loopholes in the Taxi Licensing Policy that need to be addressed. These will be presented to the Committee for consideration at the next meeting.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	Online Gambling Report
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health which provided information in respect of online gambling.</p> <p>The Head of Environmental Health highlighted the extensive scope of online gambling regulation which demonstrates the tight</p>

	control that the Gambling Commission has on the Gambling Industry. RESOLVED that the Committee notes the content of the report.
Outcome	Complete
Link Officer	Ian Rickman
Subject	Final Review of Work Programme 2017/18 and Draft Work Programme 2018/19
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health which gives a final review of the Committee's 2017/18 Work Programme and proposes a draft Work Programme for 2018/19.</p> <p>The Head of Environmental Health advised that, as outlined in item 6, additional reports regarding the Taxi Replacement Incentive Scheme and Updates to Licensing Conditions will be added to the 2018/19 Work Programme for the meeting scheduled to take place in June.</p> <p>Having reviewed the Work Programme for the current year 2017/18, as attached as Appendix A to the report, it was RESOLVED that:</p> <ul style="list-style-type: none"> (a) reports entitled 'Taxi Replacement Incentive Scheme' and 'Licensing Conditions Update' be added to the June meeting of the 2018/19 Work Programme; (b) subject to (a) above, the Committee approves the proposed Work Programme for 2018/19, as attached as Appendix C to the report; and (c) the proposed Work Programme for 2018/19 be submitted to Council for endorsement.
Outcome	Complete
Link Officer	Ian Rickman

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2018/19**

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
19 JUNE 2018	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee Taxis and Wheelchair Accessibility Report Taxi Replacement Incentive Scheme Licensing Conditions Update Review of Work Programme 2018/19	
31 JULY 2018	Review of Work Programme 2018/19	
18 SEPTEMBER 2018	Setting of Taxi Tariff Actual Revenue Expenditure 2017/18 Review of Work Programme 2018/19	
27 NOVEMBER 2018	Police Licensing Officer Update Review of Work Programme 2018/19	
29 JANUARY 2019	Spending Plans 2019/20 Fees and Charges 2019/20 Preliminary Review of Work Programme 2018/19 and Draft Work Programme 2019/20	
26 MARCH 2019	Update on Fareham & Gosport Environmental Health Partnership – Presentation Update on Air Quality and the Taxi Incentive Scheme. Final Review of Work Programme 2018/19 and Draft Work Programme 2019/20	

