

# FAREHAM

BOROUGH COUNCIL

## AGENDA

### LICENSING AND REGULATORY AFFAIRS COMMITTEE

**Date:** Monday, 4 September 2023

**Time:** 4.15 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor Mrs P M Bryant (Chairman)

Councillor Ms F Burgess (Vice-Chairman)

Councillors I Bastable  
Mrs S M Bayford  
S Dugan  
M J Ford, JP  
N R Gregory  
D J Hamilton  
Mrs P Hayre  
S Ingram  
Ms S Pankhurst  
Mrs K K Trott  
Mrs S M Walker

**Deputies:** J M Englefield



Mrs K Mandry

P Nother

**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**

**(1) Minutes of meeting Monday 26 June 2023 of Licensing & Regulatory Affairs Committee (Pages 5 - 8)**

To confirm as a correct record the minutes of the meeting of the Committee held on 26 June 2023.

**(2) Minutes of meeting Wednesday, 5 July 2023 of Licensing Panel (Pages 9 - 14)**

To confirm as a correct record, the minutes of the meeting of the Licensing Panel held on 05 July 2023.

**(3) Minutes of meeting Wednesday, 02 August 2023 of Licensing Panel (Pages 15 - 18)**

To confirm as a correct record, the minutes of the meeting of the Licensing Panel held on Wednesday 02 August 2023.

**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. Review of CCTV in Taxi/Private Hire Vehicles (Pages 19 - 22)**

To consider a report by the Head of Environmental Health which reviews the Statutory Taxi and Private Hire Vehicle Standards in respect of CCTV.



A WANNELL  
Chief Executive Officer

Civic Offices  
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23 August 2023

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# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

**Date:** Monday, 26 June 2023

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** Mrs P M Bryant (Chairman)

**Councillor** Ms F Burgess (Vice-Chairman)

**Councillors:** I Bastable, Mrs S M Bayford, S Dugan, M J Ford, JP,  
N R Gregory, D J Hamilton, Mrs K K Trott and Mrs S M Walker

**Also  
Present:**



## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs P Hayre, S Ingram and Ms S Pankhurst.

## **2. MINUTES**

### **(1) Minutes of the Licensing and Regulatory Affairs Committee**

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 14 March 2023 be confirmed and signed as a correct record.

### **(2) Minutes of the meeting of the Licensing Panel - 26 April 2023**

RESOLVED that the minutes of the meeting of the Licensing Panel held on 26 April 2023 be confirmed and signed as a correct record.

### **(3) Minutes of the meeting of the Licensing Panel - 31 May 2023**

RESOLVED that the minutes of the meeting of the Licensing Panel held on 31 May 2023 be confirmed and signed as a correct record.

## **3. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that Licensing training has been arranged for Monday 4<sup>th</sup> September from 2pm to 5pm and that members should all have received an invitation to attend.

The Chairman reminded Members that they are required to complete this training every year so that they are aware of the Licensing Objectives and are able to apply them at a hearing. The Chairman stated that it is important that as many members as possible are trained to sit on panel hearings as it is often necessary to hold them at short notice. The Chairman also stated that Panel hearings take place during the daytime rather than in the evenings. This is because depending on the complexity of the matters involved, they could easily take more than half a day to be heard.

## **4. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

## **5. DEPUTATIONS**

There were no deputations made at this meeting.

## **6. OPPORTUNITIES PLAN 2023-2027**

The Committee received a presentation which provided an overview of the way in which the Opportunities Plan has been developed and the significant

year 1 project proposals that relate to the Licensing and Regulatory Affairs area. A copy of the presentation slides is attached as Appendix A to these minutes.

The Committee was supportive of the plan to lobby central government for an increase in statutory licensing fees, particularly as it was noted that there has never been an increase in the fees since they were first introduced.

RESOLVED that the Licensing and Regulatory Affairs Committee notes the content of the presentation.

## **7. BOUNDARY REVIEWS AND ELECTION ACT 2022**

The Committee received a presentation by the Head of Democratic Services and the Electoral Services Manager on the Local Government Boundary Commission review and on changes to elections processes implemented by the Elections Act 2022. A copy of the presentation slides is attached as Appendix B to these minutes.

Members were advised that a link to the software that illustrates the old ward boundaries and compares them to the new ones would be circulated to members for information so that they can make detailed comparisons of the changes.

During the presentation it was noted that it was proposed that amendments be made to the Committee's current Work Programme to provide a further update in respect of polling districts and polling stations at the October meeting and to provide an All Member Briefing ahead of the November meeting to explain how the Grass Skirts counting system works.

RESOLVED that the Licensing and Regulatory Affairs Committee notes the contents of the presentation.

## **8. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME**

The Committee considered a report by the Head of Environmental Health on the Committee's Work Programme for 2023/24.

The Head of Environmental Health was pleased to advise members that a Police Licensing Officer has now been appointed for Fareham.

The Head of Environmental Health also advised that a recent Hackney Carriage/Private hire licence review that was considered by the Licensing Panel and refused has been taken to appeal with a date for the hearing likely to be in August.

It was noted and agreed that, as outlined at item 7 on the agenda, the following items would be added to the current Work Programme:

- (i) An update on Polling Districts and Polling Stations to the agenda for the meeting scheduled to take place on 05 October 2023

- (ii) An All Member Briefing to be held ahead of the start of the meeting scheduled to take place on 28 November 2023 which will provide details of how the grass skirt counting system works and start the process of the Polling Place Review.

RESOLVED that the Licensing and Regulatory Affairs Committee:

- (a) notes the progress on actions arising from the meeting of the Committee held on 14 March 2023, attached as Appendix A to the report; and
- (b) subject to the additions outlined above, agrees the updated Work Programme for the 2023/24 municipal year as attached at Appendix B to the report.

(The meeting started at 6.02 pm  
and ended at 7.40 pm).



# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

(to be confirmed at the next meeting)

**Date:** Wednesday, 5 July 2023

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Pamela Bryant (Chairman)

**Councillors:** I Bastable and S Ingram



## 1. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and representatives of the press be excluded from the meeting in accordance with Section 100(A) of the Local Government Act 1972, on the grounds that the matters to be dealt with involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12 of The Act.

## 2. APPLICATION(S) FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCES

### Case 1 – Mr U

The Panel considered a report by the Licensing Officer which contained exempt information in respect of a private hire vehicle driving licence application. A copy of the report was circulated to members of the Panel with the agenda in advance of the meeting.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. There were no questions or points for clarification raised by the Applicant or Members of the Panel.

The Applicant presented the circumstances of his case as detailed in the documentary evidence and answered questions thereon from members of the Panel and the Legal Advisor.

The Applicant was invited to make a closing statement in respect of his application and did so accordingly.

Following the submission and summation of the Applicant's representation, The Licensing Officer and the Applicant left the room whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer and the Applicant returned to the hearing to hear the Chairman announce the Panel's decision as follows:

The Panel has considered very carefully the report of the Licensing Officer and all the evidence presented today.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision as has the Council's policy.

The Applicant attended the hearing before the Panel and reiterated his written statement which was contained in the pack. He also provided additional information regarding the offences on being questioned. As regards the Criminal Damage, the Applicant stated that the victim had been a friend and he was mystified as to why the police were involved. He had not realised he had not disclosed this on his application form.

As to the speeding offence this resulted in 6 points and a £800 fine.

The panel considered all the facts very carefully and has decided that the Applicant is a fit and proper person in accordance with the Act and therefore a private hire taxi drivers' licence should be granted to him.

### Reasons for Decision

The Guidance for issuing a licence which forms part of the Council's policy allows a one-off driving conviction on the basis that mistakes can be made. Whilst the panel was concerned that this offence resulted in the penalty it did it felt likely that the Applicant did not enamour himself to the court in trying to persuade it against conviction. This resulted in the higher penalty.

The Council's policy also has guidance regarding other convictions. It does not specifically mention criminal damage so this would fall best within offences of violence. The guidance states that a licence should not be granted for 10 years after completion of any sentence. Therefore, granting a licence in this case is outside of policy.

The Panel felt that it was able to go outside of policy on this occasion in the unique circumstances of this case. The incident occurred at least 5 years ago and although a criminal damage offence requires an element of intent, any violence is towards an object rather than a person.

There was no evidence of violence or loss of temper. The Panel took the view that the Applicant did not fully understand the implications of his court appearance believing he was simply agreeing to pay compensation, which was the only penalty imposed.

In all the circumstances of this case the Panel felt there were good reasons to depart from policy and guidance and grant the licence.

There is a statutory right of appeal to the Magistrate's Court of the decision which must be made within 21 days of formal notice.

RESOLVED that the Licensing Panel considers that the Applicant is a fit and proper person to hold a private hire vehicle driving licence and that the licence therefore be granted.

### **Case 2 – Mr O**

The Panel considered a report by the Licensing Officer which contained exempt information in respect of a private hire vehicle driving licence application. A copy of the report was circulated to members of the Panel with the agenda in advance of the meeting.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. At the request of one of the Members of the Panel, the timeline of events was reconfirmed for clarification.

The Applicant presented the circumstances of his case as detailed in the documentary evidence and answered questions thereon from members of the Panel and the Legal Advisor.

The Applicant was invited to make a closing statement in respect of his application and did so accordingly.

Following the submission and summation of the Applicant's representation, the Licensing Officer and the Applicant left the room whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer and the Applicant did not return to the hearing to hear the Chairman announce the Panel's decision as follows:

The Panel has considered very carefully the report of the Licensing Officer and all the evidence presented today.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision as has the Council's policy.

The Applicant attended the hearing before the Panel and reiterated his written statement which was contained in the pack. He also provided additional information regarding his circumstances and the no insurance offence. The Applicant had arranged for insurance cover through his friend but unfortunately this did not cover business use. There was no differentiation between private and business use for insurance purposes in the Applicant's home country.

The Panel was also aware that according to policy a driver needs to have held a UK driving licence for 2 years before being licensed. From the Applicant's evidence he would appear to have only held a UK licence for 18 months. He explained that there was a delay in obtaining a new licence as he was required to take a test and there was a long waiting list.

The Panel considered all the facts very carefully and has decided that the Applicant is a fit and proper person in accordance with the Act and therefore a private hire taxi drivers' licence should be granted to him.

#### Reasons for Decision

The Guidance for issuing a licence which forms part of the Council's policy allows a one-off driving conviction on the basis that mistakes can be made. Whilst the panel was concerned that this offence was one of no insurance, the Applicant had not made no effort to get insurance and the conviction resulted from a lack of understanding which will not be repeated.

The Council's policy also requires a UK licence to be held for 2 years before granting a licence. Therefore, granting a licence in this case is outside of policy.

The Panel felt that it was able to go outside of policy on this occasion in the unique circumstances of this case. The reason for the delay in the Applicant obtaining his new licence resulted from the long delays in obtaining test dates due to the back log caused by the pandemic. These were exceptional circumstances.

In all the circumstances of this case the Panel felt there were good reasons to depart from policy and guidance and grant the licence.

There is a statutory right of appeal to the Magistrate's Court of the decision which must be made within 21 days of formal notice.

RESOLVED that the Licensing Panel considers that the Applicant is a fit and proper person to hold a private hire vehicle driving licence and that the licence therefore be granted.

(The meeting started at 11.05 am  
and ended at 1.20 pm).



# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

(to be confirmed at the next meeting)

**Date:** Wednesday, 2 August 2023

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Pamela Bryant (Chairman)

**Councillors:** M J Ford, JP and Mrs K K Trott



**1. EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED that the public and representatives of the press be excluded from the meeting in accordance with Section 100(A) of the Local Government Act 1972 on the grounds that the matters to be dealt with involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12 of The Act.

**2. APPLICATION(S) FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCE(S)**

The Panel considered a report by the Licensing Officer which contained exempt information in respect of a private hire vehicle driving licence application. A copy of the report was circulated to members of the Panel with the agenda in advance of the meeting.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. There were no questions or points for clarification raised by the Applicant or Members of the Panel.

The Applicant presented the circumstances of his case as detailed in the documentary evidence and answered questions thereon from Members of the Panel and the Legal Adviser.

The Applicant was invited to make a closing statement in respect of his application and did so accordingly.

The Legal Adviser gave advice to the Panel in respect of the Licensing Policy and highlighted that if Members were minded to grant the licence outside of policy there must be good reason to do so. The Legal Adviser further advised that personal circumstances of an applicant cannot be taken into account in determining whether to grant a licence.

The Licensing Officer and the Applicant left the room whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer and the Applicant returned to the hearing to hear the Chairman announce the Panel's Decision as follows:

The Panel has considered very carefully the report of the Licensing Officer, all of the supporting evidence received prior to the hearing and all of the evidence presented today.

The Panel has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 "the Act" and Department for Transport Standards relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act, the Crime and Disorder Act, 1998 and the Equality Act 2010, have been borne in mind whilst making the decision.



The Panel has also considered the taxi Licensing policy and in particular the Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades.

The Panel received legal advice regarding the taxi licensing policy and that personal circumstances, including financial implications, could not be taken into account.

The Applicant attended the hearing before the Panel and reiterated his written statement which was contained in the pack. He also provided additional information regarding the offences on being questioned. The Applicant pleaded not guilty as he believed he had been tricked but accepted the court outcome.

The Panel has considered all the facts but were not persuaded to deviate from policy and have decided that the driver is not a fit and proper person in accordance with the Act. Therefore, the Applicant's renewal application should be rejected.

#### Reasons for Decision

The Council's policy includes Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades which deals with convictions. As it relates to this particular case the policy states:

***Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.***

***Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.***

These offences took place just over a year ago, they were dealt with at court a matter of weeks ago. The offences all relate to operating as a taxi driver. The explanations provided by the Applicant were not persuasive.

In all the circumstances of this case the Panel was not persuaded that there were good enough reasons to depart from policy and guidance to allow them to grant the licence.

There is a statutory right of appeal to the Magistrate's Court of the decision which must be made within 21 days of formal notice.

RESOLVED that the Licensing Panel considers that the Applicant is not a fit and proper person to hold a private hire vehicle driving licence and that licence therefore not be granted.

(The meeting started at 10.04 am  
and ended at 11.45 am).

# FAREHAM

## BOROUGH COUNCIL

### **Report to Licensing and Regulatory Affairs Committee**

**Date**                    **04 September 2023**

**Report of:**            **Head of Environmental Health**

**Subject:**              **Review of CCTV in Taxi/Private Hire Vehicles**

#### **SUMMARY**

In July 2020 the Department for Transport published a document entitled “Statutory Taxi and Private Hire Vehicle Standards. These standards include a requirement to keep under regular review whether to mandate closed circuit television (CCTV) in Taxi and Private Hire Vehicles. The Committee considered this matter in July 2022 and did not mandate CCTV at that time. However there has been a recent conviction of a taxi driver in Southampton for a serious sexual assault, in which CCTV in the taxi played a major part in securing that conviction. The purpose of this report is for the Committee to review the earlier decision regarding CCTV as required by the Statutory Guidance.

#### **RECOMMENDATION**

It is recommended that the Committee consider the following amendments to the Taxi and Private Hire Vehicle Conditions of Licensing: -

- (a) that Taxi and Private Hire Vehicles plated for the first time are required to be fitted with an approved CCTV system;
- (b) that existing Taxi and Private Hire Vehicles be required to be fitted with an approved CCTV system by 1 April 2025; and
- (c) that the Head of Environmental Health be given the delegated Authority to determine the CCTV specification that would need to be met for a system to be approved.

## **INTRODUCTION**

1. In July 2020 the Department for Transport published a document entitled “Statutory Taxi and Private Hire Vehicle Standards. The focus of these standards is to further protect children and vulnerable adults.
2. On the 25 July 2022 the Licensing Committee considered a report which introduced several changes to the Licensing requirements for Taxi and Private Hire vehicles to bring them in line with the Statutory Standards.
3. The standards state that all Licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and considering potential privacy issues.
4. Consultation was undertaken ahead of the 25 July 2022 meeting with the public and the licensed trade. There were 77 respondents from the Licensed trade, the key responses are below: -
  - 48% (37) had been threatened whilst at work.
  - 41% (31) had CCTV already fitted in their vehicles.
  - 68% (52) didn't agree that CCTV should be mandatory, the general reason was cost.
  - 50% (37) indicated if it were to be made mandatory, they should be given at least 2 years to comply.
5. There were 95 respondents from the public survey, responses below: -
  - 4% (4) had been victim of a crime whilst using a taxi.
  - 74% (70) would feel safer in a vehicle fitted with CCTV.
  - 61% (57) believed that CCTV in licensed vehicles should be mandatory.
6. The key points from the above is that 48% of drivers have been threatened whilst at work, which is concerning and 74% of the travelling public would feel safer in a vehicle fitted with CCTV.
7. When the complaint level looked at last year, it was found to be relatively low locally and that combined with the financial hardship the drivers/vehicle owners had recently suffered with the pandemic, there were concerns about the proportionality of a blanket requirement for CCTV. So, it was not adopted at that time.

## **CURRENT SITUATION**

8. On the 26 July 2023, Donna Jones, the Police and Crime Commissioner for Hampshire and the Isle of Wight, called for all Licencing Authorities across Hampshire to introduce mandatory CCTV in taxis and private hire vehicles.

9. This call was made following the conviction of taxi driver in Southampton in May 2023 for a serious sexual assault to a passenger in his taxi. The police found footage on the mandatory CCTV in the taxi which led to the conviction without the need for the victim to suffer the ordeal of a trial.
10. Given that this incident was at a neighbouring Authority and the clear benefit CCTV played in this conviction, the Committee is being asked to reconsider this matter.
11. If CCTV were to be mandated in taxi and private hire vehicles in Fareham, to address the trade's earlier concerns about cost, it would be recommended that a reasonable period for compliance be given for existing Vehicle Owners, although for any vehicles issued with new licences going forward, the requirement could take immediate effect.

### **RISK ASSESSMENT**

12. There is a risk in relation to public safety if CCTV isn't mandated as passengers and drivers are in a more vulnerable situation where CCTV is absent.

### **CONCLUSION**

13. Given the highly publicised conviction on CCTV evidence of a taxi driver in Southampton in May this year and the Police and Crime Commissioner's call for mandating CCTV, together with the earlier consultation result, it is recommended that CCTV be mandated in Fareham Taxi and Private Hire Vehicles.

**Background Papers: None**

**Reference Papers: None**

### **Enquiries:**

For further information on this report please contact Ian Rickman 01329 824773

