

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)