

Licensing Committee

Thursday, 24th May, 2018
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

To be appointed at Council 16 May 2018

Contacts

Democratic Support Officer

Pat Wood

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PUBLIC INFORMATION

Role of this Committee

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

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Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Fire Procedure – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2018/19:

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in membership of the Committee made in accordance with Council Procedure Rule 4.3.

2 ELECTION OF VICE-CHAIR

To elect the Vice Chair for the Municipal Year 2018/19.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 21 August 2018 and to deal with any matters arising.

6 PRIVATE HIRE VEHICLE AND HACKNEY CARRIAGE CONDITIONS

(Pages 3 - 30)

Report of Service Director, Transactions and Universal Services, seeking adoption of amended conditions for both Hackney Carriages and Private Hire Vehicles licensed by Southampton City Council. The principal change increases the age limit for Hybrid and Electric vehicles and updates the conditions to reflect present practice.

7 LICENSING HEARING GUIDANCE NOTES

(Pages 31 - 48)

Report of Service Director, Transactions and Universal Services, detailing guidance on the procedures for Committees dealing with various licensing applications.

Wednesday, 16 May 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

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SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 21 AUGUST 2017

Present: Councillors Mrs Blatchford (Chair), J Baillie, Lewzey, Painton and Parnell

Apologies: Councillors Furnell, Bogle, B Harris and McEwing

5. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Committee noted that apologies had been received from Councillors Bogle, Furnell, B Harris and McEwing.

6. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 24 July 2017 be approved and signed as a correct record.

7. **TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY**

The Committee considered the report of the Service Director – Transactions and Universal Services seeking approval to consult on the revised draft Gambling Act 2005 Statement of Principles.

The Committee discussed and agreed the following updates/amendments:

- Recommendation (i) on the report should read “That **the Licensing Committee** considers the draft revised Gambling Act policy attached at Appendix 1 and endorses for consultation purposes”;
- Page 4 of 52 – Paragraph 1.3 – amend the first sentence to read “This Licensing Authority is aware that in accordance with Section 153 of the Act, in making its decisions about premises licences and temporary use notices it should aim to permit the use of the premises for gambling in so far as it thinks it **is**: (a)”;
- Page 7 of 52 – Paragraph 3.4 – Add “**Local Safeguarding Children’s Board**”, “**Local Safeguarding Adults Board**” and “**Universities**”, amend “Safeguarding Children” to “**Children’s Services**”;
- Page 15 of 52 – Habitual players of gaming machines – change “Homelessness” to “**Homeless**” and change “**Immigration**” and “**Probation**” to “**Those dealt with by immigration and probation services**”;
- Page 20 of 52 – Paragraph 9.5.19 (a) to read as follows: Provide leaflets and posters, free telephone helpline and GamCare/**Responsible Gambling Trust** (RGT) contact details aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every **100 m²**”;
- Page 26 of 52 – Paragraph 11.7 – second sentence to read as follows: It is noted though that the door supervisors at casinos or bingo premises **may or may not** be licensed by the Security Industry Authority (SIA); and

- Page 39 of 52 – Paragraph 19.1 – to read as follows: “It will fall to the Licensing Authority to decide, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, **whether** the statutory requirement

The Committee further agreed that relevant links to Southampton City Council’s website and other useful websites be included in all communications and that the Contents Pages of the Statement of Principles be checked for accuracy once the document had been finalised.

RESOLVED

- (i) That, subject to the above amendments, the draft revised Gambling Act Policy be endorsed for consultation purposes; and
- (ii) That a further report be taken to Council for consideration in November 2017 following consultation.

Agenda Item 6

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	PRIVATE HIRE VEHICLE AND HACKNEY CARRIAGE CONDITIONS		
DATE OF DECISION:	24 May 2018		
REPORT OF:	SERVICE DIRECTOR - TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Phil Bates	Tel: 023 80 833523
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
Report of Service Manager for Licensing seeking adoption of amended conditions for both Hackney Carriages and Private Hire Vehicles licensed by Southampton City Council. The principal change increases the age limit for Hybrid and Electric vehicles and updates the conditions to reflect present practice.	
The Sub-Committee is requested to consider and determine this report.	
RECOMMENDATIONS:	
(i)	That the Licensing Committee consider the revised 'Policy and conditions' documents attached at Appendix 1 and 2 for Hackney Carriages and Private Hire Vehicles together with the suggested amendments in paragraph 14 below and adopts them as policy and conditions.
REASONS FOR REPORT RECOMMENDATIONS	
1.	Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 provide for Licensing Authorities to attach to the grant of a licence for either a hackney carriage or private hire vehicle such conditions as they may consider reasonably necessary.
2.	<p>SCC's Clean Air Strategy 2016-2025 outlines ways in which the Council will address air quality issues in the city which includes promoting sustainability as a priority. This is to be achieved by:</p> <ul style="list-style-type: none"> • Encourage the uptake of low emission technology and vehicles • Implementing schemes to support taxi operators, other business and public services in reducing the emissions related to their activities. <p>The Clean Air Strategy also details the intention to introduce a Clean Air Zone in the city by 2019, this recommendation will support the taxi trade through this transition by:</p>

	<ul style="list-style-type: none"> • Strengthening the business case for choosing a low emission vehicle: and • Supporting taxi owners who already operate low emission vehicles.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	To only adjust the policies to effect the change with regards the ages of vehicles was considered but misses an opportunity to update the documents to bring them up to date with present practices.
DETAIL (Including consultation carried out)	
4.	<p>Both hackney carriages and private hire vehicles currently have two categories of vehicle. This is addressed in Section 3 of the relevant vehicles policy and conditions.</p> <ul style="list-style-type: none"> • Category A vehicles are in addition to other requirements either purpose built hackney carriages or wheelchair accessible vehicles • Category B vehicles include any vehicle otherwise licensable (other than a Category A vehicle) under the various conditions imposed by this Council.
5.	<p>Section 4 of the policy and conditions restrict the ages of the vehicles as follows</p> <ul style="list-style-type: none"> • Category A vehicles to 12 years of age when licensed or relicensed • Category B vehicles to 9 years of age when licensed or relicensed.
6.	Sections of both trades have recognised the benefits of using hybrid vehicles, including the reduced impact on poor air quality. SCC have secured a £258,880 grant from Defra to finance an incentive scheme which encourages the taxi trades to move towards cleaner vehicles including electric and hybrid vehicles.
7.	There are presently no all-electric vehicles licensed by this authority, however there are 158 hybrids licensed. All of these vehicles presently fall under Category B vehicles and therefore cannot be older than 9 years at the time of being licensed or renewed.
8.	The proposed change is to place hybrid and electric vehicles into category A. This will extend the life of these vehicles by 3 years making these vehicles a more attractive proposition for a potential proprietor. Firstly, Pure electric vehicles have fewer components that require maintenance and wear-and-tear on tyres and brakes is reduced on plug-in vehicles due to regenerative braking which supports the need for a longer working life. Secondly, a higher up front cost that can be incurred when choosing a plug-in vehicle for charging infrastructure supports the need for a longer working life to strengthen the business case.
9.	It is also proposed to amend the private hire vehicle condition to allow an all-electric vehicle to be licensed to carry 3 passengers instead of the minimum of 4 presently required. This is to encourage the take up of an all-electric vehicle, presently it is only smaller vehicles that are available as all-electric that do not have a very restrictive price. These smaller vehicles are not suitable for carrying 4 passengers. It is anticipated these vehicles will be of interest to the section of the trade that predominantly deal with school and social services contract runs.

	It is considered not to be appropriate to allow these vehicles to be licensed as hackney carriages because of the ad-hoc nature of how they obtain business, whereas the private hire trade manage their work through an operator who has a duty to send an appropriate vehicle for the task in hand.
10.	Additionally the documents have been updated to reflect current practices and set up within Southampton City Council.
11.	The remaining significant changes are summarised as follows:- <ul style="list-style-type: none"> • At 2.3.1 the removal of a pro rata charge for Hackney Carriage licences for less than 6 months as the fee covers the cost of the processing and administration of the licence, the bulk of which is the issue of the licence. • 3.3.1 the removal of the requirement to have an engine producing 68bhp and replace it with having an engine producing 50kW or greater as this caters for the modern electric vehicles as well as the more traditional engines. • Update of advertising conditions in sections 6 and 7 to reflect changes within the Council structure. • Removal of section 7.5 allowing CAB CHARGE to be displayed in a window of a Hackney Carriage • Section 8.7 for Private Hire Vehicles to display either a phone number or domain name on approved door stickers.
12.	The proposed changes were consulted upon from 22 nd January 2018 to 15 th April 2018. All taxi licence holders were notified and the Council's Consultation webpages provided details of the consultation and how to respond.
13.	There have been 3 responses to the consultation. One from an individual involved with restricted private hire business, another with both private hire business and hackney carriage licences and a hackney association. A summary of the points they raise and the comments of officers are attached as appendix 3.
14.	As a result of the consultation responses officers suggest the following changes to the draft documents <ul style="list-style-type: none"> • 6.1.2 in both documents be changed to allow advertising on the rear windows using perforated film to ensure vision is maintained. Suggested wording is contained in appendix 3 • The reference to 120 miles in 15.1 of the private hire conditions be changed to 112km

RESOURCE IMPLICATIONS

Capital/Revenue

15. None.

Property/Other

16. None.

LEGAL IMPLICATIONS	
Statutory power to undertake proposals in the report:	
17.	Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976.
Other Legal Implications:	
18.	None
RISK MANAGEMENT IMPLICATIONS	
19.	The changes proposed with regards electric vehicles support the work being carried out to improve air quality in the city. The changes proposed will not have a significant impact on the strategy but do support it. A failure to adopt the report recommendations could weaken the overall strategy.
POLICY FRAMEWORK IMPLICATIONS	
20.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Tracked changed Hackney Carriage policy and conditions
2.	Tracked changed Private Hire Vehicle policy and conditions
3.	Summary of consultation feedback

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS

From ~~19 September 2013~~XXXXXX



Commented [BP1]: Date to be confirmed when presented to committee

1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a hackney carriage, a requisition for the same, in such form as the licensing authority from time to time provide for the purpose, shall be made and signed by the licence holder or one of the licence holders of the hackney carriage and in every such requisition shall be truly stated the name and surname and place of abode of the person(s) applying for such licence, and of every licence holder or part licence holder of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.

2. GENERAL

- 2.1 Operators of licensed hackney carriages shall comply with all the requirements of the Town Police Clauses Act 1847 and any byelaw made thereunder, of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any other local or general legislation regarding the use of motor vehicles.

2.2 Interpretation

- 2.2.1 In this licence and in this document, unless the subject or context otherwise requires: -

- 2.2.2 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations by the Head of Legal and Democratic Services for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;

Commented [BP2]: Reflects current set up in SCC

- 2.2.3 "the Council" means Southampton City Council;

- 2.2.4 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;

- 2.2.5 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage duly licensed to ply for hire by the Council;

- 2.2.6 "licence holder" includes a part-licence holder 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.

2.3 Duration of Licence

- 2.3.1 Each licence shall expire on the date shown in the licence as the expiry date, not being more than one year from the date of issue. ~~(For a period of six months or less of any current licensing year half the licence fee will be payable);~~

Commented [BP3]: Reflects current practice

- 2.3.2 The licence holder shall observe and carry out the following terms and conditions: -

3. TYPE OF VEHICLE

- 3.1 General conditions covering all types of vehicles that are licensable as hackney carriages are set out in 3.2 and 3.3 below.

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

- 3.2 The vehicle to be licensed, of whatever type shall, subject to what is to follow and other conditions mentioned herein must be suitable in size, type and design for use as a hackney carriage to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall,
- 3.3.1 ~~have an engine producing 68 bhp, or greater; having an engine producing 50 kW, or greater~~
- 3.3.2 have a rear seat with a width of no less than 1220 mm (measured at its leading edge) and must be of a bench seat type, without an arm rest, and in the case of a mini bus, have a minimum seat width of 407 mm per person;
- 3.3.3 shall carry not less than four passengers;
- 3.3.4 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab to the headlining, as measured at the squab's central point (from side to side) at the point where it meets the headlining, and then measured vertically to the headlining, shall be no less than 840 mm;
- 3.3.5 be of right hand drive; and
- 3.3.6 shall be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle, pursuant to condition 16;
- 3.3.7 in the case of estate cars, the space between the top edge of the rear seat and the roof of the vehicle, must be fitted with a grille to ensure the safety of passengers from possible displacement of luggage;
- 3.3.8 must at all times be in and maintained to standards that meet the then current requirements of the Council, and must be in a clean, safe and comfortable condition for the carriage of passengers.
- 3.4 Without prejudice to 3.2 and 3.3 above, and any other general requirement or condition, herein, or from time to time made by this Council, any hackney carriage to be licensed as such must also comply with the requirements within one or the other of the following Categories (according to vehicle type) in order to qualify for licensing. The Categories are as follows:
- 3.4.1 ~~Category A - This Category shall include any vehicle otherwise licensable as a hackney carriage by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that are:~~ Category A – This Category shall include any vehicle otherwise licensable as a hackney carriage by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that are either:
- ~~Specifically designed and manufactured for hackney carriage operation~~
- ~~or~~
- ~~purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle~~
- ~~or~~

Commented [BP4]: A more modern reference and caters for electric vehicles

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

~~• A purpose built full hybrid, or plug-in hybrid with a minimum range of 16km using battery power only or, full electric with a minimum range of 112km.~~

- ~~3.4.1.1 specifically designed and manufactured for hackney carriage operation; or~~
- ~~3.4.1.2 purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle.~~
- 3.4.2 **Category B** - This Category shall include any vehicle otherwise licensable as a hackney carriage (other than a Category A vehicle) under the various conditions imposed by this Council.

4. **AGE OF VEHICLE**

- 4.1 No Category A vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than twelve years before the date of the commencement of the licence.
- 4.2 No Category B vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than nine years before the date of the commencement of the licence.

5. **COLOUR OF VEHICLE**

- 5.1 The bodywork of all hackney carriages (subject to other conditions herein) shall be white. Standard production components etc fitted by the manufacturer in the course of production, which are not white, will be exempted from this requirement.

6 **ADVERTISEMENTS**

- 6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of any licensed hackney carriage including the windows.
- 6.2 Advertising, including third party products and services, etc. shall be permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Windows are also excluded from this permission, ~~subject to 7.15 below.~~
- 6.3 All such advertising as mentioned below may only be displayed after consultation with the Head of Legal and Democratic Services, who may grant permission, if satisfied that, all the criteria are met, but otherwise, will refer the decision to the appropriate Sub-Committee following approval by the Service Manager for Licensing.
- 6.4 Consultation will include:
 - 6.4.1 ~~Initial approach to the Head of Legal and Democratic Services by the proprietor or operator with proposals for the style, content and materials to be used. Sight of proposed artwork would be preferred. UNDER NO CIRCUMSTANCES MUST A VEHICLE DISPLAY ANY ADVERTISEMENT OR MARK BEFORE FORMAL PROVISIONAL APPROVAL IS OBTAINED~~

Commented [BP5]: To encourage use of cleaner vehicles this change will extend the life of a hybrid or electric vehicle to that of a wheel chair accessible vehicle, currently 12 years.

Formatted: List Paragraph

Commented [BP6]: Reflects current practice

Commented [BP7]: Reflects current practice

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

- 6.4.2 Provisional approval will be given, when the Head of Legal and Democratic Services is satisfied that the criteria and requirements set out below are met by the proposals.
- 6.4.3 ~~Following completion of advertising, the vehicle will be inspected by the Head of Legal and Democratic Services and if satisfied that all criteria and requirements are met will give formal final written approval.~~
- 6.45 At all stages prior to ~~final written~~ approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.56 The power to give ~~final approval~~ will be delegated to the ~~Head of Legal and Democratic Service Manager for Licensing Services~~ but a refusal of approval can only be given by the appropriate Sub-Committee.
- 6.67 All advertising is to be completed to a professional standard and quality.
- 6.78 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.
- 6.89 The white body colour shall predominate, as referred to below, over any other sign, notice, mark, illumination or other feature whatsoever. The white body colour shall cover no less than 65% of the total area of the vehicle's body, after the advertising area has been allowed for. The window area and any manufacturers' standard components that may not be white on a white car, such as bumpers, shall be excluded from the calculation.
- 6.9.1 ~~A certificate produced by the Head of Neighbourhood Services to the Head of Legal and Democratic Services shall be conclusive as to compliance with the 65% white requirement referred to above.~~
- 7. ADVERTISEMENT CONTENT**
- 7.1 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- 7.2 Each proposal is considered on its merits, but the following advertisements WILL NOT BE APPROVED, always subject to the provisions of the Human Rights Act 1998 and any other law.
- 7.2.1 those with political, ethnic, religious, sexual or controversial texts
- 7.2.2 those for escort agencies, gaming establishments or massage parlours
- 7.2.3 those displaying nude or semi-nude figures
- 7.2.4 those likely to offend public taste.
- 7.2.5 those which seek to advertise more than one company/service or product
- 7.2.6 those which promote the sale or consumption of tobacco products or cigarettes.
- 7.3 The ~~Head of Legal and Democratic Services~~ ~~Service Manager for Licensing~~ will be delegated to give approval of matters in 7.11 above, but a refusal of approval can only be given by the appropriate Sub-Committee.
- 7.4 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed hackney carriage, a re-spray to the vehicles original manufacturer's colour is included.

Commented [BP8]: Reflects current practice

Commented [BP9]: Reflects current practice

Commented [BP10]: Reflects current practice

Commented [BP11]: Reflects current practice

Commented [BP12]: Reflects current set up in SCC

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

7.5 ~~The prohibition contained in 6.1 shall not extend to or prevent the display of an advertisement for Computer Cab Co. Ltd in the form of a window mounted sticker with the sign "CAB CHARGE" thereon provided that its size does not exceed 200 mm in width and 65 mm in height and further provided that it is only fixed to the top centre of the front windscreen in such a position as not to obscure the view of the driver in any way.~~

Commented [BP13]: Reflects current practice

8 "TAXI" SIGN

8.1 All hackney carriages shall exhibit a TAXI sign on the roof (subject to these conditions) as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the vehicle save those required by law.

8.2 Category A vehicles not having an integral or otherwise factory fitted TAXI sign mounted on its roof similar in size and design to that fitted to London-style purpose built vehicles, and all Category B vehicles shall display a full-width illuminated roof sign.

8.3 The sign will be 900 mm wide and 170 mm high, measured from the centre point of the sign to the top, with a depth of approximately 170 mm. The front of the sign will show the word "TAXI" centrally placed in lettering 83 mm x 460 mm width (in black) above will show the words "CITY OF SOUTHAMPTON" 35 mm height x 460 mm width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 90 mm in height x 130 mm in width in size and in blue, the lettering will be colour black, and the logo will be prefixed by the words "LICENSED BY" colour white, contained in a black box, text width 130 mm. The front of the sign will be white.

8.4 The rear of the sign shall be the same as the front save some dimensions will differ slightly and the background will be white as in the front but will appear red when illuminated. The rear of the sign will show the word "TAXI" centrally placed in lettering 55 mm in height x 460 mm in width (in black), above will appear the words "CITY OF SOUTHAMPTON" 35 mm in height x 460 mm in width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 75 mm in height x 110 mm in width, colour blue, the lettering will be colour black and the logo will be prefixed by the words "LICENSED BY", colour white, contained in a box, text width 110 mm. The owner of the vehicle may display his/her name and telephone number, or that of the operator, under the word "TAXI" and City logos, in black lettering no higher than 30 mm in height and no wider than 800 mm in width.

8.5 The sides of the sign will be left blank other than for the hackney carriage plate number in black on a white background in numbers which will fit a space no larger than 70 mm in height and 90 mm in width.

9. IDENTIFICATION

9.1 A Category A vehicle, which is not required under these conditions to carry a full-width roof sign, shall display a "taxi" sticker on each side of the vehicle above the rear doors or windows.

9.2 The "taxi" stickers shall be to the satisfaction of the City Council and shall be 100 mm in height by 500 mm in width on a white background. The stickers shall comprise the City "Bargate" logo in blue to the left and the words "LICENSED" "SOUTHAMPTON" and "NUMBER" in lettering not less than 14 mm in height across the top of the sticker to the right of the Bargate logo.

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

Below these words will appear "TAXI" in bold black upper case lettering not less than 273 mm in total width and 54 mm in height and the number of the licence of the licensed hackney carriage in black numerals being not less than 45 mm in height.

10. LICENCE PLATE

10.1 The licence plate shall be securely fixed in a position at the rear of the hackney carriage to the satisfaction of the Council.

11. RETURN OF LICENCE PLATE

11.1 Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days after the service on the licence holder by the Council of a notice requiring its return.

12. TAXIMETERS

12.1 An accurate electronic taximeter of a type approved by the Council must be affixed in the hackney carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taximeter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed. ~~Taximeters fitted to licensed hackney carriages must be tested annually. (A tariff increase will count as an annual test).~~

Commented [BP14]: Reflects current practice

13. INSPECTION OF VEHICLE

13.1 The hackney carriage shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.

13.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the hackney carriage under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the hackney carriage shall undergo a VOSA "MOT" test in the period of one week either side of the date six months from the last grant of the vehicle licence (the "due date") and the vehicle test certificate shall be presented for inspection to the ~~Service Manager for Licensing~~ Head of Legal and Democratic Services within 14 days of the due date.

Commented [BP15]: Reflects current set up in SCC

14. DAMAGE TO VEHICLE

14.1 If a hackney carriage is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the licence holder to the ~~Service Manager for Licensing~~ Head of Legal and Democratic Services within three days of the accident and, after repair, which must be completed within ~~one month~~ 28 days of the damage being sustained, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The hackney carriage licence plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any Road Traffic enactment or the Construction and Use Regulations, or is unfit for use as a hackney carriage.

Commented [BP16]: Reflects current set up in SCC

Commented [BP17]: Reflects current practice

14.2 On completion of the repairs, to the satisfaction of the ~~Service Manager for Licensing~~ Head of Legal and Democratic Services, the plate may be restored.

Commented [BP18]: Reflects current set up in SCC

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

14.3 The removal of the hackney carriage licence plate will constitute suspension of the hackney carriage licence.

15. **TARIFF SHEET**

15.1 ~~The licence number of the hackney carriage must be exhibited on the tariff sheet, which must be mounted and displayed inside the hackney carriage in a position approved by the Council.~~

Commented [BP19]: Reflects current practice

16. **NUMBER OF PASSENGERS**

16.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

17. **EMPLOYMENT OF DRIVERS**

17.1 The holder of a hackney carriage licence shall notify the Council within seven days of the commencement or termination of employment of any driver of his hackney carriage.

18. **CHANGE OF ADDRESS**

18.1 The licensee shall notify the Council in writing within seven days of any change of his address.

19. **LOST PROPERTY**

19.1 The holder of a hackney carriage licence shall, if any property accidentally left in the vehicle by any passenger is found by or handed to him, take it within 24 hours, if not sooner claimed by or on behalf of its owner, to the nearest Police Station and leave it in the custody of the officer in charge.

20. **TRANSFER OF LICENCE**

20.1 If the holder of a hackney carriage licence ~~intends to~~ transfers his interest in the hackney carriage to any other person, ~~he shall within fourteen days after such transfer give notice in writing to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.~~ arrange an appointment to see a licensing officer with all the parties that have an interest in the vehicle and those intending to have an interest in the hackney carriage licence

Those attending that meeting will be required to provide sufficient documentation as required by the Licensing Authority to confirm the identity of those with an interest in the hackney carriage.

Commented [BP20]: Reflects current practice

21. **RECORDS OF BOOKINGS**

21.1 Where one or more persons form an association for the purpose of providing a hackney carriage service to the public and an office is established for the purpose, records of bookings shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entries to be entered in such record book to be: -

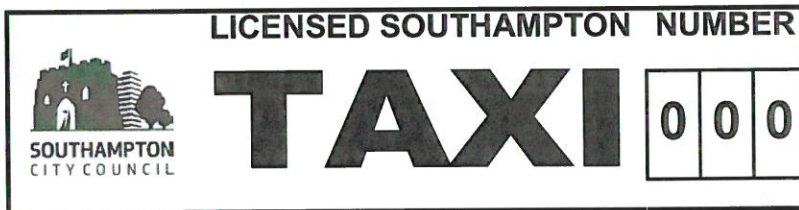
21.1.1 Name of person making booking, name and address of passenger and place where passenger is to be picked up.

21.1.2 Time and date when passenger(s) are to be picked up.

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009

- 21.1.3 Destination.
- 21.1.4 Licence number of hackney carriage so used.
- 21.2 The person acting as the operator or controller of such service shall enter therein before commencement of each journey particulars of every booking of a hackney carriage invited or accepted by them whether by accepting the booking from the hirer or by undertaking it at the request of another operator.
- 21.3 Such record shall be produced on request to any authorised officer of the Council, or to any constable for inspection.
- 22. **ORIGINAL VEHICLE SPECIFICATION**
- 22.1 All licensed hackney carriages shall be maintained to their original specification whilst the licence remains in force.
- 23. **DIGITAL TAXI CAMERAS**
- 23.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.
- 23.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

Note: For the purposes of condition 9 (Identification) and in order to avoid doubt, an example of the taxi sticker appears below:



Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

ADDITIONAL INFORMATION

Please note that this information does not form part of Southampton City Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.



Every licensed vehicle is required to carry appropriate signage under the Smokefree (Signs) Regulations 2007. Guidance and signs are available from:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

Assistance Dogs

The ~~Disability Discrimination Act 1995~~ Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.

Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.



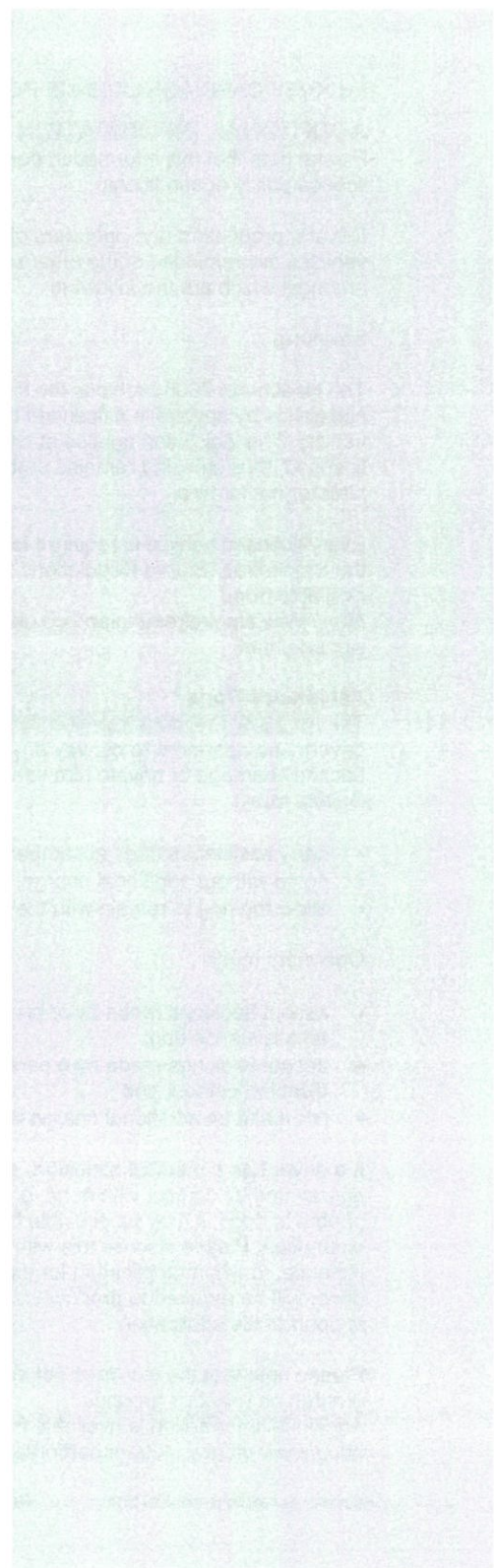
Please note that the law does not allow for an exemption to be granted on religious grounds.

Additional information is available from:

<http://www.dft.gov.uk/transportforyou/access/taxis/>

Commented [BP21]: Updates to current legislation

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 26th August 2009



PRIVATE HIRE VEHICLE LICENCE POLICY AND CONDITIONS

From ~~19 September 2013~~xxxxxx



Commented [BP1]: Date to be confirmed when presented to Licensing Committee

APPLICATIONS

1. Before a licence is granted in respect of a private hire vehicle, the applicant being a proprietor of the vehicle must :-
 - 1.1 Complete and submit to the City Council an application in the form prescribed by the Council.
 - 1.2 Satisfy the Council that the vehicle complies with the conditions for private hire vehicles licences made by the Council.

2. GENERAL

- 2.1 The licence holder 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 order.

2.2 Interpretation

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

- 2.2.1 "authorised officer" means any officer of the Council authorised in writing by the ~~Head of Legal and Democratic Services~~ in accordance with the Council's scheme of delegation for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.2.2 "the Council" means Southampton City Council;
- 2.2.3 "private hire" has the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1976
- 2.2.4 "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;
- 2.2.5 "licence holder" includes a part-proprietor and, in relation to a vehicle which is the subject of a hire purchase agreement, means the person in possession of the vehicle.

Commented [BP2]: Reflects current set up in SCC

3. TYPE OF VEHICLE

- 3.1 General conditions covering all types of vehicles that are licensable as private hire vehicles are set out in 3.2. and 3.3 below.
- 3.2 The vehicle to be licensed, of whatever type, shall, subject to what is to follow, and other conditions herein, be suitable in size, type and design for use as a private hire vehicle to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall:-
 - 3.3.1 have an engine producing ~~68 b.h.p~~50 kW., or greater;
 - 3.3.2 not be a London type taxi or any other type of vehicle constructed solely or primarily for use as a hackney carriage or be of such design or appearance as to be able to lead any person to reasonably believe that the vehicle is a hackney carriage;

Commented [BP3]: A more modern reference and caters for Electric vehicles

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

- 3.3.3 have a rear seat with a width of no less than 1220 mm (measured at the leading edge) and be of a "bench seat" type, and in the case of a mini-bus, have a minimum seat width of 407 mm per person;
- 3.3.4 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab as measured at its central point (from side to side), at the point where it meets the backrest, and then measured vertically to a point on the headlining, shall be no less than 840 mm;
- 3.3.5 Except as provided in condition 23 below, be of right hand drive;
- 3.3.6 be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle pursuant to conditions 14 and 15;
- 3.3.7 in the case of estate cars, the space between the top edge of the rear seat and the roof of the vehicle must be fitted with a grille to ensure the safety of passengers from displacement of luggage;
- 3.3.8 at all times maintained to standards that meet the then current requirements of the Council, and must be in a clean and comfortable condition for the carriage of passengers.
- 3.4 Without prejudice to 3.2 and 3.3 above, and any other general requirement or condition, herein, or from time to time made by this Council, any private hire vehicle to be licensed as such must also comply with the requirements within one or the other of the following Categories (according to vehicle type) in order to qualify for licensing. The Categories are as follows:
- 3.4.1 Category A - This Category shall include any vehicle otherwise licensable as a private hire vehicle by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that is
- purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle.
- or
- A purpose built full hybrid, or plug in hybrid with a minimum range of 16km* using battery power only or full electric with a minimum range of 112km
- 3.4.2 Category B - This Category shall include any vehicle otherwise licensable as a private hire vehicle (other than a Category A vehicle) under the various conditions imposed by this Council.
4. **AGE OF VEHICLE**
- 4.1 No Category A vehicle will be licensed (or re-licensed by way of renewal) as a private hire vehicle which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than twelve years before the date of the commencement of the licence.
- 4.2 Except as provided in condition 23 below, no Category B vehicle will be licensed (or re-licensed by way of renewal) as a private hire vehicle which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor

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Commented [BP4]: To encourage use of cleaner vehicles this change will extend the life of a Hybrid or electric vehicle to that of a Wheel Chair Accessible vehicle, currently 12 years.

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

legislation, more than nine years before the date of the commencement of the licence.

5. **COLOUR OF VEHICLE**

5.1 Except as provided in condition 23 below, the bodywork of any private hire vehicle shall be any colour except for white.

6 **ADVERTISEMENTS AND SIGNS**

6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of or visible from outside of any licensed private hire vehicle including the windows, except as follows:-

6.1.1 An unilluminated sign in the upper or lower rear window, but not both, of the licensed vehicle bearing lettering not more than 51 mm in height stating only the name, style or title of the proprietor or operator and their telephone number.

6.1.2 Advertising, including third party products and services, etc. is permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Windows are excluded from this permission, subject to 6.1.1 above.

6.2 All such advertising as mentioned below may only be displayed ~~after consultation with the Head of Legal and Democratic Services, who may grant permission, if satisfied that all the criteria are met, but otherwise, will refer the decision to the appropriate Sub-Committee following approval by the Service Manager for Licensing~~

6.3 Consultation will include:

6.3.1 ~~Initial approach to the Head of Legal and Democratic Services by the proprietor or operator with proposals for the style, content and materials to be used. Sight of proposed artwork would be preferred. UNDER NO CIRCUMSTANCES MUST A VEHICLE DISPLAY ANY ADVERTISEMENT OR MARK BEFORE FORMAL PROVISIONAL APPROVAL IS OBTAINED~~

6.3.2 ~~Provisional approval will be given when the Head of Legal and Democratic Services is satisfied that the criteria and requirements are met by the proposals.~~

6.3.3 ~~Following completion of advertising, the vehicle will be inspected by the Head of Legal and Democratic Services and, if satisfied that all criteria and requirements are met, will give formal final written approval.~~

6.4.3 ~~At all stages prior to final written approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.~~

6.5.4 ~~The power to give final approval will be delegated to the Head of Legal and Democratic Services but a refusal of approval can only be given by the appropriate Sub-Committee, Service Manager for Licensing.~~

6.6 All advertising is to be completed to a professional standard and quality.

6.7 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.

6.8 The advertising shall not exceed 35% of the body area, always excluding the area taken up by the City Identity Sticker. The window area shall be excluded from the calculation.

Commented [BP5]: Reflects current practice and the set up within SCC

Commented [BP6]: As above

Commented [BP7]: As above

Commented [BP8]: As above

Commented [BP9]: As above

Commented [BP10]: As above

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

6.8.1 ~~A certificate produced by the Head of Neighbourhood Services to the Head of Legal and Democratic Services shall be conclusive as to compliance with the 35% requirement referred to above.~~

Commented [BP11]: As above

7. **ADVERTISEMENT CONTENT**

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

7.1 Each proposal is considered on its merits, but the following advertisements WILL NOT BE APPROVED, always subject to the provisions of the Human Rights Act 1998 and any other law.

7.1.1 those with political, ethnic, religious, sexual or controversial texts

7.1.2 those for escort agencies, gaming establishments or massage parlours

7.1.3 those displaying nude or semi-nude figures

7.1.4 those likely to offend public taste.

7.1.5 those which seek to advertise more than one company/service or product

7.1.6 those which promote the sale or consumption of tobacco products or cigarettes.

7.2 ~~The Head of Legal and Democratic Services Service Manager for Licensing will be delegated to give approval of matters in 7.1 above, but a refusal of approval can only be given by the appropriate Sub-Committee.~~

Commented [BP12]: As above

7.3 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed private hire vehicle, a re-spray to the vehicles original manufacturer's colour is included.

7.4 Provided always that no advertisement permitted by these conditions shall consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage, and no advertisement, sign, notice, mark, illumination or other feature shall be placed on the licensed private hire vehicle without the ~~prior approval of the Head of Legal and Democratic Services's~~ Service Manager for Licensing prior approval.

Commented [BP13]: As above

7.5 No combination of letters or numbers must be used in the registration number of the vehicle to indicate or imply the words "taxi" or "cab" or any related idea which could lead a member of the public to take the view that the vehicle is a hackney carriage.

8. **IDENTIFICATION**

8.1 Other than as permitted by these conditions, no other advertisement, sign, notice, mark, illumination or other feature will be permitted.

8.2 Except as provided in condition 23 below, all private hire vehicles shall display two "City Identity Stickers" of the prescribed type for private hire vehicles. One sticker shall be placed on each front door, in a central position and as high as practicable under the window. The positioning of the sign shall not obstruct the opening of the door.

8.3 The City Identity Sticker shall be to the satisfaction of the City Council and shall be 240 mm in height by 600 mm in width on a white background. The upper portion of the display will show the words "LICENSED BY" in white capital letters

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

with a letter height of 10 mm, on a black background 110 mm wide and 21 mm high.

8.4 Immediately below will be the City "Bargate" logo in blue, 90 mm at its widest point and 83 mm in height. Immediately below as part of the logo, in black, shall be the word "Southampton", below which shall be the words "City Council" in letters 14 mm high and text width 90 mm. Immediately below, in blue, shall be the words "Licensed Private Hire Vehicle No" with words on each of two descending lines, lettering 10 mm in height, the text width on each line will be 144 mm. Below those words shall be shown in individual boxes, the licence number of the private hire vehicle in black. Each box shall measure 50 mm in height and 30 mm in width.

8.5 To the right of the above mentioned panel there shall be a vertical black line 230 mm in length in 3 mm in width. To the right of this line, along the whole remaining width of the sticker shall appear the words "PRE-BOOKED ONLY" in black capital letters, 24 mm high with a total length of 400 mm. Immediately below this wording shall appear a black horizontal line 420 mm in length and 3 mm in width running from the vertical line mentioned above to the rightmost edge of the sticker.

8.6 The sticker may be screen printed on a white background and must be supplied with adhesive backing, or some other similar method meeting the requirements of the Council, to enable it to be fixed in the correct position. Magnetic signs will not be permitted. For the avoidance of doubt, no roof mounted box or other structure or sign will be permitted.

8.7 The name of the proprietor or operator and their telephone number or domain name shall appear in bold clearly legible lettering in the space 190 mm high by 420 mm in length on the sticker, immediately beneath the wording "Pre-Booked Only".

Provided always that this identification shall not consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage and shall not be placed on the licensed private hire vehicle without the Service Manager for Licensing~~Head of Legal and Democratic Services~~ prior approval.

9. LICENCE PLATES

9.1 Except as provided in condition 23 below, one licence plate shall be securely fixed in a position at the rear of the private hire vehicle to the satisfaction of the Service Manager for Licensing~~Head of Legal and Democratic Services~~.

9.2 A second licence plate shall be securely fixed in a position on the front of the private hire vehicle to the satisfaction of the Head of Legal and Democratic Services.

10. RETURN OF LICENCE PLATES

10.1 The private hire vehicle licence plates shall remain the property of the Council and shall be returned within seven days after the service on the licence holder of an appropriate notice by the Council's Head of Legal and Democratic Services or when the licence expires and is not renewed. The deposit paid on the issue of the plates shall be refunded provided the plates are in good condition.

11. INSPECTION OF VEHICLE

Commented [BP14]: Reflects current practice and takes into consideration modern methods of communication

Commented [BP15]: Reflects current set up within SCC

Commented [BP16]: Ass above

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

11.1 The licence holder shall present the vehicle for inspection at the time and place notified by the Council, the private hire vehicle shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.

11.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the private hire vehicle under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the private hire vehicle shall undergo a VOSA "MOT" test in the period of one week either side of the date six months from the last grant of the vehicle licence (the "due date") and the vehicle test certificate shall be presented for inspection to the [Service Manager for Licensing](#)~~Head of Legal and Democratic Services~~ within 14 days of the due date.

Commented [BP17]: As above

12. DAMAGE TO VEHICLE

12.1 If a private hire vehicle is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the proprietor to the [Service Manager for Licensing](#)~~Head of Legal and Democratic Services~~ within three days and, after repair, which must be completed within one month of the damage being sustained, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The private hire licence plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a private hire vehicle. On completion of the repairs, to the satisfaction of the [Head of Legal and Democratic Services](#)~~Service Manager for Licensing~~, the licence plate may be restored.

Commented [BP18]: As above

12.2 The removal of the private hire licence plate will constitute suspension of the vehicle licence.

Commented [BP19]: As above

13. INSURANCE

13.1 At all times during the currency of the licence the licence holder shall keep in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972.

14. PRODUCTION OF DOCUMENTS

14.1 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 [Service Manager for Licensing](#)~~Head of Legal and Democratic Services~~.

Commented [BP20]: As above

15. SEATING CAPACITY

15.1 Every private hire vehicle [with an internal combustion engine](#) shall have sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the driver. ~~(The seating capacity shall be determined in accordance with Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971);~~

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

Every private hire vehicle that is powered solely by an electric motor and is capable of 120 miles between charges shall have sufficient seating capacity to carry not less than three nor more than eight passengers in comfort in addition to the driver.

Commented [BP21]: Proposed change to accommodate affordable all electric vehicles to be licensed for 3 passengers. THIS WILL ONLY APPLY TO ALL ELECTRIC VEHICLES and all other conditions will need to be met.

16. **NUMBER OF PASSENGERS**

16.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

17. **TAXIMETER**

17.1 Should a taximeter be installed in a private hire vehicle, it must be electronically designed and of the type and model approved by the Council. It must be fitted in a position satisfactory to the Council.

17.2 No operator, proprietor or driver may tamper with the mechanism of the Taximeter or its seals provided that, should the meter become defective it may be replaced by a service meter.

18. **TRANSFER OF LICENCE**

18.1 If the proprietor of a private hire vehicle transfers his licence and vehicle, he shall within fourteen days give notice to the Service Manager for Licensing~~Head of Legal and Democratic Services~~ details of the name and address of the person to whom he has transferred the licence.

Commented [BP22]: Reflects current set up within SCC

19. **PARKING**

19.1 The licence holder shall not permit the vehicles to be stationed on the Highway unless they are at that moment actually in use for the purpose of carrying passengers for which a "hire" has been agreed.

20. **ADHERENCE TO BOOKINGS**

20.1 The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

21. **WEDDINGS AND FUNERALS**

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

22. **SPECIALIST VEHICLES**

22.1 In exceptional circumstances, the Head of Legal and Democratic Services~~Service Manager for Licensing~~ may determine that a vehicle is a specialist vehicle, such as, but not exclusively, stretched limousines, classic cars and other unusual vehicles to be used for private hire.

Commented [BP23]: As above

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

- 22.3 Where the ~~Head of Legal and Democratic Services~~ Service Manager for Licensing determines that a vehicle is a specialist vehicle, and that it is intended to be used in the circumstances described in section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, a notice may be issued of the suspending the requirement for the display of the rear licence plate in those circumstances, as required by condition 9.1 above.
- 22.4 Additionally, in the case of a specialist vehicle, the Service Manager for Licensing ~~Head of Legal and Democratic Services~~ may, at his absolute discretion, suspend or amend all or some of the provisions of the following conditions:
- 3.3.5 (right hand drive);
 - 4.2 (age of vehicle);
 - 5.1 (colour of vehicle);
 - 8.2 (city identity stickers)

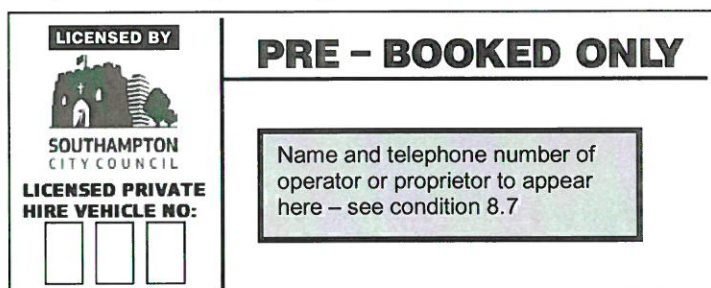
23 **ORIGINAL VEHICLE SPECIFICATION**

- 23.1 All licensed private hire vehicles shall be maintained to their original specification whilst the licence remains in force.

24. **DIGITAL TAXI CAMERAS**

- 24.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.
- 24.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

Note: For the purposes of condition 8 (Identification) and in order to avoid doubt, an example of the identity sticker appears below:



Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

Commented [BP24]: As above

Commented [BP25]: As above

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013

ADDITIONAL INFORMATION

Please note that this information does not form part of Southampton City Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.



Every licensed vehicle is required to carry appropriate signage under the Smoke free (Signs) Regulations 2007. Guidance and signs are available from:
<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

Assistance Dogs

The ~~Disability Discrimination Act 1995~~ Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle. Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.

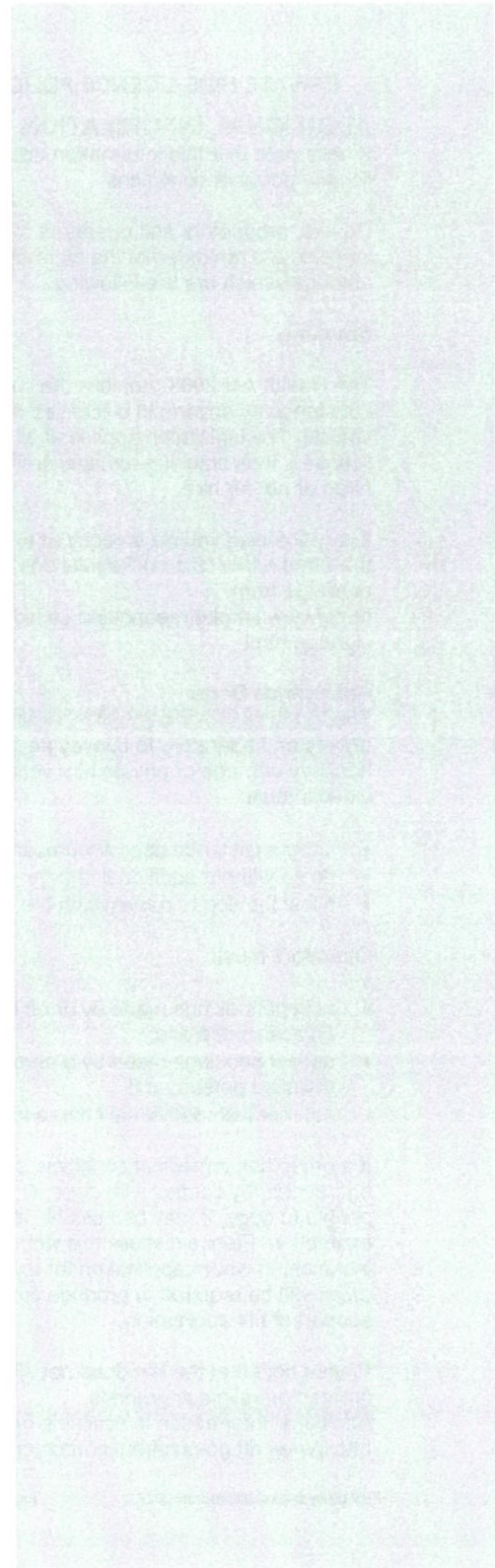


Please note that the law does not allow for an exemption to be granted on religious grounds.

Additional information is available from:
<http://www.dft.gov.uk/transportforyou/access/taxis/>

Commented [BP26]: Current legislation

PRIVATE HIRE LICENCE POLICY AND CONDITIONS from 19th September 2013



Comment**Response**

The clause 3.3.1 have an engine producing 50KW or greater is unnecessarily restrictive. The KW of the vehicle affects the range of the vehicle. I would suggest removing clause 3.3.1 completely as for example the latest top of the range Nissan leaf is only 40 KW but previous models of electric vehicles and many others still available are 25KW. Also as a note in true electric vehicles there is no engine as its an electric motor.

Consider 50kw engine output to be adequate. This does not exclude any of the main makes of electric vehicles and believe the author may be confused with the power of the battery.

In clause 3.4.1 the range for the electric vehicle is a minimum range of 112km but in clause 15.1 you are talking about a range of 120 miles. There is some difference between 112km and 120 miles. The range of 112km would be more likely to encourage electric vehicles to be introduced.

Agree this is a sensible change. The range of 112km is as per the Category 1 list of vehicles eligible for government grants.

I understand that licencing are investigating licencing the all-electric Nissan Leaf. Why you are even thinking about this I just cannot fathom. The range on a Nissan Leaf renders it impractical to use as a licenced vehicle. In the winter you will be lucky to get 100 mile range.Maybe they could be licenced for school runs only. P.S. my electric vehicle has a range according to manufactures of 290 miles, in the summer I get maximum of 220, and in winter 190/200 .

If this change is taken up by school run drivers then it demonstrates it is a worthwhile chage to encourage such users to have a vehicle that reduces the impact on air quality.

If they are licenced for only 3 people, how do taxi companies know when a booking is made that there might be 4 passengers. Imagine a Nissan Leaf turning up for a booking with 4 angry passengers expecting to get in the vehicle, I hope the drivers carry plasters.

This change is for Private hire vehicles only and these bookings are managed through an operator that should be able to ensure appropriate vehiocles are sent to bookings.

2.2.2 The current set up in accordance with the council's scheme of delegated officers, we would like to see some changes? The old tried and tested scheme of variations to conditions and other business was firmly placed under the auspices of licensing councillors who at a licensing meeting would either revoke or amend conditions and would cross examine licensing officers with trade representatives present and sometimes members of the public, before a decision was agreed on. This methodology of working whereby dialogue amongst licensing councillors, officers and trade representatives is what consultation is all about. Nowadays decisions seem to be rubber stamped by licensing officers and yet trade representatives and perhaps even councillors can see pitfalls in this way of working. There is definitely a need for some old methods to return.

This is separate to the policy and conditions in relation to taixs and private hire vehicles

3.3.1 We do not know enough about electric vehicles to approve 50kw or greater. At the low emissions taxi incentive meeting on December 12th 2017, questions were raised to Councillor Hammond and SCC officers who could not answer relevant topics connected with electric/hybrid vehicles. For example, particulate matter which could be rubber coming off a tyre, brake dust from asbestos linings - what harm do these have on the general public? - they did not want to answer this question. All they wanted to discuss was hybrid and electric vehicles and how much damage diesel is contributing to Southampton. We of course as an association want the best for the City but we need to understand more before we can approve electric vehicles. So far the information given has not been satisfactory and the infrastructure is not in place.

The use of asbestos in UK vehicles was outlawed in 1999. Wear from vehicle tyres and brake linings can generate particulates but emissions from exhausts are far more significant in terms of the volumes generated and their nature i.e. it's the combustion process which is responsible for generating the very small particles associated with health impacts. In addition, because of the regenerative braking technology and automatic gearbox used on EV's their emissions from wear and tear will be relatively lower than that generated by traditional combustion powered vehicles.

3.4.1 The licensing department appear to have crossed wires, they seem to know about M1 specification vehicles under category A, but they have failed to mention an IVA test carried out by VOSA. IVA is an Individual Vehicle Approval, it concerns rear loading vehicles that have a ramp for the disabled. This test can cost as much as £300 and the vehicle has to be booked in at a Vehicle and Operator Services Agency (VOSA) approved building by VOSA certificated officers. Also under category 3.4.1 and 3.4.2, our opinion is although these categories should remain, there should be no age limit on any vehicle. When a vehicle is over two years of age, we have to have two MOT's (Ministry of Transport) One carried out by a MOT Garage and the other is the Annual Compliance Test undertaken by Adams Morey. We feel that this is sufficient, especially as we have vehicles working in Southampton from different areas with none of the requirements we as operators have to undertake.

The IVA is one and often the only route to demonstrate a vehicle is M1 compliant.

To remove the age limits would in our opinion be a backward step and counter productive with regards air quality. Vehicle testing records show older vehicles are more likely to fail the mechanical inspection.

We also want for the hackney carriages to have any colour and internal vehicle CCTV should be voluntary and not part of our conditions and certainly not at the price we have to pay. With the advent of Uber vehicles working in our City, as I have already stated (from other areas) this corporate colour of white has no significance whatsoever. The safety factor that comes with this colour ruling set in the year 2000 under the Local Transport Plan no longer exists. We are as a trade self funding. Our licensing department is also in charge of the Eastleigh private hire and taxi trade who also have the colour white. There is now no need for us to wait weeks for the colour white, certainly when a vehicle is brand new and a different colour is available on the forecourt.

6.1 We would like to be allowed to advertise on the full size of the complete rear window of our vehicle. The advert could be for a third party or a taxi company. This type of advertising is called contra vision, where you can still see out of the rear window.

12.1 We have not had a fare increase since 2014, so why should we have an annual test on the meter, as written in our conditions? Enforcement should check meters when they enforce?

20.1 The licensing office need to be more diligent who is the owner of vehicle and whose name is on the Identification Plate?

Uber have changed how they operate and we have changed the knowledge test for private hire drivers. Both of these changes have reduced the number of out of area vehicles. There is still evidence the cameras are necessary with 3 drivers in 2016 losing their licence on the strength of evidence from the cameras. The corporate colours and markings provide safeguards for the public and were used by the Mayor of London in his report to the Transport minister.

Suggest wording in 6.1.2 is changed to "Advertising, including third party products and services, etc. shall be permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Advertising on vehicle windows is restricted to the rear and side rear non opening windows and must either be evenly perforated over 50% of the film to allow vision out of the vehicle or comply with 6.1.1

Agreed and is what the change proposes

This change requires the relevant people to make contact before any transfer is completed so licensing officers are aware of who has an interest in licensed vehicles

Much the same as hackney carriage conditions, age limit to be abolished, IVA certification and we would vehemently disagree to a private hire vehicle to carry three passengers as suggested in the letter dated 17th January 2018.

As above regards age and IVA. Market forces and practicality of a three seater vehicle will determine if and how many are licensed.

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	LICENSING HEARING GUIDANCE NOTES		
DATE OF DECISION:	24 TH MAY 2018		
REPORT OF:	HEAD OF TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Phil Bates	Tel: 023 80833523
	E-mail:	Phil.bates@southampton.gov.uk	
Director	Name:	Mitch Sanders	Tel: 023 80833613
	E-mail:	Mitch.sanders@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
Report of service manager for licensing, seeking adoption of procedure / guidance notes for Licensing Sub Committees when holding hearings in relation to licensing applications or other licensing determinations.	
RECOMMENDATIONS:	
	(i) The Licensing Committee consider this report and the attached procedure notes and approve / adopt them.
REASONS FOR REPORT RECOMMENDATIONS	
1.	It has been identified by the Chair of the Licensing Committee that procedures are out of date and / or unavailable at meetings. Accordingly a review was instigated, leading to this report.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None
DETAIL (Including consultation carried out)	
3.	These notes provide general guidance for all parties involved in licensing hearings on committee procedures. The Chair or Chair nominated for the purposes of the hearing has absolute discretion in the application and interpretation of the applicable procedure. Licensing Act 2003 hearings, in accordance with statutory guidance, are intended to be in the form of a discussion led by the licensing authority. The written procedure provides some structure but is not intended to be rigidly applied. The rules of natural justice mean that each party should have an equal right to put their case and challenge evidence, where relevant. The procedure notes attached are intended to assist with this process and inform parties that may not be used to hearings of the usual practice. The respective notes on procedure are set out and attached as follows; Appendix A – Licensing Act 2003 & Gambling Act 2005, Appendix - B specific guidance for Sex Establishments, Appendix C - Taxi applications, Appendix D - Taxi complaints, Appendix E – Other matters

4.	Whilst formal approval is not strictly necessary it was considered important that all committee members have the opportunity to scrutinise and approve the procedures – as well as providing a refresh / update for their own benefit.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
5.	None
<u>Property/Other</u>	
6..	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
7.	Licensing Act 2003 (Hearings) Regulations 2005
8.	Ss. 99 and 102 Local Government Act 1972
<u>Other Legal Implications:</u>	
9.	Licensing committees sit in a quasi-judicial capacity and must observe the rules of natural justice. Clear procedures enable each party to any hearing to properly understand how a hearing is structured and when and how they will have an opportunity to address the committee / sub-committee. A fair hearing is important to ensure human rights are respected and upheld.
RISK MANAGEMENT IMPLICATIONS	
10.	None
POLICY FRAMEWORK IMPLICATIONS	
11.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Procedure note – Licensing Act 2003 and Gambling Act 2005
2.	Procedure note – Sex Establishments
3.	Procedure note – Taxi applications
4.	Procedure note – Taxi complaints
5.	Procedure note – Other matters
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes/No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	Yes/No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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Licensing (Licensing and Gambling) Sub-Committee

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
 - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
 - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
 - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
 - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
 - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
 - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.
- General information on the conduct of the hearing**
14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
 - (b) With the permission of the Chair, seek clarification on any point by any other party;
 - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

- (d) The Chair will invite the applicant to seek clarification on any points made by those making representations.
- (e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

Summing up

- 29. The Chair will invite each person making a representation to make a final statement or sum up their case.
- 30. The Chair will invite the applicant to make a final statement or sum up their case.

Sub-Committee's decision

- 31.
 - (a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.
 - (b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.
 - (c) The parties will be invited to wait to be informed of the outcome.
 - (d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.
 - (e) If a room is available, the Committee may retire to deliberate and make its decision
 - (f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.

Special Procedure -Applications for Sex Establishment licences

One of the Council's Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Sub-Committee Members may seek clarification on points of procedure at any time. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting. Members should request a comfort break if required and not leave any meeting in progress.

1. INTRODUCTION

- Everyone to introduce themselves
- The Licensing Officer will introduce the report, including background information and any written objections received.
- Members' questions to the Licensing Officer

2. APPLICATION

The applicant or their representative will outline the details of the application and call any witnesses in support.

Questions may be asked of the applicant or of any witnesses by:

- Members of the Sub-Committee
- Licensing Officer

The applicant may call supporting witnesses at their discretion during the presentation of their application. Questions may be asked by the Sub-Committee Members / Licensing Officer of such witnesses at any appropriate point in their presentation.

If any written objections have been received the applicant or their representative will be invited to comment on them.

3. OBJECTORS

If Objectors (including Police) have attended indicating a wish to address the Sub-Committee the Sub-Committee will consider each request in light of its discretion to permit oral representations.

As a guide, such representations will only be permitted if appropriate in order to briefly summarise and expand upon the main points of objection as set out in written submissions. Mere recitation of previous written submissions will not be permitted, nor will the introduction of entirely new grounds of objection.

Questions may be asked of the objector by:

- Members of the Sub-Committee
- The Applicant
- Licensing Officer

4. *SUMMING UP*

Summing up will take the following order:

- Objectors
- Licensing Officer
- Applicant

5. *CONSIDERATION OF DECISION- CONFIDENTIAL SESSION*

Members of the Sub-Committee will retire to consider the decision. In doing so the Solicitor to the Sub-Committee and the Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be. Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session. The Licensing Office will confirm the decision in writing along with any right of appeal.

6. ANNOUNCEMENT OF DECISION

NOTE:

Sub-Committee Members will return and the Chair of the Sub-Committee will deliver the decision in public session. The Licensing Officer will confirm this decision in writing to the Applicant within 7 days of the Sub-Committee decision, together with details of any relevant right of appeal.

This procedure note is issued as a guide only- the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice.



Licensing (General) Sub-Committee

Special Procedure - Applications for Hackney Carriage, Private Hire Vehicle, Driver's or Operator's licences

One of the Council's Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Sub-Committee Members may seek clarification on points of procedure at any time. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting. Members should request a comfort break if required and not leave any meeting in progress.

1. *INTRODUCTION*

Everyone to introduce themselves

2. *LICENSING OFFICER*

The Licensing Officer will introduce the report, including background information, and will outline the reasons why the Sub-Committee is considering the application. The Licensing Officer will call any witnesses in support.

Questions may be asked of the Licensing Enforcement Officer or any witnesses by:

- Members of the Sub-Committee
- Applicant (and/or representative)

3. *APPLICANT*

The applicant or their representative will outline their case and call any witnesses in support.

Questions may be asked of the applicant or any witnesses by:

- Members of the Sub-Committee
- Licensing Officer

4. *SUMMING UP*

The applicant or their representative will be asked to sum up.

5. *CONSIDERATION OF DECISION • CONFIDENTIAL SESSION*

Members of the Committee will retire to consider the decision. In doing so the Solicitor to the Sub-Committee and the Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be. Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

6. *ANNOUNCEMENT OF DECISION*

Sub-Committee Members etc. will return and the Chair will give the decision and the reasons for it. The Licensing Officer will confirm this decision in writing to the licensee and advise of any right of appeal.

Note: *This procedure note is issued as a guide only- the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice.*

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Special Procedure- Complaints against holders of Hackney Carriage, Private Hire Vehicle, Driver's or Operator's licences

One of the Council's Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Committee Members may seek clarification on points of procedure at any time. Please note that the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting. Members should request a comfort break if required and not leave any meeting in progress.

1. *INTRODUCTION*

- + Everyone to introduce themselves
- + The Licensing Officer will introduce the report, including background information
- + Members' Questions to the Licensing Enforcement Officer

2. *COMPLAINANT*

The complainant will outline their case and call any witnesses in support. Questions may be asked of the complainant or witnesses by:

- + Members of the Sub-Committee
- + Licensing Enforcement Officer
- + Licensee (and/or representative)

3. *LICENSEE*

The licensee or their representative will outline their case and call any witnesses in support.

Questions may be asked of the licensee or any witnesses by:

- + Members of the Sub-Committee
- + Licensing Officer
- + Complainant

4. *SUMMING UP*

The licensee or their representative will be asked to sum up.

5. *CONSIDERATION OF DECISION - CONFIDENTIAL SESSION*

Members of the Committee will retire to consider the decision in two stages. In doing so the Solicitor to the Sub-Committee and the Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be. Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

Stage 1 The Sub-Committee will decide whether or not the licensee did something warranting action under section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

Stage 2 If the Sub-Committee finds the complaint proved, it will decide what action to take in accordance and whether that action should be implemented with immediate effect, in accordance with the Act.



6. *ANNOUNCEMENT OF DECISION*

Sub-Committee Members etc. will return and the Chair will give the decision and the reasons for it. The Licensing Officer will confirm this decision in writing to the licensee and the complainant and advise of any right of appeal.

Note: This procedure note is issued as a guide only- the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice .



Procedure -Applications for Licences

One of the Council's Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Sub-Committee Members may seek clarification on points of procedure at any time. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting. Members should request a comfort break if required and not leave any meeting in progress.

1. *INTRODUCTION*

- Everyone to introduce themselves
- The Licensing Officer will introduce the report, including background information
- Members' questions to the Licensing Officer

2. *APPLICATION*

The applicant or their representative will outline the details of the application and call any witnesses in support.

Questions may be asked of the applicant or of any witnesses by:

- Members of the Sub-Committee
- Licensing Officer
- Objectors (including Police or Officers)

3. *OBJECTORS*

Objectors outline their case (including any Police or Officer objections). If necessary, the Licensing Officer will outline written objections where the objector is not present.

Questions may be asked of the objectors, Police or objecting Officers by:

- Members of the Sub-Committee
- Licensing Officer
- Applicant (and/or representative)
-

If any written objections have been received the applicant or their representative will be invited to comment on them.

4. *SUMMING UP*

The applicant or their representative will be asked to sum up.

5. *CONSIDERATION OF DECISION - CONFIDENTIAL SESSION*

Members of the Sub-Committee will retire to consider the decision. In doing so the Solicitor to the Sub-Committee and the Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be. Should the Solicitor to the Sub-Committee be

Licensing (General) Sub-Committee

required to clarify any points of law, these will be repeated in the public session.

6. *ANNOUNCEMENT OF DECISION*

Sub-Committee Members etc. will return and the Chair will give the decision and the reasons for it in public session. The Licensing Officer will confirm this decision in writing to the applicant and advise of any right of appeal.



Note: Where the application is in respect of a function not administered by Legal & Democratic Services the duties of the Licensing Officer indicated above will be carried out by an appropriate officer concerned with that function

Note: This procedure note is issued as a guide only - the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice .

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