

# Licensing Committee

Wednesday, 3rd  
November, 2021  
at 10.00 am

**PLEASE NOTE TIME OF MEETING**  
**Council Chamber - Civic Centre**

This meeting is open to the public

## **Members**

Councillor G Galton (Chair)  
Councillor B Harris  
Councillor Laurent  
Councillor Leggett  
Councillor McEwing  
Councillor Noon  
Councillor J Payne  
Councillor Spicer  
Councillor Stead  
Councillor Streets

## **Contacts**

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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.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**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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### **Dates of Meetings: Municipal Year 2021/22**

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 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.

### **3 STATEMENT FROM THE CHAIR**

### **4 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 8 September 2021 and to deal with any matters arising.

### **5 GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES** (To Follow)

Report of Executive Director of Communities, Culture and Homes proposing the adoption of the Gambling Act 2005 Statement of Licensing Policy after its triennial review.

### **6 EURO 5 WHEELCHAIR ACCESSIBLE DIESEL HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES** (Pages 3 - 16)

Report of Executive Director for Communities, Culture and Homes proposing an amendment to both the hackney carriage and private hire vehicle policy and conditions to delay by two years the requirement for diesel powered wheelchair accessible vehicles licensed by Southampton City council to be replaced with less polluting vehicles.

### **7 HACKNEY CARRIAGE LICENCE ALLOCATION** (Pages 17 - 38)

Report of Executive Director Communities, Culture and Homes proposing a policy for the allocation of hackney carriage licences.

### **8 PRIVATE HIRE VEHICLE SIGNAGE** (Pages 39 - 74)

Report of Executive Director Communities, Culture and Homes seeking consideration to amend the private hire vehicle condition in relation to door signage

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2021

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Present: Councillors G Galton (Chair), Laurent, Leggett, McEwing, Noon, J Payne, Spicer, Stead and Streets

Apologies: Councillor B Harris

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

The apologies of Councillor B Harris were noted.

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

**RESOLVED** that the minutes of the meeting held on 1<sup>st</sup> July 2021 be approved and signed as a correct record.

7. **TAXI LICENSING POLICY STATEMENT 2021**

The Committee considered the report of the Executive Director Communities, Culture and Homes proposing a Taxi policy in accordance with the Department for Transport statutory guidance to be adopted by the Council.

Southampton City Council Officers Phil Bates, Licensing Manager and Russell Hawkins, Senior Licensing Officer were present and with the consent of the Chair addressed the meeting.

Representations were received from Ali Haydor (Southampton Private Hire Trade), Clive Johnson, Ian Hall and Perry McMillan (Southampton Hackney Association) were in attendance and with the consent of the Chair addressed the meeting.

The Committee discussed:

- The requirement for licence holders to maintain a basic or higher DBS certificate of individuals names in a register of all staff who have access to customer personal data.
- The cost of DBS certificates for drivers and operators.
- The use of door signs on vehicles.
- The installation of digital cameras to protect customer and vehicle drivers.
- Dress code of drivers.
- Parked private hire cars.

**RESOLVED:**

- (i) To consider the contents of this report, appendices and any comments or representations made on the policy attached as appendix 1 to the report;
- (ii) To defer the decision on the option of door signage for private hire vehicles whilst officers gather more information on the implications this is likely to have;
- (iii) To adopt the remainder of the Statement of Taxi Licensing Policy and appendices, attached as Appendix 1 to the report;
- (iv) To delay the requirement for applicants for either hackney carriage driver or private hire driver licences to have passed an approved English and Maths test until an approved provider has been procured; and
- (v) To delegate to the Licensing Manager, in consultation with the Chair of the Licensing Committee, the authority to approve the standard of the tests in recommendation (iv) and the date the policy will be applied.

# Agenda Item 5

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
	COUNCIL
<b>SUBJECT:</b>	TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES
<b>DATE OF DECISION:</b>	3 <sup>rd</sup> November 2021 (Licensing Committee) 17 <sup>th</sup> November 2021 (Council)
<b>REPORT OF:</b>	<b>Executive Director Communities, Culture and Homes</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Communities, Culture and Homes	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Licensing manager</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	<b>Phil.bates@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a statement of licensing principles (SLP) that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007. This policy must be reviewed at least every three years. The Gambling Commission require SLPs to be adopted by 31st January 2022.	
<b>RECOMMENDATIONS:</b>	
(i)	<u>Licensing Committee</u> That the Committee considers the draft Statement of Licensing Policy that went out to consultation as at appendix 1, the revisions made to it as at appendix 2 (as well as other appendices to the report) and recommend its adoption to Full Council.
(ii)	<u>Council</u> That Council with effect from 31 <sup>st</sup> January 2022 adopts the revised Statement of Licensing Policy as attached at Appendix 2 and subject to any amendment that may be made by the Licensing Committee (if appropriate).
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The Council has a statutory obligation to adopt, review and maintain a Statement of Licensing Principles (policy) in relation to the functions allocated to it under the Act.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	

2.	Not applicable, the Council is required to have a SLP by law.
<b>DETAIL (Including consultation carried out)</b>	
3.	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
4.	The Act provides for three categories of licence:- (a) Operating licences; (b) Personal licences; and (c) Premises licences
5.	The Gambling Commission issues operating licences and personal licences; and licensing authorities issue premises licences. This has the effect of placing on line gambling under the remit of the Gambling Commission, not the local authority.
6.	The main functions of licensing authorities under the Act are as follows: - <ul style="list-style-type: none"> <li>• Licensing premises for gambling activities</li> <li>• Considering notices given for the temporary use of premises for gambling</li> <li>• Granting permits for gaming and gaming machines in clubs and miners' welfare institutes</li> <li>• Regulating gaming and gaming machines in alcohol licensed premises</li> <li>• Granting permits to family entertainment centres for the use of certain lower stake gaming machines</li> <li>• Granting permits for prize gaming</li> <li>• Considering occasional use notices for betting at tracks</li> <li>• Registering small societies' lotteries</li> </ul>
7.	In May 2021 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions.
8.	From April 2016 the Gambling Commission has required operators to identify risks to the licensing objectives associated with premises, its operation and the location in which it is sited. Operators must produce a risk assessment for each premises – setting out mitigation in place or planned to be put in place to reduce risk to the licensing objectives. These requirements are set out within the Commission's Licensing Conditions and Codes of Practice ("LCCP").
9.	Failure to produce a premises risk assessment amounts to a breach of the operator's licence and could result in revocation of that licence. The need to produce a risk assessment means that operators should pay close attention to local risks or concerns identified by the Licensing Authority in its SLP document. The impact of these changes is an increased importance of the SLP.
10.	The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council also has the benefit of Leading Counsel's

	opinion on a previous draft document to ensure it meets the statutory requirements.
11.	The City Council undertook consultation on the SLP between 5th July 2021 and 27th September 2021 in accordance with the Act and Regulations as well as the Council's own consultation requirements. A report summarising the responses is attached as appendix 2.
12.	Officers have provided comments on the consultation responses and this is attached to the report at appendix 3
13.	Minor amendments have been made to the original document consulted upon in light of comments from members of the licensing committee when they approved the document for consultation and from comments in the consultation responses. None of these amend the policy but provide more information that will assist in the licensing function. A list of these amendments is attached as appendix 4
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
14.	N/A
<b><u>Property/Other</u></b>	
15.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
16.	Section 349 of the Gambling Act 2005.
<b><u>Other Legal Implications:</u></b>	
17.	The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.
18.	Public authorities, under the Equality Act 2010, have a legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. An Equality Impact Assessment has not been carried out in this instance as the risks associated with the publication of this document on this duty are considered to be low.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
19.	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge. Failure to adopt the SLP leaves the authority unable to perform its statutory functions and therefore the risk is high in this regard.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	

20.	The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on a triennial basis.
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<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Statement of Licensing Principles 2022 to 2025 (SLP)
2.	Report summarising the consultation responses
3.	Officers' comments on responses
4.	List of amendments to the consulted copy of the SLP

**Documents In Members' Rooms**

1.	
2.	

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	
2.	





## **GAMBLING ACT 2005 SECTION 349**

## **STATEMENT OF PRINCIPLES**

This Statement of Principles, unless otherwise amended, will remain in force from 31st January 2022 until 31st January 2025

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## Part A – General

### Part A - General

#### 1.0 Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 The Licensing Authority is aware that the Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

1.3 Various reports identify an increase in online gambling and the impact this has on our communities. The Licensing Authority recognises this but understands the remit for local authorities does not include online gambling but will take the impacts into consideration.

1.4 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:

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

#### 2.0 Introduction

2.1 Southampton City is the south coast's regional capital with a population of over 259,000 in an area of 50 square km. Southampton City is the gateway to a wide range of world-class features from the Solent with its marine leisure opportunities to the New Forest National Park. The city is home to two universities, the University of Southampton and Southampton Solent University, with around 43,000 higher education students.

2.2 Southampton has a rich heritage, with a famous seafaring history as an important Roman port. The Old Town is surrounded by a stretch of medieval walls. Southampton's sixty scheduled monuments include the town walls, numerous medieval vaults and cellars, the Tudor House Museum and the Roman remains at Bitterne Manor.

## Part A – General

- 2.3 Southampton is the cruise capital of northern Europe with 2m passengers passing through the port annually. The Port of Southampton is the UK's number one export port and is the country's leading port for automotive trade. The Council's development plan (including the City Centre Action Plan) sets out proposals for major growth in the city centre, including for residential, leisure, retail, and office uses. Growth will be designed to enhance the city centre as a distinctive place. The Council is currently preparing a masterplan for the Mayflower Quarter which provides a major opportunity for growth in the west of the city centre, linking the Central Station, main shopping area and waterfront. Development schemes currently being progressed include the Leisure World site (within the Mayflower Quarter) and Bargate site (in the heart of the city centre and the ex Toys R Us site).
- 2.4 The Leisure World development is estimated to create 1,000 jobs over the construction and beyond as a result of the completed development. The development will include a cinema, casino, food and beverage, accommodation and offices. The development will be phased within a five year construction period.
- 2.5 The Southampton Economic Growth Strategy sets out a comprehensive plan to boost the city's economy over the next decade through a number of key interventions, including:
- consolidating our place-making credentials from the Green City Charter and becoming recognised as a Child Friendly City, to collaborating across the Solent region to secure Freeport status, and competing to win the 2025 City of Culture bid;
  - utilising data, technology and networks to improve the city's 'smart' capabilities that can help deliver on our Net Zero, Wellbeing and a host of other socio-economic priorities; and
  - improving our readiness for increased automation by supporting businesses in digital adoption and the local workforce with the requisite skills, 'know-how' and versatility to compete for jobs and boost local productivity.
- 2.6 In June 2018 gambling facilities in the city included three casinos (two currently operating), four bingo clubs, 36 betting offices, 15 amusement centres, one betting track, and 129 premises licensed for the supply of alcohol for consumption on the premises which have gaming machines installed.
- 2.7 A map of the Southampton area is attached as Appendix A.

### 3.0 Consultation on the Statement of Principles

- 3.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

## Part A – General

**3.2** The Licensing Authority has consulted widely on this statement before finalising and publishing it. It should be noted that unsolicited comments may have been received from other persons but all of these have not been listed.

**3.3** The Gambling Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police for Hampshire;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Southampton area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

**3.4** This policy has been drafted after consultation with the following organisations and individuals.

- Adult Social Care
- Betting & Gaming Council
- British Amusement Catering Trade Association
- Bingo Association
- British Beer & Pub Association
- British Holiday & Home Parks Association
- Citizens Advice
- Community Safety
- Environmental Health
- Federation of licensed victuallers
- Gamblers Anonymous
- BeGambleAware
- Gambling Commission
- Gamcare
- Gamestec
- Gamstop
- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- HM Revenue & Customs
- Licence holders including all the permit holders
- Local courts
- Mencap
- Planning and Sustainability

## Part A – General

- Public Health Southampton
- Racecourse Association Ltd
- Safeguarding Children
- Trading Standards

Additionally it was available for the general public through the Consultation web page of Southampton City Council

**3.5** The full list of comments made and the consideration by the Council can be obtained from the Licensing Team, Southampton City Council, Civic Centre, Southampton SO14 7LY. The first policy was approved at a meeting of the Full Council on 15th November 2006 and has been subsequently revised and published via the Council's website ([www.southampton.gov.uk/gamblingslp](http://www.southampton.gov.uk/gamblingslp)). Copies are placed in all the city's public libraries as well as being available from the Licensing Team at the Civic Centre.

**3.6** The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the statement.

**3.7** Any comments as regards this statement should be sent to:

The Licensing Manager

Southampton City Council

Civic Centre

Southampton

SO14 7LY

Tel: 023 8083 3002

Email: [licensing.policy@southampton.gov.uk](mailto:licensing.policy@southampton.gov.uk)

**3.8** It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **4.0 Declaration**

**4.1** In publishing this document, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, guidance issued by both the Government and the Gambling Commission and any responses from those consulted on the statement.

### **5.0 Responsible authorities and interested parties**

**5.1** When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as "responsible authorities" and "interested parties." (It should be noted that these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

**5.2** "Responsible authorities" are public bodies that must be notified of applications by the applicant. They are as follows:

## Part A – General

- the Licensing Authority in whose area the premises are wholly or partly situated;
  - the Gambling Commission;
  - the Chief Officer of Police;
  - the Fire and Rescue Authority;
  - the Local Planning Authority;
  - the Public Protection Service;
  - the Southampton Local Safeguarding Children Board;
  - HM Revenue and Customs; and
  - Any other person prescribed by the Secretary of State
- 5.3** A full list and contact details of all the Responsible Authorities under the Act are contained on the Council’s website ([www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)).
- 5.4** The Licensing Authority is required by the regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act when designating in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area; and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 5.5** In accordance with the suggestion in the Gambling Commission’s Guidance to Local Authorities, this authority has approached the Local Children’s Safeguarding Board who in turn have designated Southampton Children Services as the body that is competent to advise the authority about the protection of children from harm.
- 5.6** “**Interested parties**” are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:
- “A person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -
- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
  - has business interests that might be affected by the authorised activities; or
  - represents persons in either of those two groups referred to above”.
- 5.7** Each case will be considered on its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Local Authorities.
- 5.8** It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.



## Part A – General

- 5.9** The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, and trade unions, and residents and tenants' associations (paragraph 6.21 of the Gambling Commission Guidance to Local Authorities). This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for or has business interests that might be affected.
- 5.10** Interested parties can be persons who are democratically elected such as local councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected.
- 5.11** If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with that particular licence application. If there are any doubts then please contact
- Democratic Services  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY
- 5.12** Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

### **6.0 Exchange of Information**

- 6.1** Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018, UK General Data Protection Regulations and other associated legislation will not be contravened. The Licensing Authority will also have regard to the Gambling Commission's Guidance to licensing authorities, in particular part 13 or any other part of the guidance that is applicable as and when amended.

### **7.0 Compliance and Enforcement**

- 7.1** Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under

## Part A – General

section 346 of the Act to institute criminal proceedings in respect of the offences specified.

**7.2** This Licensing Authority's principles are that It will be guided by the Gambling Commission's "Guidance to Local Authorities", will adopt a risk-based inspection programme in accordance with the Regulators' Compliance Code and will endeavour to be:

- **Proportionate:** intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** decisions must be justified, and subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** focused on the problem and minimise side effects.

**7.3** The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

**7.4** The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other authorisations. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

**7.5** In particular, the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007 no. 1409) make provision for conditions to be attached to premises licences under section 167 and 168 of the Gambling Act 2005

**7.6** The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

**7.7** Having regard to the principle of transparency, the Licensing Authority enforcement policy will be available on request to the Licensing Team.

**7.8** Southampton City Council has an adopted Enforcement Policy which will be adhered to when considering enforcement activity.

### **8.0 The Licensing Authority Functions**

**8.1** The Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements

## Part A – General

- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - Issue Club Machine Permits to Commercial Clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
  - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
  - Register small society lotteries below prescribed thresholds
  - Issue Prize Gaming Permits
  - Receive and endorse Temporary Use Notices
  - Receive Occasional Use Notices
  - Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
  - Maintain registers of the permits and licences that are issued under these functions
- 8.2** The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

## Part B – Premises Licences

### Part B – Premises Licences

#### 9.0 Premises Licences – What Standards the Licensing Authority Expects from Applicants

9.1 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- (a) Relevant Gambling Commission Codes of Practice
- (b) Relevant Gambling Commission Guidance
- (c) Reasonable consistency with the Licensing Objectives (subject to a and b)
- (d) This is our gambling statement of principles (subject to a – c)

9.2 It is important for there to be clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. It is also important to be transparent about this process so that those who apply for licences and those who may have opinions about gambling premises know how the process works.

9.3 In light of this we have set out below what we are looking for from applicants looking to offer gambling in Southampton.

9.4 Each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, in order to be granted a licence. Where applicants fail to show how they will meet licensing objective concerns, licence conditions can be imposed or the application rejected.

#### 9.5 Licensing objectives: minimum standards for all premises

9.5.1. We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

9.5.2. The Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in October 2020, formalise the need for operators to consider local risks.

9.5.3. All premises licensees are to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. It will be expected that operators will factor in the levels of deprivation in their local area and exercise greater vigilance, where appropriate, in matters such as monitoring, intervention, self-exclusion and display of information. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy. Appendix B provides details on local profiles in the city. This appendix is to be considered as a separate document from this policy to allow it to be easily updated if necessary.

## Part B – Premises Licences

### 9.5.4. **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:**

Generally this objective will be addressed through operating licences issued by the Gambling Commission. However we will require that premises have protocols in place to prevent staff or customers becoming a victim of robbery and identify those persons who may be at risk and that the existence of these protocols is well-publicised. We will also outline control measures for tracks, as track operators do not need to hold an operating licence. The Gambling Commission highlights that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance.” For example, was police assistance required? How threatening was the behaviour to those who could see or hear it?

### 9.5.5. **Ensuring that gambling is conducted in a fair and open way**

Generally this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

### 9.5.6. **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

The Gambling Act defines “children” as those persons under 16 years of age and “young persons” as those persons aged 16 or 17 years of age.

The term “vulnerable persons” is not defined, however the following offers some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a lack of mental capacity, potentially due to cognitive or mental health conditions, alcohol, drugs or even some pharmaceutical treatments.

The governments ‘Gambling-related harms evidence review’ updated on 30<sup>th</sup> September 2021 estimates 0.5% of the population reached the threshold to be considered problem gamblers and 3.8% of the population were considered as ‘at risk gamblers’. People identified as problem gamblers are more typically male and in younger age groups. The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.

In Southampton we would also consider the following people to be vulnerable:

- Those with an inclination to gamble more than they want to or beyond their means

## Part B – Premises Licences

- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-29.
- Habitual players of gaming machines.

Additionally research by City of Westminster Council, Manchester City Council and the Local government Association identified the groups as at greater risk of harm from gambling. This list is not exhaustive but includes the following:

- Young people
- People from Asian or Oriental ethnic groups,
- People who are unemployed
- People in deprived areas
- People who are homeless
- People who are migrants
- People on probation
- People under the influence of drugs and/or alcohol
- People with some mental health, cognitive or neurodiverse conditions
- People with a history of problematic gambling

What constitutes harm or exploitation will have to be considered on a case-by-case basis.

We expect all premises licence holders to have suitable safeguarding policies in respect of children, young persons and vulnerable persons. We expect premises licence holders to ensure that all staff are trained to recognise safeguarding issues when they arise and act appropriately. Such policies must be kept updated and staff training refreshed at frequent intervals.

Further we expect premises to display information on mental health, alcohol and drug services on-site where it is accessible by customers and staff.

### **9.5.7. General considerations for all gambling premises**

We expect high standards from premises licence applicants in order to promote the licensing objectives. We will therefore look to apply licence conditions where appropriate to ensure these standards are met. The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in 10 to 19 below.

### **9.5.8. Large Casino Premises contribution towards research, education and treatment**

We expect any large casino operator to contribute towards any national and local problem gambling initiatives as deemed appropriate by the Licensing Authority from time to time. This may include the Responsible Gambling Trust and any projects within the City of Southampton.

## Part B – Premises Licences

### 9.5.9. Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Southampton is a key part of promoting the licensing objectives. We expect all Southampton-based gambling premises to maintain a log and share this and other information with the Licensing Team upon request.

Data that we consider should be recorded and shared includes (but is not exclusive to):

- (a) Number of interventions in a calendar month along with a short description of the cause and effect
- (b) Number of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- (c) Number of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
- (d) Attempts to enter by those under age in a calendar month along with short description of incident and action
- (e) Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
- (f) Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
- (g) Incidents of 'at risk behaviour' (to be defined when a data request is made) in a calendar month along with short description of incident and action
- (h) Incidents of 'behaviour requiring immediate intervention' (to be defined when a data request is made) in a calendar month along with short description of incident and action.

We will look to work with the trade to ensure inconvenience is minimised while we build up a picture of gambling risks and progress in risk management. Before any publication, information shared with the Licensing Team would be redacted as appropriate, so as to prevent dissemination of clearly sensitive personal data.

### 9.5.10. Knowledge

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- (a) The importance of social responsibility (Premises may wish to seek an audit from GamCare or such other appropriate body in order to obtain a Certificate of Social Responsibility)
- (b) Causes and consequences of problem gambling

## Part B – Premises Licences

- (c) Identifying and communicating with vulnerable persons: primary intervention and escalation
- (d) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment
- (e) Refusal of entry (alcohol and drugs)
- (f) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- (g) Importance and enforcement of time/spend limits
- (h) The conditions of the licence
- (i) Maintaining an incident log
- (j) Offences under the Gambling Act
- (k) Categories of gaming machines and the stakes and odds associated with each machine
- (l) Types of gaming and the stakes and odds associated with each
- (m) Staff exclusion from gambling at the premises where they are employed and reasons for restriction
- (n) The "no tipping" rule, unless a common fund into which tips and service charges are paid for distribution to the staff (a "tronc") is established and conducted in accordance with current H.M. Revenue and Customs advice.
- (o) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- (p) Safe cash-handling/payment of winnings
- (q) Identify forged ID and bar those using forged ID from the premises
- (r) Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
- (s) The importance of not encouraging customers to:
  - Increase the amount of money they have decided to gamble
  - Enter into continuous gambling for a prolonged period
  - Continue gambling when they have expressed a wish to stop
  - Re-gamble winnings
  - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

For premises that supply alcohol by retail under the authority of a premises licence granted under the Licensing Act 2003 staff to receive alcohol intervention training.



## Part B – Premises Licences

### 9.5.11. **A self-exclusion scheme**

We expect all premises to operate a voluntary exclusion scheme. This means that wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.

### 9.5.12. **Intervention to protect vulnerable persons from being harmed or exploited by gambling**

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include directing a counselling session and following that session potentially mandatory exclusion.

To reduce the impact of harmful gambling on associates of participants premises to have in place interventions for individuals who are displaying anger or aggressive behaviour linked to their gambling prior to leaving the premises.

Beyond this we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

### 9.5.13. **The location of gambling premises**

Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder, there is no reason why one location poses substantively more risk than another. We recognise that the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, however this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions.

### 9.5.14. **Layout and Access**

Premises should ensure that appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include, at minimum, a "Think 21" scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme. Prominent signage at all entrances should indicate this

## Part B – Premises Licences

requirement. We would encourage easily visible exit signs and large clock faces to be placed so that visitors do not lose track of time

Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions. Under 18s CAN enter:

- The gambling areas of a bingo club other than areas containing category C and above gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines
- Licensed Family Entertainment Centres (FEC)

(See the prescribed mandatory and default conditions and Gambling Commission guidance and codes of practice for details of under 18s rights of access and participation.)

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and that the areas are suitably monitored.

Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect: that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only over 18s are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Where under 18s are loitering outside the premises, steps should be taken by the premises licence holder to discourage them from loitering there and consideration should be made to reporting this to the police or a truancy officer as appropriate.

Furthermore, premises should ensure that vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Southampton to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination.

## Part B – Premises Licences

Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

### **9.5.15. Access**

Premises should take such steps as are reasonably practicable to ensure entrances and exits to the premises will enable persons using the premises (including disabled persons) and the facilities to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.

### **9.5.16. Staff restrictions on access to gambling**

Gambling premises staff are brought into close proximity with gaming and/or gaming machines on a regular basis and therefore may have a heightened vulnerability to problem gambling. There is also a risk of off duty staff colluding with their colleagues. For these reasons we feel staff must be excluded from gaming or gambling on the premises at which they work at all times. Larger operators may also want to consider offering an Employee Assistance Programme. Smaller operators may simply wish to refer staff with gambling problems to a local counselling service.

### **9.5.17. Staff to customer ratio**

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. All premises will be expected to demonstrate that they will have in place a suitable staff to customer ratio as appropriate to the premises. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

When deciding their ratio we would advise premises to seek the advice of the Crime Reduction Officer prior to application.

### **9.5.18. Inducements to gamble**

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such as free or cut price alcohol or food.

### **9.5.19. Advertising**

Applicants will be required to demonstrate how they will comply with the relevant Gambling Commission code of practice and Advertising Standards Authority regulations in respect of advertisements. Advertising should not target 'vulnerable persons'.

### **9.5.20. On-premises provision of gambling advice**

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people gamble we want them to do so

## Part B – Premises Licences

for entertainment rather than in the expectation of a big win or to chase losses.

In light of this, we will expect that all gambling premises:

- (a) Provide leaflets and posters, free telephone helpline and GamCare/BeGambleAware 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 100m<sup>2</sup> of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.
- (b) Prominently display details of odds with each gaming machine

Premises should liaise with the BeGambleAware to gain approval for leaflet and poster content and ensure pointers to local sources of help and guidance are up to date and relevant.

Whenever a customer expresses concern about their gambling, unless prevented from doing so by staff safety concerns, staff should provide them with a responsible gambling leaflet, suggest they contact the helpline number and make them aware of their self-exclusion facilities and local counselling services available.

### **9.5.21. Exclusion of those who appear to be under the influence of alcohol or drugs etc.**

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with mental capacity needs, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.

### **9.5.22. Safe Cash-handling**

In the interest of preventing crime and disorder, we require all gambling premises in Southampton to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:

- The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)

## Part B – Premises Licences

- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied that effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

### 9.5.23. **Safe payment of winnings**

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

### 9.5.24. **Adequate lighting inside and out**

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

### 9.5.25. **Engagement with the police**

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

### 9.5.26. **Specific types of premises and what we are looking for in respect of each**

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below.

The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

## 10.0 **General Principles**

**10.1** Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**10.2** The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it:

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,

## Part B – Premises Licences

- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))

**10.3** The Licensing Authority appreciates that in accordance with the Gambling Commission’s Guidance “moral objections to gambling are not a valid reason to reject applications for premises licences” (except as regards any “no casino” resolution – see section on Casinos below – paragraph 15 below) and also that unmet demand is not a criterion for the Licensing Authority.

### **10.4 Definition of “premises”**

"Premises" is defined in the Act as “at any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

**10.5** This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Local Authorities which states that (paragraphs 7.26 and 7.27):

“Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. The plan of the premises should clearly denote entrances and exits.

For bingo and Family Entertainment Centres premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
  - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
  - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
- arranged in a way that ensures that all parts of the area can be observed.

## Part B – Premises Licences

A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area. ”

### 10.6 Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be granted planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

### 11.0 Conditions on premises licences

11.1 The mandatory and default conditions are designed to be sufficient to ensure an operation is reasonably consistent with the licensing objectives.

Accordingly, additional conditions will only be imposed where, in the circumstances of the case, there is evidence of a risk to the licensing objectives that is not adequately addressed by the mandatory and default conditions or policies, procedures and mitigation measure outlined in the local area risk assessment.

11.2 The Licensing Authority will ensure that any conditions imposed are proportionate to the circumstances which they are seeking to address, and will ensure that any premises licence conditions are:

- relevant to the need to make the proposed building suitable as a gambling facility (i.e. relate only to gambling, as appropriate under s.153);
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- not replicating requirements set out elsewhere (e.g. the Commission’s Licence conditions and codes of practice (LCCP) or other legislation),
- not seeking to address a matter already dealt with by mandatory conditions and;
- reasonable in all other respects

11.3 Decisions upon individual conditions will be made on a case by case basis. The authority recognises conditions can only be imposed when necessary and any conditions imposed must be proportionate to the aim. There will be a number of measures this Licensing Authority will consider utilising, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

11.4 The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:

## Part B – Premises Licences

- supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

**11.5** The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

**11.6** The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

**11.7** It is noted that there are conditions which the Licensing Authority cannot attach to premises licence which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or methods of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes



## Part B – Premises Licences

### 11.8 Door Supervisors

The Gambling Commission advises in its Guidance to Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises may/may not be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore will take into consideration relevant criminal convictions, cautions or formal reprimands, if any, and training requirements that meet SIA standards. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

11.9 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is necessary for particular cases, but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

### 12.0 Other Legislation

12.1 The Licensing Authority will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with all other relevant legislation such as fire safety, food safety and health & safety. It should be noted that these examples are not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.

12.2 So far as is possible, this statement of principles will avoid duplicating those other regulatory regimes.

### 13.0 Adult Gaming Centres (AGCs)

13.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that persons under the age of 18 do not have access to the premises.

13.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

## Part B – Premises Licences

- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is neither mandatory nor exhaustive and is merely indicative of reasonable measures which might be in place.

### 14.0 Licensed Family Entertainment Centres

14.1 The Licensing Authority will specifically have regard to the need to protect children and children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machine areas.

14.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare/BeGambleAware
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Ensuring there are no inducements to remain in the gaming areas longer than anyone can reasonably afford to

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.3 The Licensing Authority will refer to any conditions applied by the Gambling Commission to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority is also aware of mandatory and default conditions on these premises licences.

### 15.0 Casinos

#### 15.1 “No Casino” resolution

The Licensing Authority has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

## Part B – Premises Licences

- 15.2** Such a resolution would be reviewed at three yearly intervals or sooner should the circumstances warrant a revision of the resolution. Any such decision will be made by Full Council. Such a resolution would not affect pre-existing licensed casinos.

### Casinos and competing applications

- 15.3** On 26 February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:
- (a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
  - (b) matters to which the Licensing Authority should have regard in making those determinations.
- 15.4** On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved and Southampton City Council was authorised to issue a Large Casino Premises Licence.
- 15.5** On 22<sup>nd</sup> March 2016 the Licensing Authority granted a Provisional Statement for a Large Casino to Aspers. That provisional statement lasted for a period of three years to 22<sup>nd</sup> March 2019. After an application to extend the provisional statement the Licensing Authority granted an extension until 22<sup>nd</sup> March 2022.. If the provisional statement is not converted into a premises licence in time, the authority may seek to run a further competition. If this is necessary, the Statement of Principles shall be amended, as appropriate, to set out the process and criteria.

### 15.6 Betting Machines

The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

### 16.0 Bingo Premises

- 16.1** The Licensing Authority has noted that if children are allowed to enter premises licensed for bingo that they must not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will ensure:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;

## Part B – Premises Licences

- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

**16.2** This Licensing Authority will follow the guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises.

### **17.0 Betting Premises**

**17.1 Betting machines** – The Licensing Authority will, in accordance with the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of **betting** machines an operator wants to offer. This is in addition to the four **gaming** machines permitted with a premises licence,

### **18.0 Tracks**

**18.1** Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

**18.2** The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

**18.3** The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

**18.4** This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

## Part B – Premises Licences

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### 18.5 Gaming machines

The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### 18.6 Betting machines

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

### 18.7 Condition on rules being displayed

The Gambling Commission has advised in its Guidance to Local Authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

### 18.8 Applications and plans

This Licensing Authority note the guidance states the following with regard to defining the premises:

- 18.9** S.151 of the Act requires applicants for premises licences to submit plans of the premises with their application. This ensures that licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.
- 18.10** Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 18.11** In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by

## Part B – Premises Licences

reference to existing plans already submitted to obtain other permissions. These could include:

- the obtaining of a safety certificate under ‘Safety at Sports Ground’ legislation (this applies in respect of sports grounds with capacity to accommodate more than 10,000 spectators)
- the historic boundaries under previous legislation such as, the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963.

**18.12** It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing authorities should satisfy themselves that the plan provides sufficient information to enable them to assess an application.

**18.13** As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure that a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence. Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of an application to vary the premises licence.

### **19.0 Travelling Fairs**

**19.1** It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

**19.2** The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

**19.3** It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

### **20.0 Provisional Statements**

**20.1** The Licensing Authority notes at 11.11 of the Guidance for the Gambling Commission it states that “S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority

## Part B – Premises Licences

must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”.

**20.2** In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional stage; or
- (b) which, in the authority’s opinion, reflect a change in the operator’s circumstances.

### **21.0 Reviews of premises licences**

**21.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to wish would alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Licensing Authority’s statement of principles.

**21.2** The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## Part C – Permits / Temporary & Occasional Use Notices

### Part C – Permits, Temporary and Occasional Use Notices

#### 22.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

22.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

22.2 The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25.

22.3 The Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application."

22.4 The Licensing Authority cannot attach conditions to this type of permit.

22.5 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not necessarily limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include the following:

- appropriate measures / training for staff as regards suspected truant school children on the premises,
- measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

22.6 The Licensing Authority will also expect that

- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- the applicant shall disclose relevant convictions (those that are set out in Schedule 7 of the Act) in order that the Licensing Authority may consider whether it would be contrary to the licensing objectives to grant a permit; and
- staff are trained to have a full understanding of the maximum stakes and prizes.



## **Part C – Permits / Temporary & Occasional Use Notices**

### **23.0 Alcohol Licensed Premises Gaming Machine Permits**

**23.1** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

**23.2** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and “such matters as they think relevant.”

**23.3** The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority may include:

- The adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by persons under the age of 18;
- Notices and signage; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

**23.4** The Licensing Authority recognises that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

**23.5** The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

**23.6** It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **Part C – Permits / Temporary & Occasional Use Notices**

### **24.0 Prize Gaming Permits**

**24.1** In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

**24.2** The applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law

**24.3** It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### **25.0 Club Gaming and Club Machine Permits**

**25.1** Members Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

**25.2** Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

**25.3** The Licensing Authority may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;

## **Part C – Permits / Temporary & Occasional Use Notices**

- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police

**25.4** There is a “fast-track” procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

**25.5** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### **26.0 Temporary Use Notices**

**26.1** There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building/site.

**26.2** As with “premises” the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of a set of premises the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.

**26.3** The Licensing Authority will consider objecting to Temporary Use Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises

### **27.0 Occasional Use Notices**

**27.1** The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need, though, to consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

## Part D – Other Information

### Part D – Other Information

#### 28.0 Rights of Appeal and Judicial Review

**28.1** The Licensing Authority is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. To ensure a transparent decision making process the Licensing Authority will:

- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

**28.2** An appeal may be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

**28.3** Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

#### 29.0 Other Matters

**29.1** In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Council's website ([www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)) or by contacting the Licensing Team:

- Register of premises licences issued by the Licensing Authority
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

## Part D – Other Information

### 30.0 The Licensing Authority Delegations

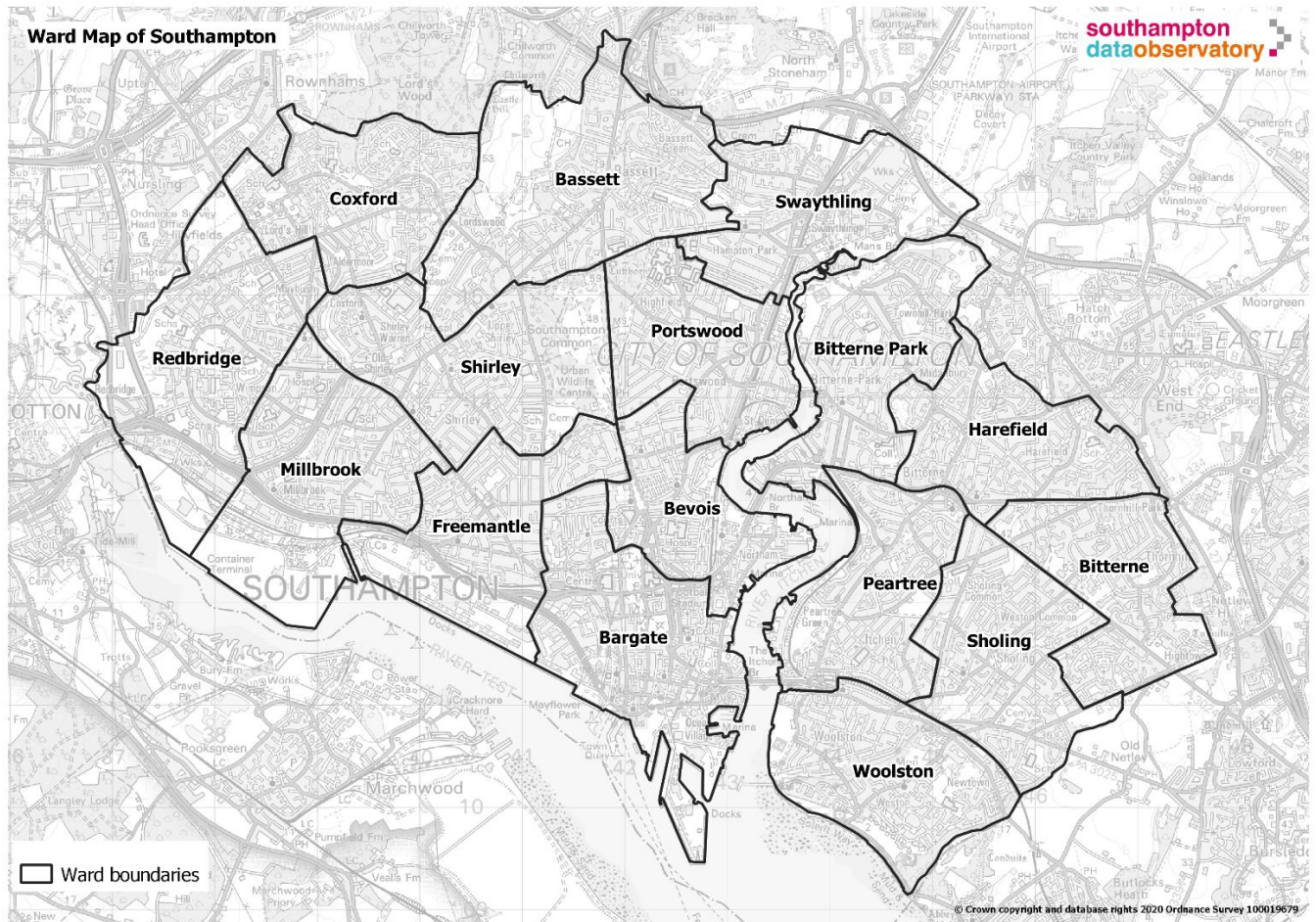
Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing statement of principles	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee setting (when appropriate)		Full Licensing Committee	
Application for premises licence		Where representations have been received and not withdrawn (save in respect of any application for a Large Casino which will be heard by the full Licensing Committee)	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		<b>X</b>	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		<b>X</b>	
Applications for other permits			<b>X</b>
Cancellation of licensed premises gaming machine permits			<b>X</b>

## Part D – Other Information

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	
Decision to determine an application without holding a hearing on grounds contained within S.162 (3)			<b>X</b>
Decision to reject an application for review made under S.197 based on grounds contained within S.198			<b>X</b>
Take “action” (under S.202) following review		Where application heard by Sub-Committee	Where no hearing and all parties agree in advance to relevant “action”.

# Appendix

## 31.0 Appendix A – Map of Southampton



## 32.0 Appendix B Local Profile

Southampton has a young demographic compared to the England average. There are about 63,700 children aged between 0 and 19 years of age living in Southampton. Ethnic diversity is increasing and about a quarter of children and young people live in poverty. (From Joint Strategic Needs assessment)

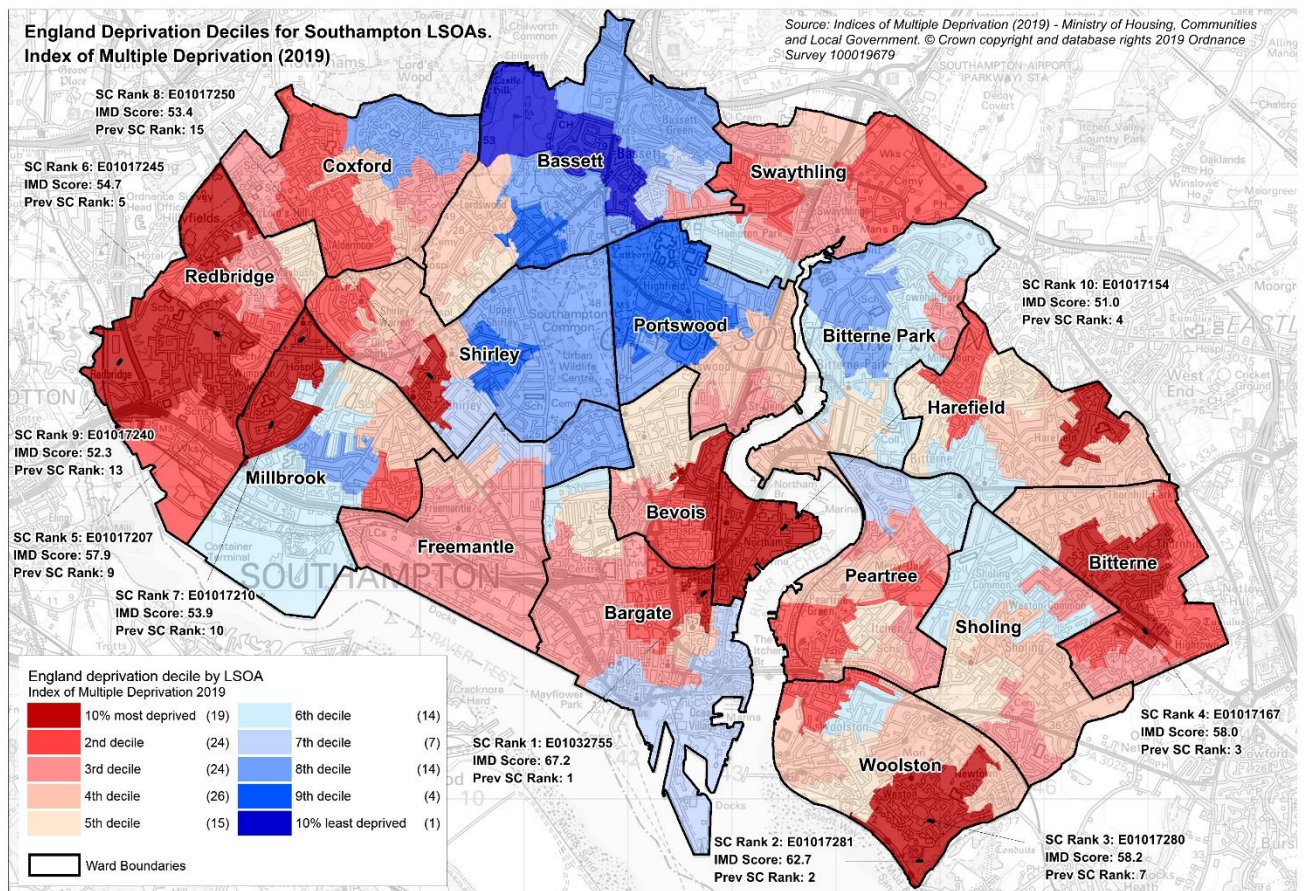
The following maps are broken down into LSOAs (Lower-layer Super Output Areas), which are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households. There are 32,844 Lower-layer Super Output Areas (LSOAs) in England and 158 in Southampton.

### Deprivation



## Appendix

The following map provides details on the scale of deprivation across the city in 2019, the deeper the red the more deprived an area is whereas a deeper blue indicates the least deprived.



Overall, there has been very little change in relative deprivation levels in Southampton compared to other local authorities in England since the last IMD in 2015, with the Southampton remaining a relatively deprived city.

Three LSOAs have remained in top five for this city....

- Bargate (Golden Grove): 1st in IMD(2019); 1st in IMD(2015)
- Weston (International Way): 2nd in IMD(2019); 2nd in IMD(2015)
- Thornhill (Lydgate Road): 4th in IMD(2019); 3rd in IMD(2015)

Two LSOAs that were in the top ten previously are now in the top five.....

Weston (Kingsclere Avenue): 3rd in IMD(2019); 7th in IMD(2015)  
Millbrook (Lockerley Cres): 5th in IMD(2019); 9th IMD(2015)

The two LSOAs have been replaced in the top five for IMD 2015, remain in the top ten for the IMD 2019.....

- Redbridge (Mansel Park): 6th in IMD(2019); 5th in IMD(2015)
- Northam (Stadium): 10th in IMD(2019); 4th in IMD(2015)



## Appendix

Some of the five most deprived LSOAs are featured in the top five in the following domains.....

Employment (4/5); Income (4/5); Education (3/5); Health (2/5); Crime (2/5)

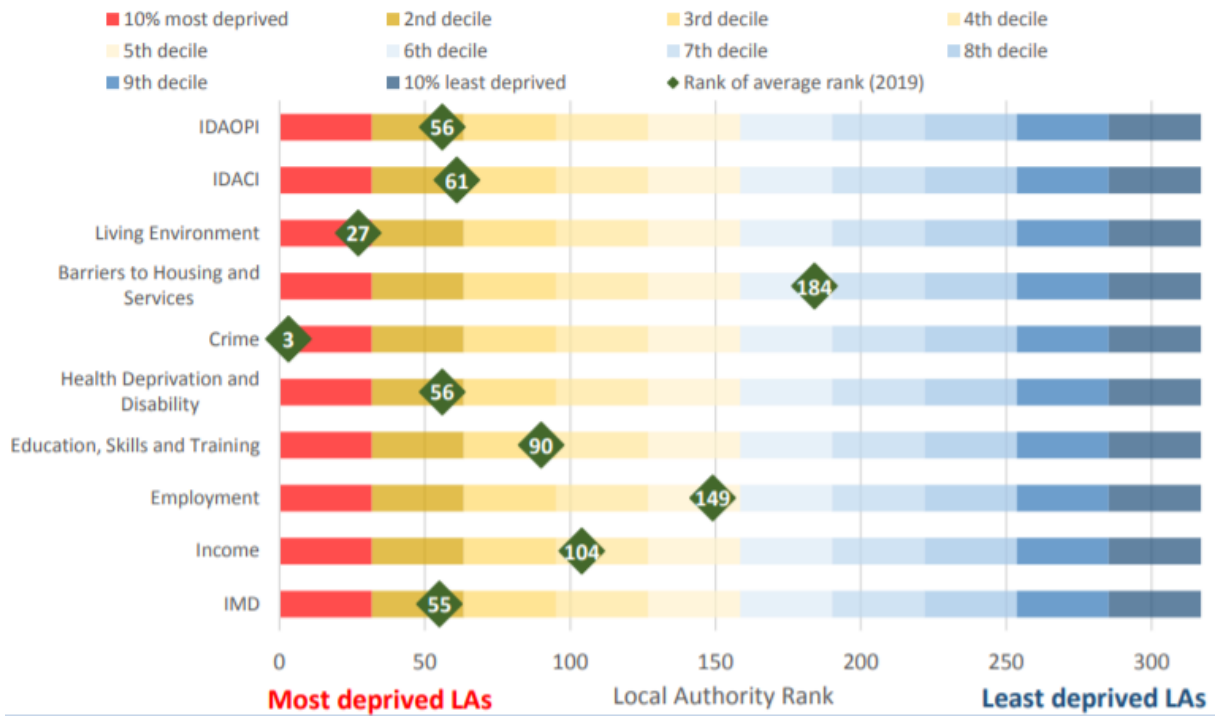
Other key findings from the IMD 2019 analysis for the city are:

- Of the 317 Local Authorities in England, Southampton is ranked 55th (previously 54th) most deprived based on average rank of LSOAs and 61st (previously 67th) most deprived based on average score of LSOAs
- The fact that Southampton appears to be more deprived based on the average rank measure (55th nationally and 2nd amongst comparators), illustrates how Southampton is more uniformly deprived rather than being highly polarised (i.e. extremes of deprivation)
- Southampton has 19 LSOAs within the 10% most deprived in England (same as in 2015) and one LSOA in the 10% least deprived in England (previously zero in 2015)
- Around 12% of Southampton's population live in neighbourhoods within the 10% most deprived nationally; this rises to 18% for the under 18 population, suggesting deprivation disproportionately impacts upon young people in the city
- Over 45% of Southampton's population live in neighbourhoods within the 30% most deprived nationally (around 117,000 people)
- At neighbourhood level, approximately half of the LSOAs in Southampton have become more deprived (77/148; 52%) since 2015, whilst half have become less deprived
- The five most deprived neighbourhoods in Southampton are in Bargate (Golden Grove), Weston (International Way), Weston (Kingsclere Avenue), Thornhill (Lydgate Road) and Millbrook (Lockerley Crescent)
- Southampton is ranked 3rd worst in the country for crime deprivation and is in the worst 20% of local authorities for 5 other deprivation domains

The charts below show Southampton's rank (based on average rank of LSOAs) amongst all 317 LAs in England for each deprivation domain, and how this has changed between 2015 and 2019

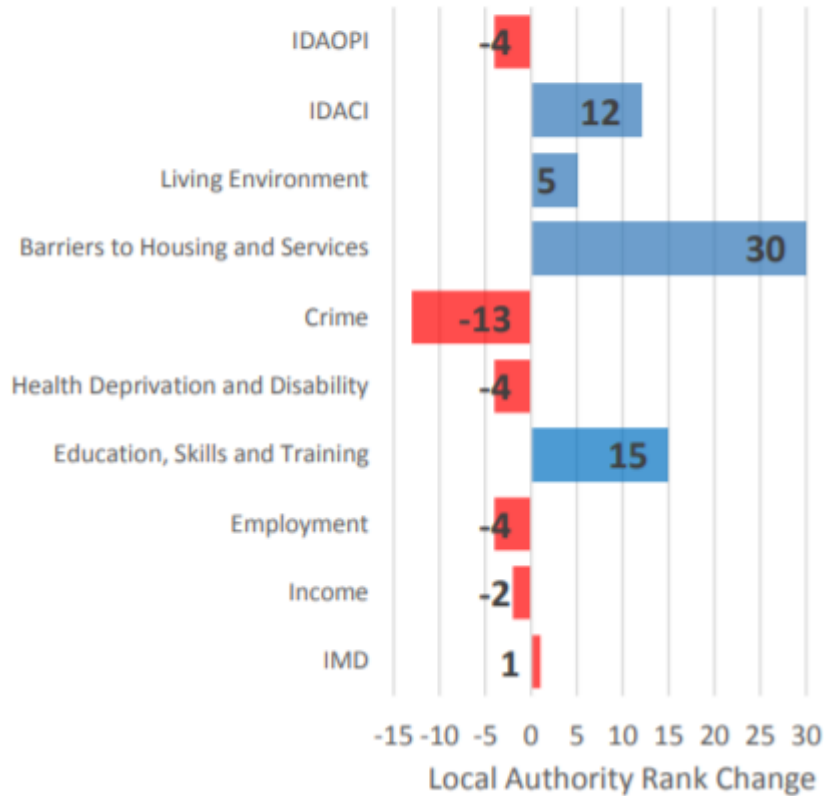
# Appendix

**Indices of Deprivation 2019 - Rank of Average Rank by Domain:  
Southampton Local Authority (out of 317 LAs)**



## Appendix

### Indices of Deprivation - Change in Rank of Average Rank between 2015 and 2019: Southampton Local Authority by Domain



Southampton is ranked 3rd worst in the country for crime and is in the worst 20% of LAs for 5 domains

Crime is the domain which has worsened the most, whilst there have been improvements in Barriers to Housing and Services, Education, Skills and Training and two other domains

#### Housing

Homelessness is reported as spread evenly across the city with no ward or wards standing out as a particular problem. However, the larger Council estate areas generally see less homelessness than other areas.

Extract from the SCC Homeless Prevention Strategy

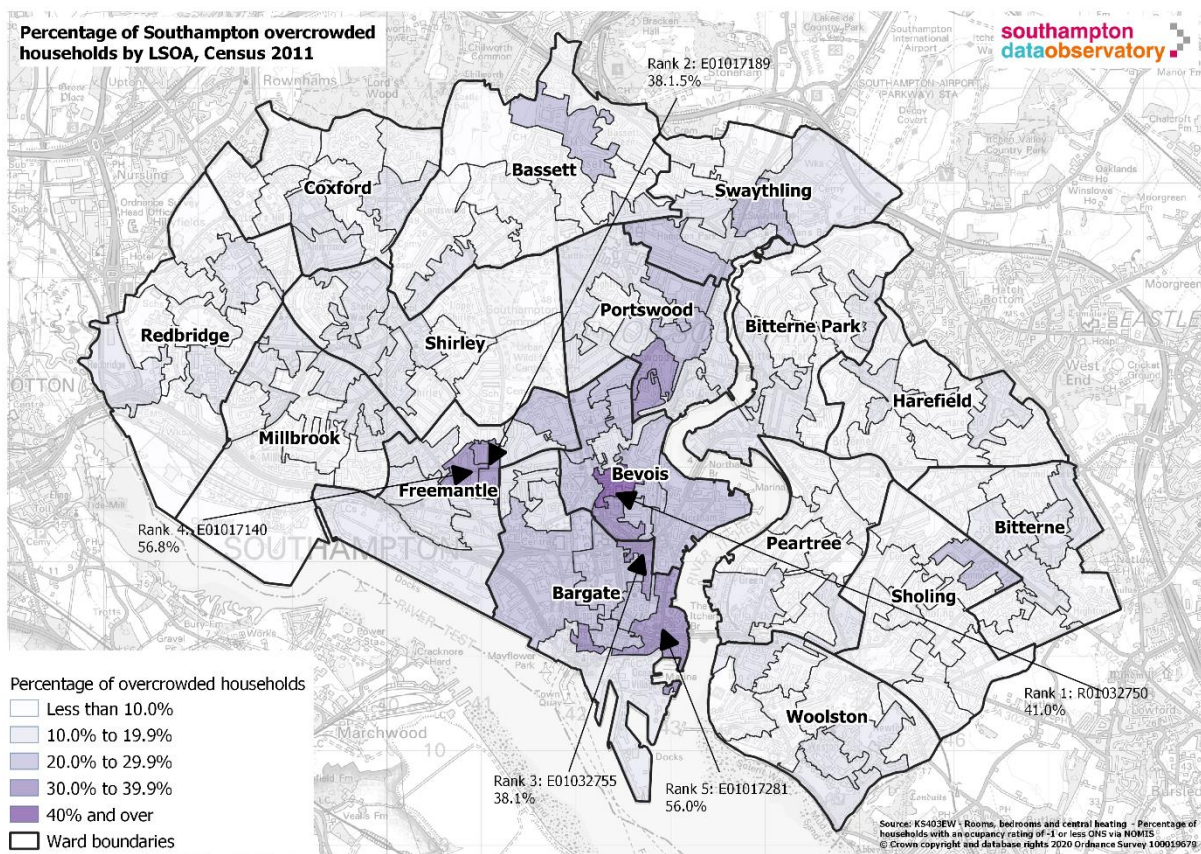
Like the rest of the South East, Southampton's property prices continue to grow at a rate that puts home ownership out of reach for the majority of households. As such the demand for social housing in the city is extremely high and waiting times for an affordable home can often reach up to seven years. Southampton is less affordable than England as a whole and is in the top 5 least affordable areas among its ONS comparators

## Appendix

Consequently, the private rented sector has become a very useful source of meeting local housing needs and has grown to become one of the largest private rented sectors in the South East.

Private rented homes in the city vary in quality, size and cost but generally rent levels are lower here (especially in some areas of the city), than other parts of the region such as the New Forest and Winchester. As a result, people on limited incomes can find themselves priced out of these more expensive housing areas, causing them to move to Southampton out of economic necessity, placing greater strain on the city's housing supply.

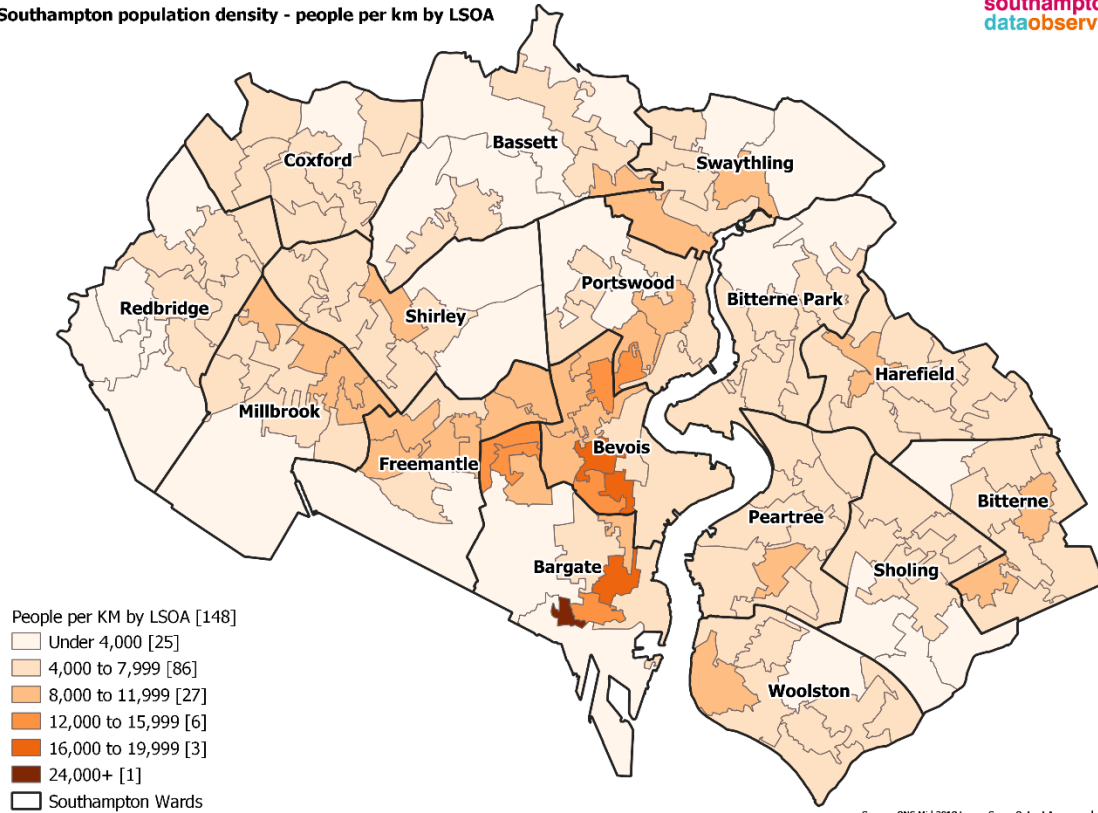
Households can be defined as 'overcrowded' from Census 2011 data, these are households with an occupancy rating of -1 or less which is calculated when there are more people than rooms. The map below shows the areas (LSOAs – neighbourhoods with around 1,500 population each) with higher percentages of overcrowding are Bargate, Bevois and Freemantle.



Population density shows where there are more people living per square kilometre compared to other areas. This is often in areas with less green space and more high-density housing.

# Appendix

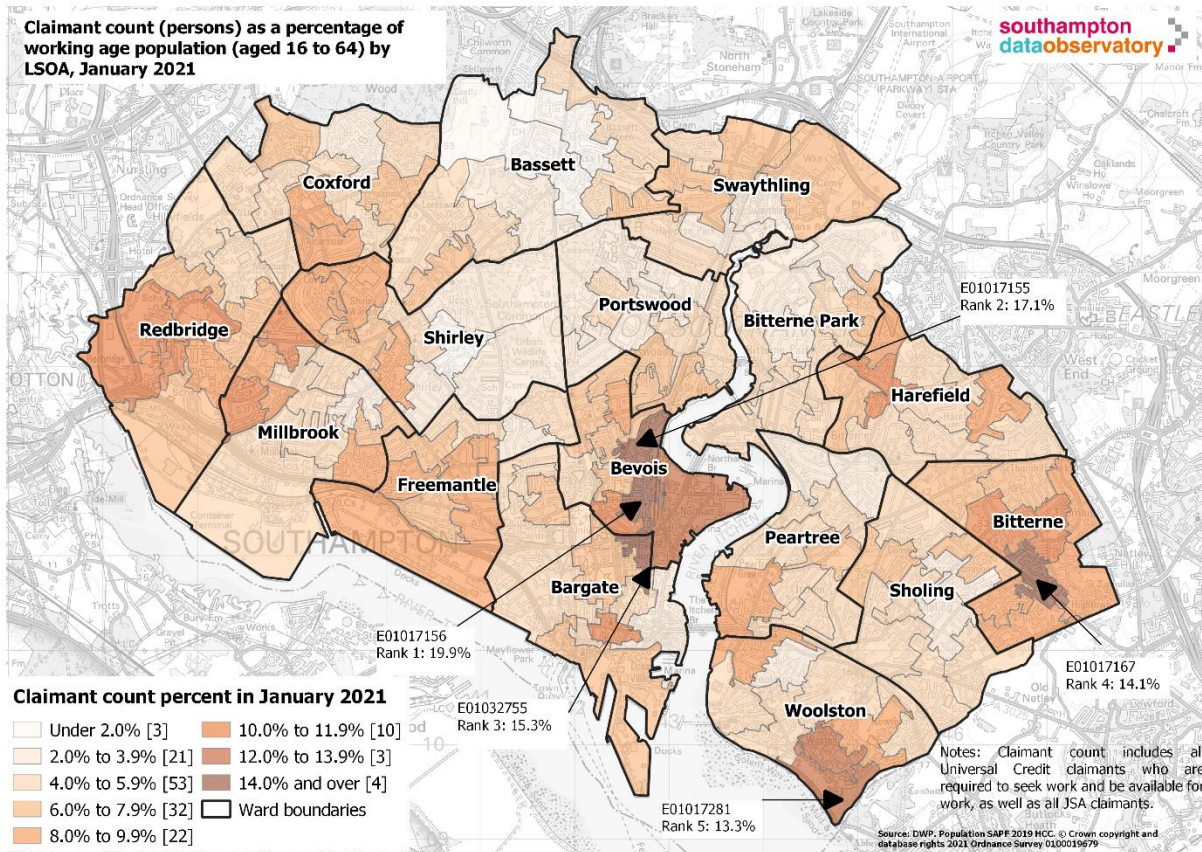
Southampton population density - people per km by LSOA



The following map shows the percentages of working age adults claiming benefit principally for the reason of being unemployed. The areas with the higher percentages are in Bevois, Thornhill and Weston Shore.

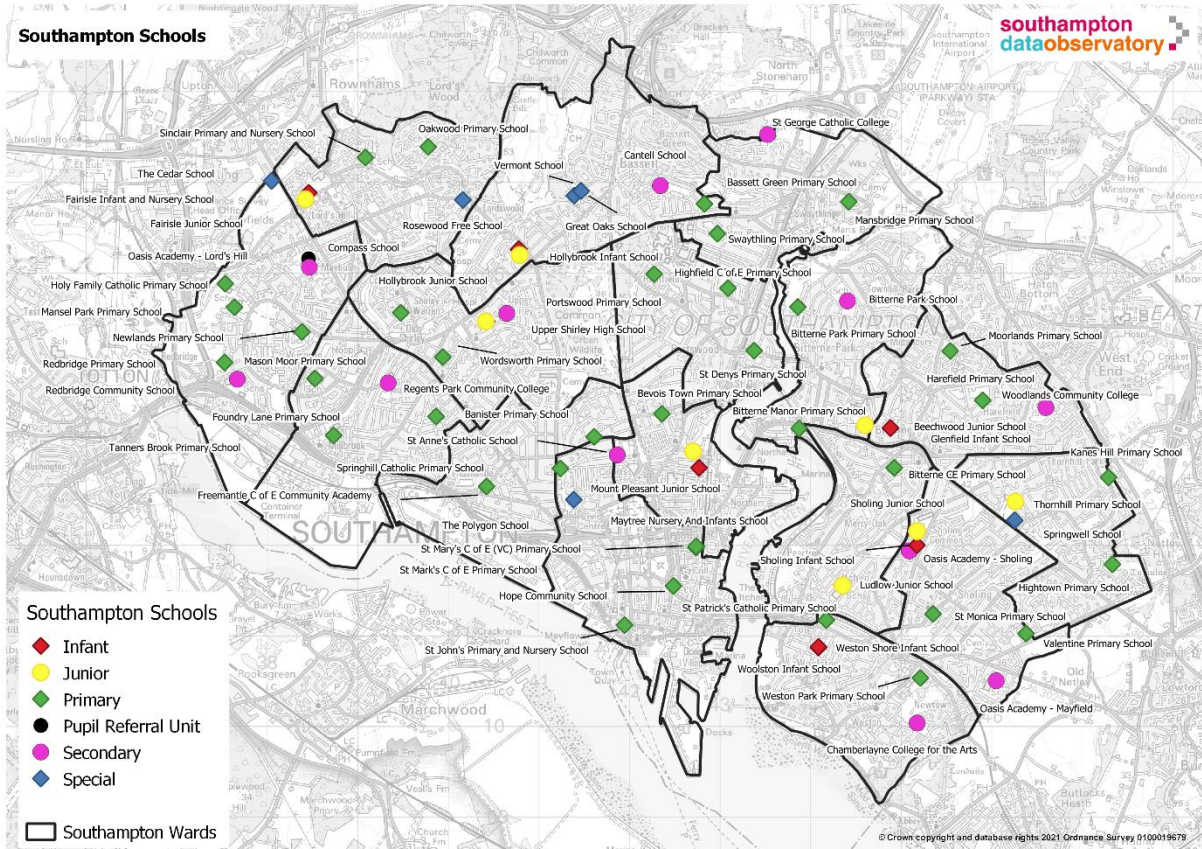


# Appendix



Vulnerable groups at risk from gambling defined by the Gambling Act includes children and young people. The map below shows the location of schools by establishment type.

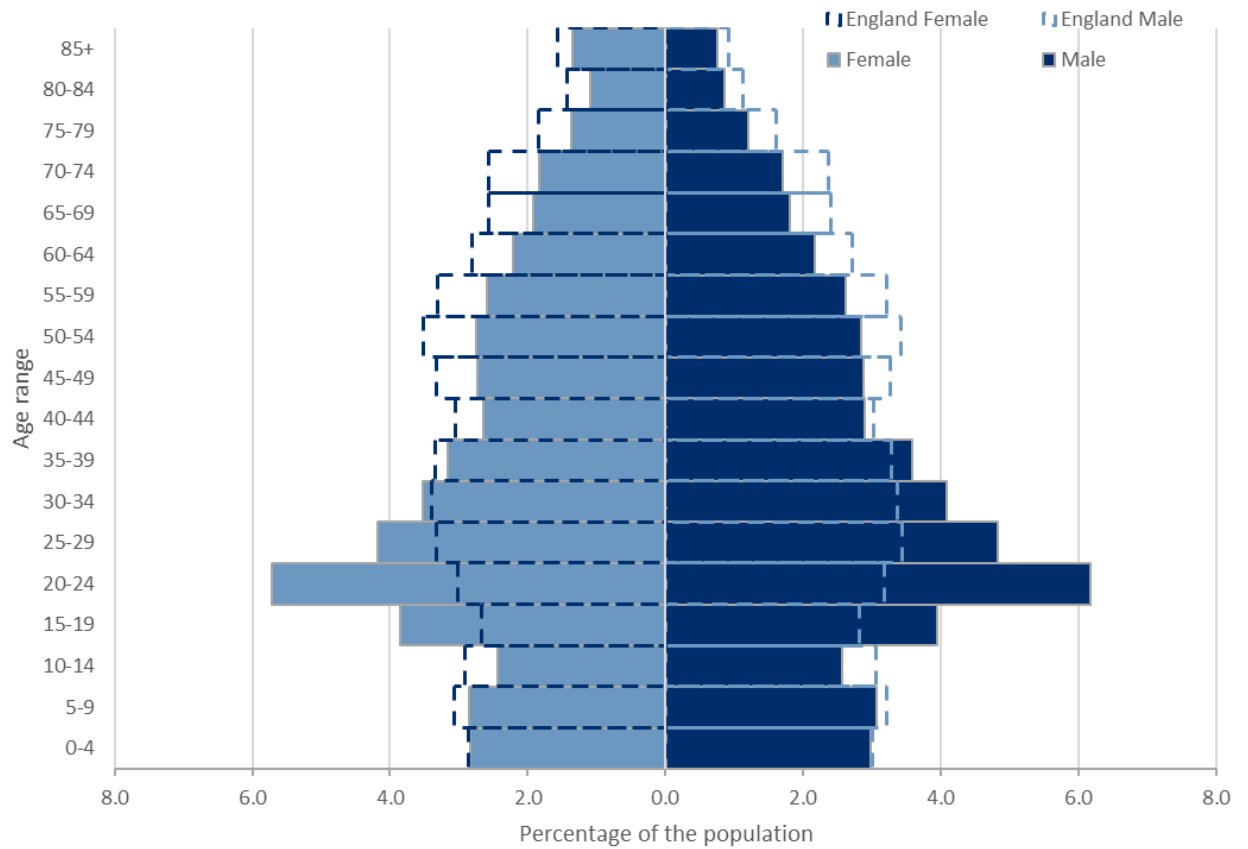
# Appendix



There are 74,553 residents aged 15 to 29 years in the city, 28.7% of the total population. The following population structure figure shows there are higher percentages in Southampton of those aged 15 to 29 years compared to the England average.

# Appendix

Population pyramid for Southampton (residential population) 2019

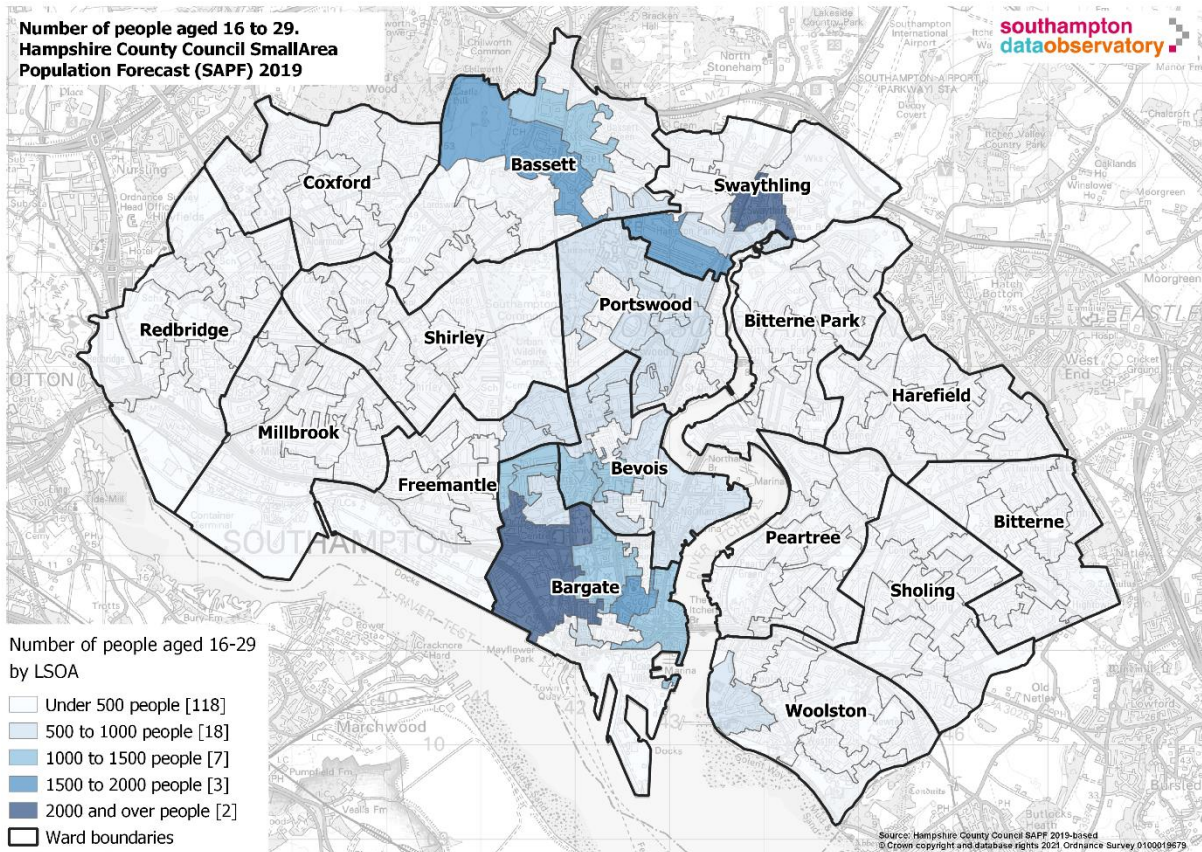


Source: Small Area Population Forecasts for Southampton - 2019-based from Hampshire County Council  
 England figures are from Mid-Year Population Estimates 2019 from Office for National Statistics

The following map shows which LSOAs (neighbourhoods of 1,500 people approx.) have the highest counts of 16 to 29 year olds.

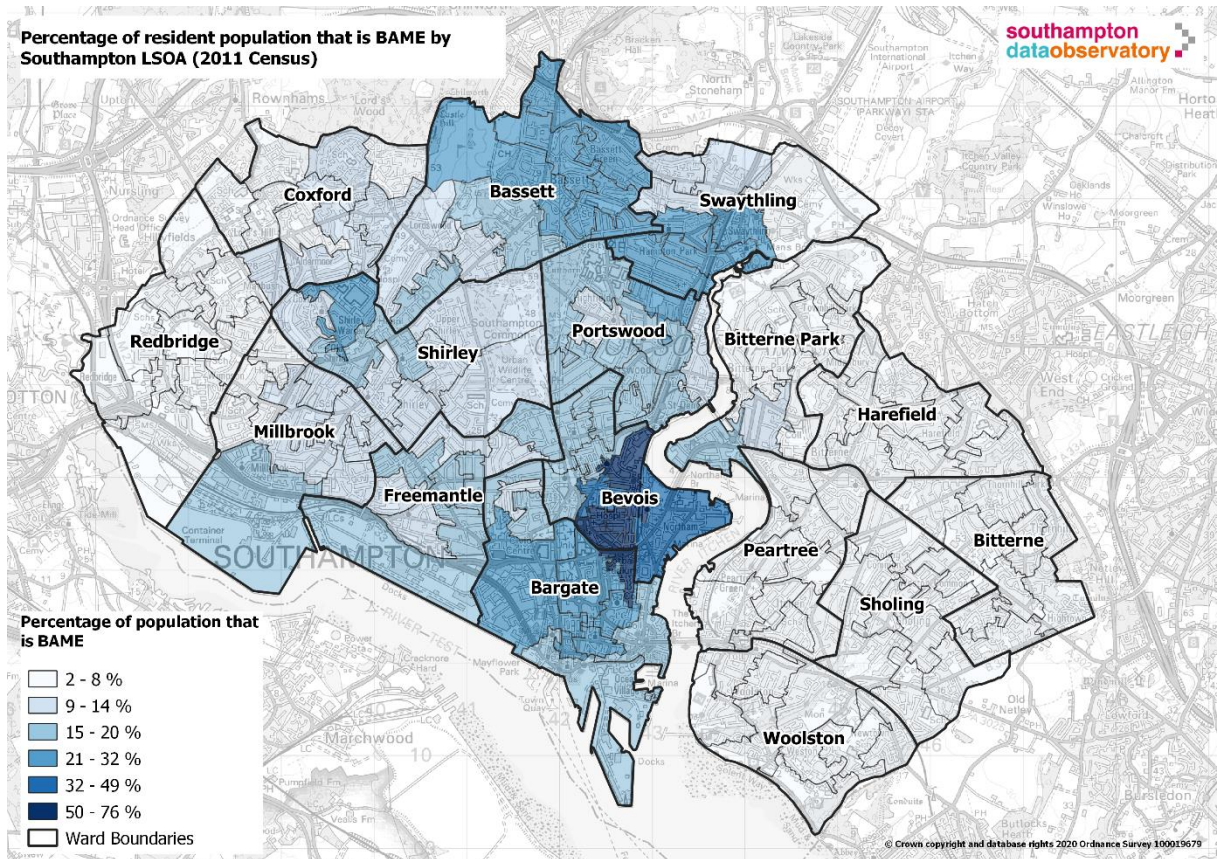


# Appendix



The Census 2011 showed higher percentages of non-white ethnicities (BAME) living in the Bevois area of the city and Bargate, Swaythling and Basset compared to other areas.

# Appendix



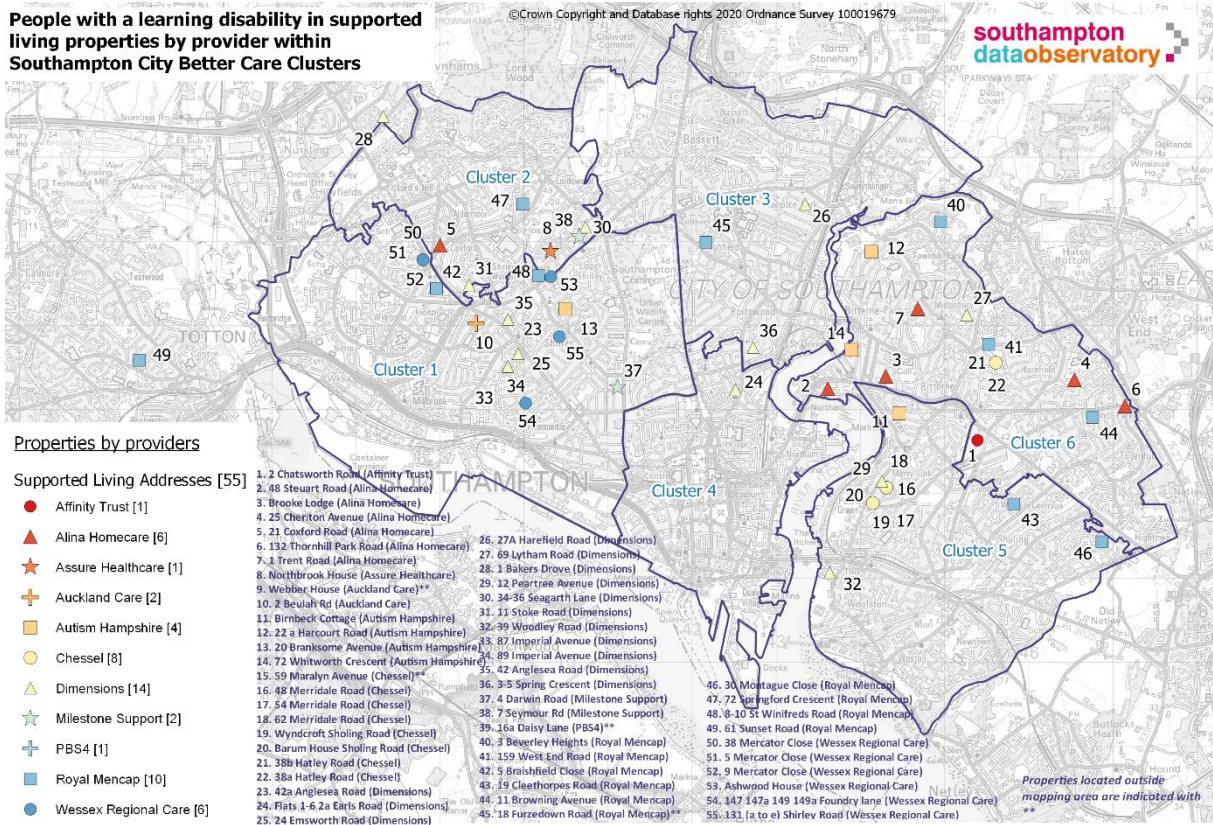
Some population groups may be more at risk to gambling addiction. Geographic locations relating to these groups are shown in the following maps.

Locations of supported living accommodation for people with a learning disability

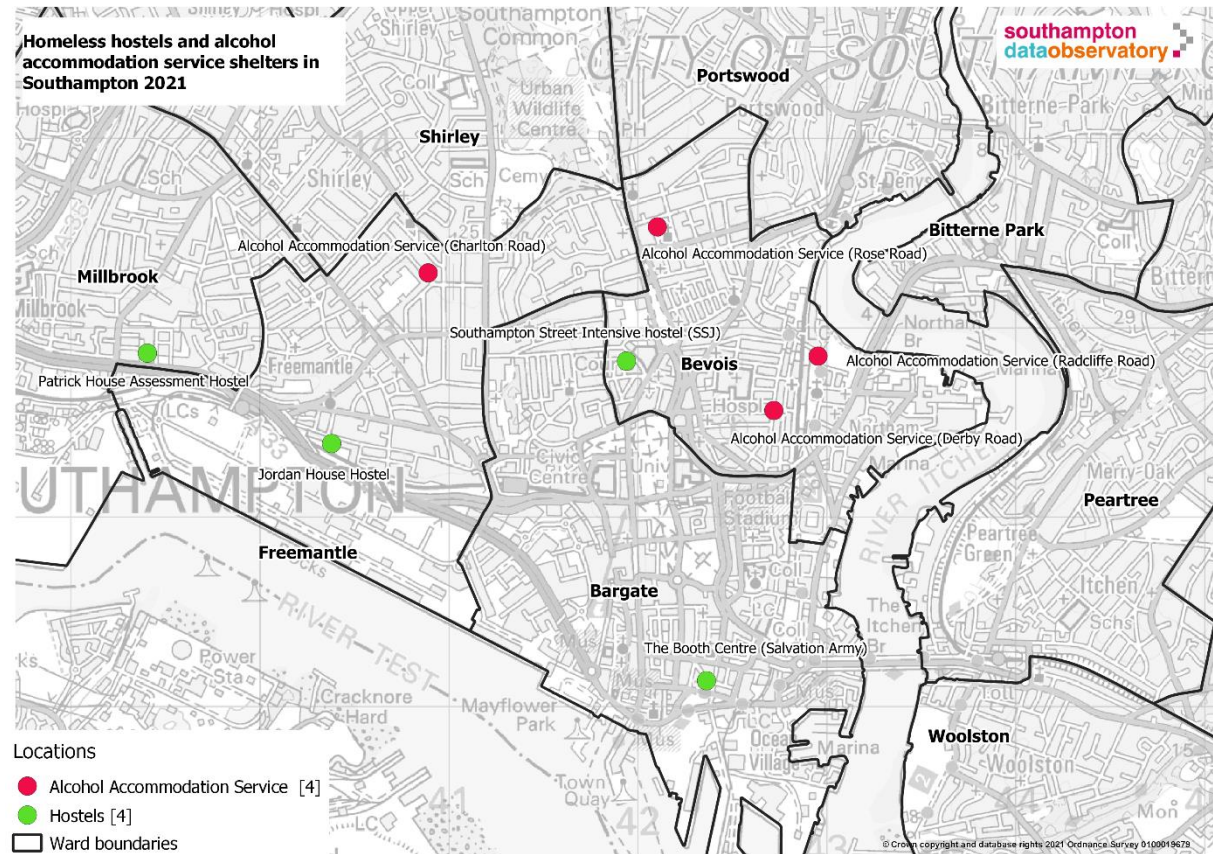


# Appendix

## People with a learning disability in supported living properties by provider within Southampton City Better Care Clusters



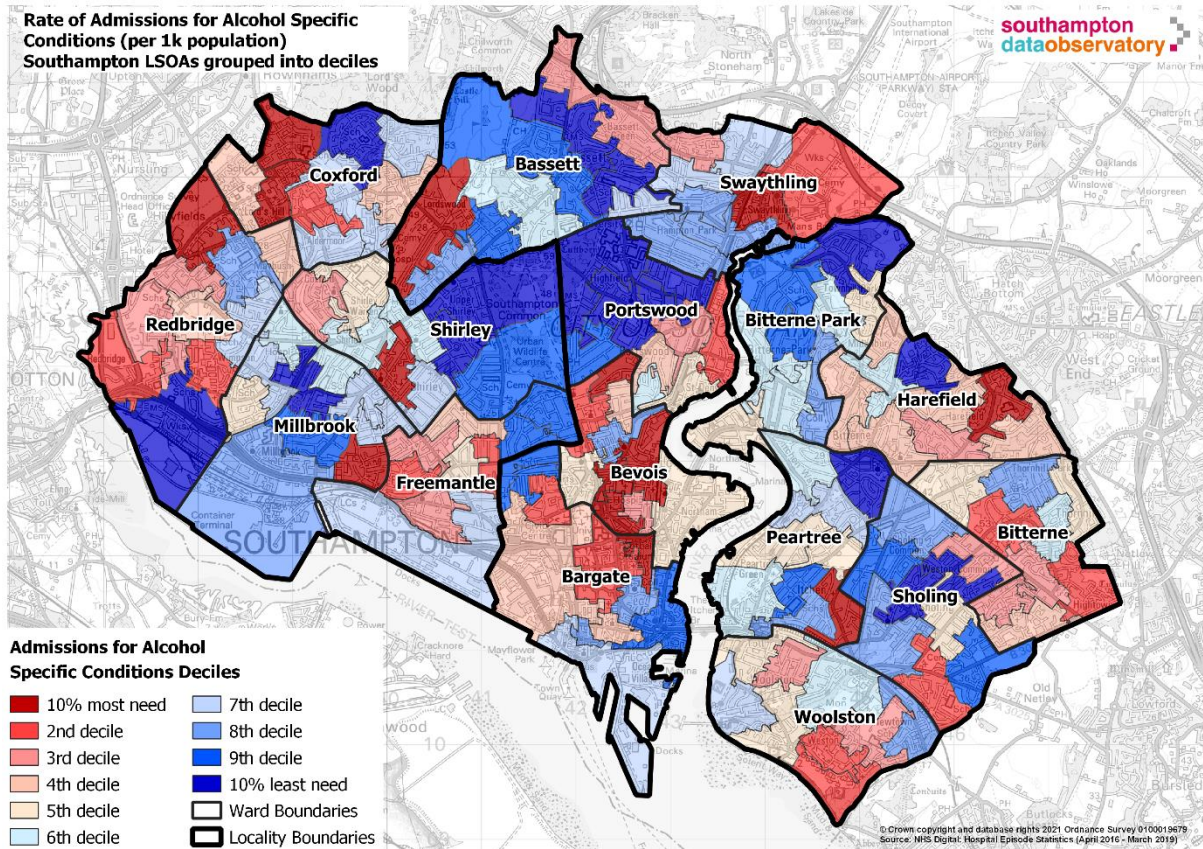
## People who use homeless hostels and alcohol services accommodation shelters





# Appendix

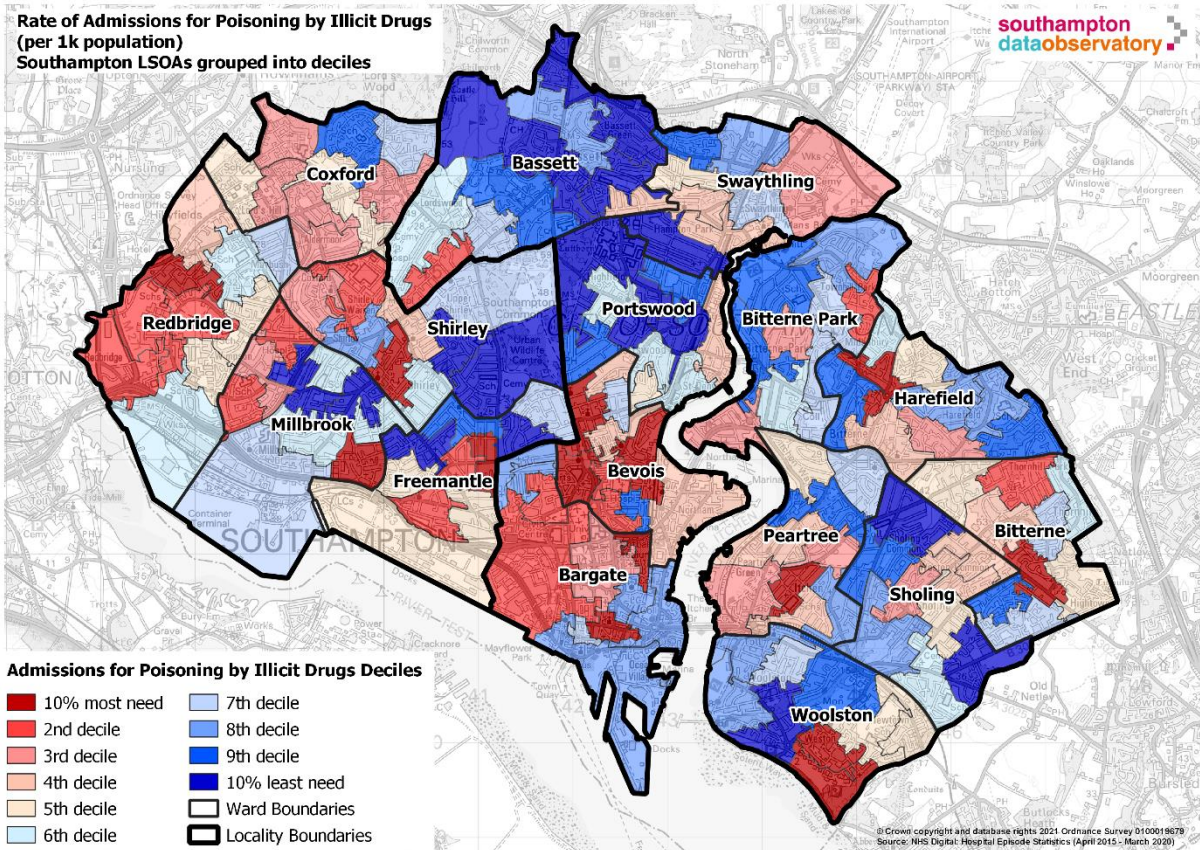
People who have been admitted to hospital with an alcohol specific condition mapped by where they live



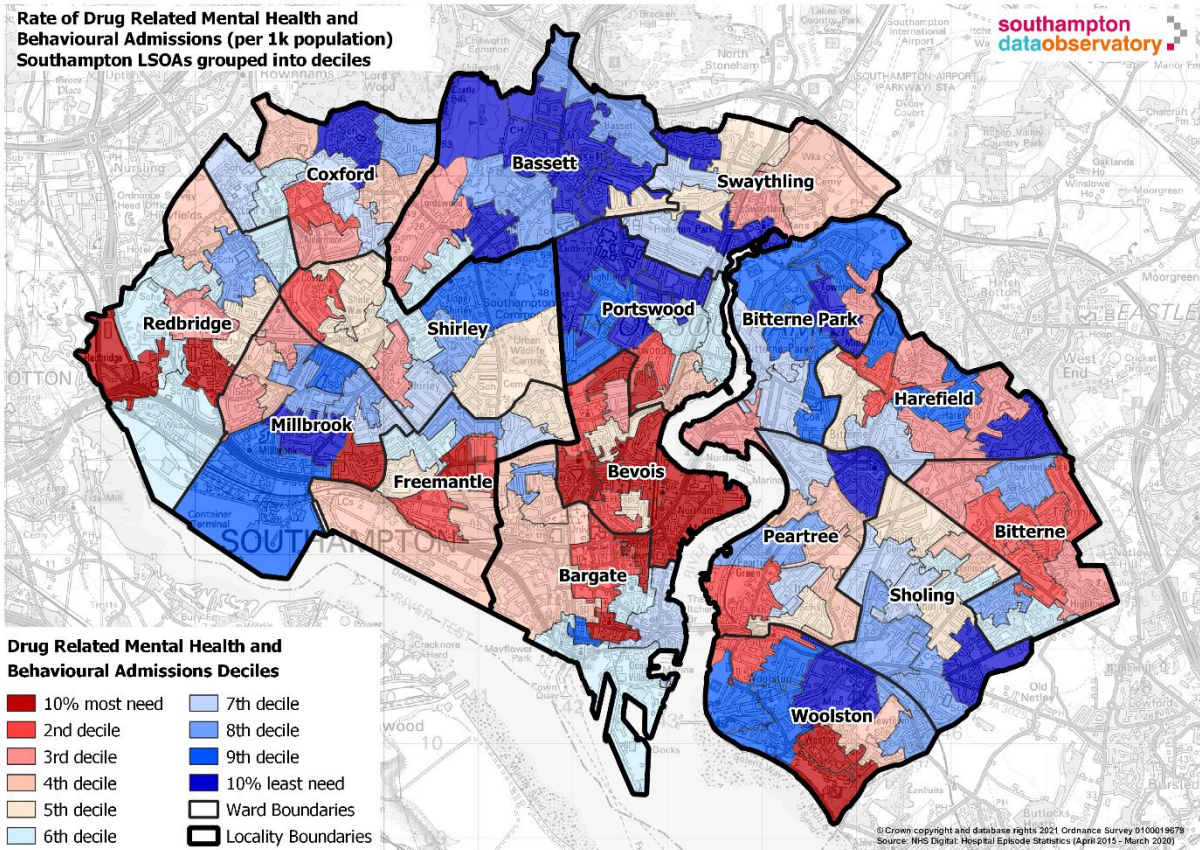
People who have been admitted to hospital with a primary diagnosis of poisoning by illicit drugs mapped by where they live



# Appendix



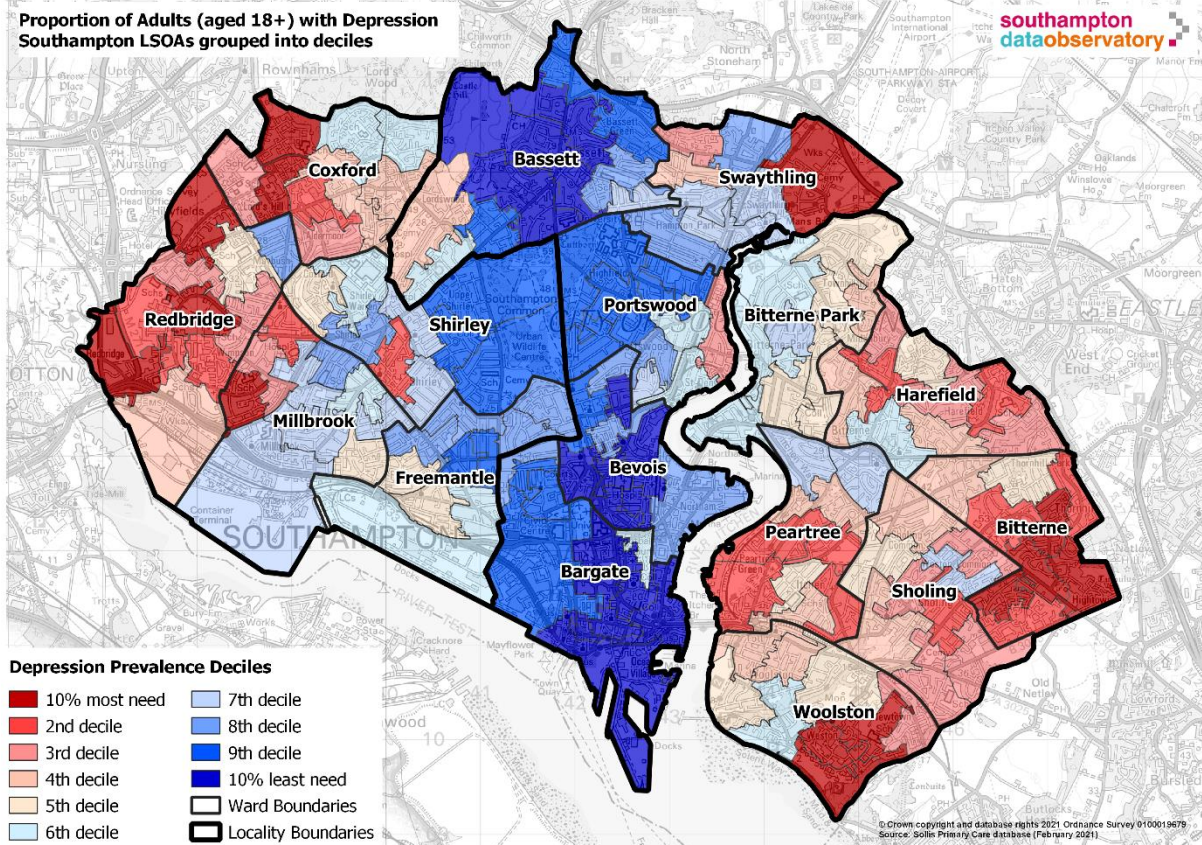
People who have been admitted to hospital with primary or secondary diagnosis of drug related mental health and behavioural disorders mapped by where they live





# Appendix

Patients with a GP diagnosis of a depression mapped by where they live



# Draft Gambling Statement of Licensing Principles Consultation

## Full results summary

Data, Intelligence & Insight Team – October 2021



## [Introduction and Methodology](#)

- [Introduction](#)
- [Consultation principles](#)
- [Methodology and promotion](#)
- [Interpreting this report](#)
- [Who are the respondents](#)

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[Displaying information on mental health, alcohol and drug services](#)

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- [Staff alcohol intervention training](#)

## [Intervention to protect vulnerable persons from being harmed or exploited by gambling](#)

- [Interventions for individuals who display anger or aggressive behaviour](#)

## [Access](#)

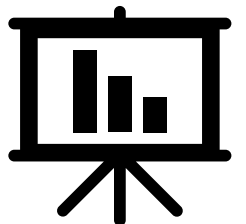
- [Accessing the premises](#)

## [Local Area Profile](#)

- [Increase in detail in the local area profile](#)

## [Overall policy](#)

- [Overall draft policy](#)
- [Parts of the draft policy that need more information](#)
- [Impact on you, your business or the wider community](#)
- [Draft policy: disagreements, comments, suggestions and impacts](#)







# Introduction and Methodology



- Southampton City Council undertook public consultation on a Draft Gambling Statement of Licensing Principles. This included asking for feedback on five key themes:
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
  - Sufficient knowledge to tackle risks associated with gambling
  - Intervention to protect vulnerable persons from being harmed or exploited by gambling
  - Access
  - Local Area Profile
- The consultation took place between **05/07/2021 – 26/09/2021**.
- The Statement of Licensing Principles is fully reviewed every three years. This is a legislative requirement.
- The aim of this consultation was to:
  - Communicate clearly to residents and stakeholders the proposed Statement of Licensing Principles Consultation.
  - Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
  - Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.
- This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.
- It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.



Southampton City Council is committed to consultations of the highest standard, which are meaningful and comply with *The Gunning Principles (considered to be the legal standard for consultations)*:

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1. Proposals are still at a formative stage (a final decision has not yet been made)
2. There is sufficient information put forward in the proposals to allow ‘intelligent consideration’
3. There is adequate time for consideration and response
4. Conscientious consideration must be given to the consultation responses before a decision is made



New Conversations 2.0  
LGA guide to engagement



## Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

- 1. proposals are still at a formative stage**  
A final decision has not yet been made, or predetermined, by the decision makers
- 2. there is sufficient information to give ‘intelligent consideration’**  
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
- 3. there is adequate time for consideration and response**  
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,<sup>1</sup> despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
- 4. ‘conscientious consideration’ must be given to the consultation responses before a decision is made**  
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the ‘Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan<sup>2</sup>)’, which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey<sup>3</sup>), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.<sup>4</sup>

<sup>1</sup> In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

<sup>2</sup> BAILII, [England and Wales Court of Appeal \(Civil Decision\) Decisions](#), Accessed: 13 December 2016.

<sup>3</sup> BAILII, [United Kingdom Supreme Court](#), Accessed: 13 December 2016

<sup>4</sup> The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute



- The agreed approach for this consultation was to use an online questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure respondents are aware of the background and detail of the proposals.
- Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.
- The consultation was promoted in the following ways by sending emails or letters to:
  - All gambling licence holders
  - Responsible authorities
  - Trade bodies
  - Southampton People's Panel (a panel of over 3700 residents)
  - Published on our website
- All questionnaire results have been analysed and presented in graphs within this report. Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition anyone could provide feedback in letters and emails. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme. We have also endeavoured to outline all the unique points and suggestions gathered as a part of the consultation and so there are tables of quotes or summaries of these for each theme of comment.

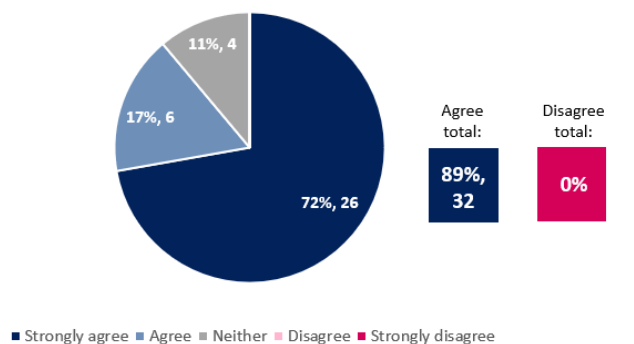


# Interpreting this report

- It is not the purpose of this report to make recommendations. It is intended to provide an accurate and objective reflection of the feedback received as part of the consultation, which can be used by decision makers as part of the decision making process.
- For each section and proposal, the following are provided:
  - A summary of the **quantitative results** presented in chart form. This is supplied at both city level (all responses received) and by key demographic group (gender and age) to better understand any variation in opinion / sentiment. The quantitative data is useful for understanding whether there is general agreement or disagreement with a proposal / priority.
  - Qualitative analysis of free text comments.** Free text comments provided by respondents have been analysed throughout the questionnaire and grouped by similar sentiment or theme. These **themes** are presented in table form with an indication of how frequently it was mentioned by unique individuals. Individuals may have commented on more than one theme, so could be represented more than once in a table. This qualitative information provides a richer picture of respondent views and may identify specific issues that need to be considered or addressed. A list of **unique points or quotes** within each theme. This provides an added level of granularity and allows more in depth exploration of important themes. Again, this may identify specific issues that need to be considered or addressed.

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## Quantitative analysis



Base respondents: 36

This graph is shown in percentage, followed by respondent count.

## Unique points / quotes

A total of 8 respondents provided a comment on this topic 'If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details'. The table summarises the unique points and suggestions that were made.

Questions about the proposal (2)
Is there joined up thinking between gambling institutions?
This doesn't specify what the interventions are for. Are they to prevent individuals getting angry or prevent them from gambling more? Also, sometimes being angry at yourself can be socially constructive to gambling less.
Other comments (2)
We do not see any signs of this type of behaviour in the establishment.
I think that there's a link between this kind of behaviour in gambling and domestic abuse
Suggestions (3)
Such interventions should not be restricted to aggressive behaviour; intraversion could equally be a reaction to problem gambling.
This needs to be linked with some clear guidance on what such intervention would involve. It is not appropriate to place front-facing staff in roles where they are facing aggressive behaviour, and they should not be placed at risk in the workplace.
Training should annually renewed and ideally provided by a body other than the employer
Positive comments (1)
This is a good because it will prevent further escalation and the same of others



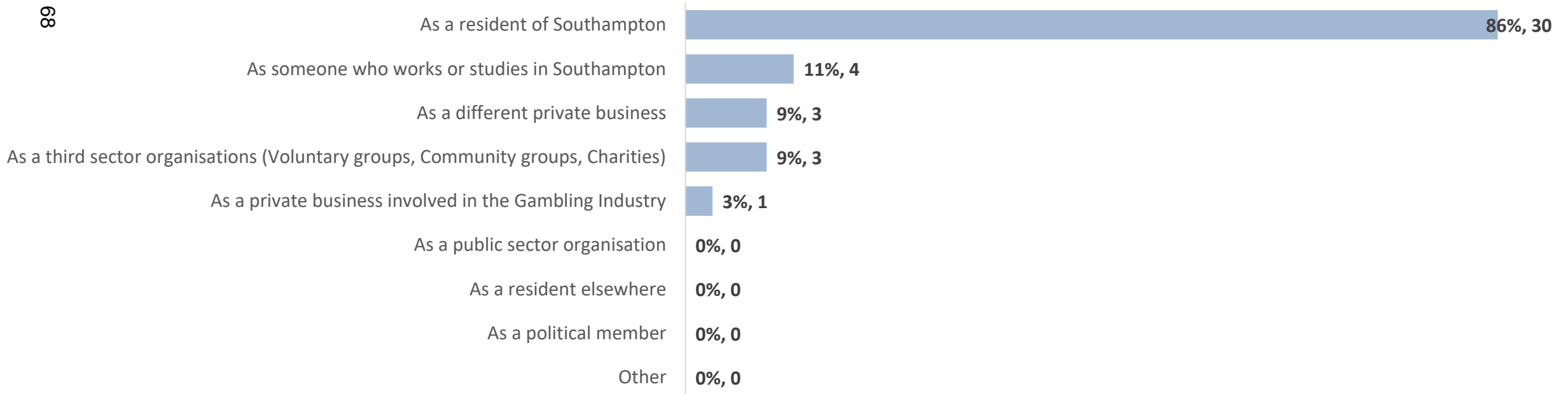
# Who are the respondents?

Overall, there were **38** separate responses to the consultation. Responses came through the following routes:

	Total number of responses
Questionnaire	36
Emails / letters	2
<b>Total</b>	<b>38</b>

Respondents from the questionnaire were asked which of the following best described their interest in the consultation:

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# Protecting children and other vulnerable persons from being harmed or exploited by gambling



The first theme covered within the questionnaire was ‘protecting children and other vulnerable persons from being harmed or exploited by gambling’. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*The Gambling Act defines “children” as those persons under 16 years of age and “young persons” as those persons aged 16 or 17 years of age.*

*The term “vulnerable persons” is not defined, however the following offers some guidance:*

- *People who gamble more than they want to*
- *People who gamble beyond their means*
- *People who may not be able to make informed or balanced decisions about gambling due to a lack of mental capacity, potentially due to cognitive or mental health conditions, alcohol, drugs or even some pharmaceutical treatments.*

*We already expect all premises licence holders to have suitable safeguarding policies in respect of children, young persons and vulnerable persons. We already expect premises licence holders to ensure that all staff are trained to recognise safeguarding issues when they arise and act appropriately. Such policies must be kept updated and staff training refreshed at frequent intervals.*

*We are now also proposing that premises are expected to display information on mental health, alcohol and drug services on-site where it is accessible by customers and staff.*





## Key findings:

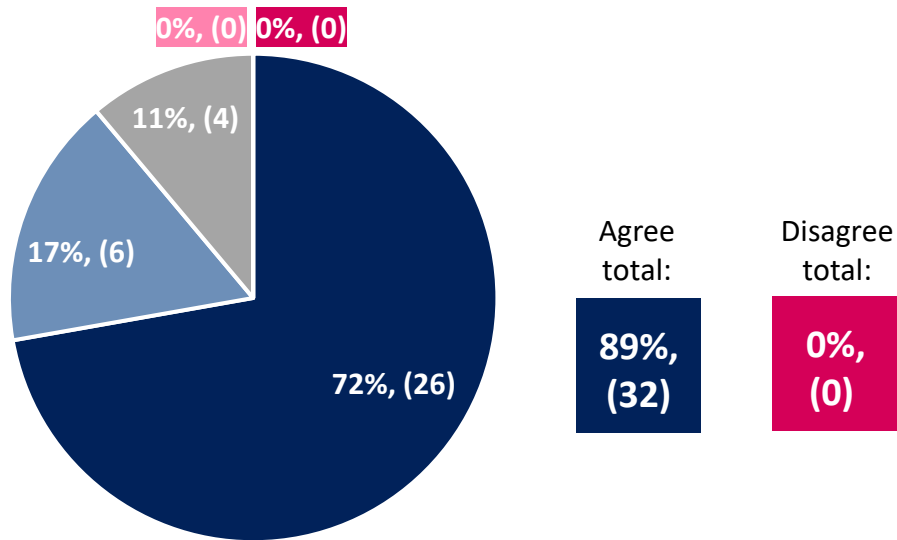
- The majority of respondents (89%) agree with the expectation that premises should display information on mental health, alcohol and drug services on-site.
- No respondents disagreed with this priority

## The detail:

Question: To what extent do you agree or disagree with the expectation that premises display information on mental health, alcohol and drug services on-site?

### Overall:

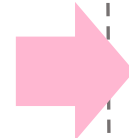
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■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree

Agree total:  
**89%,  
(32)**

Disagree total:  
**0%,  
(0)**



A total of 8 respondents provided a comment on this topic 'If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details'. The table summarises the unique points and suggestions that were made.

<b>Other comments (2)</b>
<i>Exactly where do you want these policies to be displayed. Do you want posters or proper files on each subject.</i>
<i>Premises should not use advertising and glitz to promote themselves and individual services. Tobacco is sold devoid of such promotions; gambling should be on the same footing.</i>
<b>Positive comments (2)</b>
<i>I totally agree with this. More information that is out there and available is vital</i>
<i>I agree</i>
<b>Suggestions (5)</b>
<i>Probably another information requirement is the probability of winning a gamble. Example is a warning displayed by some spread betting companies that 67% of people lose money when spread betting.</i>
<i>Please check the details are regularly updated and that they work</i>
<i>These should be free and locally available services able to provide adequate long-term support</i>
<i>Information should be displayed outside as well as inside. There should be a minimum size of display, and of the font(s) used. The information should be up to date and accurate.</i>
<i>I feel this simply pays lip-service to a requirement and provided no active support to individuals all whilst placing a completely inessential temptation and cause of mental health distress in their neighbourhood.</i>

Base respondents: 36

This graph is shown in percentage, followed by respondent count.



# Sufficient knowledge to tackle risks associated with gambling



The second theme covered within the questionnaire was ‘sufficient knowledge to tackle risks associated with gambling’. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*We already expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling.*

*We are now proposing that staff also receive alcohol intervention training for premises that supply alcohol by retail under the authority of a premises licence granted under the Licensing Act 2003.*



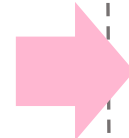
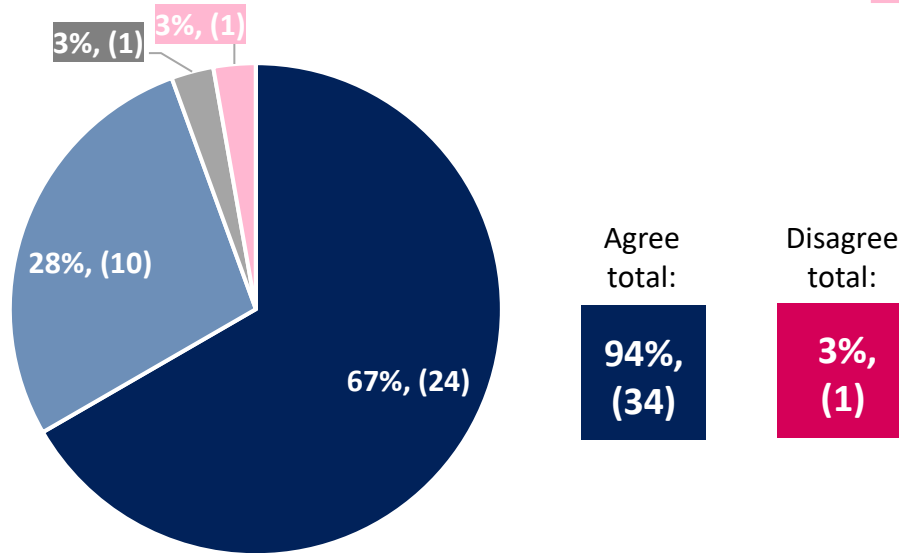
**Key findings:** • The majority of respondents (94%) agreed that staff should receive alcohol intervention training

## The detail:

Question: To what extent do you agree or disagree with the proposal that staff receive alcohol intervention training?

### Overall:

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A total of 8 respondents provided a comment on this topic 'If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details'. The table summarises the unique points and suggestions that were made.

<b>Other comments (1)</b>
wonder how safe it would be in some areas for staff to intervene.
<b>Positive comments (2)</b>
I agree that everyone should be aware when someone has had enough to drink and to inform that person they can not have any more drink and must vacate the premises.
I agree
<b>Suggestions (4)</b>
Training should be given every year and a certificate showing that should be on display. Ideally the intervention training should be supplied by a body other than the employer
if they have a concern, they should raise it with management or the door staff to get support
do not allow premises to supply alcohol and offer gambling at the same time.
Would be great if this training could be a recognised qualification which staff can also benefit from

■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree

Base respondents: 36

This graph is shown in percentage, followed by respondent count.



# Intervention to protect vulnerable persons from being harmed or exploited by gambling



The third theme covered within the questionnaire was ‘intervention to protect vulnerable persons from being harmed or exploited by gambling’. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*We already expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer’s awareness of the existence of support services and the availability of a voluntary exclusion scheme. However, intervention may also include directing a counselling session and following that session potentially mandatory exclusion.*

*We are now proposing premises also have in place interventions for individuals who are displaying anger or aggressive behaviour linked to their gambling prior to leaving the premises to reduce the impact of harmful gambling on associates of participants.*



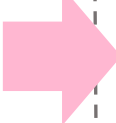
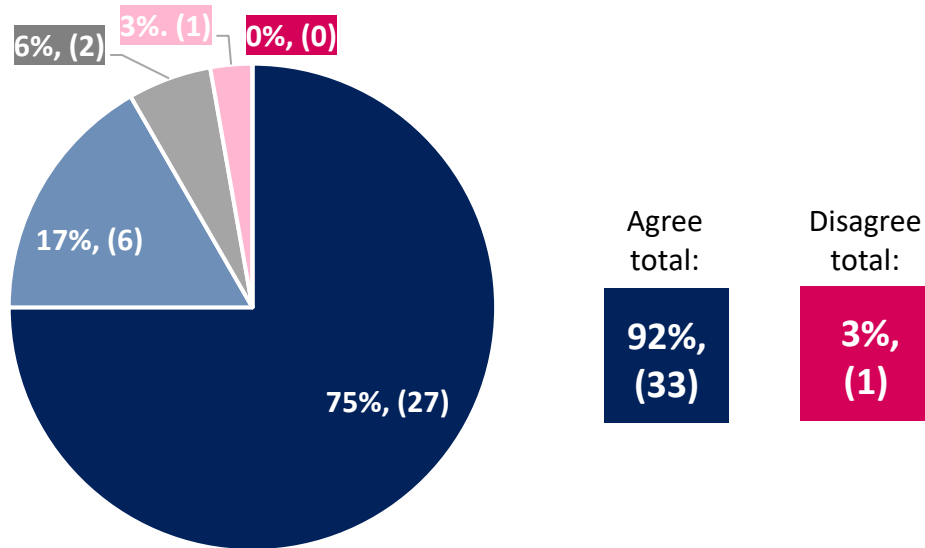
- Key findings:**
- The majority of respondents (92%) agreed that premises should have interventions in place for individuals who display anger or aggressive behaviour linked to their gambling.

## The detail:

Question: To what extent do you agree or disagree with the proposal that premises have in place interventions for individuals who are displaying anger or aggressive behaviour linked to their gambling prior to leaving the premises?

### Overall:

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A total of 8 respondents provided a comment on this topic 'If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details'. The table summarises the unique points and suggestions that were made.

Questions about the proposal (2)
<i>Is there joined up thinking between gambling institutions?</i>
<i>This doesn't specify what the interventions are for. Are they to prevent individuals getting angry or prevent them from gambling more? Also, sometimes being angry at yourself can be socially constructive to gambling less.</i>
Other comments (2)
<i>We do not see any signs of this type of behaviour in the establishment.</i>
<i>i think that there's a link between this kind of behaviour in gambling and domestic abuse</i>
Suggestions (3)
<i>Such interventions should not be restricted to aggressive behaviour; intraversion could equally be a reaction to problem gambling.</i>
<i>This needs to be linked with some clear guidance on what such intervention would involve. It is not appropriate to place front-facing staff in roles where they are facing aggressive behaviour, and they should not be placed at risk in the workplace.</i>
<i>Training should annually renewed and ideally provided by a body other than the employer</i>
Positive comments (1)
<i>This is a good because it will prevent further escalation and the same of others</i>

■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree

Base respondents: 36

This graph is shown in percentage, followed by respondent count.



# Access





The fourth theme covered within the questionnaire was 'access'. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*We are proposing that premises should take such steps as are reasonably practicable to ensure entrances and exits to the premises will enable persons using the premises (including disabled persons) and the facilities to be safe and free from risks to health. While such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.*



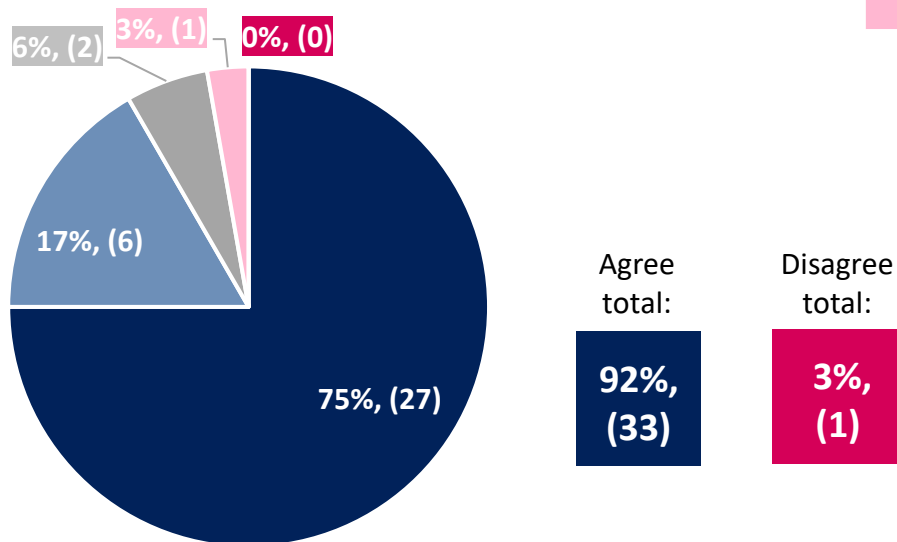
**Key findings:** • The majority of respondents (92%) agreed with the proposal regarding access to the premises.

## The detail:

Question: To what extent do you agree or disagree with the proposal regarding access to the premises?

### Overall:

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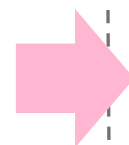
Agree total:

**92%,  
(33)**

Disagree total:

**3%,  
(1)**

■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree



A total of **7** respondents provided a comment on this topic 'If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details'. The table summarises the unique points and suggestions that were made.

Other comments (2)
<i>Reasonable adjustment for disability access is a legal requirement. Not sure why this needs to be separately stated in this consultation, nor why there should be opportunity to object.</i>
<i>We have two different entrances available, depending on your circumstances. We have a proper disabled access toilet with hand rails and a panic pull cord in place. All main aisles are disable friendly and free from obstruction.</i>
Positive comments (2)
<i>Access for all is good</i>
<i>why would you not? Surely all doors / fire doors need to be useable?</i>
Suggestions (2)
<i>If this is a new requirement in law then premises must be given a decent period of time to achieve this</i>
<i>The wording here is vague. Fire exits that are signposted should be free of obstruction and safe, of course. But premises buildings could have exits that are not accessible to the public or fire exits. These shouldn't need to be included</i>
Should not be encouraging gambling (2)
<i>I am not sure encouraging anyone to gamble is a good idea.</i>
<i>what does this have to do with gambling? Anything making access to gambling harder is probably a good thing...</i>

Base respondents: 36

This graph is shown in percentage, followed by respondent count.



# Local Area Profile



The next theme covered within the questionnaire was 'Local Area Profile'. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*We are proposing that the Draft Policy contains a significantly more detailed local area profile for applicants and licence holders to consider when making their applications and preparing their risk assessments.*

*The draft policy now contains information and maps on:*

- *Deprivation (including the Indices of Deprivation)*
- *Housing (including information on homelessness, overcrowded households, population density)*
- *Benefit claimants*
- *Locations of schools*
- *Age ranges of the population*
- *Information on ethnicity*
- *Locations of supported living accommodation for people with a learning disability.*
- *Locations of homeless hostels and alcohol accommodation service shelters*
- *Rates of admissions for alcohol specific conditions*
- *Rate of admissions for poisoning by illicit drugs*
- *Rate of admissions of drug related mental health and behavioural admissions*
- *Proportion of Adults aged 18+ with depression*



## Key findings:

- The majority (81%) of respondents agreed with the proposed increase in detail in the local area profile

A total of 9 respondents provided a comment on this topic 'If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details'. The table summarises the unique points and suggestions that were made.

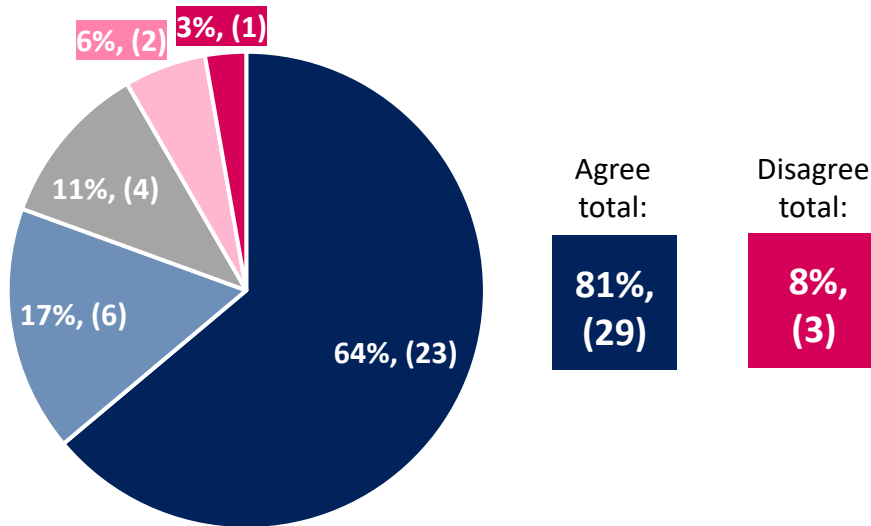
Other comments (2)
<i>it's strange how the slot machine places seem to target area...</i>
<i>caution should be taken in providing deprivation information. This may increase demand for nicer areas and lessen demand for slightly deprived ones. On a macro level, this may increase the economic gap between rich and poor even further. Do we really want areas of deprivation (like slums) or areas with a prominent ethnicity group? Diversity is a good thing for the city.</i>
Positive comments (3)
<i>Very good idea</i>
<i>I strongly agree</i>
<i>More information for the public is a good thing.</i>
Suggestions (6)
<i>I believe you should include data regarding admissions to A&amp;E for alcohol poisoning in local areas. Also levels of domestic abuse and safeguarding</i>
<i>should also include the density of gambling already available in an area.</i>
<i>ideally the policy should aim to reduce over time the number of such premises in areas of higher deprivation</i>
<i>A decision to limit access to gambling opportunities for those most vulnerable, and/or those living in poverty is essential.</i>
<i>All of the above information is used to profile neighbourhoods and identify those with the greatest vulnerability to gambling. Without firm assurances that this data will be used to ensure gambling locations will not be situated in struggling neighbourhoods, this increases the likelihood vulnerable individuals will be exploited.</i>
<i>Provision of such information seems pointless without the expectation that applicants must respond to it and justify their application. It would help to grade the various performance indicators so that areas where additional opportunities to gamble would be toxic can readily be identified, and applications discouraged or discounted accordingly.</i>

## The detail:

Question: To what extent do you agree or disagree with the proposed increase in detail in the local area profile?

### Overall:

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Agree total:  
**81%, (29)**

Disagree total:  
**8%, (3)**

■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree

Base respondents: 36

This graph is shown in percentage, followed by respondent count.



# Overall policy



# Overall Draft Policy

Have you read the proposed draft policy?

25%,  
(9)

Yes, all of it

44%,  
(16)

Yes, some of it

31%,  
(11)

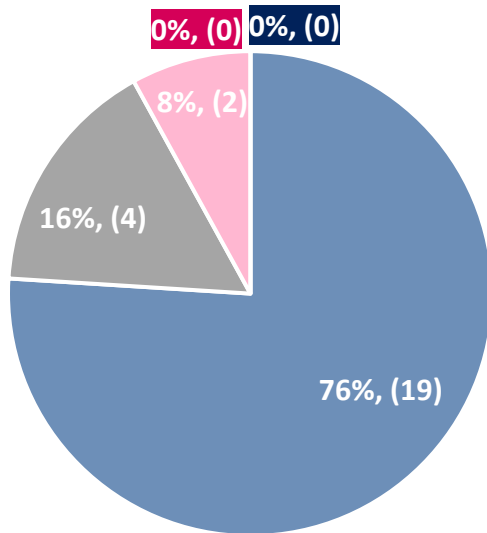
No

If you have read the proposed policy, to what extent do you agree or disagree with the following statements?

*These graphs are shown in percentage, followed by respondent count.*

**The draft policy is easy to understand.**

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Agree total:

76%,  
19

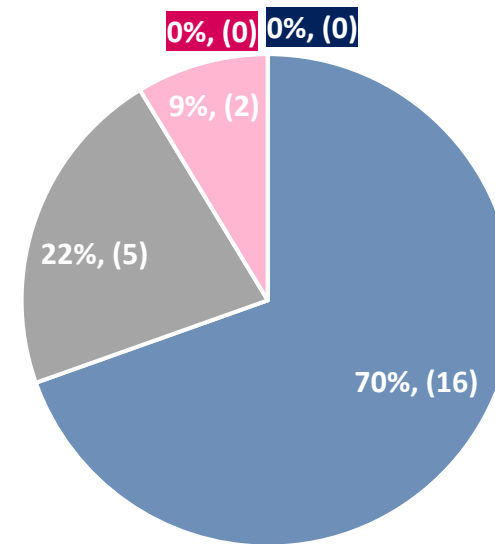
Disagree total:

8%,  
(2)

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree

Base respondents: 25

**The draft policy provides sufficient information.**



Agree total:

70%,  
(16)

Disagree total:

9%,  
(2)

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree

Base respondents: 23





# Parts of the draft policy that need more information

A total of **7** respondents provided a comment in the survey and **1** email/letter came in on this topic, if there were ‘parts of the draft policy respondents did not understand or felt needed more information.’ The following table summarises the unique points and suggestions that were made.

More information needed (8)
<i>It needs more local data.</i>
<i>9.5.6 item "gamble more than they want to" is a bit vague - how would one assess whether this was the case?</i>
<i>Needs more simple explanations so that it can be simply understood by ALL persons</i>
<i>More detail could be given on how interventions will be made should problems arise.</i>
<i>Paragraph 3.5.6 refers to research undertaken by City of Westminster Council, Manchester City Council and the LGA and then contains a list of bullet points which purports to identify groups at greater risk of harm from gambling. The inclusion of this list without any context whatsoever is misleading, pejorative and does not assist the policy. Accordingly, the list of bullet points and the reference to the research should be removed. If this is not removed then much more context needs to be given and we respectfully submit that the statement of principles is not the relevant vehicle for a discussion with regard to research. Context is very important. For example, the bullet points suggest that people from Asian or Oriental ethnic groups are at greater risk of harm from gambling. It is not that simple. The research (Wardle 2015) states, "where both adults and children of Asian backgrounds were far less likely to gamble than their white British counterparts, yet those that did were more likely to experience problems." Similarly, when discussing matters of deprivation, the same research piece stated, "the evidence relating to household income and gambling harms is mixed showing that generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This was highlighted as a concern given the "likely" lesser ability of lower income households to protect themselves from financial instability (Brown ET AL, 2011). However, as stakeholders noted, there is some unease about labelling all low-income households as vulnerable as income, gambling, debt and money management are likely to interact to shape outcomes." The draft statement of principles must include context. Otherwise, the impression is given that all persons who are young, are of Asian or oriental ethnic groups, who are unemployed or live in deprived areas are presumed to be vulnerable.</i>
<i>Section 11 of Part B explains the Authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives. Accordingly, additional conditions will only be imposed where, in the circumstances of the case, there is evidence of a risk to the licensing objectives that is not adequately addressed by the mandatory and default conditions or policies, procedures and mitigation measure outlined in the local area risk assessment.</i>
<i>The sentence within paragraph 11.2 that indicates that the Licensing Authority will expect an applicant to offer suggestions as to the way in which the licensing objectives can be met should be re-drafted so that it is understood that this is not expected within the licence application but rather within the risk assessment. As this statement appears in the section relating to conditions on the premises licence, this must be made clear. The inclusion of this sentence in this section suggests that the policies, procedures and mitigation measures may be "converted to" or form the basis of premises licence conditions in the same way as operating schedule statements are treated in applications under Licensing Act 2003. Under Gambling Act 2005, the imposition of conditions should only be considered where the policies, procedures or mitigation measures outlined in the risk assessment do not adequately address the identified risk. The reason for this is that the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change, or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions then an application for variation of the premises licence will be required to change these conditions. This could delay changes and would cause unnecessary expense and administration for operators.</i>
<i>Paragraph 17.1 refers to the ability of the Licensing Authority to impose conditions on the number of betting machines an operator proposes to offer. This paragraph should be re-drafted so that there is a clear differentiation is made between the Authority's powers to limit the numbers of betting machines and gaming machines. This paragraph should be clear that whilst the Licensing Authority has the ability to condition the number of betting machines, the holder of a betting premises licence may make available up to four category B, C or D machines available for use. This right to four gaming machines cannot be fettered by condition.</i>
Other suggestions (1)
<i>The document requires proof reading as there are a number of errors in it.</i>



## Key findings:

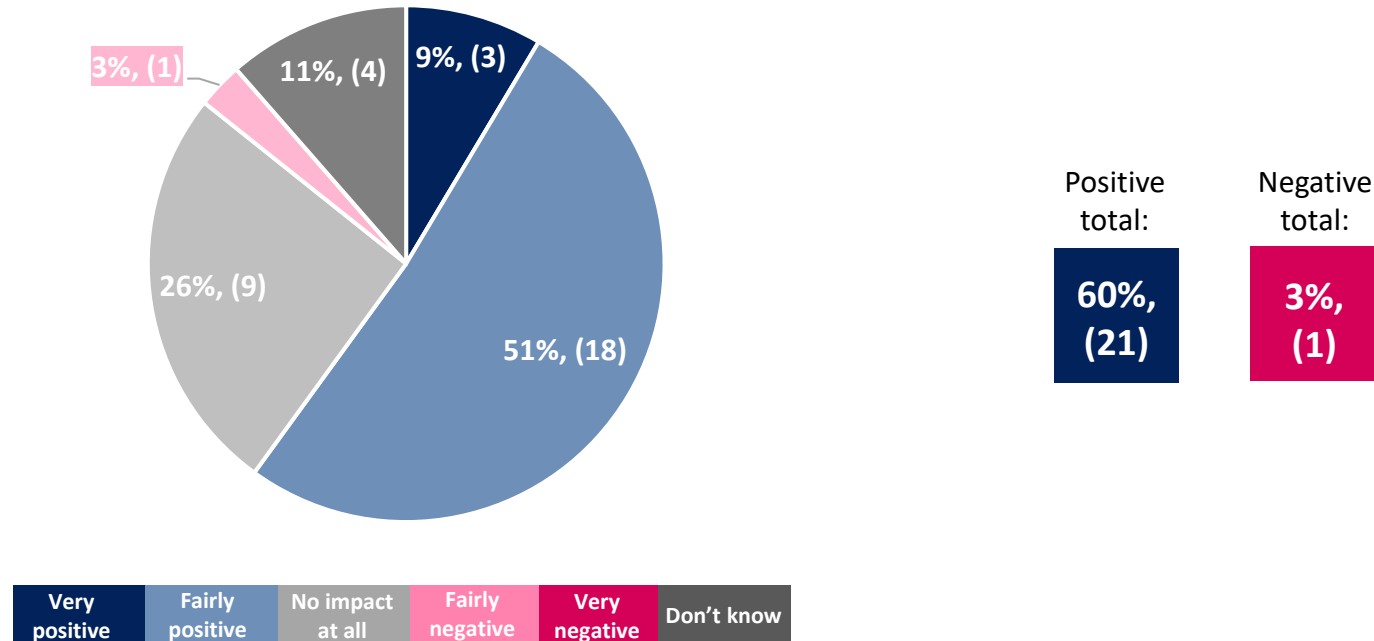
- The majority of respondents (60%) highlighted that if the draft policy was to be implemented, it would have a positive impact on themselves, their business or the wider community.
- Just over a quarter of respondents (26%) selected that if the draft policy was to be implemented, it would have no impact at all on them, their business or the wider community.

## The detail:

Question: If the draft policy was to be implemented, what impact do you feel this may have on you, your business or the wider community?

### Overall:

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Base respondents: 35

This graph is shown in percentage, followed by respondent count.



A total of **6** respondents provided a comment in the survey and **1** email/letter came in on this topic, if respondents ‘disagreed with anything about the draft policy or had any comments, impacts, suggestions or alternatives they felt we should consider.’ The following table summarises the unique points and suggestions that were made.

<b>Other comments (4)</b>
<i>I have NEVER gambled and I drink very little. I am retired and thus dont own any business which it would effect</i>
<i>Not to sure if I have the expertise to make a proper judgement. My personal experience is working in the motor trade for about 25 years.</i>
<i>Gambling does not affect me personally, and I don't know how much impact it has on the local area, but I have heard a lot on the radio about the problems so many more people have developed that I feel we have to put as much in place as possible to help stop problems developing.</i>
<i>I think it would make those who use illegal means of gambling less public.</i>
<b>Suggestions (2)</b>
<i>I would hope that draft policy is distributed as widely as possible to those who have the experience.</i>
<i>Just that this may require more policing that is not available and is very much linked into wider public health issues that may be effected positively or negatively by the policy</i>
<b>Negative comments (3)</b>
<i>The council is neither bold nor ambitious enough to declare gambling premises as broadly a negative addition to our neighbourhoods in Southampton. Whilst it claims to better support individuals, it ultimately facilitates the growth of a distateful industry that exploits the vulnerable for financial gain. Gambling locations are not part of healthy neighbourhoods. This policy does not go anywhere near far enough to halt the profusion of these premises in the city which contribute positively to the councils coffers but have an extremely negative impact on our communities.</i>
<i>Fed up with antisocial behaviour and gatherings outside of arcades / some bookmakers in the city.</i>
<i>Within paragraph 9.5.14, there is a paragraph requiring that where under 18's are loitering outside a premises, steps should be taken by the premises licence holder (although the word "holder" is missing) to discourage them from loitering there. This is not a matter of responsibility for a premises licence holder who has no power to "move on" persons loitering and this cannot be an expectation of the premises licence holder.</i>
<b>Positive comments about the draft consultation (2)</b>
<i>Having had experience of preparing and reading draft plans, then revised plans, you can get bogged down in jargon. But I got the salient points and felt confident enough to be able to comment.</i>
<i>On behalf of the [anonymised], we thank you for the opportunity to comment on your draft statement of principles [...] We will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.</i>

### OFFICER RESPONSES TO CONSULTATION

#### PROTECTING CHILDREN AND VULNERABLE PEOPLE

ISSUE RAISED	COMMENT
Where should the display on mental health be and what will the contents be	This will be left to the discretion of the business and advice can be sought from the licensing team, premises already display similar material signposting help for problem gamblers.

#### ALCOHOL INTERVENTION TRAINING

ISSUE RAISED	COMMENT
Questions how safe it will be for staff to intervene	The training is about early intervention and will complement other training already in place.

#### AGGRESSIVE BEHAVIOUR INTERVENTION PRIOR TO LEAVING

ISSUE RAISED	COMMENT
Need clear guidance on what this intervention is	The purpose is to intervene and try to calm an individual prior to leaving. A policy from the premises on talking to such individuals and signposting the various elements of guidance other areas of this policy recommends premises adopt, such as problem gambling.

#### ACCESS

	This section is about ensuring all facilities, not just exits are accessible by all.
--	--

#### LOCAL AREA PROFILE

	<u>Each premises has to conduct a risk assessment based on the locality. The local area profile provides the data for premises to use when considering the risk. This applies to current premises and any new applications. This will place requirements on applicants and licence holders to ensure appropriate mitigation is in place to reduce the identified risks.</u>
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#### OTHER COMMENTS

Suggestion to display the probability of winning a gamble	This will vary dependant on the type of premises and the type of gambling on offer. The Gambling Commission have not made it a mandatory condition. Machines already hold this information. Conditions should be imposed when it is proven necessary to support the licensing objectives.
Inclusion of research on vulnerable groups	The document simply states the research identified these groups as at 'greater' risk. The purpose is to highlight the potential for risk to allow the

should be either removed or more context added	operator to take appropriate measures. A more detailed breakdown of the research is not required at this level.
Section 11 on conditions to make it clear mandatory conditions are normally sufficient	New para 11.1 added to policy covering this.
11.2 (now 11.3) questions if this is linked to risk assessment or application	This section is on conditions and remains appropriate to this section. This section explains the process that will be adopted should conditions be necessary and when it is lawful to add conditions to a licence. The risk assessment is different and is a dynamic document as the author suggests.
17.1 should include entitlement to 4 gaming machines	17.1 amended to reflect this
9.5.14 the licence holder has no power to move people on	Also pointed out missing words, corrected. Agree they have no power but they should be taking steps to discourage such gatherings, this may include asking for police attendance at particular times.

### Changes to consulted GA05 SLP

New 1.3 comment about online gambling

*1.3 Various reports identify an increase in online gambling and the impact this has on our communities. The Licensing Authority recognises this but understands the remit for local authorities does not include online gambling but will take the impacts into consideration.*

Updated Section 2 to reflect the situation as of 26/10/21

*2.0 Introduction*

*2.1 Southampton City is the south coast's regional capital with a population of over 259,000 in an area of 50 square km. Southampton City is the gateway to a wide range of world-class features from the Solent with its marine leisure opportunities to the New Forest National Park. The city is home to two universities, the University of Southampton and Southampton Solent University, with around 43,000 higher education students.*

*2.2 Southampton has a rich heritage, with a famous seafaring history as an important Roman port. The Old Town is surrounded by a stretch of medieval walls. Southampton's sixty scheduled monuments include the town walls, numerous medieval vaults and cellars, the Tudor House Museum and the Roman remains at Bitterne Manor.*

*2.3 Southampton is the cruise capital of northern Europe with 2m passengers passing through the port annually. The Port of Southampton is the UK's number one export port and is the country's leading port for automotive trade.*

*The Council's development plan (including the City Centre Action Plan) sets out proposals for major growth in the city centre, including for residential, leisure, retail, and office uses. Growth will be designed to enhance the city centre as a distinctive place. The Council is currently preparing a masterplan for the Mayflower Quarter which provides a major opportunity for growth in the west of the city centre, linking the Central Station, main shopping area and waterfront. Development schemes currently being progressed include the Leisure World site (within the Mayflower Quarter) and Bargate site (in the heart of the city centre and the ex Toys R Us site).*

*2.4 The Leisure World development is estimated to create 1,000 jobs over the construction and beyond as a result of the completed development. The development will include a cinema, casino, food and beverage, accommodation and offices. The development will be phased within a five year construction period.*

*2.5 The Southampton Economic Growth Strategy sets out a comprehensive plan to boost the city's economy over the next decade through a number of key interventions, including:*

- *consolidating our place-making credentials from the Green City Charter and becoming recognised as a Child Friendly City, to collaborating across the Solent region to secure Freeport status, and competing to win the 2025 City of Culture bid;*
- *utilising data, technology and networks to improve the city's 'smart' capabilities that can help deliver on our Net Zero, Wellbeing and a host of other socio-economic priorities; and*
- *improving our readiness for increased automation by supporting businesses in digital adoption and the local workforce with the requisite skills, 'know-how' and versatility to compete for jobs and boost local productivity.*

*2.6 In June 2018 gambling facilities in the city included three casinos (two currently operating), four bingo clubs, 36 betting offices, 15 amusement centres, one betting track, and 129 premises licensed for the supply of alcohol for consumption on the premises which have gaming machines installed.*

*2.7 A map of the Southampton area is attached as Appendix A.*

#### *9.5.6 New para on problem gamblers*

*The governments 'Gambling-related harms evidence review' updated on 30th September 2021 estimates 0.5% of the population reached the threshold to be considered problem gamblers and 3.8% of the population were considered as 'at risk gamblers'. People identified as problem gamblers are more typically male and in younger age groups. The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.*

*and homelessness changed to homeless*

#### *9.5.14 Grammar correction to include the words 'holder to'*

#### *New para 11.1*

*The mandatory and default conditions are designed to be sufficient to ensure an operation is reasonably consistent with the licensing objectives. Accordingly, additional conditions will only be imposed where, in the circumstances of the case, there is evidence of a risk to the licensing objectives that is not adequately addressed by the mandatory and default conditions or policies, procedures and mitigation measure outlined in the local area risk assessment.*

*17.1 additional sentence explaining the limit can be applied to betting machines and is in addition to the four gaming machines allowed in the licence.*

#### *32 LSOA explanation*

*The following maps are broken down into LSOAs (Lower-layer Super Output Areas), which are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households. There are 32,844 Lower-layer Super Output Areas (LSOAs) in England and 158 in Southampton.*





### Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES
<b>Brief Service Profile (including number of customers)</b>	
<p>The Licensing Authority will:</p> <ul style="list-style-type: none"> <li>• Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences</li> <li>• Issue Provisional Statements</li> <li>• Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• Issue Club Machine Permits to Commercial Clubs</li> <li>• Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres</li> <li>• Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines</li> <li>• Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• Register small society lotteries below prescribed thresholds</li> <li>• Issue Prize Gaming Permits</li> <li>• Receive and endorse Temporary Use Notices</li> <li>• Receive Occasional Use Notices</li> </ul>	

- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences that are issued under these functions

The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

Within Southampton, the functions of the licensing authority under the Gambling Act 2005 are below (numbers of licences/permits etc):-

- Licensing premises for gambling activities (44)
- Considering notices given for the temporary use of premises for gambling (nil)
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes (10)
- Regulating gaming and gaming machines in alcohol licensed premises (98)
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines (5)
- Granting permits for prize gaming (nil)
- Considering occasional use notices for betting at tracks (nil)
- Registering small societies' lotteries (10 in the last year)

### **Summary of Impact and Issues**

The policy explains how the licensing authority will deal with applications under its remit in line with the Gambling Act 2005 and what considerations applicants need to consider when making applications and carrying out risk assessments. This includes how vulnerable groups should be protected as well as included in any activity.

The emphasis is strong on the protection of the vulnerable but at the same time is not a bar to these groups joining in and enjoying safely such activities. The Gambling Act defines "children" as those persons under 16 years of age and "young persons" as those persons aged 16 or 17 years of age.

The term "vulnerable persons" is not defined, however the following offers some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced

decisions about gambling due to a lack of mental capacity, potentially due to cognitive or mental health conditions, , alcohol, drugs or even some pharmaceutical treatments.

In Southampton we would also consider the following people to be vulnerable:

- Those with an inclination to gamble more than they want to or beyond their means
- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-29.
- Habitual players of gaming machines

Additionally, research by City of Westminster Council, Manchester City Council and the Local government Association identified the groups as at greater risk of harm from gambling. This list is not exhaustive but includes the following:

- Young people
- People from Asian or Oriental ethnic groups,
- People who are unemployed
- People in deprived areas
- People who are homeless
- People who are migrants
- People on probation
- People under the influence of drugs and/or alcohol
- People with some mental health, cognitive or neurodiverse conditions
- People with a history of problematic gambling

The governments 'Gambling-related harms evidence review' updated on 30<sup>th</sup> September 2021 estimates 0.5% of the population reached the threshold to be considered problem gamblers and 3.8% of the population were considered as 'at risk gamblers'. People identified as problem gamblers are more typically male and in younger age groups. The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.

The amendments to the policy ensure that the document is up to date and reflects revised guidance issued by the Gambling Commission in May 2021.

#### **Potential Positive Impacts**

This policy provides strong safeguards whilst not being prohibitive of businesses flourishing and allows the public from all sections of our community to participate in gambling activities in a safe environment.

<b>Responsible Service Manager</b>	Phil Bates
<b>Date</b>	18 <sup>th</sup> October 2021
<b>Approved by Senior Manager</b>	Mary D'Arcy
<b>Date</b>	25.10.21

### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	<p>The young are identified as a vulnerable group for gambling and policy places measures to protect them.</p> <p>People identified as problem gamblers are more typically male and in younger age groups.</p>	<p>There are measures within the policy requiring licence holders to undertake risk assessments.</p> <p>There are further measures set out in the policy. These include:</p> <p>All premises licence holders are expected to have suitable safeguarding policies in respect of children, young persons and vulnerable persons.</p> <p>All premises licence holders are expected to ensure that all staff are trained to recognise safeguarding issues when they arise and act appropriately.</p> <p>All premises licence holders are expected to display information on mental health, alcohol and drug services on-site where it is accessible by customers and staff.</p> <p>Locations for gambling premises which may pose</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<p>problems, including those in close proximity to premises frequented by children or other vulnerable persons, will be considered on its merits and whether there are adequate measures to restrict access to children, protect vulnerable persons and prevent crime and disorder.</p> <p>Premises should ensure that appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate).</p> <p>For bingo and Family Entertainment Centres premises, it is a mandatory condition that under-18s should not have access to certain areas.</p> <p>In Adult Gaming Centres (AGCs), the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that persons under the age of 18 do not have access to the</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<p>premises.</p> <p>In regard to Permits, Temporary and Occasional Use Notices, the Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm.</p>
<b>Disability</b>	<p>Those with mental capacity needs may have difficulty understanding signage and well-being information available at premises.</p>	<p>In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. With reference to those persons with mental capacity needs, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.</p>
<b>Gender Reassignment</b>	No identified impact	N/A
<b>Marriage and Civil Partnership</b>	No identified impact	N/A
<b>Pregnancy and Maternity</b>	No identified impact	N/A

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<b>Race</b>	Certain ethnicity groups have been identified as at increased risk of harm.	<p>This has been addressed in the policy's requirement for licence holders to undertake risk assessments.</p> <p>Further, each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, including protecting vulnerable persons from being harmed or exploited by gambling.</p>
<b>Religion or Belief</b>	No identified impact	N/A
<b>Sex</b>	Males identified as at greater risk than females to gambling harm.	<p>This has been addressed in the policy's requirement for licence holders to undertake risk assessments.</p> <p>Further, each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, including protecting vulnerable persons from being harmed or exploited by gambling.</p>
<b>Sexual Orientation</b>	No identified impact	N/A
<b>Community Safety</b>	Gambling can be a source of crime and disorder, can be associated with crime and disorder, or be used to support	In the interest of preventing crime and disorder, the policy requires all gambling premises in Southampton



Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	crime.	<p>to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery.</p> <p>The policy sets out the expectation for all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.</p> <p>The policy requires that in addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.</p> <p>Premises are required to have protocols in place to prevent staff or customers becoming a victim of robbery and identify those persons who may be at risk and that the existence of these protocols is well-publicised. We will also outline control measures for tracks, as track operators do not need to hold an operating licence.</p> <p>To ensure the safety of both customers and staff,</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		sufficient staffing numbers should be in place at all times the premises is open
<b>Poverty</b>	Individuals living in areas of deprivation identified as at greater risk of suffering gambling harms.	<p>This has been addressed in the policy's requirement for licence holders to undertake risk assessments.</p> <p>Further, each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, including protecting vulnerable persons from being harmed or exploited by gambling.</p>
<b>Health &amp; Wellbeing</b>	Gambling addiction identified as a health issue.	<p>The policy has measures for signposting and promoting of appropriate support services for individuals suffering issues</p> <p>We expect all Southampton-based gambling premises to maintain a log of the incidence and handling of problem gambling and share this and other information with the Licensing Team upon request.</p> <p>We will look to work with the trade to ensure inconvenience is minimised while we build up a picture of gambling risks and progress in risk</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<p>management.</p> <p>We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling.</p> <p>We expect all premises to operate a voluntary exclusion scheme.</p> <p>We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like.</p> <p>Premises should ensure that vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention.</p> <p>Advertising should not target 'vulnerable persons'.</p> <p>Premises should not use inducements to gamble</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		such as free or cut price alcohol or food, to further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling.
<b>Other Significant Impacts</b>	No identified impact	N/A

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# Agenda Item 6

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	Euro 5 wheelchair accessible diesel vehicles
<b>DATE OF DECISION:</b>	3 <sup>rd</sup> November 2021
<b>REPORT OF:</b>	<b>Executive Director Communities, Culture and Homes. Mary D’Arcy</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Communities, Culture and Homes	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Senior Licensing Officer</b>	
	<b>Name:</b>	<b>Russell Hawkins</b>	Tel: 023 8083 2421
	<b>E-mail</b>	<b>russell.hawkins@southampton.gov.uk</b>	

## **STATEMENT OF CONFIDENTIALITY**

N/A

## **BRIEF SUMMARY**

On 24th July 2019 this committee, following directives from the Department for Environment, Food and Rural Affairs (DEFRA) with regards compliance with the EU limit for nitrogen dioxide; imposed conditions on Southampton licensed vehicles. These conditions prohibited the licensing of Euro 5 diesel vehicles by the end of 2022. Following this decision, it has become apparent that due to the lack of suitable compliant wheelchair accessible vehicles in the marketplace and the effect the coronavirus pandemic has had on the taxi trade locally and nationally, a large proportion of these vehicles were not going to be replaced, therefore, potentially greatly disadvantaging this sector of the market and their users. In response to this issue, this report proposes to extend the deadline for compliance of these vehicles by two years.

## **RECOMMENDATIONS:**

	(i)	To consider and approve the contents of this report, appendices and any comments or representations made on the policy amendment for both hackney carriage and private hire vehicle policy and conditions attached as appendix 1.
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## **REASONS FOR REPORT RECOMMENDATIONS**

1.	We need to safeguard the current numbers of wheelchair accessible vehicles (WAV’s) licensed by this authority as much as is reasonable to support accessible travel in the City.
2.	The Southampton City Council Clean Air Team has submitted a change request to DEFRA to request permission to allow an extra two years for these particular vehicles. This request has been accepted.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3.	<p>Choosing to do nothing would be detrimental either to the number of accessible vehicles that are available in the City if drivers choose to replace WAVs with other vehicles, or to our clean air programme if, as possible, these vehicles are licensed in another authority area and continue to work in Southampton. The result of such activity being that these vehicles continue to be in service for many years to come and not replaced with cleaner vehicles as our amended conditions are proposed to require.</p>
<b>DETAIL (Including consultation carried out)</b>	
4.	<p>The current emissions conditions for both types of vehicles are stated in appendix 2</p>
5.	<p>Southampton City Council was required by central government to assess the need for a charging Clean Air Zone. While a charging zone was deemed unnecessary to achieve relevant national air quality objectives, a series of non-charging measures – ‘The Local NO2 Plan’ – was committed to achieve objectives in the shortest possible time. The Council is held under a Ministerial Direction to deliver such measures in accordance with how they were originally set out in the business case.</p>
6.	<p>The Plan includes a series of measures relating to taxis and private hire vehicles (PHVs), including the condition that “No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology”. As a result of this condition, all taxis and PHVs are expected to meet a minimum Euro 6 diesel standard in 2023. Other taxi measures include, a low emission taxi incentive scheme, two taxi-only rapid charge points and bus lane restrictions for non-SCC licensed vehicles (principally as a mitigation measure for impacts of new licensing conditions on the SCC trade).</p>
7.	<p>In September of 2020 we were approached by a large operator of disabled WAV’s. Their business had been severely affected by the COVID 19 pandemic. They have around 25 vehicles that would need replacing on their fleet during the year of 2022. A basic vehicle that is suitably converted and in reasonable condition would cost around £14,000 on the second-hand market. Therefore, they needed to invest some £375,000 in their business to make it viable.</p> <p>This made licensing in another area a much more attractive option from a financial perspective and would mean that they could still continue to operate in Southampton.</p>
8.	<p>The pandemic did not impact the saloon car trade to nearly the same degree. Euro 6 diesel and euro 4 or higher standard petrol vehicles are far more accessible for this vehicle class. As such, this report and the options presented herein only addresses WAVs.</p>
9.	<p>It is expected that by the end of 2021 – assuming that WAV operators don’t actively upgrade to Euro 6 vehicles in anticipation of the condition – around 40 Euro 5 diesel WAVs will persist in the Southampton fleet. Around half of these vehicles are owned by one operator, with the remainder being shared between two other companies and some being hackney carriages. The companies and hackney fleet all have a similar proportion of Euro 5 vehicles in their fleets.</p>



10.	While the impact of these 40 Euro 5 diesels from a fleet in excess of 1200 licensed vehicles is considered negligible in terms of its impact on local air quality, any changes to Local NO2 Plan measures required a formal change request to central government to amend the ministerial direction associated with it. This change request has been accepted.
11.	Alternative emissions conditions are stated in appendix 1.
12.	A public consultation was started on 5th July 2021 and ran for 8 weeks.
13.	There were no responses from this consultation.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
14.	There is a real risk that not adopting these changes will see a reduction in the numbers of vehicles that we licence with the added risk of operators leaving Southampton and licensing elsewhere.  This may reduce the number of vehicles and operators we licence, reducing our income. The number of out of area WAV's working in Southampton will therefore increase further.
<b><u>Property/Other</u></b>	
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
15.	Local Government (Miscellaneous Provisions) Act 1976 section 47 (1) Licensing of hackney carriages and applying conditions to those vehicles
16.	Local Government (Miscellaneous Provisions) Act 1976 section 48 (2) Licensing of private hire vehicles and applying conditions to those vehicles.
17.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000  Provides the framework for the discharge of various functions of a local authority.
<b><u>Other Legal Implications:</u></b>	
18.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19.	Sections 160 to 173 of the Equality Act 2010 relate specifically to taxis and PHVs
20.	Human Rights Act 1998

	The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations
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**RISK MANAGEMENT IMPLICATIONS**

21.	There is no risk to service delivery or financial risk for the authority. As not all sectors of the taxi trades agree with each other there may be a minor risk of reputational damage for the authority but this is likely to be limited to within the taxi trades and some of those closely associated with them.
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**POLICY FRAMEWORK IMPLICATIONS**

22.	The proposed policy is not contrary to the Council's policy framework
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<b>KEY DECISION?</b>	<b>Yes/</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Proposed New Conditions/Changes
2.	Current Clean Air Related Conditions

**Documents In Members' Rooms**

1.	
2.	

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	

2.		
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Appendix 1

### **Proposed New Conditions/Changes**

- 3.5.3 No diesel wheelchair accessible vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2024 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2

Section 3.5.1 will be amended as follows:

- 3.5.1 With the exception of vehicles detailed in 3.5.3 no diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2

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### Appendix 2

#### **Current Clean Air Related Conditions**

- 3.5. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2020 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.1 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.5 and 3.5.1 subject to the vehicle meeting all other relevant conditions and on production of approved certification.



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## Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act 2010 (the 2010 Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	To extend the deadline by two years for Euro 5 diesel wheel chair accessible vehicles to comply with the requirement to have a Euro 6 engine by 1 <sup>st</sup> January 2023
<b>Brief Service Profile (including number of customers)</b>	
<p>Taxi and Private Hire Vehicle (PHV) licensing in Southampton is undertaken by Southampton City Council (the Council) as the licensing authority, which has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, while providing a fair and reasonable service for the taxi and PHV trade. Currently the Council grants over 3000 licences to over 2000 individuals.</p> <p>To deliver its responsibilities, the Council’s core functions in taxi and PHV licensing are:</p> <ul style="list-style-type: none"> <li>• setting the local framework, which can include safeguarding standards, fares, vehicles standards and limits on vehicle numbers;</li> <li>• considering licence applications and safeguarding the public by issuing, reviewing or revoking licences; and,</li> <li>• undertaking inspection and enforcement activities to ensure the required standards are being maintained.</li> </ul> <p>The number of hackney carriage licences is restricted to 283 and the final 70 are required to be wheel chair accessible vehicles (WAVs). There is no such limit on private hire vehicles and it is not lawful to set a limit making it impractical to impose similar conditions to private hire vehicles. As a result there are only 38 private hire vehicles that are WAVs.</p>	
<b>Summary of Impact and Issues</b>	
A small number of vehicles will be allowed to continue to operate with older, more polluting vehicles whilst remaining licensed by us.	

<b>Potential Positive Impacts</b>	
Increases the likelihood of the vehicles remaining licensed by SCC where they have a clear deadline in two years to find less polluting vehicles. This will retain the service to wheelchair users in the city.	
<b>Responsible Service Manager</b>	Phil Bates, Licensing Manger
<b>Date</b>	
<b>Approved by Senior Manager</b>	Mary D'Arcy, Executive Director, Communities, Culture & Homes
<b>Date</b>	12.10.21

### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	No identified impact	N/A
<b>Disability</b>	Will retain the service in SCC licensed vehicles with high safety standards. No negative impact	N/A
<b>Gender Reassignment</b>	No identified impact	N/A
<b>Marriage and Civil Partnership</b>	No identified impact	N/A
<b>Pregnancy and Maternity</b>	No identified impact	N/A
<b>Race</b>	No identified impact	N/A
<b>Religion or Belief</b>	No identified impact	N/A
<b>Sex</b>	No identified impact	N/A
<b>Sexual Orientation</b>	No identified impact	N/A
<b>Community Safety</b>	Taxis and private hire vehicles are a high risk environment.	Encouraging more drivers and vehicles to be licensed by SCC will improve public safety as SCC is one of a small number of authorities that require taxi cameras to be fitted.
<b>Poverty</b>	No identified impact	N/A
<b>Health &amp; Wellbeing</b>	Older Private hire vehicles emit more harmful emissions but this is a very small number of vehicles so the	The exemption is limited in numbers of vehicles to 40

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	impact is negligible and approved by government.	vehicles and is time limited to two years.
<b>Other Significant Impacts</b>	No identified impact	N/A

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# Agenda Item 7

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	HACKNEY CARRIAGE LICENCE ALLOCATION
<b>DATE OF DECISION:</b>	3 <sup>RD</sup> NOVEMBER 2021
<b>REPORT OF:</b>	<b>Executive Director Communities, Culture and Homes. Mary D’Arcy</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Communities, Culture and Homes	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Licensing Manager</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	<b>Phil.bates@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
<p>Using Section 16 of the Transport Act 1985 Southampton City council has limited the number of hackney carriage licences it will issue to 283. The Town Police Clauses Act 1847 allows hackney carriage licences to be transferred. This has resulted in a suppressed demand for hackney carriage licences and current hackney carriage licences attracting a premium value.</p> <p>As the likelihood of a hackney carriage licence becoming available was remote no policy has been in place to cater for the circumstances should one become available. However, changes in the trade over recent years has increased the likelihood of a hackney carriage licence becoming available.</p> <p>This report considers the options to address this gap in policy.</p>	
<b>RECOMMENDATIONS:</b>	
	(i) To consider and approve the contents of this report, appendices and any comments or representations made.
	(ii) To adopt the policies with immediate effect.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	Failing to have a policy will leave any determination on an application open to legal challenge.
2.	The policies proposed are considered to be impartial and the least burdensome to administer whilst providing a robust and transparent process that can withstand scrutiny.
3.	The requirement for all new hackney carriage licences to be only granted to wheelchair accessible vehicles will increase the number of these vehicles on the fleet.

<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
4.	Not to adopt a policy -this is not recommended as this will leave any determination of a new hackney carriage application open to legal challenge.
5.	Adopt a first come, first serve process, which effectively will result in a waiting list that will need to be continuously administered. This is not proposed due to the additional resource burdens in managing and maintaining a waiting list.
6.	Create a points system and award the licence to the highest scorer. This is not recommended as although this may result in the most 'suitable' candidate being awarded the licence it but will be open to challenge, difficult to administer. The preferred option will have measures in place to ensure the successful applicant meets the fit and proper standard.
<b>DETAIL (Including consultation carried out)</b>	
7.	The introduction of the Transport Act 1985 allowed licensing authorities to restrict the number of hackney carriage licences it would grant subject to demonstrating there is no unmet demand.
8.	Southampton City Council adopted a limit. The last time the number was increased was in 2011 when 8 new licences were granted.
9.	The last unmet demand survey was conducted in 2018 when no significant unmet demand was found. The next survey was due to take place in 2020 in readiness for 2021. Due to the lockdown as a result of Coronavirus legislation, the hackney carriage trade was badly affected. Officers sought guidance on the worth of holding such a survey during this time and it was deemed inappropriate, it was clear there was no unmet demand at that time. A survey will be arranged for later this year or early next year.
10.	Limiting the number of hackney carriage licences has the effect of attracting a premium value and licence holders will transfer the licences, as they are allowed to by law, to another for a value negotiated between themselves.
11.	For a new licence to become available either the authority removes or eases the restrictions on licences, which is not a current consideration, or a current licence holder fails to renew or surrenders their licence.
12.	The council needs to be prepared should any one of these scenarios occur. As a result, officers have prepared a policy as attached at Appendix 1.
13.	Currently only hackney carriage licences 214 to 283 are required to be wheelchair accessible vehicles. To increase the ratio of wheelchair accessible vehicles any new hackney carriage licence granted will only be granted to wheelchair accessible vehicles that meet all other conditions required by the authority.
14.	To facilitate this a new para 3.7 as detailed below, will be added to the hackney carriage policy and conditions. 3.7 Any new Hackney Carriage licences issued, shall only be issued to wheelchair accessible vehicles as prescribed in 3.4. Those particular hackney carriage numbers are listed here: A copy of the proposed hackney carriage policy and conditions is attached at appendix 2 with the new section 3.7 highlighted. The intention will be to

	provide a link on the word 'here' to the list of wheelchair accessible hackney carriage licences.
15.	After considering the options officers drafted the proposal of holding a lottery as a means of selecting licence holders with certain conditions being applied.
16.	To manage the numbers of applications and to make it a fair process, applications will be restricted to one per individual or business and one per household or business address.
17.	A letter advising of a 4-week consultation on this proposal was sent to all hackney carriage proprietors on 24 <sup>th</sup> August 2021. A copy of the letter is attached at appendix 3. A notice was also placed on the council web pages taxi noticeboard. The consultation ran until 20 <sup>th</sup> September 2021. There has been one response to this and is attached at appendix 4.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
18.	All costs associated with this can be recovered through the fees for the licence application. There will be no cost to the general fund.
19.	Staff within the licensing team will be able to administer the process.
<b><u>Property/Other</u></b>	
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
20.	Section 37 Town Police Clauses Act 1847 – power to grant hackney carriage licences.
21.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<b><u>Other Legal Implications:</u></b>	
22.	Human Rights Act 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations
23.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;



	b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
24.	There is little risk to service delivery. No financial risk but there is reputational risk should a suitable policy not be adopted. Officers are of the opinion the option provided by this report will eliminate that risk.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
25.	The proposed policy is not contrary to the Council's policy framework

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All wards
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Proposed policy on the allocation of hackney carriage licences
2.	Amended hackney carriage policy and conditions
3.	Consultation letter
4.	Email response from Kuldip Sahota

**Documents In Members' Rooms**

1.	
2.	

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	
2.	



### **HACKNEY CARRIAGE LICENCE ALLOCATION POLICY**

#### **1. GENERAL**

- 1.1 This policy will be adopted in the case where a hackney carriage licence becomes available.
- 1.2 It should be noted any new hackney carriage will need to be wheel chair accessible for the entire duration of the licence and comply with all policies and conditions set by Southampton City Council.

#### **2. PROCESS**

- 2.1 The licensing office will invite applications for a hackney carriage licence by completing the approved application form. A shut off date for applications to be received in the office will be given at the same time.
- 2.2 Applicants will complete the application form and submit it to the Licensing Office before the shut off date.
- 2.3 The applications forms will be assessed by licensing staff to ensure all meet the necessary criteria. Applicants will be notified of any applications rejected after the closing date but before the draw takes place.
- 2.4 As soon as is practicable after the shut off date all eligible applications will be allocated a unique number and these will be entered into a draw that will be held publicly or by live stream.
- 2.5 One application per available licence will be drawn at random. These applications will be accepted. Up to 10 of any remaining applications will be drawn to create a reserve list in case one of the successful applications fails to complete the process. Successful applicants will have 28 days from the date of the ward to complete the licensing process otherwise the next applicant will be given the award. The reserve list will only be used for the selection of the available licences at the beginning of the application phase and will not form the basis of any future new application process.

#### **3. CRITERIA**

- 3.1 The following criteria will need to be met by any applicant.
- 3.2 Applications will only be accepted from one application per person/limited company and only one application per household/business address
- 3.3 The applicant must have a basic disclosure and barring certificate that is less than 28 days old from the date of application or be a current hackney carriage private hire driver licence holder
- 3.4 If the applicant is a limited company, the basic disclosure and barring certificates of all directors and officers must be provided and be less than 28 days old from the date of application, except those that hold a current hackney carriage or private hire driver's licence.
- 3.5 The vehicle will have to be a wheelchair accessible vehicle as detailed in Southampton City Council's policy and adhere to all other vehicle conditions contained within that policy.
- 3.6 The applicant must demonstrate they will be able to have a suitable vehicle ready to be licensed within 28 days of the draw.

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## HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS From 2021



### 1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a hackney carriage, the applicant being a proprietor of the vehicle must:-
- complete 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.
  - Satisfy the Council that the vehicle complies with the conditions for hackney carriage licences made by the Council.
- 1.2 Each person named in the requisition shall supply either an enhanced or standard DBS check that is dated no more than 6 months old at the time of application.
- 1.3 Each person named in the requisition shall satisfy the council they are a safe and suitable person in accordance with the council's policy for determining the suitability to hold such a licence.

### 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 We do not allow dual licensing of vehicles – that is, licensing of a vehicle with more than one council/local authority.
- 2.3 **Interpretation**
- 2.3.1 In this licence and in this document, unless the subject or context otherwise requires: -
- 2.3.2 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.3.3 "the Council" means Southampton City Council;
- 2.3.4 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;

- 2.3.5 "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;
- 2.3.6 "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.
- 2.3.7 "Hybrid" is a vehicle that is capable using its electric motor only as propulsion. (without the internal combustion engine running). It does not include vehicles that use an electric motor purely as a supplement for performance.

## 2.4 Duration of Licence

- 2.4.1 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.
- 2.4.2 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.
- 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 having an engine producing 50 kW, or greater
- 3.3.2 have a rear seat with a width of no less than 1220 mm and must be of a bench seat type, without an arm rest, and in the case of individual/folding seats, 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:

## HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS from 24<sup>th</sup> July 2019

- 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:
- 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
- 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 hackney carriage (other than a Category A vehicle) under the various conditions imposed by this Council.
- 3.5. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2020 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.1 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.5 and 3.5.1 subject to the vehicle meeting all other relevant conditions and on production of approved certification.
- 3.6 Hackney Carriage licence numbers 216 and higher shall only be issued to wheelchair accessible vehicles as prescribed in 3.4
- 3.7 Any new Hackney Carriage licences issued, shall only be issued to wheelchair accessible vehicles as prescribed in 3.4. Those particular hackney carriage numbers are listed here. (A link will be provided to the current list)**

## 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. 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.
- 6.3 All such advertising as mentioned below may only be displayed following approval by the Service Manager for Licensing.
- 6.4 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.5 The power to give approval will be delegated to the 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 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.

## 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 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.

## 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.

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.

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 DVSA “MOT” test in the period of one week either side of the date six months prior to the expiry date of the vehicle licence (the “due date”).

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 within three days of the accident and, after repair, which must be completed within 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.

14.2 On completion of the repairs, to the satisfaction of the Service Manager for Licensing, the plate may be restored.

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

15. **PRODUCTION OF DOCUMENTS**

15.1 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 hackney carriage. 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 licensing office.

16. **TARIFF SHEET**

15.1 The tariff sheet, must be mounted and displayed inside the hackney carriage in a position approved by the Council.

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 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

20.2 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.

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.
- 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. VEHICLE SPECIFICATION**

- 22.1 All hackney carriages shall be maintained to their original specification whilst the licence remains in force. This includes all supporting systems such as air conditioning, heated screens etc..
- 22.2 All licensed vehicles will be kept clean both internally and externally, all furniture and fittings must be well maintained.

## **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.

## **24. CONVICTIONS**

- 24.1 Any person who has an interest in the licence must notify the Licensing team at the Council within 2 working days of any arrest or conviction.

## **25. SMOKING**

- 25.1 Smoking, including the use of electronic smoking devices, is not permitted in a licensed vehicle. (See additional information)

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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 Smoke-free (Signs) Regulations 2007. Guidance and signs are available from:

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

### Assistance Dogs

The 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/>

## **LICENSING TEAM**

### **Southampton and Eastleigh Licensing Partnership**

Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

Licensing Team,  
Southampton & Eastleigh Licensing  
Partnership  
PO Box 1767, Southampton SO18 9LA

Direct dial: 023 8083 2421

Our ref: RH/PB

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Please ask for: Russell Hawkins



24<sup>th</sup> August 2021

Dear Vehicle Proprietor

### **Hackney Carriage Licences – New Licence Issue Policy and Change of Conditions**

As you may already be aware, Southampton City Council has capped numbers of hackney carriage licences and monitors this cap by way of regular unmet demand surveys. It is possible that at some point a licence shall become available and the council needs to have in place a fair and transparent policy to invite applications and allocate the licence(s). This letter is inviting comments on this proposed process. In addition, in order to assist with long term compliance with the Equalities Act, any new hackney carriage licence issued will only be issued to a wheelchair accessible vehicle.

The following criteria will apply to any new application:

- We will allow one application per person/Limited Company and only one application per household/business address.
- The applicant must have a basic disclosure and barring certificate that is less than 28 days old or be a current hackney or private hire driver licence holder.
- If a Limited Company applies, basic disclosure and barring certificates less than 28 days old must be provided for all directors and officers of that business (unless they hold a current hackney or private hire drivers licence).
- The licence will require a wheelchair accessible vehicle to the satisfaction of the council.
- The vehicle must meet all existing standards, (be white in colour, have a satisfactory camera system installed, be either a euro 6 standard of diesel engine, or petrol engine or electric engine or a hybrid of electric/petrol or electric/euro 6 diesel, less than 12 years old etc).
- The applicant will be expected to have an appropriate vehicle ready to be licensed within 28 days of the application being accepted.

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.

- One application per available licence will be chosen at random and these applications will be accepted. The rest of the applications will be drawn at random and make up a waiting list should any accepted applications fail to comply with the requirements.
- If the successful applicant does not comply with the requirements of the application, the licence will be awarded to the next applicant on the waiting list.

This waiting list will only be used for the selection of the available licences at the beginning of the application phase only and will not form the basis of any future new application process.

The full draft policy is available to view on the Taxi Noticeboard on the Licensing Website. In order to facilitate this policy, there will need to be a modification to the Hackney Carriage Vehicle Licence Conditions. That change will be to add the following condition:

- 3.7 Any new Hackney Carriage licences issued, shall only be issued to wheelchair accessible vehicles as prescribed in 3.4. Those particular hackney carriage numbers are listed here:

As part of this consultation process the Council is inviting stakeholders and other interested parties to make known their views by emailing:

[licensing.consultations@southampton.gov.uk](mailto:licensing.consultations@southampton.gov.uk)

Or writing to:

Licensing Consultations  
Southampton & Eastleigh Licensing Partnership  
PO Box 1767  
Southampton  
SO18 9LA

The consultation will last for four weeks, commencing on Tuesday 24<sup>th</sup> August, finishing at midnight on Monday 20<sup>th</sup> September 2021. Those taking part in the consultation will be expected to provide their name address and/or email address. However, they may choose to provide further personal data to illustrate or support their views. The personal data provided might include an address or area they live in, place of work, occupation, medical conditions. The original emails will be retained in line with the Council's retention policy.

Once the consultation process is complete the comments made along with the name of the person making each comment will be made available to Councillors and published via the Council's website. The legal basis for using personal data in this way is because it is necessary for activities that support or promote democratic engagement. This information will remain available on the Council website. If you submit a comment as part of the consultation process and you would not like your name or any part of your comments published please make this clear in your email or letter. Further information about how the Council handles your data can be found in the Council's Privacy Notice at [www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx](http://www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx)

Yours sincerely



Russell Hawkins  
Senior Licensing Officer

**If you require this letter or future correspondence from us in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.**

To consultation committee.

I have driven a Southampton hackney disabled taxi since 2006 and still today, approximately 15 years. During this time I have only picked up approximately 30/50 disabled passenger's from the taxi stand. Some disabled passengers prefer saloon vehicles as they are not permanently wheel chair bound.

I do not understand the need for more hackney carriage disabled taxis on the streets of Southampton, if more disabled taxis are allocated, then the taxi stands need to be made bigger as there is never enough spaces available to park on the taxi stands.

I do see the requirement for private hire companies to register more disabled taxis, as majority of disabled customers need a vehicle from there home, shops, restaurant, pubs, cinema or work place. Acknowledge Uber, Bolt, Didi, Ola and Waymo, all international companies or westquay cars do not allow Southampton hackney carriage drivers to join their companies. Some taxi drivers do not want to join a private hire company.

Since the government changed cross border hiring rules for private hire vehicles and Uber being given a operator licence in Southampton and soon Bolt and in time Didi, Ola and Waymo, there is alot of competitiveness for customers.

The influx of private hire vehicles/ drivers has been so immense this has reduced the income of a hackney carriage driver.

In 2016 Southampton licencing department abolished the topography test for private hire drivers because drivers could not pass the topography test. Explanation was a private hire driver can use a satnav to move around the city.

They have kept the topography test for the hackney carriage drivers, stating a Hackney carriage driver needs to know where he/ she is driving to, there are very few potential applicants passing the hackney carriage drivers topography test.

If there is a demand for disabled hackney carriages, the licensing department will abolish the topography test for a Hackney carriage drivers licence. I would disagree with this decision should this happen, as many customers do expect a taxi driver to know where they are going to. A hackney carriage can also use a satnav to move around the city, so you could argue why is there a topography test at all, even today!

If a driver was to purchase a new disabled taxi:

Full electric disabled taxi the cost is £45,000 to £55,000.



Diesel disabled taxi cost is 25,000 to £36,000

A second hand disabled taxi would cost between £13,000 to £18,000.

If a second hand taxi is purchased, a additional £2,000 is required to have the taxi sprayed white. This is a licencing requirement set by Southampton city council.

Myself I was fortunate to change my disabled taxi to a euro 6 diesel a year before the covid pandemic happened. I am worried about the future if I will be able to afford to replace my vehicle, with inflation and costs keep on rising and the decreasing number of customers.

In the future as more big international companies start to operate in Southampton with the ethos to remove all hackney carriages from any major city, purchasing such expensive vehicle's is not sustainable with

the income taxi drivers are earning solely from the taxi stand.

Regards,

Kuldip Sahota.

## Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act 2010 (the 2010 Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	Adopt a policy to allocate new hackney carriage licences and require all new hackney carriage licences to be wheel chair accessible vehicles and meet all other conditions required by the council.
<b>Brief Service Profile (including number of customers)</b>	
Southampton City Council has restricted the number of hackney carriage licences to 283. The final 70 licences are required to be wheelchair accessible vehicles.	
To deliver its responsibilities, the Council’s core functions in taxi and PHV licensing are: <ul style="list-style-type: none"> <li>• setting the local framework, which can include safeguarding standards, fares, vehicles standards and limits on vehicle numbers;</li> <li>• considering licence applications and safeguarding the public by issuing, reviewing or revoking licences; and,</li> <li>• undertaking inspection and enforcement activities to ensure the required standards are being maintained.</li> </ul>	
<b>Summary of Impact and Issues</b>	
Operating a wheel chair accessible vehicle is more expensive than a traditional saloon car as the vehicles tend to be larger so are more expensive to purchase and are less economical. This makes the vehicles less attractive to the trade. The proposed policy applies to new licences only, it will not apply to transfers or replacement vehicles.	
The impact is assessed as minimal and proportionate. Licences attract a value, and new licences will only be available infrequently, for information no new licence has been granted since 2011 when the council last increased the number of licences.	
<b>Potential Positive Impacts</b>	
Should a licence become available this requirement will increase the ratio of wheelchair accessible vehicles in the fleet. It also demonstrates the authority’s commitment to supporting the disabled community.	

<b>Responsible Service Manager</b>	Phil Bates, Licensing Manger
<b>Date</b>	
<b>Approved by Senior Manager</b>	Mary D'Arcy, Executive Director, Communities, Culture & Homes
<b>Date</b>	12.10.21

#### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	No identified impact	N/A
<b>Disability</b>	No adverse impact. Potential to increase ratio of wheelchair accessible hackney carriages	N/A
<b>Gender Reassignment</b>	No identified impact	N/A
<b>Marriage and Civil Partnership</b>	No identified impact	N/A
<b>Pregnancy and Maternity</b>	No identified impact	N/A
<b>Race</b>	No identified impact	N/A
<b>Religion or Belief</b>	No identified impact	N/A
<b>Sex</b>	No identified impact	N/A
<b>Sexual Orientation</b>	No identified impact	N/A
<b>Community Safety</b>	No identified impact	N/A
<b>Poverty</b>	No identified impact	N/A
<b>Health &amp; Wellbeing</b>	No identified impact	N/A
<b>Other Significant Impacts</b>	No identified impact	N/A

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	TAXI LICENSING POLICY STATEMENT 2021 -DOOR SIGNAGE
<b>DATE OF DECISION:</b>	3rd November 2021
<b>REPORT OF:</b>	<b>Executive Director Communities, Culture and Homes. Mary D’Arcy</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Communities, Culture and Homes	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Licensing Manager</b>	
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**STATEMENT OF CONFIDENTIALITY**

N/A

**BRIEF SUMMARY**

Southampton City Council’s private hire vehicles have livery which require the name and contact details of their operator to be displayed. This report reviews this policy and allows options to change this policy to remove the restriction that this puts upon a driver to work for just one operator at the same time. The review has been instigated by officers in response to concerns raised by some drivers and trade representatives as well as changes in the way that vehicles are booked and the technology that can give more information to the customer.

**RECOMMENDATIONS:**

	(i)	To consider and approve the contents of this report, appendices and any comments or representations made on the policy attached as appendix 1.
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**REASONS FOR REPORT RECOMMENDATIONS**

1.	Approximately 20 years ago after consultation with the taxi and private hire trades and amongst other changes, the council introduced the requirement of permanent door signage on private hire vehicles. This signage included operator name and contact information.
2.	Over the years that followed, local operators honed their business models to reflect the local policy and conditions which effectively gave drivers a free choice of which operator he/she could work for but they could only work for one operator at any one time. Technology advances, in particular mobile phone apps, has dramatically changed how operators can engage with customers and drivers. This has prompted some drivers to seek an amendment to the conditions to allow them to work for more than one operator at a time.

3.	The option to change the door sign requirements for private hire vehicles has the potential to have a profound effect on the taxi trades in the city. Therefore careful consideration should be given to the detail of this report prior to any decision being made.
4.	In July 2020 the Department for Transport published their Statutory Taxi and Private Hire Standards document which mentions signage as a safe way to identify a licensed vehicle. Southampton has a large night-time economy and is a thriving City. Therefore, it makes good sense that licensed vehicles are readily identifiable as a safe refuge for the purposes of safeguarding and also to assist in the identification of a booked vehicle. Therefore, signage of some kind is recommended to be retained.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
5.	Use of temporary signage or magnetic signage should not be considered as such signs can be easily lost and misused. Also more vehicles are being constructed from aluminium or composites which magnetics will not adhere to.
6.	Removal of signage completely was discounted for reasons previously stated.
7.	Remove the requirement to display operator details. This is prompted by drivers seeking to have more choice of the work they undertake. There is evidence they will naturally seek to take the higher earning jobs resulting in shorter trips being more likely to be difficult to fulfil or be cancelled by the driver. This leads to vulnerable people being left in a vulnerable position, either left in a street when vulnerable or unable to attend important appointments
<b>DETAIL (Including consultation carried out)</b>	
8.	The option of an alternative door sign went out to public consultation on 10th March 2021. The consultation was originally intended to be for a period of 12 weeks ending in early June. Due to unforeseen delays with posting out letters advising of the consultation the period of consultation was extended until 5th July 2021 to ensure everyone had ample time to respond.
9.	A total of 323 responses were received throughout the consultation period. A summary of the responses in relation to vehicle signage is attached at appendix 2.
10.	Officers responses to that element of the consultation are detailed in appendix 3.
11.	<p>In that consultation on a new taxi policy we included an option of keeping the current condition or amending it to require a door sticker but without the operator details displayed.</p> <ul style="list-style-type: none"> <li>• 34% of respondents preferred to keep the current policy</li> <li>• 39% preferred the removal of the operator details on the sticker</li> <li>• 15% preferred a different option (probably no sticker as this was a comment raised 54 times in the free text response)</li> <li>• 12% did not mind.</li> </ul> <p>The responses from residents had a very similar breakdown.</p>

12.	A draft policy was presented to the licensing committee in September 2021 where the committee decided that more research should be carried out before a decision was made.
13.	<p>The safety features of displaying door stickers are to clearly identify the car as a licensed vehicle. This is important as the vehicle has to comply with all of the conditions of the licence regardless of the purpose it is put to and it can only be driven by a holder of a Southampton private hire driver's licence. There are other conditions that promote public and driver safety, the taxi camera policy being the main one. Retaining clear signage supports this and other conditions promoting safety.</p> <p>The operator details provide a clear means of identifying which car has been booked for the public and a means of communicating with the operator about any issues.</p>
14.	We have reviewed 25 other licensing authorities across England. There is no consistency. Four of the authorities have a similar condition to Southampton. Five others allow operator door signs in their conditions and to display the operator details but allow magnetics to allow drivers to work for more than one operator at a time. The remainder either had no policy on this area or allowed door signs as an option.
15.	One region is looking to implement a policy of door signage with operator details across all authorities in the region but are having difficulties getting all areas to agree. They have no evidence to support this but say it is based on public safety so customers see the operator details on the car when it turns up.
16.	<p>A large midland city authority introduced a door sign policy some years back and had the same issues raised by what they describe as 'traditional operators' but they report the concerns never materialised. They did allow magnetic signs with the operator details and they have had a few reports of cars with two different operators displayed.</p> <p>We do not support the use of magnetic signs. They are easily stolen and are a readymade kit to make a private car appear as a licensed vehicle and can fall off causing a danger. Steel is in decline as the material used for vehicle construction and we are seeing an increase in aluminium and plastics used rendering magnetics useless. It was also pleasing at the licensing committee to hear members of the trade agree magnetics were not wanted.</p>
17.	<p><b>Arguments for removal of operator details</b></p> <p>The benefit of assisting fares identify their booked vehicle has diminished with the introduction of mobile phone, text and app technology as operators are able to send vehicle details to the customer. However not all customers, especially some of our more vulnerable in society such as the elderly, have the technology to receive these messages so still rely on door signage to identify the vehicle they have booked.</p>
18.	The current policy makes it difficult for any new start-up company. They will find it difficult to recruit drivers unless they already have a good customer base to provide the driver with work, facilitating drivers to work for more than one operator allows a new company to start with a small customer base as the drivers can still work for another company as the customer base builds.

19.	A number of drivers have indicated they will licence with an authority that allows them to work with more than one operator if the policy remains as it is. This may result in a steady increase in the number of vehicles working in the city licensed elsewhere. This in turn will lead to an increasing number of vehicles with no camera or signage other than a plate and older more polluting vehicles.
20.	<p><b>Arguments to retain operator details</b></p> <p>Those in favour of retaining the operator details express concerns that making it easy for drivers to work with more than one operator will make managing demand difficult. Drivers will pick and choose which job to take resulting in fulfilling shorter journeys more difficult.</p> <p>It will not be possible to manage driver hours as operators will not know if the driver has been using another operator earlier in the day. They also point out this change will not increase the amount of work for the trade as a whole.</p>
21.	Officers have been approached by a representative of a private hire company operating mainly in South Wales and the midlands and have operator licences with over 25 different authorities. He advises since the pandemic they have seen a change in behaviour from drivers with increasing instances of drivers accepting a job but then not showing up or simply refusing work. This is believed to be where they are working for more than one operator and the drivers are 'cherry picking' the more profitable jobs. This is resulting in customers being left with no car collecting them.
22.	Removal of the requirement to display operator details will cause the local traditional companies difficulties as they will have less control over their drivers which could result in bookings being difficult to fulfil.
23.	A number of our local operators already hold operator licences in neighbouring authorities and may consider it a better business proposition to move more of their fleet to another authority, again increasing the number of older vehicles working in the city with no camera. I consider this to be less likely than the drivers moving if the condition is retained.
24.	With no operator details it will make identification of the vehicle booked more difficult for those without access to mobile phones or apps and those that for various reasons will wait inside a building.
25.	<p>Case study : During a recent late night patrol, I observed a lone young woman waiting for a private hire vehicle booked via an app. The app advised the vehicle would arrive in 3 minutes, then one minute, then it said cancelled. She booked another car and the same happened. By this time she was receiving unwanted attention from young men in the area and she was confronted by one young man who was disappointed she did not want his number. She was being supported by security staff from one of our establishments, whose behaviour was exemplary and must be commended. She was taken to a hackney and then taken safely home. Without her details I could not identify her bookings but I did speak to a regional director of the company who admitted there is an issue with drivers cancelling jobs and it is probably because drivers are getting a better job from another company.</p> <p>On this patrol I saw a number of vehicles licensed by other authorities clearly working in the city without any door stickers.</p>

26.	<p>There is some evidence that supports the assertion that drivers will go to some length to obtain a longer fare, it is understandable as this drives more income for the individual. The request to remove the operator details from the signage, emanates from a desire by some drivers to have more choice as to who they work for, despite complaints and evidence of drivers 'cherry picking' the longer journeys, especially in the docks.</p> <p>Easing our conditions to facilitate drivers working for more than one operator will in the officers' view, result in more fares being cancelled and placing vulnerable customers at risk of this practice as was recently witnessed.</p> <p>Thankfully security from a nearby nightclub kept the young woman safe on my recent patrol but they cannot always be there.</p> <p>My recommendation is therefore to retain the policy as in appendix 1.</p>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
27.	<p>Several drivers are advising they will licence elsewhere if the operator detail continues to be required. There is evidence that suggests that a number of Southampton drivers have already got licences elsewhere for this purpose.</p> <p>This may reduce the number of vehicles we licence, reducing our income. The number of out of area vehicles working in Southampton will increase further.</p>
<b><u>Property/Other</u></b>	
28.	n/a
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
29.	Local Government (Miscellaneous Provisions) Act 1976 section 48 (2) Licensing of private hire vehicles and applying conditions to those vehicles.
30.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<b><u>Other Legal Implications:</u></b>	
31.	<p>Crime and Disorder Act 1998</p> <p>Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.</p>
32.	<p>Human Rights Act 1998</p> <p>The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken</p>



	having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another’s rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
33.	<p>Equality Act 2010</p> <p>Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to —</p> <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>
<b>RISK MANAGEMENT IMPLICATIONS</b>	
34.	There is no risk to service delivery or financial risk for the authority. As not all sectors of the taxi trades agree with each other whatever is decided has a risk of reputational damage for the authority but this is likely to be limited to within the taxi trade s and some of those closely associated with them.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
35.	The proposed policy is not contrary to the Council’s policy framework

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All Wads
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Proposed private hire vehicle policy and conditions
2.	Consultation Responses
3.	Officers responses to the consultation key points

**Documents In Members’ Rooms**

1.	
2.	

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	
2.	

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### **PRIVATE HIRE VEHICLE LICENCE POLICY AND CONDITIONS From 2021**

#### **1. APPLICATIONS**

- 1.1 Before a licence is granted in respect of a private hire vehicle, 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 private hire vehicle 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 vehicle, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such vehicle. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.
- 1.2 Each person named in the requisition shall supply either an enhanced or standard DBS check that is dated no more than 6 months old at the time of application.
- 1.3 Each person named in the requisition shall satisfy the council they are a safe and suitable person in accordance with the council's policy for determining the suitability to hold such a licence.
- 1.4 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 The proprietor must ensure the vehicle is maintained to an acceptable standard at all times.

#### **2.3 Interpretation**

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

- 2.3.1 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegation for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.3.2 "the Council" means Southampton City Council;
- 2.3.3 "private hire" has the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1976
- 2.3.4 "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;
- 2.3.5 "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.
- 2.3.6 "Hybrid" is a vehicle that is capable using its electric motor only as propulsion. (without the internal combustion engine running). It does not include vehicles that use an electric motor purely as a supplement for performance.

#### **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 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;
- 3.3.3 have a rear seat with a width of no less than 1220 mm and must be of a bench seat type, without an arm rest, and in the case of individual/folding seats, 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 15 and 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 displacement of luggage;
- 3.3.8 at all times be 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 hackney carriage (other than a Category A vehicle) under the various conditions imposed by this Council.

- 3.5. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2020 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.1 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.5 and 3.5.1 subject to the vehicle meeting all other relevant conditions and on production of approved certification.

#### **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 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. 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
- 6.2 All such advertising as mentioned below may only be displayed following approval by the Service Manager for Licensing
- 6.3 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.4 The power to give approval will be delegated to the 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.

## **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 Service Manager for Licensing will be delegated to give approval of matters in 7.1 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 Service Manager for Licensing.

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 There are two options for these City Identity Stickers:

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

8.4.2 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.

- 8.4.3 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.
- 8.4.4 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.
- 8.4.5 The name of the 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 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.
- 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 Service Manager for Licensing

## **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 Service Manager for Licensing 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**

- 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 vehicle shall undergo a DVSA “MOT” test in the period of one week



either side of the date six months prior to the expiry date of the vehicle licence (the “due date”).

## **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 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 Service Manager for Licensing, the licence plate may be restored.
- 12.2 The removal of the private hire licence plate will constitute suspension of the vehicle licence.

## **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.

## **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.

Every private hire vehicle that is powered solely by an electric motor and is capable of 112 kilometres 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.

## **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.

17.3 Any tariff set in the meter must correspond to the tariff approved by the operator the vehicle is licensed with.

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 details of the name and address of the person to whom he has transferred the licence.

19. **CHANGE OF ADDRESS**

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

19. **ADHERENCE TO BOOKINGS**

19.1 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.

20. **WEDDINGS AND FUNERALS**

20.1 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.

21. **SPECIALIST VEHICLES**

21.1 In exceptional circumstances, the 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.

21.3 Where the 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.

21.4 Additionally, in the case of a specialist vehicle, the Service Manager for Licensing 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)
- 23.1 (Taxi cameras)

22. **ORIGINAL VEHICLE SPECIFICATION**

22.1 All licensed private hire vehicles 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.


24. **CONVICTIONS**

24.1 Any person who has an interest in the licence must notify the Licensing team at the Council within 2 working days of any arrest or conviction.

25. **SMOKING**

Smoking, including the use of electronic smoking devices, is not permitted in a licensed vehicle. (See additional information)

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

<p><b>LICENSED BY</b></p>  <p><b>SOUTHAMPTON CITY COUNCIL</b></p> <p><b>LICENSED PRIVATE HIRE VEHICLE NO:</b></p> <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					<p><b>PRE – BOOKED ONLY</b></p> <div style="border: 1px solid gray; padding: 5px; background-color: #f0f0f0;"><p>Name and telephone number or domain/email of the operator to appear here. See condition 8.7</p></div>

Or

<p><b>PRE – BOOKED ONLY</b></p>					
<p><b>LICENSED BY</b></p>  <p><b>SOUTHAMPTON CITY COUNCIL</b></p>	<p><b>LICENSED PRIVATE HIRE VEHICLE NO:</b></p> <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>				

**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.

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# Vehicle Signage



The second theme covered within the questionnaire was Vehicle Signage. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*Vehicle livery is an important safety feature for licensed vehicles. It clearly identifies the vehicle as a licensed vehicle and provides confidence to the public it is properly licensed and has all the appropriate safeguards in place.*

*Currently private hire vehicles are required to display door stickers on both front doors of the vehicles. For public safety reasons the council will not allow magnetic signs. The signs are designed to specifications set by the council. The signs must indicate that the vehicle is licenced and include the name and telephone number of the operator.*

*This condition makes it difficult for a driver to work for more than one operator at a time and some drivers are asking for this condition to be amended to facilitate them working for more than one operator. Most drivers are currently self-employed and sign up to an operator rather than being employed by an operator.*

*The more control the operator has the easier it is to manage demand and drivers hours. This can restrict a drivers ability to increase their chances of securing a fare. Providing less control will not increase the overall volume of work for the trade but will make it more competitive amongst drivers.*

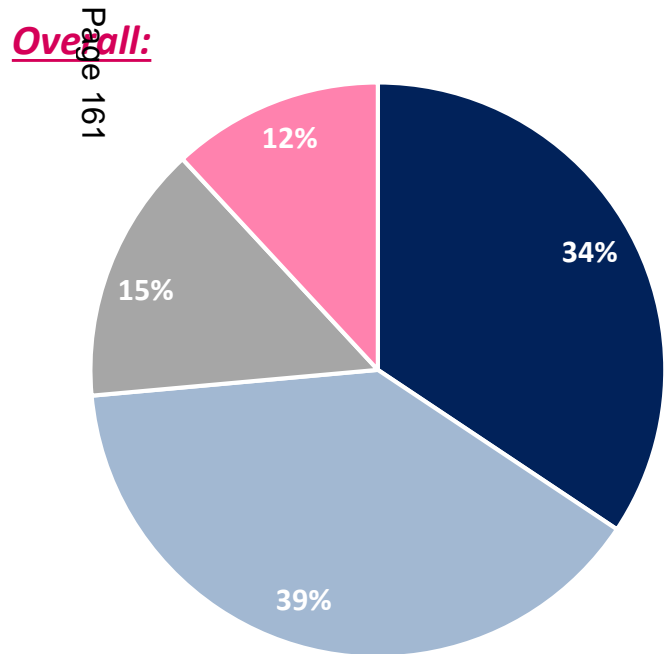
*The draft policy for private hire vehicles includes an option to have either a door sign with operator details or one without. The intention is to adopt one of these options.*



- Key findings:**
- The amount of respondents that would prefer signed to not include operator details (39%) was slightly higher than those who would prefer signs to include operator details (34%)
  - Respondents that would prefer the signs to include operator details to the highest extent was hackney carriage drivers (50%)
  - Respondents that would prefer the signs to not include operator details to the highest extent were private hire drivers (45%)

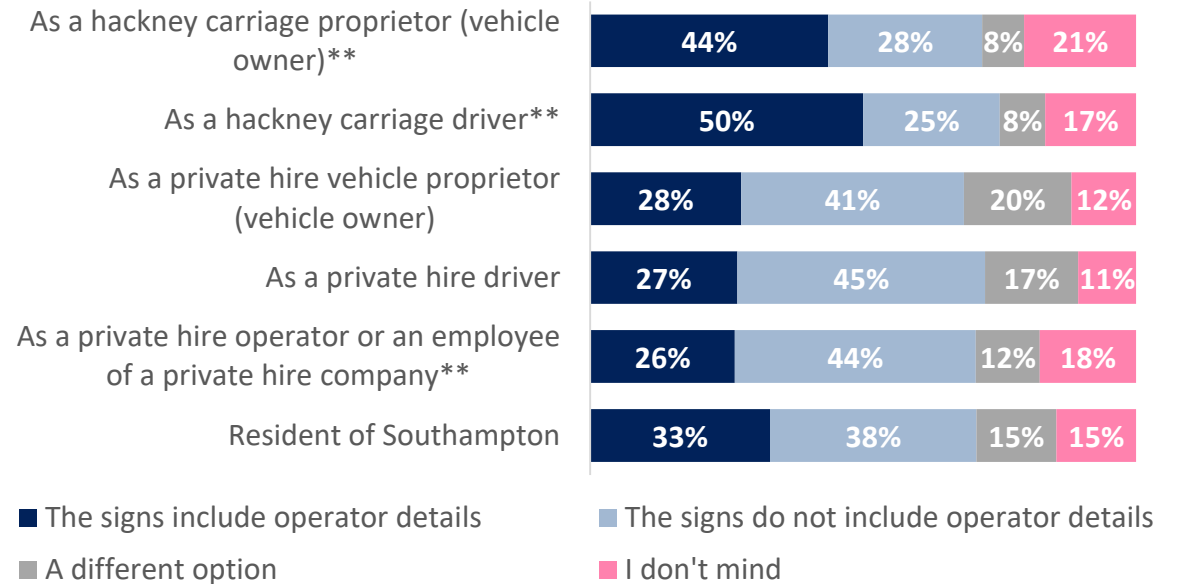
## The detail:

Question: To assist us with deciding which option to adopt within the taxi licensing policy, which option do you prefer?



- The signs include operator details
- The signs do not include operator details
- A different option
- I don't mind

### Broken down by demographics:



- The signs include operator details
- The signs do not include operator details
- A different option
- I don't mind

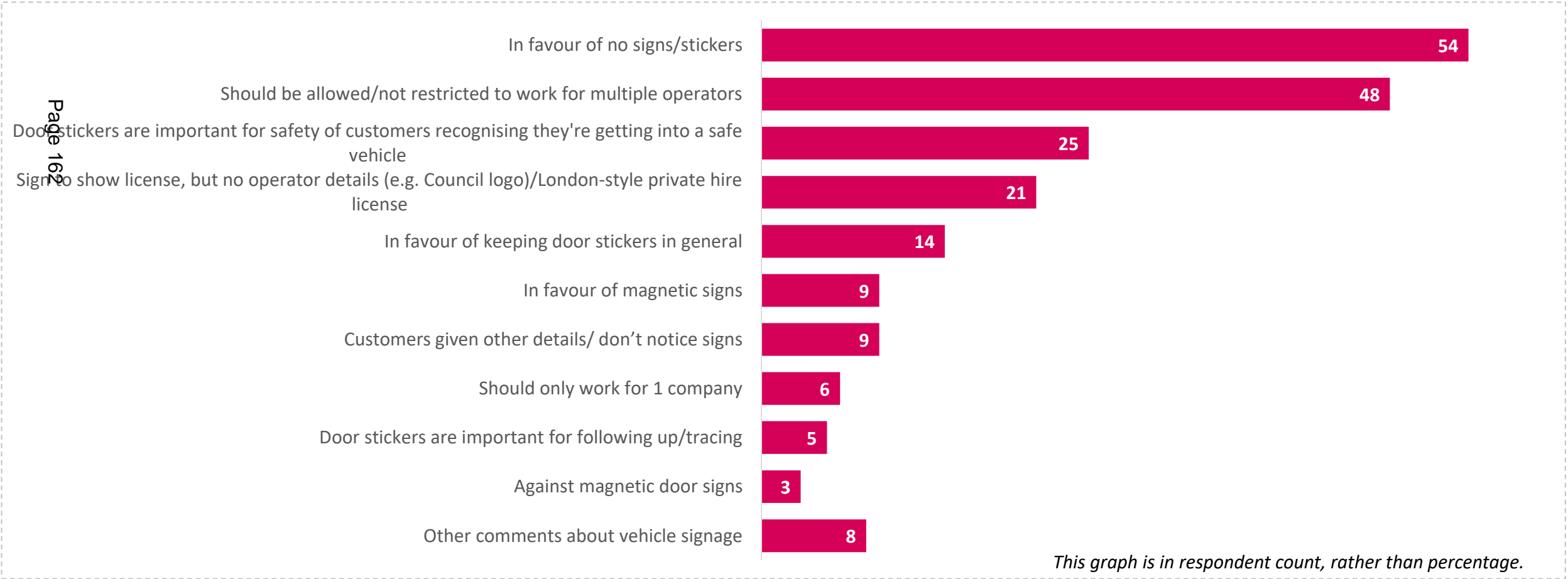
\*\* Small sample size – fewer than 50 respondents





Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

A total of **77** respondents provided a comment in the survey and **42** emails/letters mentioned this topic, if respondents had ‘any other options, suggestions, comments or impacts they felt we should consider regarding the vehicle signage’. The following graph shows the total number of respondents by each theme of comment. The subsequent slides summarise the unique points and suggestions that were made.





# Vehicle signage – unique points and suggestions

## Door stickers are important for safety of customers recognising they're getting into a safe vehicle

*Keeping door stickers with operator details will ensure the safety of Passengers.*

*Southampton City Licensing and the trade has worked hard to ensure the safety of passengers. If it only includes the council logo, when a vehicle turns up at a hotel, or nightclub or hotel, the passenger will not know if it's there taxi or not. But without any name of the operator on the door sticker, the customer may get into the uber vehicle. This is a must have safety feature. It is a must have!*

*I want to know that a car is from the company I have booked with; otherwise all sorts of confusion could arise.*

*ALWAYS Livery must stay as it is and as a minimum to display company details as It clearly identifies the vehicle, provides confidence to the public and to show it is licenced and all the proper safeguards and procedures are in place.*

*ONE OF THE MAIN REASONS FOR ADDING OPERATER DETAILS TO PRIVATE HIGHER CARS WAS BECAUSE THE PUBLIC COULD NOT RECOGNIZE THE CAR FROM THE OPERATOR THEY BOOKED IT FROM .THIS RESULTED IN THE PUBLIC FIGHTING OVER CARS ARRIVING AT CLUB VENUES TO PICK UP WHEN CLOSING IN THE EARLY HOURS .WHICH CAUSED PROBLEMS FOR THE LOCAL POLICE . ALTHOUGH NOW THE CUSTOMERS RECIEVE A TEXT WITH THE CARS MAKE AND REG.*

*It's adapting the regulations slowly but surely*

*I think we should keep taxi signs as the general public can differentiate between a car and a taxi. However signs all over the car like radio taxi and west quay cars shouldnt be allowed*

*It is important for Home to school transport that the vehicles have the name of the operator on the sign*

*I believe the plying for hire and incidents would dramatically rise and drivers would get away with it.*

*Without a company logo or number, I feel it will give unscrupulous Southampton and out of town private hire drivers the opportunity to pick up without being pre-booked but more worrying the possible danger to the public.*

*I will feel much safer in Southampton vehicle with new signs(without the name of company) then outside vehicles without any signs.*

*allows the customer to identify the car arriving for you is the right one, making it safe for female customers late at night*

*If all drivers had the Council Logo only on the vehicle, more and more complaints would go to Southampton City Licensing team as the public would assume they were the operator.*

*Touting could increase by a licensed private hire driver accepting passengers without the fare being booked through their office. This could also invalidate their insurance. This could have a serious damaging effect on the safety of the night time economy.*

*I was recently advised that Southampton has a good track record in safety and believe this would have a downward slop.*

*\*Anonymised\* cars have many corporate customers who look for our logo on the doors with CCTV before we can gain entry to secure areas. We have many foreign passengers who don't speak English but will recognise our logo as it is sent in advance.*

## Door stickers are important for following up/tracing

*I want to know who I can contact if there is a problem - the operator details on the doors are clear and easy to see.*

*The licensing department will also have great difficulty in tracing a driver if they received a serious complaint or safeguarding issue that needed immediate action. This will be very time consuming for licensing as pubs, clubs, restaurants, hotels etc use multiple companies and without livery, where would they start the investigating. Plying for hire would increase and would be difficult for licensing to investigate, unless the person making the complaint had the licence number or vehicle registration but the general public look for the companies livery and no other details.*

*It protects companies as should there be a problem with a car or driver the correct company is identifiable*



# Vehicle signage – unique points and suggestions

## In favour of keeping door stickers in general

Private Hire drivers will start to steal passengers from other drivers. Currently it is very clear if you book a West Quay car and a Uber car turns up You wouldn't get in the car. However if the door sticker policy changes and removes the operator name and number this would have a very negative impact on our business and community. We would be unable to manage passengers journeys and drivers working hours correctly.

All seems perfectly addiquit as it stands

the stickers must be kept as they are at a minimum and has totally against any alterations. Customers feedback is overwhelmingly against the proposed change, especially in the elderly community as they look for the logo on the signage and not anything else.

Definitely have stickers with operators name and make the pre-book element of the wording more prevalent and bigger on private hire vehicles to make the public more aware they have to book

I agree with oporator door signs, but not oporatures adverts all over peoples cars .

The company name, telephone number and operator including email address if necessary...It was made quite clear by the Licencing Manager last year why these signs were so important to keep, why they had to be templated i.e. each car saying the same thing, to protect the patrons of Southampton. I am at a loss as to why licences have since been issued to a company without a telephone number on, also without an operator on, and there were also talks as to whether these door signs were necessary at all

I find it quite astounding and a huge step backward if the current door stickers are changed. I can not understand why this issue was even brought to the table and entertained by licensing or taken so far to a consultation.

46/61 people voted 'With Operator Details' when asked 'Which door sticker would you like SCC to enforce?' in their own ran survey.

In busy areas such as stations, nightclubs, ferry terminals, it would make finding the vehicle more difficult and increase plying for hire and drivers stealing work from other drivers.

Portsmouth City Council made changes to their policy and now the largest private hire company in Portsmouth are plating vehicles up in Wolverhampton. I am afraid that making changes that affect operators will make them look for alternative options. Southampton Trade is the best, lets keep it that way!

When a private hire operator renews their annual vehicle licence, that is when the operator should appeal to the Magistrates Court, the subject of door signs.

## Should only work for 1 company

It is quite simple, SCC licensing do not seem to have a high regard for the triple lock system which is law? If you are a private hire driver who maybe is also an owner, a high proportion of them accept the availability of using a companies own operators licence that they work for. That situation is fine but they should only work for that company. I would be very suspicious of a private hire vehicle working for different companies, can the company lose customers through drivers knowing of other jobs that other companies do, etc, etc?

if drivers want to work for other companies let them purchase their own operators licence and have their own name on the actual door signage. I should not imagine a company like Door2Door or Radio Taxis would allow drivers to work for them and or other companies.

Drivers working for multiple companies will make it impossible for an operator to regulate its work and bookings will not be fulfilled. customers will miss important hospital appointments

If other drivers are able to work for more than operator I would lose work. Would be constant fighting

I don't think drivers should work for more than one operator as it brings a conflict of interests

Due to most operators working with self employed drivers, operators are unable to stop them or make them exclusive to their business. Allowing the change of door stickers would also make the code of conduct impossible to manage. This means drivers would be required to submit tenders themselves making it more difficult to manage.

Drivers working for multiple operators will slowly destroy Southampton's trade. The overall number of jobs wouldn't increase by allowing drivers to work for multiple operators the number available will be the same.

Drivers will also have multiple systems in their vehicle to accept jobs from, increasing the use of their Mobile Phone while driving.

Service would be dramatically affected as operators wouldn't know which drivers are working for who at what time. Drivers would accept multiple jobs at one making passengers wait. Southampton City and Hampshire School runs would be affected. Radio Taxis wouldn't be able to support Southampton City Council with school runs due not knowing availability.



# Vehicle signage – unique points and suggestions

## Should be allowed / not restricted to work for multiple operators

*With an increasing number of drivers waiting times between jobs also increase so a driver having a second string to their bow would be most useful.*

*These signs with operator details are enslaving the drivers to an one operator and limiting our chances of being self employed and freelance*

*We only wish that more licensing authorities / regions would align with you on this, as other regions such as Greater Manchester are proposing to go in the complete opposite direction and enforce strict operator livery, thus forcing drivers to stick with one operator and suffer the negative consequences of this.*

*Private Hire drivers in Southampton should be able to drive a taxi for more than one operator*

*Look at fareham , Winchester council license holders they work in southampton they have three operator at the same time. winchester hackney drivers have option of working with 3 operator at the same time.*

*This option give more opportunity for driver to work enough hours to cover the cost of what need. currently most of the driver couldn't cover their costs they claim benefit if we have option to work enough we wouldn't claim benefits.*

*The public always think a driver is a worker for that individual company, the public do not realise the driver is self-employed*

*A door sticker could be created with multiple company names, and the driver can say which companies he/she works with or have door stickers on the front doors with one companies name, and on the back door have door stickers with the other companies name.*

*IF ,I were to change my sticker for every company I work for, totally impractical and I believe a deliberate attempt by this council to further undermine the PHV trade in Southampton.*

*As more and more national operators have been granted licences in Southampton, having the option to work for multiple operators easily would allow Southampton Licenced drivers to cover the work. In the event that the operators are unable to get work covered by a local driver they would be forced to bring in drivers from neighbouring cities under the cross border act. These vehicle may have no door stickers at all and no cameras. Southampton licencing would have no legal right to stop these vehicles to do checks on them.*

*We should have the right to work for multi operators without having to put their signs on and making our cars a target for vandalism.*

## Sign to show license, but no operator details (e.g. Council logo) / London-style private hire license

*Why not remove this sign from doors and not produce like london badge on both the front and rear wind screens?*

*There are lots of councils in Hampshire like Winchester and Eastleigh and new forest that do not require door sighs.*

*It should be sticker on the front and rear windows instead of plates and door signs like London cars, it save money for Licising*

*The sign is one that shows the public that it is a licensed car, licensed by Soton City Council. Operators should never have been on the 'council door sign' in the first place. some companies favor certain drivers with work, usually their directors.*

*I totally disagree with operator details on the back of my car.(think you work for council and your boss number is on your car door) .sign should not include operator details . sign should be council logo or symbol of city . sign should not include advert of the operator which is used for privet car of a driver.*

*In London and other lots of cities all private hire cars do not have any stickers on the doors or a small council plats just on the front screen they have a small stickers . The door stickers are free but for the council plat we have to pay. If Southampton city council do that to make money, no problem I pay for it If in London can without stickers and council plates, why we can not do it in Southampton?*

*To be honest if it had a simple sign for all cars the when you get in the car the driver always checks your name and where you are going. Simple is always best.*

## Against magnetic door signs

*Magnetic door signage is not an option for a private hire vehicle as an unscrupulous driver with an unlicensed vehicle can swap, change or alter them. They can easily be stolen off a licensed vehicles and used by an unlicensed driver.*

*The other thing about the signage, it could not be metallic, it had to be permanent, so it could not be changed.*

*We would definitely not agree to magnetic door signs.*



# Vehicle signage – unique points and suggestions

## In favour of no signs/stickers

*This would be a fantastic initiative and provide great benefit to both drivers and the general public/consumers. It is also backed strongly by the CMA - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/624539/taxi\\_phv\\_la\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/624539/taxi_phv_la_guidance.pdf). DfT guidance / standards, which I assume would side with the CMA, would be welcome here.*

*No signs*

*No stickers*

*No signs or sticker should be in a vehicle it target is thieves to smash the vehicle*

*LICENSED PRIVATE HIRE CARS SIGNAGE, I E LIMOUSINES ARE AT PRESENT EXEMPT FROM ANY SIGNAGE PROVIDING ALL RELEVANT DOCUMENTS ARE CARRIED WITHIN THE LIMOUSINES. ALL MY PASSENGERS ARE COMPANY EXECUTIVES AND REQUIRE TO BE CARRIED WITH SOME PRIVACY. OIL COMPANIES ASK FOR UNMARKED LIMOUSINES FOR THEIR STAFF. THIS IS FOR SAFETY REASONS. IE OIL COMPANIES AND TERRORISTS DON,T MIX. MOST OIL EXECUTIVES REQUIRE TO BE TRANSPORTED ANONYMOUSLY. NO CASH IS INVOLVED WITH THESE JOURNEYS ALL ACCOUNT WORK*

*We don't need signs on the doors, as it makes the car ugly and discriminatory, not uniformity. We carry ids with all infos. It is like we are carrying double unnecessary information because the Council wants it not because it beneficial to anyone.*

*They serve little purpose than advertising for the council/agents and unfairly duplicating info we carry about.*

*I think the licence plate is more than enough.*

*This not safe for driver details stick on to door ,*

*I do not see a point in having the stickers on the door as this does not stop anyone from impersonating a taxi.*

*customers want to know what type of car they are driving in and can have a better experience knowing this if less stickers on vehicle.*

*The sign has failed, because it serves as ads at present and nothing more...Just make our privately owned car make it looks like the operator owned property.*

*sometimes people get mistreated by operators and instead people break taxi vehicles working for that company to express their anger*

*I think vehicle signs are a waste of time and money .*

*It has come to my attention that the major Operators in Southampton are in favour of door stickers on the grounds of safety ! I sincerely hope the council are not seriously considering this argument ,as it is laughable. These operators are currently using drivers from other districts, namely Eastleigh and the New Forest.*

*In my opinion it is purely an attempt to restrict the SAFE working practice of multiple platforms ,working practices that, in my opinion are more stringent than their own.*

*15/61 people voted 'Without Operator Details' when asked 'Which door sticker would you like SCC to enforce?' in their own ran survey*

## In favour of magnetic signs

*Allow drivers to have magnetic stickers therefore allowing them a private life outside work*

*i strongly believe the door signs should become magnetic for the safety of the drivers as in on there days off they can feel safe as no one will target their vehicles as in some cases people think money has been left in there over night etc.*

*the option to have a magnetic sticker with a.n.other operator details on to be placed over the adhesive sticker when (and only when) a job is carried out for that a.n.other operator.*

*I think magnetic signs are the way forward it gives us the option to work for 2/3 different operators instead of just one if we have an operators license we are free to do as what we want...give use the opportunity to make more money instead of struggling with one company*

## Customers given other details/ don't notice signs

*Customer varify us by our id and reg, not sign on the door. For a fact, most don't see the signs first but the REG and interested in ID driver badge rather than signs on the door.*

*All passengers have a Taxi app which provides them the details of driver name car colour registration number and a ring back facility. Also location of car.*

*Even with signs the customer still asks are you a taxi are you this company etc*



## Other comments about vehicle signage

*I have a Restricted license so I am not affected by this issue.*

*I have received feedback from drivers that the proposed alterations of livery comes from one driver with his own personal agenda with a small following in the same company with a worker statues*

*My opinion is that if you book a taxi with a specific operator, then that is what you should get.*

*as an addition the drivers could be asked to have the license sticker or logo of the operators they are working with on the inside of tge wind screen. this practise is being used in other cobtries in the world and proved successfull.*

*I have used them over the last 5 or so years and the driver knowledge is non-existent and you have to direct your taxi driver to your own home, or they are not able to communicate with you and can only take a post code to put in the sat nav and point at the money machine to tell you how much your journey was. We should want better for our citizens.*

*Appendix 3 8.7 states a operator should display telephone number and companies name, as above. Uber was allowed to have a operators licence without displaying a telephone number, how was this allowed? I think there should be a investigation regarding this matter as all legislation was not enforced when granting uber a operators licence! Uber was granted a operators licence without displaying a Telephone number, so the big companies always are able to get around regulations, where individuals always have to abide by regulations.*

*You are licensing taxi drivers to be professionals driver and treating a job as a career, when in fact it could be argued the taxi industry is part of a restrictive gig economy.*

*The clear support for Uber from most authorities which includes SCC will result in an increase in drivers obtaining their licence in soft licensing areas to work many miles away from local enforcement. This year alone we have had a Uber driver and vehicle licensed in Southampton but living and working in Reading who was caught by Reading enforcement officers illegally touting for work. An operator can of course, when annually renewing their private hire vehicle licence, have the ability to complain against the condition and take the council to court. The Reading case in our eyes gives our City a bad name, but it proves that when proper enforcement is applied, it correctly works.*



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### PRIVATE HIRE VEHICLE (PHV) SIGNAGE RESPONSES

ISSUE RAISED	COMMENT
<p>Safety of stickers for customer to recognise the vehicle</p>	<p>This is current practice and has been in place for many years.</p> <p>It clearly identifies the vehicle as a licensed vehicle which is a public safety matter.</p> <p>Provides clarity for customers at locations frequented by PHVs such as night clubs and travel hubs.</p> <p>Removal of the operator detail will make it easier for an unscrupulous driver to take another company's booking.</p> <p>The operator details provide a clear line of communication for anyone in relation to the use of that vehicle.</p>
<p>In favour of stickers with operator details</p>	<p>Concern removal of operator detail will make it easier to take a job not booked to that driver.</p> <p>Elderly customers and the vulnerable are high use taxi users and often rely on traditional methods of communication so looking for a company on a door sign is important for them.</p> <p>The local operators have developed their business on the policies of Southampton, the removal of the company details on the door stickers will have a significant impact on them and could result in them taking advantage of the current state of legislation and licence elsewhere but continue to provide a service in Southampton. They would have to abide by that authority's policy and conditions so very unlikely to have cameras or local enforcement officers which will undermine our policy and conditions.</p>
<p>Should only work for one company</p>	<p>Removal of the company name from the door sticker although making it a lot easier for a driver to work for multiple operators at the same time will prevent operators from being able to regulate the work as they will not know which drivers are going to be available. The vulnerable in our society are more reliant on the taxi trades and will therefore be adversely impacted.</p> <p>The removal of the company name will not increase the amount of work for the trade overall, all it will do is improve the chances of those that decide to use more than one operator. A reduction or perceived reduction in the safety element of the policy is more likely to reduce the overall number of journeys for the trade.</p> <p>Working for more than one operator is likely to increase the distraction of the driver as they will have multiple apps or devices to manage.</p> <p>Making it easier to work for more than one company at a time will allow drivers to be more selective on the jobs they accept. i.e. a short trip with company A comes in worth £5 as a longer trip with company B comes in worth £30 is likely to result in an operator having difficulty fulfilling the short</p>



	trips. It should also be noted the vulnerable and those with mobility issues are more likely to require these shorter journeys.
Should be allowed to work for multiple operators	<p>Drivers are free to choose which operator to apply for.</p> <p>Hackney carriages are not required to display door stickers, it is only PHVs that are required to display the door stickers.</p> <p>This is not going to increase the amount of work for the private hire industry.</p> <p>Any operator unable to fulfil a booking with their own vehicles can pass that booking to another operator, either one licensed by Southampton or any other licensing authority. The national companies that tend to be app based companies are more likely to pass the booking to one of their own operators licensed elsewhere.</p> <p>We will make Southampton a more attractive authority to licence with as an authority of convenience leading to an increased number of vehicles being licensed in Southampton but working in other towns and cities.</p> <p>A vehicle remains licensed all of the time regardless of the use it is put to, the policy is a choice of stickers so the vehicles will remain clearly identifiable as licensed vehicles.</p> <p>Suggestion to remove all signs and use a roundel similar to London, this will make unlawful plying for hire much easier and poses a risk to the public in making vehicle identification more difficult.</p>
Magnetic door signs	<p>A lot of modern cars use less steel in vehicle production preventing magnetics.</p> <p>Magnetics are an insecure load, they are prone to coming off during a journey, particularly on motorway trips, which is a hazard and could result in an accident.</p> <p>Magnetics would also make it very easy to steal and use on an unlicensed vehicle.</p> <p>Portsmouth licensing advise allowing magnetic signs is a trial and already has evidence of cars with no signs.</p>
No signs or stickers	<p>Reference to the Competitions Market Authority suggesting the proposal to have door stickers is contrary to the CMA guidance. The CMA's view is that competition should only be restricted by regulatory rules to the extent that is necessary to protect consumers. The purpose of the stickers is to protect the public and in particular the vulnerable.</p> <p>Suggestion the stickers attract damage and theft. On a few occasions we have been advised by the police thieves are targeting taxis, however it is a legal requirement to have a plate so the vehicle will still be identifiable as a taxi but not so clearly.</p>

	<p>Making a vehicle easily identifiable as a Southampton licensed vehicle supports the safety aspect of the policy. Customers will know these cars have a high standard, with cleaner engines, taxi cameras, thorough testing regime and more.</p> <p>Comments are made the signs are just advertising for the city and this is another benefit, the taxi trades are often the first contact visitors have and first impressions have a lasting impact. The better that first interaction is the better the impression and these are often people who will attract more business and visitors to the city, improving the opportunity for all.</p>
Customers given other details/Do not notice stickers	<p>Not all companies have an app, the local companies that do have an app also operate a traditional call centre, albeit some have some levels of automation. The national companies tend to be purely app based. This means not all customers receive details of the driver and vehicle coming for them. Certain locations making bookings for their customers, such as hotels, will not always be sending details of the vehicle and driver, making the vehicle identification important.</p>
Other comments on vehicle signage	<p>Restricted vehicles are predominantly chauffeur work carried out by way if a contract rather than the traditional private hire of making a phone call to an operator. The vehicles have to be high spec and are predominantly high spec Mercedes. They carry out a lot of MOD and top business contracts with very little public safety risk. The only other vehicles are a small number of novelty hire vehicles, these are often unique vehicles used very rarely as private hire and the risks are minimal. The proprietor of a restricted vehicle can ask for an exemption from the need for stickers.</p> <p>Operators will naturally wish to fulfil a job with one of their own vehicles but are able to pass the booking to another operator to ensure the customer receives a service and is not left stranded.</p> <p>The legislation was applied and a change of policy was adopted by the committee to allow a more modern means of communication be used on the door sticker instead of a traditional phone number.</p> <p>The licensing policy is about public safety, the benefits of setting these standards is to improve customer confidence which should result in increased use of Southampton licensed vehicles in our city.</p>
More clarification on door stickers (Under other comments)	<p>The legislation allows the licensing authority to apply conditions as it sees fit. Conditions cannot go against other legislation. A condition for door signs in either option is lawful</p> <p>Licensed vehicles, unlike a normal private car, are able to travel to nearly any location at any time of the day or night and not raise suspicion, making it an</p>

	ideal vehicle for criminal activity. For this reason, it is important they are clearly identifiable, and licences are only granted to those worthy.
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## Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act 2010 (the 2010 Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	To provide an option for private hire vehicles to display either a council door sign without operator details or one with operator’s details.
<b>Brief Service Profile (including number of customers)</b>	
<p>Taxi and Private Hire Vehicle (PHV) licensing in Southampton is undertaken by Southampton City Council (the Council) as the licensing authority, which has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, while providing a fair and reasonable service for the taxi and PHV trade. Currently the Council grants over 3000 licences to over 2000 individuals.</p> <p>To deliver its responsibilities, the Council’s core functions in taxi and PHV licensing are:</p> <ul style="list-style-type: none"> <li>• setting the local framework, which can include safeguarding standards, fares, vehicles standards and limits on vehicle numbers;</li> <li>• considering licence applications and safeguarding the public by issuing, reviewing or revoking licences; and,</li> <li>• undertaking inspection and enforcement activities to ensure the required standards are being maintained.</li> </ul> <p>A significant amount of work undertaken by Private hire companies is contract work which often involves the vulnerable. A number of elderly and vulnerable residents rely upon private hire and taxi services for medical appointments and shopping.</p> <p>Vehicles licensed by Southampton City Council have a set of conditions suited to the work in the city and the main public safety element of this is the requirement to have a taxi camera fitted.</p> <p>Traditionally private hire operators have taken bookings over the phone and sent a car with their company name on the door stickers so the customer can identify the car they</p>	

have booked and be reassured it is a properly licensed vehicle. This is an important public safety feature.

The introduction of modern technology, in particular mobile phone apps has revolutionised the industry. A significant number of private hire bookings are now performed via an app on a mobile phone and the car and driver details are relayed to the customers using the app. This reduces the importance of the door signage, although does not remove the issues they are designed to address.

**Summary of Impact and Issues**

Currently policy requires door signage on private hire vehicles to include the name and contact details of the operator. This has the effect of restricting drivers to working for only one operator at a time.

The reasons for retaining the current policy are set out in the report and relate specifically to public safety.

It should be noted, keeping the requirement to display operator details is likely to lead to some individual drivers licensing with other authorities for the same reasons.

**Potential Positive Impacts**

Please note it is difficult to determine the impact any change of policy will have on where drivers, proprietors or operators will licence.

The proposal to consider allowing a choice of doorsign including one without operator details is likely to lead to drivers working for more than one operator at a time and providing them with a lot more choice of the trips they fulfil, a £5 trip is less attractive than a £30 trip.

However this creates potential of short trips being cancelled leaving people vulnerable and makes them difficult to fulfil as outlined in the attached report

<b>Responsible Service Manager</b>	Phil Bates, Licensing Manger
<b>Date</b>	
<b>Approved by Senior Manager</b>	Mary D’Arcy, Executive Director, Communities, Culture & Homes
<b>Date</b>	25.10.21

**Potential Impact**

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	Research shows that whilst use of digital technology has increased amongst older age groups there is still a higher proportion who are less likely to use apps which may cause	Retaining the policy mitigates this risk

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
	issues identifying the vehicle they have booked.	
<b>Disability</b>	Some need to identify the vehicle from within their home or another building, the company livery and signage makes this easier	Retaining the policy mitigates this risk
<b>Gender Reassignment</b>	No identified impact	N/A
<b>Marriage and Civil Partnership</b>	No identified impact	N/A
<b>Pregnancy and Maternity</b>	No identified impact	N/A
<b>Race</b>	No identified impact	N/A
<b>Religion or Belief</b>	No identified impact	N/A
<b>Sex</b>	No identified impact	N/A
<b>Sexual Orientation</b>	No identified impact	N/A
<b>Community Safety</b>	Taxis and private hire vehicles are a high risk environment. If there is an increase in drivers and vehicles licensing elsewhere it will reduce the percentage of vehicles with taxi cameras.	Other encouragements to licence with SCC, promote the taxi camera safety feature to the public.
<b>Poverty</b>	No identified impact	N/A
<b>Health &amp; Wellbeing</b>	Older Private hire vehicles emit more harmful emissions. The relaxation of the requirement to display operator details places the onus on the operator which in turn triggers issues for them concerning employment rights with drivers, this in turn may result in operators moving their operations to other authorities where older vehicles emitting more harmful emissions are allowed.	Work with operators to encourage them to remain licensed in SCC.  Continue to work with other authorities encouraging them to adopt similar conditions on vehicles
<b>Other Significant Impacts</b>	No identified impact	N/A

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