

NOTICE OF MEETING

LICENSING COMMITTEE

FRIDAY, 22 MARCH 2019 AT 2.30 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Licensing Committee Members:

Councillors David Fuller (Chair), Ian Lyon (Vice-Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, George Fielding, Hannah Hockaday, Leo Madden, Gemma New, Scott Payter-Harris, Steve Pitt, Darren Sanders, Benedict Swann, David Tompkins and Claire Udy

Standing Deputies

Councillors Ryan Brent, Jo Hooper, Hugh Mason, Gerald Vernon-Jackson CBE, Steve Wemyss and Rob Wood

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the deputation (eg. for or against the recommendations). Email requests are accepted. Contact: the Democratic Services Officer as listed above.

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Members' Interests
- 3 Minutes of the Previous Meeting (Pages 7 - 10)

RECOMMENDED that the minutes of the Licensing Policy Committee meeting held on 6 October 2017 be agreed as a correct record.

- 4 **DfT consultation - draft statutory guidance to licensing authorities - taxis and private hire licensing.** (Pages 11 - 78)

Purpose.

The purpose of this report is to notify the Licensing Committee of the current consultation by the Department for Transport (DfT) in respect of draft statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

RECOMMENDED that the committee note:

- 1) The consultation and draft statutory guidance;
- 2) The comparison between the draft guidance and its own statement of policy for hackney carriage and private hire licensing;
- 3) The proposed responses to the consultation and delegate authority to the Head of Culture, Leisure and Regulatory Services to respond on behalf of the Licensing Authority.

- 5 **Section 165 and 167 of the Equality Act 2010- wheelchair accessible vehicles.** (Pages 79 - 106)

Purpose.

The purpose of this report is twofold, namely:

- To inform the committee as regards the provisions of Section 165 and 167 of the Equality Act 2010 ("The Act") in respect of wheelchair accessible vehicles; and
- For the committee to determine whether to instruct officers to compile a list of designated vehicles in accordance with the requirements of the Act.

Recommendations

- 1) That the committee determine whether to progress the introduction of a list of designated vehicles in accordance with the Equality Act 2010; and
- 2) If the committee wish to approve the arrangements as set out in the Act, that:
 - Delegated authority is granted to the Head of Culture, Leisure and Regulatory Services to commence action as set out in paragraph 3.9 of this report; and

- **Delegated authority is granted to the Head of Culture, Leisure and Regulatory Services to introduce and maintain such a list, including updates where appropriate, together with the issue and refusal of exemption certificates to licensed drivers in accordance with 166 of the Act.**

6 Hackney carriage and private hire matters - amendments to statement of licensing policy. (Pages 107 - 282)

Purpose.

The purpose of this report is twofold. Firstly, it is for the Committee to consider and approve amendments to its current statement of licensing policy for the hackney carriage and private hire trade in Portsmouth so far as they relate to age specifications for vehicles. Secondly, to determine whether it would wish officers to prepare a future report, together with any relevant evidence, in order to review any other aspect of the policy that the Committee considers is necessary.

RECOMMENDATIONS:

a) That the Licensing Committee approve the proposed amendments in respect of age specifications for private hire and hackney carriage vehicle licences as follows;

(i) That the Licensing Policy (reference minute 9/2016) be amended as follows:

That, as a matter of local policy and condition for both hackney carriage and private hire vehicle licences; all private hire and hackney carriage vehicles presented for initial licensing shall be under 4 years of age on first licensing and may remain licensed until 8 years of age and provided the vehicle is mechanically fit and supported by an evidenced service history in line with the manufacturer's guidelines.

(ii) That any vehicle presented for a temporary use licence shall be under 2 years old and provided the vehicle is mechanically fit and supported by an evidenced service history in line with the manufacturer's guidelines.

(iii) As a consequence of the change in policy in relation to age specifications, that the existing mechanical testing for both types of vehicles be varied as follows:

**Vehicles 0 - 4 years of age - 1 full test per year;
Vehicles 4 years of age and over - 2 full tests per year.**

Any reference within the policy to "mini-tests" to no longer apply.

b) That the Committee grant delegated authority to the Head of Culture, Leisure and Regulatory Services to:

(i) consider and determine applications for continued licensing of exceptional hackney carriage or private

hire vehicles between the ages of 8 years and 10 years on individual merit and the scheme of delegation as set in the policy be amended accordingly;

ii) to prepare appropriate guidance to applicants seeking permission to extend the age specification in respect of individual licensed vehicles;

(ii) charge a reasonable application fee for such applications (subject to public consultation).

c) If considered necessary, to instruct officers to prepare a future report, together with any available evidence, that would support any review of any of the aspects of the current statement of licensing policy.

7 Report of the task and finish group on taxi and private hire vehicle licensing - update on government response. (Pages 283 - 382)

Purpose.

The purpose of this report is to inform the committee about work undertaken by the Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing and the published response by the Government to its recommendations.

RECOMMENDED that the Licensing Committee note the contents of the report.

8 Fixed odds betting terminals - update on legislative changes. (Pages 383 - 466)

Purpose.

The purpose of this report is to update the committee upon the government's consultation and subsequent response in relation to proposals for changes to gaming machines and social responsibility measures so far as they relate to fixed-odds betting terminals.

RECOMMENDED that the Licensing Committee note the contents of the report

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