

NOTICE OF MEETING

LICENSING COMMITTEE

FRIDAY, 12 APRIL 2019 AT 2.30PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: Democratic@portsmouthcc.gov.uk

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 5 - 12)**

RECOMMENDED that the minutes of the meeting held on 22 March be agreed as a correct record.

4 **Town Polices Clauses Act 1847 and Part II Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage & Private Hire Matters - Amendments to the Statement of Licensing Policy. (Pages 13 - 46)**

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, having regard to the views of the committee when this item was first considered and deferred on 22 March 2019.

Secondly, to determine whether the committee 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. Any report will not be able to be considered by the committee until the end of Purdah arrangements.

RECOMMENDED

That the Licensing Committee approve the proposed amendments to the Statement of Licensing Policy as follows:

a) That the Statement of Licensing Policy (reference - minute 9/2016) be amended as follows:

(i) 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;

(ii) In respect of:

- **Any designated wheelchair accessible vehicle (WAV) (as designated by the Licensing Authority in accordance with section 167 of the Equality Act 2010);**
- **Any electric and/or hybrid vehicle; or**
- **Any multi-passenger vehicle (MPV) (consisting of 8 passenger seats)**

a licensed hackney carriage or private hire vehicle may remain licensed until 10 years of age, provided the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers guidelines;

(iii) Any other vehicle type not mentioned in (ii) above may remain licensed until 8 years of age, provided the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers guidelines;

(iv) That any vehicle presented for a temporary use licence shall be under 2 years old and the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers' guidelines;

(v) As a consequence of the change in policy in relation to age specifications, that the existing inspection and testing of vehicles in accordance with the PATN guidance for both types of vehicles be varied as follows:

Vehicles 0 - 4 years of age - 1 full test per year;

Vehicles 5 years of age and over - 2 full tests per year;

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

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

- Consider and determine applications for continued licensing of exceptional hackney carriage and private hire vehicles over the age of 8 years (or 10 years in respect of WAVs, MPVs (consisting of 8 passenger seats) and Electric and/or hybrid vehicles) on individual merit and the scheme of delegation as set out in the policy be amended accordingly;
- To prepare appropriate guidance to applicants seeking permission to extend the age specification in respect of individual licensed vehicles;
- To charge a reasonable application fee for such applications (subject to statutory public consultation).

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

- Consider individual requests by licensed hackney carriage and private hire vehicle proprietors to permit discretion in respect of the lifting of vehicle suspensions arising from an inspection failure in those circumstances where:
 - a garage retest cannot be immediately re-arranged, (up to a maximum period of 2 working days); and
 - the lifting of the suspension will not contravene an element of DVSA prescribed testing legislation for MOT testing of the appropriate class of vehicle and will not materially affect the safety, mechanical fitness or comfort of the vehicle concerned or breach a condition or byelaw attached to the vehicle licence.

- **Prepare suitable guidance for hackney carriage and private hire vehicle proprietors (in conjunction with the Council's Approved Vehicle Inspector) in respect of those circumstances where discretion can be used.**

- c) **If considered necessary, to task officers to bring a future report to the committee (outside of current Purdah arrangements), together with any available evidence and necessary consultation with relevant stakeholders, that would support any review of any other aspects of the current statement of licensing policy.**

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