



NOTICE OF MEETING

LICENSING COMMITTEE

FRIDAY, 25 OCTOBER 2019 AT 10.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith Democratic Services Tel: 9283 4057

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 Claire Udy (Chair), Scott Payter-Harris (Vice-Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, John Ferrett, George Fielding, Hannah Hockaday, Leo Madden, Lee Mason, Gemma New, Steve Pitt, Benedict Swann, Linda Symes and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Chris Attwell, Cal Corkery, Jo Hooper, Lee Hunt, Robert New, 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 - 12 April 2019 (Pages 5 - 8)

RECOMMENDED that the minutes of the Licensing Policy meeting held on 12 April 2019 be approved as a correct record.

4 Air Quality Local Plan and Implications for Hackney Carriage and Private Hire Vehicles (Pages 9 - 12)

The Licensing Manager will present the report by the Director of Culture, Leisure and Regulatory Services, the purpose of which is to:

- update the Licensing Committee upon the Air Quality Local Plan and the implications for licensed hackney carriage and private hire vehicles
- seek the Committee's approval to bring a further report to members setting out options for the review of its existing statement of licensing policy in relation to vehicle specification.

RECOMMENDED that the Licensing Committee:

- i) notes the update on the development of the Air Quality Local Plan and its effect on licensed hackney carriage and private hire vehicles;**
- ii) authorises the Licensing Manager to prepare a further report for consideration by the Licensing Committee which sets out options for the review of its existing hackney carriage and private hire statement of licensing policy having regard to the effect of the Air Quality Local Plan;**
- iii) require the Licensing Manager to include proposals within the report in line with required Euro Standards for a Clean Air Zone and progressive tightening of the vehicle specification policy.**

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Agenda Item 3

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Friday, 12 April 2019 at 2.30pm at the Guildhall, Portsmouth

Present

Councillors David Fuller (Chair)
Jason Fazackarley
George Fielding
Leo Madden
Steve Pitt
Claire Udy

9. Apologies for Absence (AI 1)

Apologies were received from Councillors Dave Ashmore, Tom Coles, Ian Lyon, Gemma New, Scott Payter-Harris, Darren Sanders and David Tompkins.

10. Declarations of Members' Interests (AI 2)

No interests were declared.

11. Minutes of the Previous Meeting (AI 3)

RESOLVED that the minutes of the previous meeting held on 22 March 2019 be agreed as a correct record subject to the following correction:

In his deputation, Viv Young was talking about wheelchair accessible hackney carriage vehicles not private hire.

12. 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. (AI 4)

Nickii Humphreys, Licensing Manager introduced the report.

The Chair thanked her for the well written report.

During the discussion that followed, members noted that this item follows on from the discussion at the previous meeting regarding whether to extend the age limit for electric, hybrid and wheelchair accessible and multi-passenger vehicles to reflect the higher purchase costs of these.

Councillor Vernon-Jackson put forward the following proposal:

Section a

ii) Replace 10 with 12 years of age.

iii) Remove *until 8 years of age*.

vi) Remove this section.

b) First bullet point (garage retest). Add 'which will always be granted'.

He commented that if a vehicle passes the necessary tests, no artificial age limit would be required.

In response to questions from the committee, Ms Humphreys explained that there is a general decline in the maintenance and appearance of vehicles over 8 years old. The recommendation is for the committee to uphold its standards in order to provide reassurance to the travelling public.

In response to questions from the committee, Simon Potter, Service Manager at Adams Morey explained that the PATN guidance was set by the Licensing Committee in 2015. There was an initial bedding in period, with demonstration tests given to the trade and Councillors. There is no need for a two day grace period as leeway is given for small faults.

Councillor Jason Fazackarley seconded the proposal.

Members' noted the following points:

It is essential that all the council's discussions take account of climate change and air quality. New cars are of better quality now so there is no need to extend to the age minimum limit to 10 or 12 years.

It was disappointing that comments from the Director of Public Health had not been included in the report.

Older vehicles are more likely to be diesel but could be required for special events.

Having more multi-passenger vehicles means that there are fewer normal sized vehicles on the road.

It is important that licensed drivers are encouraged to buy electric and hybrid vehicles.

If a vehicle is breaking down regularly, the owner will probably replace it. Therefore there would be a very small number of older licensed vehicles on the road.

In response to questions, Mr Potter explained that all vehicles must pass emission tests set at levels dependent on their age. These are the same standards as MOTs.

Euro 5 and Euro 6 emissions standards are the highest.

Ms Humphreys explained that discretion is applied regarding the action required after a test failure. The policy is written in general terms so each case must be determined on its own merit. That decision must be taken at an operational level; it would be inappropriate for a subcommittee to be convened for this.

The Legal Advisor reminded the committee that the report proposes an amendment to the existing policy in terms of vehicle age restrictions.

If the committee would need to consider carefully before scrapping this policy as this would be a new agenda item and therefore dealt with at a future meeting.

Ms Humphreys added that details regarding other licensing authorities that do not have minimum age limits for their licensed vehicles could be brought to a future meeting so that the committee could make an informed decision.

Viv Young included the following points in his deputation:

- He considered the test failure reports shown in appendix A were extreme examples. The faults listed were not acceptable.
- On Friday 29 March a taxi had a puncture on the way to the test centre and consequently failed its test. The puncture was repaired within half an hour but the vehicle was off road until a retest could be carried out and it was off the road for two and a half days.
- He asked the committee to consider amending the policy to make a puncture an advisory item and to be more lenient for other small faults.
- On average, 1,200 Portsmouth licensed vehicles carry out 120 jobs per week. That's 7.5m jobs per year. He asked the committee how many complaints were received per year.
- Many private hire drivers who are licensed outside of the city operate in Portsmouth.
- The standards from Fareham not as high.
- The committee might wish to review driver requirements at a future meeting.

Bruce Hall included the following points in his deputation:

- If more and more restrictions are imposed, drivers will work elsewhere.
- In Wolverhampton more than 450 private hire vehicles are licensed there but work elsewhere.
- Everyone wants better air quality.
- The same rules should be applied across the country.

Councillor Lynne Stagg, Cabinet Member for Traffic and Transportation was invited to give her views:

- She is a member of the air quality steering group.
- Vehicle emissions are more important than its condition.
- Extending the maximum age limit for electric and hybrid licensed vehicles would encourage drivers to purchase them. The longer working life would offset the initial higher cost.
- An electric hackney carriage vehicle was recently on display for Councillors in the Guildhall Square. It had an aluminium underneath to prevent rusting.
- Applying the same licensing standards across the area would be a good idea.

Members discussed the possibility of more frequent testing for cars over 8 years old.

Councillor Vernon-Jackson withdrew his original proposal and submitted a new one which was seconded by Councillor Fazackarley.

Members voted on the proposal and it was passed.

DECISIONS

That the Licensing Committee approved 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) Any vehicle may remain licensed 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) 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;

(iv) 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;

(v) That officers prepare a future report for consideration by the Licensing Committee in respect of:

- The consideration of 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.

The meeting concluded at 4pm

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Signed by the Chair, Councillor David Fuller

Agenda Item 4



Portsmouth
CITY COUNCIL

Title of meeting: LICENSING COMMITTEE

Date of meeting: 25 OCTOBER 2019

Subject: AIR QUALITY LOCAL PLAN AND IMPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Report by: DIRECTOR OF CULTURE, LEISURE AND REGULATORY SERVICES

Wards affected: ALL

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 The purpose of this report has two parts:

- To update the Licensing Committee on the Air Quality Local Plan and the implications for licensed hackney carriage and private hire vehicles; and
- To seek the Committee's approval to bring a further report to members setting out options for the review of its existing statement of licensing policy in relation to vehicle specification.

2. Recommendations

2.1 That the Licensing Committee:

- a) notes the update on the development of the Air Quality Local Plan and its effect on licensed hackney carriage and private hire vehicles;
- b) authorises the Licensing Manager to prepare a further report for consideration by the Licensing Committee which sets out options for the review of its existing hackney carriage and private hire statement of licensing policy having regard to the effect of the Air Quality Local Plan; and
- c) require the Licensing Manager to include proposals within the report in line with required Euro Standards for a Clean Air Zone and progressive tightening of the vehicle specification policy.

3. Background

- 3.1 The Licensing Committee last reviewed its hackney carriage and private hire statement of licensing policy on 12 April 2019 in respect of age specification for vehicles.
- 3.2 At that time, the Committee were advised that the Council is required, through a Ministerial Directive, to produce an Air Quality Local Plan to achieve city-wide compliance with legal limits for nitrogen dioxide.
- 3.3 Members were also advised that one of the main sources of nitrogen dioxide in the city's air is emissions from road vehicles. In 2017, the Council commissioned a Source Apportionment Study which identified that of all road vehicles, cars and taxis were the greatest contributors to mean annual concentration of nitrogen dioxide. Changes to emissions standards over time have reduced the levels of pollution produced by vehicles, therefore older vehicles still on the road are likely to be the heaviest polluters.
- 3.4 Notwithstanding the implications of the Ministerial Directive in terms of air quality, the Licensing Committee made the following amendments to its hackney carriage/private hire statement of licensing policy:
- 3.5 ***All private hire and hackney carriage vehicles presented for initial licensing shall be under 4 years of age on first licensing;***
- Any vehicle may remain licensed 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.***
- 3.6 Since the date of the Licensing Committee, work by the Transport Planning Officers has been ongoing and led to creation of the Air Quality Local Plan. At Cabinet, meeting on 9 September 2019, members approved a Class B Clean Air Zone ("CAZ") combined with a number of non-charging measures to ensure compliance by the end of 2022.¹
- 3.7 Under the Clean Air Zone Framework, charging Clean Air Zones are sub-divided into classes A - D on the basis of the types of vehicles to which the charging schemes may apply.
- The Class B CAZ targets taxis, private hire vehicles, buses, coaches and HGV's.
- 3.8 The effect of the CAZ will mean that any licensed vehicle which does not meet the Euro 6 Emission Standard (Diesel) or Euro 4 Emission Standard (Petrol) will

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<https://democracy.portsmouth.gov.uk/documents/s23892/Air%20Quality%20Local%20Plan%20Update%20Report.pdf>

be subject to a daily charge when driving around the City.² Whilst the exact boundary of the CAZ is still to be finalised, there is potential for it to be focussed on an area in the southwest of Portsea Island, covering the city centre and surrounding area.

- 3.9 Analysis of current PCC licensed vehicles shows that out of a total of 1054, 489 diesel vehicles (44%) do not meet the Euro 6 Standard.
- 3.10 On 3 October a meeting of the Hackney Carriage/Private Hire Consultative Group took place between Licensing Committee members and representatives of the hackney carriage and private hire trade. Transport Planning Officers leading on the Air Quality Local Plan attended this meeting and gave an informative presentation regarding air quality issues in the city and how PCC seeks to make improvements.
- 3.11 Discussions took place between members, the trade and officers in terms of the potential for reviewing the current policy in respect of age specifications of licensed vehicles and how a case can be made for government funding - the Clean Air Fund to help the trade to switch to a cleaner mode of transport.
- 3.12 It was agreed at this meeting that a working group meeting would be arranged before the end of October so that the trade could put forward their ideas and suggestions for what initiatives would be most beneficial to facilitate the switch to cleaner licensed vehicles.
- 3.13 It was also agreed that this report would come before the Licensing Committee to highlight how the Air Quality Local Plan will affect the private hire and hackney carriage trade and to seek approval for officers to prepare a future comprehensive report for consideration by members in respect of:
- Options for proposed changes to the current policy in relation to vehicle specifications/age;
 - To report on the views of the hackney carriage and private hire trade arising from the Working Group; and
 - To include reference to incentives that could be met from the Clean Air Fund for consideration by the Committee.

4. Reasons for recommendations

- 4.1 To ensure that the Licensing Committee are kept informed as to the impact of the Ministerial Directive and Portsmouth's Air Quality Local Plan on its licensed hackney carriage and private hire vehicles.

² Euro 6 Emission Standard was introduced on 1 September 2015 - any diesel vehicles registered before this date will be non-compliant.

Euro 4 Emission Standard was introduced on 1 January 2006 - any petrol vehicles registered before this date will be non-compliant.

4.2 To provide the Licensing Committee with an opportunity to give consideration as to whether or not the existing policy in relation to vehicle specification should be reviewed and achieve a closer alignment with the Council's Air Quality Local Plan.

5. Equality impact assessment (EIA)

No EIA is required at present as the purpose of this report is to note developments in respect of the Air Quality Local Plan and to approve a further report to be prepared for the Licensing Committee.

6. Legal Implications

The legal implications are embodied in this report and associated appendices.

7. Finance Comments

None applicable directly to this report.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: