

## 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