

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
HAMPSHIRE PO9 2AX



Telephone: 023 92446019
Website: www.havant.gov.uk

8 August 2023

SUMMONS

Dear Councillor

You are requested to attend the following meeting:

Meeting: Licensing Committee
Date: Wednesday 16 August 2023
Time: 5.30 pm
Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Steve Jordan
Chief Executive

LICENSING COMMITTEE MEMBERSHIP

Membership: Councillor Payter (Chairman)

Councillors Patrick (Vice-Chairman), Keast, Blades, Brent, Gray, Milne, Moutray,
Patel, Scannell, Seal, Mrs Shimbart, Wade and Weeks

Contact Officer: Emma Carlyle Democratic Services Officer (023) 9244 6151
Email: emma.carlyle@havant.gov.uk

AGENDA

PART 1 (Items open for public attendance)

1 Apologies

To receive and record apologies for absence.

2 Minutes of the previous meeting

Page

1 - 4

To approve:

- 1 the minutes of the meeting of the Licensing Committee held on 26th June 2023

3 Declarations of Interests

To receive and record any declarations of interests from members present in respect of any of the various matters on the agenda for this meeting.

4 Review of Statement of Principles – Gambling Act 2005 5 - 72

Report number HBC/028/2023 of the Licensing Team Leader enclosed.

5 Review of Statement of Licensing Policy – Licensing Act 2003 73 - 122

Report number HBC/029/2023 of the Licensing Team Leader enclosed.

6 Review of Hackney Carriage and Private Hire Licensing Policy 123 - 260

Report number HBC/030/2023 of the Licensing Team Leader enclosed.

GENERAL INFORMATION

IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 9244 6019

Internet

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Havant

BOROUGH COUNCIL

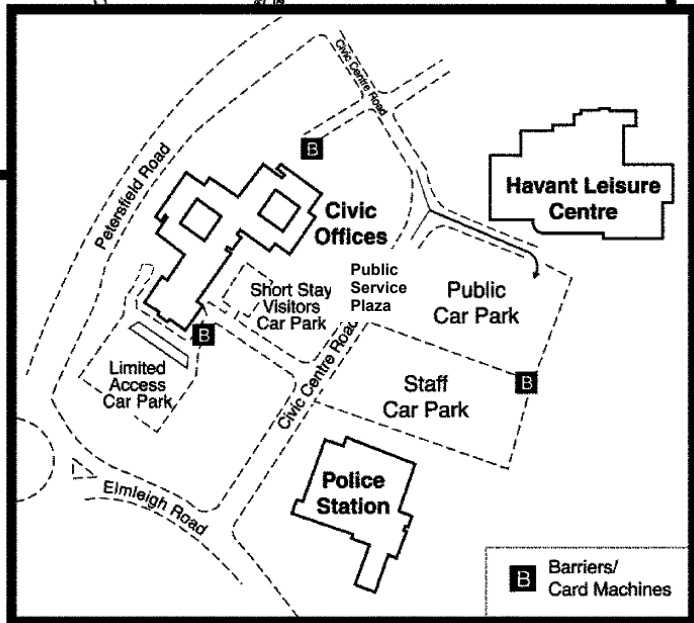
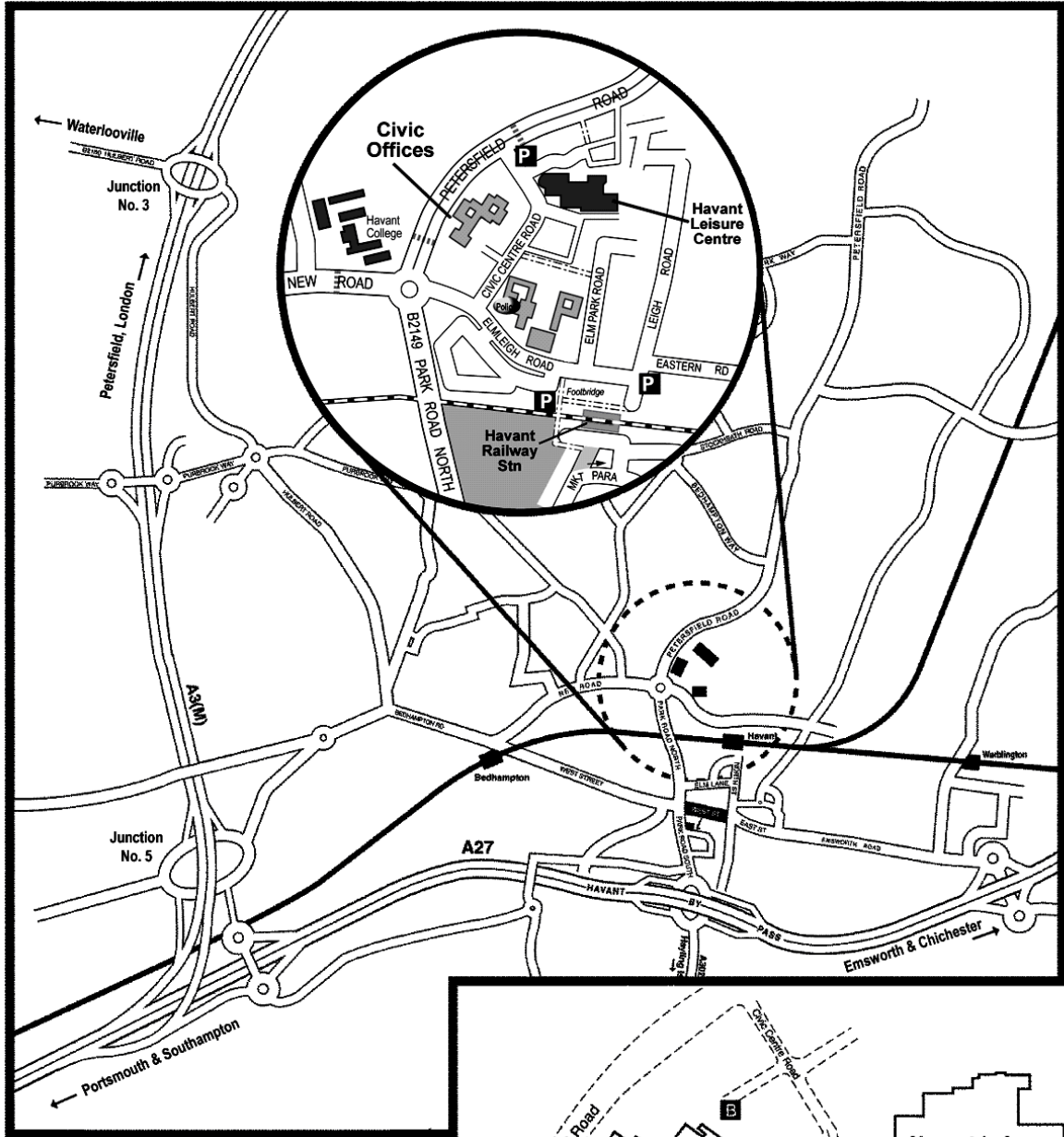
PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



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HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 26 June 2023

Present

Councillor Payter (Chairman)

Councillors Patrick (Vice-Chairman), Keast, Brent, Gray, Patel, Sceal, Mrs Shimbart, Wade, Weeks, Blades and Harris

6 Apologies

Apologies were received from Councillors Milne and Moutray.

7 Declarations of Interests

There were no declarations of interests from members present in respect of any of the various matters on the agenda for this meeting.

8 Minutes of the previous meeting

RESOLVED that:

the minutes of the meeting of the Licensing Committee held on 12th June 2023 be agreed as a correct record subject to the below amendments to be made to the Unmet Demand Survey item:

“Following questions; Members took part in a debate regarding their views on the results of the survey; some concerns were raised regarding the validity of speaking with the profession only specifically in terms of unspent capacity”.

9 Review of Statement of Principles, Gambling Act 2005

The Licensing Team Leader introduced her report. In response to questions from Members, the officer advised that:

- Any reference to the Gambling Act 2005 includes all previous incorporated changes. This Act is “as amended.”
- The Licensing Authority are responsible for putting updates onto their website, i.e publishing notice of applications. The Act refers to the applicant’s obligations to publish notices at the premises and in a local newspaper.

It was also noted that at section 9.2 an error in the wording will be amended from “fee” to “free”.

PROPOSED by Councillor Weeks and **SECONDED** by Councillor Sceal
RESOLVED that Members **APPROVE** the revised Statement of Principles under the Gambling Act 2005 for the purpose of consultation.

10 Review of Statement of Licensing Policy, Licensing Act 2003.

There were no questions raised from Members. **PROPOSED** by Councillor Weeks and **SECONDED** by Councillor Shimbart the Committee **RESOLVED** that Members:

APPROVE the revised statement of Licensing policy under the Licensing Act 2003 for the purpose of consultation.

11 Adoption of Street Trading Provisions - Local Government (Miscellaneous Provisions) Act 1982

Following questions from Members, the Officer advised that:

- Consent streets were originally designated by the Council in the 1980s.
- If a road name is not contained on the list, then anyone can trade there (with landowners permission) which results in concern over the enforcement of this.
- It is not unusual for an authority to designate every street in their authority on the list.

It was **PROPOSED by Councillor Brent and SECONDED by Councillor Patel** that the recommendation be **AMENDED** to:

Adopt **ALL** streets in the borough (that fall within the definition of streets in this legislation) as a consent street.

PROPOSED by Councillor Keast and **SECONDED** by Councillor Patel it was **RESOLVED** that Members;

APPROVE the commencement of the statutory consultation process for adopting the relevant legislation and designating **ALL** streets in the borough (that fall within the definition of streets in this legislation) as a consent street.

12 Street Trading Policy

The Licensing Team Leader introduced her report, following questions from Members it was clarified that:

- One off markets would likely need street trading consent. This would include one application for the entire site.
- A Pedlars Certificate relates to a travelling salesman, who must be moving when trading. Pedlars Certificates are issued by the local police.

PROPOSED by Councillor Keast and **SECONDED** by Councillor Sceal, **RESOLVED** that Members;

APPROVE the draft street trading policy for public consultation.

Licensing Committee (26.6.23)

The meeting commenced at 5.00 pm and concluded at 5.44 pm

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NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

16 August 2023

REVIEW OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005

FOR RECOMMENDATION FOR ADOPTION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/028/2023

1. Purpose

- a. This report outlines the responses received during the consultation period for the proposed changes to the Council's current Statement of Principles under the Gambling Act 2005.

2. Recommendation

- a. Members are requested to:
 - i. Review comments received during the consultation, approve any amendments to the policy required as a result of consultation responses, and recommend the policy for adoption by Full Council.

3. Executive Summary

- a. The Council is reviewing its Statement of Principles, required under Section 249 of the Gambling Act 2005 to be published every three years. The aim is to incorporate guidance issued by the Gambling Commission and ensure that the policy is reflective of the local area profile.
- b. The Gambling Commission's 'Guidance to Licensing Authorities' was last updated in April 2023, and so this review presents an opportunity

to ensure that the Statement is consistent with current guidance from the main regulatory body for gambling activities.

- c. Following a Licensing Committee meeting held on 26 June 2023, the Council sought the views of representatives of persons interested in carrying on gambling activities, representatives of those who may be affected by the Council's operation under the policy, the general public and other licensing authorities during a four-week consultation. Responses were invited in writing to the Licensing Department. The consultation period ended on 30 July 2023.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Wellbeing: The regulation of gambling activities aims to protect children and vulnerable persons from gambling-related harm. By publishing this Statement, the Council has taken into consideration the local profile of the Borough and how partner agencies and operators can work together to ensure the safety of those who choose to participate in gambling activities, and those who are prohibited from doing so.
- b. Pride in Place: Publishing a statement of how the Council intends to exercise its functions with respect to gambling provides gambling operators with transparency, enabling them to submit applications and operate their premises with full knowledge of the relevant legislation, conditions, guidance and local policies. Liaison with partner agencies and implementing a proactive enforcement programme for gambling activities may also drive improvements relating to communities, safety, and place.

6. Options considered

- a. The Council has considered the responses received during the consultation period, all of which are either neutral or in support of the proposed changes. Therefore, it is not considered that any further amendments need to be made to the proposed policy prior to it being recommended for adoption by Full Council.

7. Resource implications

a. Financial implications

- i. The costs of administering gambling licences and permits, and undertaking enforcement action where required, are covered by the Licensing Team's existing budget. Application fees are set by central Government and are set as such to ensure that the administration of applications remains cost neutral.

Section 151 Officer comments

The review does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets. Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

b. Human resources implications

- i. There are no human resources implications as a result of this report.

c. Information governance implications

- i. The revised Statement of Principles does not propose to collect or process any additional data in addition to that already covered by the Council's privacy policy. Following adoption of

the revised Statement, it would be best practice to develop a new Data Protection Impact Assessment for the licensing authority's functions that relate to gambling.

d. Climate and environment implications

- i. There are no climate or environment implications as a result of this report.

e. Other resources implications

- i. There are no other resource implications as a result of this report.

8. Legal implications

- a. The Gambling Act 2005 requires the licensing authority to publish its Statement of Principles every three years. This revised Statement is proposed to cover a three year period from the date of adoption.
- b. The Statement is intended to set out the general approach that the Council will take when making licensing decisions. However, each application will be considered on its own individual merits.
- c. In producing this Statement, the Council has had regard to the licensing objectives, the guidance issued by Gambling Commission. It has also taken into consideration comments received during the consultation, and deemed that no additional amendments are required.
- d. The Licensing Authority will have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005:
 - 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;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Monitoring Officer comments

As stated above, The Gambling Act 2005 requires the licensing authority to publish its Statement of Principles every three years. This revised Statement is proposed to cover a three year period from the date of adoption. On this basis, the report raises no issues for the Monitoring Officer.

- Sarita Riley, Solicitor

Head of Legal Partnerships

Southampton, Fareham & Havant Legal Partnership

9. Risks and mitigations

- a. Exposure to challenge: The Statement of Principles could be challenged by Judicial Review, but as an open and fair consultation has taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: The Statement of Principles clearly outlines the Council's expectations of applicants and licensees, and details the principles that will be considered in exercising its functions as licensing authority. Aligning this Statement with national guidance published by the Gambling Commission demonstrates that the Council aims to achieve consistency with other licensing authorities and avoid unnecessary burdens on licensees.
- c. Timescales: The current Statement of Principles must be referred to, pending adoption of the revised Statement. It is recognised that the current Statement is overdue for review and therefore it is essential that the Council also refer to the Gambling Commission's most recent guidance to ensure that decisions made are consistent with current national practices.

10. Consultation

- a. A four-week public consultation has been undertaken, ending on 30 July 2023. The consultation involved writing to Responsible Authorities, bodies that represent the interests of licence holders, and bodies that represent the interests of those who may be affected by the Council's operation under this policy (i.e. Residents Associations).
- a. A total of two responses were received during the consultation, all of which are either neutral or in support of the proposed changes.
- b. The responses received during the consultation are shown in full at Appendix A.

11. Communications

- a. The Licensing Team will publish its revised Statement of Licensing Policy on the Council's website following adoption.

12. Appendices

- Appendix A: Consultation Responses
 - a. Draft Revised Statement of Principles

13. Background papers

- a. Licensing Committee – Monday 26 June 2023 17:00, Item 9:
Review of Statement of Principles, Gambling Act 2005
- b. Licensing Committee – Thursday 30 November 2017 17:00, Item 14:
Gambling Act 2005 Statement of Principles

Agreed and signed off by:

Portfolio Holder: Cllr Elizabeth Lloyd 08/08/2023

Executive Head: c/o David Fitzgerald 08/08/2023

Monitoring Officer: c/o Sarita Riley 08/08/2023

Section 151 Officer: Steven Pink 04/08/2023

Contact officer:

Name: Briony Appletree

Job title: Licensing & Animal Welfare Team Leader

Phone number: 02392 446660

Email: licensing@havant.gov.uk

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Trading Standards
Hampshire County Council, The Castle, Winchester, SO23 8UD
Received 4 July 2023

Subject: Review of statement of licensing policy, Principles of Gambling Act 2005

Dear Havant Licensing, to confirm we have received your letters re the above reviews.

We have no comments.

Many thanks,
Toby

Toby Green
Trading Standards Manager – Proactive Interventions

Hampshire County Council - Trading Standards Service,
Postal address: Hampshire County Council, Universal Services, The Castle,
Winchester SO23 8U

Langstone Residents Association
c/o Secretary, 18 Southbrook Road, Langstone, Havant, PO9 1RN
Received 13 July 2023

Subject: REVIEW OF STATEMENT OF PRINCIPLES -- LICENSING ACT 2003 AND
GAMING ACT 2005

Dear Briony Appletree,

Your References. LA 2003 Policy 2023. and GA2005 Policy 2023

I have received your letters dated 3 July 2023. Please note the correct address for such correspondence is Langstone Residents' Association, c/o Secretary, 18 Southbrook Road, Langstone, Havaant, PO9 1 RN.

The letters received requested comments on the proposed changes to Havant Borough's Policies regarding Licensing and Gambling. The draft Statements of Principal's have been read and I confirm the LRA is happy to endorse the revised Statements.

Kind regards

David Pattenden
Secretary, Langstone Residents' Associ

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

[DD/MM/YYYY]

TABLE OF CONTENTS

PART A – GENERAL PRINCIPLES3

Interpretation3

Licensing Objectives4

Introduction5

Responsible Authorities9

Representations13

Disclosure / Exchange of Information.....14

Enforcement16

Havant Borough Council Functions18

PART B – SPECIFIC FUNCTIONS19

Premises Licences19

Provisional Statements.....28

Adult Gaming Centre – Premises Licence30

Licensed Family Entertainment Centre – Premises Licence32

Bingo - Premises Licence.....35

Betting – Premises Licence.....37

Track – Premises Licence39

Travelling Fairs41

Permits / Temporary and Occasional Use Notices42

Alcohol Licensed Premises Gaming Machine Permits.....44

Prize Gaming Permits45

Club Gaming and Machine Permits46

Temporary Use Notices48

Occasional Use Notices.....50

Miscellaneous51

APPENDIX A53

APPENDIX B55

APPENDIX C56

PART A – GENERAL PRINCIPLES

Interpretation

Throughout this statement –

“The Act” means the Gambling Act 2005.

“The Council” and **“The Licensing Authority”** both mean Havant Borough Council, and refer to a licensing authority within the meaning of section 2 of the Act.

“Authorised Officer” means an officer authorised by Havant Borough Council for the purposes of the Gambling Act 2005.

“Borough” means Havant Borough Council’s administrative area.

“Statement” means the Statement of Principles that the Licensing Authority is required to prepare under section 349 of the Act.

Licensing Objectives

- 2.1. When dealing with licensing matters, the Licensing Authority must have regard to the three licensing objectives set out in the Gambling Act 2005. These 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.

- 2.2. For the purposes of interpreting these objectives:
 - the term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
 - reference to “vulnerable persons” includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs; and
 - the phrase “harmed or exploited by gambling” can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.

- 2.3. Public Health England published its review into gambling-related harms in 2021, identifying the following types of harms associated with gambling: financial; relationship disruption, conflict or breakdown; mental and physical health; cultural; reduced performance at work or in education; and criminal activity. It is estimated that 0.5% of the population have a problem with gambling. Additionally, 3.8% are gambling at at-risk levels, and 7% of adults are affected negatively by another person’s gambling.

- 2.4. The Licensing Authority expects licence holders to have suitable safeguarding policies in respect of children and vulnerable persons, and to provide training to staff members in recognising and dealing with safeguarding issues. It is also expected that premises display information on mental health, alcohol, drugs and gambling services where it is accessible to customers and staff.

- 2.5. The Licensing Authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act.

- 2.6. The Act places a legal duty on both the Commission and the Licensing Authority to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and the Licensing Authority must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

Introduction

Duration of Statement

- 3.1. This statement of principles is the Licensing Authority's published policy for the purposes of the Act. This revision was approved at a meeting of Full Council on **[date]** and will remain in force until **[date]**.
- 3.2. This policy will be applied in the exercise of the Licensing Authority's functions under the Act during that period.
- 3.3. The policy may be reviewed from time to time and, in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.
- 3.4. Before a Statement or any revision comes into effect, the Licensing Authority shall publish notice of its intention to publish a statement or revision, as per the relevant Regulations. This will include details of how to make representation.
- 3.5. Should you have any comments about this policy statement, please send them via email or letter to the following contact:

Name: Licensing Team
Address: Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX.
Email: licensing@havant.gov.uk
- 3.6. It should be noted that this policy statement 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.

Content of Statement

- 3.7. A summary of information contained within this statement is attached as an index at the front of this document.
- 3.8. The licensable activities covered by this statement are:

Premises Licences
 - adult gaming centres
 - licensed family entertainment centres;
 - casinos;
 - bingo;
 - betting premises;
 - tracks;
 - travelling fairs;
 - provisional statements

Permits and Temporary / Occasional Use Notices

- unlicensed family entertainment centres;
- gaming machines on alcohol licensed premises;
- prize gaming;
- club gaming and club machine permits;
- small society lotteries;
- temporary use notices;
- occasional use notices;
- small society lottery registrations.

- 3.9. The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.
- 3.10. This statement is published on the Licensing Authority's website and is available at the offices of the Licensing Authority during normal working hours.
- 3.11. The website address is - <http://www.havant.gov.uk/current-consultations>

Geographical application of Statement

- 3.12. The Borough of Havant provides a unique setting in urban South Hampshire between the South Downs and the Solent and has five main centres, Havant & Langstone, Waterlooville, Leigh Park, Emsworth and Hayling Island.
- 3.13. The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. Havant is a market town which has retained its character and charm and Langstone boasts a beautiful harbour frontage. Waterlooville is the modern business centre of the Havant Borough. Emsworth is a delightful and picturesque fishing village and Hayling Island is a popular seaside resort but with quiet harbour side shores.
- 3.14. However, Havant is also the most deprived district in Hampshire, according to the English indices of deprivation in 2019. A review of the evidence of gambling related harms, published by Public Health England in 2021, found that people at risk of gambling harms are concentrated in areas of higher deprivation. The Licensing Authority has considered these risks in producing this Statement and outlining its expectations of operators and applicants for premises licences.
- 3.15. Tourism is a major part of the local economy and every year the area attracts approximately 1.89 million day visitors and over 300,000 staying visitors. Many people come on a regular basis to enjoy the Borough of Havant where the countryside meets the seashore.
- 3.16. The current population for the Borough of Havant is approximately 124,200 (2021 Census). The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. It has a number of premises conducting gambling activities as follows:

- 1 Bingo Hall
- 2 Family Entertainment Centres
- 3 Adult Gaming Centres
- 4 Holiday Resorts with Bingo Premises Licences
- 5 Family Entertainment Centre Machine Permits
- 6 Club Machine Permits
- 10 Betting Offices
- 21 Licensed Premises Gaming Machine Permits
- 48 Licensed Premises Automatic Gaming Machine Notifications

There are currently no Casinos, Tracks or Club Gaming Permits within the Borough.

3.17. A map showing the extent of the Borough is produced at Appendix B.

Consultation Process

3.18. Before publishing this policy statement, the Licensing Authority has consulted with and taken into account comments from the following persons/bodies:

- The Chief Officer of Police for Hampshire
- One or more persons who appeared to the Council to represent the interests of persons carrying on gambling businesses, namely:
 - Association of British Bookmakers
 - Bingo Association
 - British Amusement Catering and Trades Association
 - British Beer and Pub Association
 - British Holiday and Home Parks Association
 - British Institute of Innkeeping
 - Current holders and of licences and permits in the Borough
 - Regeneration and Economy
- One or more persons who appeared to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely:
 - Citizens Advice Bureau
 - Environmental Health (Pollution and Food Safety)
 - GamCare
 - Gambling Commission
 - Gordon Moody Association
 - Hampshire and IOW Fire and Rescue Service
 - Hampshire County Council Adult & Childrens Services
 - National Centre for Gaming Disorders
 - National Problem Gambling Clinic
 - Neighbourhood Quality / Community Safety
 - Planning Authority
 - Trading Standards
 - Ward Councillors

- 3.19. Any written consultation undertaken by the Licensing Authority in relation to this Statement shall follow best practice as set out by the Gambling Commission and any other relevant Government guidance.
- 3.20. A full list of comments made is available by request to: Licensing Team, Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant, Hampshire, PO9 2AX.

Declaration

- 3.21. In producing this licensing policy statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses received from those consulted on the policy statement.

Fundamental principles

- 3.22. In carrying out its functions the Licensing Authority will regulate gambling premises in the public interest.
- 3.23. Any application received will be considered on its merits and in accordance with the requirements of the Act.
- 3.24. The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.
- 3.25. The Licensing Authority recognises that there is a clear separation between the Gambling Act, the Licensing Act 2003 and planning legislation and that gambling licence applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 3.26. The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.

Responsible Authorities

General

- 4.1. The Act specifies various bodies as Responsible Authorities, as follows:
- The Licensing Authority
 - Gambling Commission
 - The Chief Officer of Police
 - Fire and Rescue Authority
 - Environmental Health
 - Child Protection
 - HMRC
 - Any other person prescribed by regulations by the Secretary of State
- 4.2. The contact details of all the Responsible Authorities in the area of the Licensing Authority can be found on the Council's website at <http://www.havant.gov.uk/licensing>
- 4.3. The Act provides that where the premises is a vessel, Responsible Authorities also include navigation authorities that have statutory functions in relation to the water whether the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when use for licensable activities. This would include:
- The Environment Agency
 - The British Waterways Board
 - The Secretary of State (In practice, this would be the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)
- 4.4. The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.
- 4.5. There is no obligation on Responsible Authorities to respond to applications for premises licences. Lack of a response from a Responsibly Authority would not prevent an application being granted.

Responsible Authority - Protection of Children from Harm

- 4.6. In exercising the Licensing Authority's powers under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm the following principles are applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.

- 4.7. The Licensing Authority designates Havant Children Services for the purpose of providing advice about protection of children from harm.

Interested parties

General

- 5.1. Section 158 of the Act identifies various categories of person who may be Interested Parties in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Licensing Authority:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy either of the two sub-paragraphs above.
- 5.2. Interested parties can make representations about licence applications or apply for a review of an existing licence.

Principles relating to determination

- 5.3. The Licensing Authority will apply various principles to determine whether a person is an Interested Party.
- 5.4. The Licensing Authority will consider each situation on its merits.
- 5.5. In determining whether a person lives “sufficiently close to the premises”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises
 - the nature of the premises
 - the distance of the premises from the location of the person making the representation
 - what might, in the opinion of the Licensing Authority, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc)
 - the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Licensing Authority is likely to apply a wider interpretation to the meaning of ‘sufficiently close’ where the complainant provides services attended by children or vulnerable adults; and such other factors as it considers are relevant.
- 5.6. In determining whether a business interest is “likely to be affected”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises
 - the ‘catchment’ area of the premises (i.e. how far people travel to visit);

- the nature of the business that it is suggested might be affected
 - such other factors as it considers are relevant.
- 5.7. In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:
- Members of Parliament or Elected Councillors;
 - Residents' and tenants' associations; and
 - Trade unions and trade associations
- 5.8. The Licensing Authority will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:
- that they have specifically been requested in writing to represent that person and/or business in relation to the submission of the representation; and/or
 - that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

Interested parties may also be represented by other persons such as Councillors, MPs etc. Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

Representations

- 6.1. A representation made by a Responsible Authority or Interested Party, which is not withdrawn, will normally result in a hearing taking place.
- 6.2. In certain circumstances however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:
 - is vexatious;
 - is frivolous; or
 - will certainly not influence the authority's determination of the application.
- 6.3. In determining whether a representation is frivolous or vexatious, the Licensing Authority shall seek legal advice and consider the following:
 - Who is making the representation, and whether there is a history of making representations that are not relevant
 - Whether it raises a relevant issue
 - Whether it raises issues specifically to do with the premises that are the subject of the application.

Disclosure / Exchange of Information

General

- 7.1. The Act, and other legislation such as the UK General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000, places various statutory duties and responsibilities upon the Licensing Authority in relation to the exchange and disclosure of information that is available to it.

Principles

- 7.2. The Licensing Authority will comply with all statutory duties imposed upon it, which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 7.3. Where the Licensing Authority has discretion as to whether or not information may be disclosed/exchanged it will in particular normally have regard to the following principles:
- any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
 - upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and
 - the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.
- 7.4. Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. In particular, in making this assessment, the Licensing Authority will have regard to the interests of natural justice and Article 6 of the Convention on Human Rights. Information will not be disclosed where statute expressly prevents its disclosure.
- 7.5. In so far as the law allows, the Licensing Authority generally favours full disclosure of all relevant representations made in relation to an application that it is considering under the Act.
- 7.6. The Licensing Authority in carrying out its duties will have full regard to the provisions of the UK General Data Protection Regulations, Data Protection Act 2018 and the Freedom of Information Act 2000.
- 7.7. Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some of this information may be accessible via the

Licensing Authority's website and registers that the Licensing Authority is obliged to keep under the Act. Where this is not the case, then a request for such data should be made in writing addressed to the Licensing Services Section of the Licensing Authority.

Sharing information with the Gambling Commission

- 7.8. Section 29 of the Act entitles the Gambling Commission to seek information from the Licensing Authority, and places an obligation on the Licensing Authority to comply with its information requests, providing the information is:
- Part of the register maintained by the Licensing Authority
 - In the Licensing Authority's possession in connection with a provision of the Act.
- 7.9. The Act requires the Licensing Authority to maintain data on premises licences. As part of the application process for a premises licence, applicants will forward notice of the application to the Commission, and the Licensing Authority should subsequently notify the Commission of the outcome of each application, whether it is granted or refused. The Act also requires the Licensing Authority to notify the Commission of other matters such as when a licence has lapsed or been surrendered, and the cancellation of certain permits and registrations.
- 7.10. If, while considering a premises licence application, or at any other time, the Licensing Authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Gambling Commission without delay.
- 7.11. The Gambling Commission is required under section 106 of the Act to maintain a register of operating licence holders and make this publicly available. Where the Licensing Authority needs to check if an applicant for a premises licence holds an operating licence, verification can be found on the register. The Commission will ask the Licensing Authority to periodically review the premises register to ensure that it is up to date. This is important to ensure accuracy as the register is used for conducting national compliance work.
- 7.12. The Licensing Authority is required to submit returns to the Gambling Commission on an annual basis, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

Local Authority Compliance Events (LACE)

- 7.13. The Gambling Commission may notify the Licensing Authority of complaints and intelligence received regarding non-compliance in its area. These are referred to as Local Authority Compliance Events (LACE). Following the referral, the Licensing Authority is required to advise the Commission of what, if any, action is taken.

Enforcement

General

- 8.1. The Act provides various bodies including the Licensing Authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore, the Licensing Authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act.
- 8.2. The Gambling Commission will be the enforcement body for the operator and personal licences it issues and also the manufacture, supply or repair of gaming machines.

Principles

- 8.3. In considering whether to undertake an inspection of a premises, the Licensing Authority will in particular have regard to the following principles:
 - when considering whether to undertake any inspection each situation will be considered on its merits;
 - that the Licensing Authority will not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
 - in the case of enforcement action generally, we will act having given due consideration to any enforcement policy adopted by Havant Borough Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
 - that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.
- 8.4. In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular normally have regard to the following principles:
 - each case will be considered on merits;
 - in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with any enforcement policy of Havant Borough Council and the Regulatory Compliance Code referred to above;
 - whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
 - in so far as it may be relevant to the assessment, that it will undertake proceedings in accordance with the principles set out below.
- 8.5. The principles referred to in the paragraphs are that the Licensing Authority will, in so far as it is appropriate, 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.

Risk

8.6. In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk-based inspection programme based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Gambling Commission
- the principles set out in this statement of licensing policy.

8.7. Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- the size of the premises;
- the proximity of the premises to identified vulnerable persons;
- whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
- information submitted from relevant persons or bodies; and
- such other factors as the particular circumstances of the individual situation warrant.

Havant Borough Council Functions

9.1. Havant Borough Council will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- issue Provisional Statements
- regulate members clubs 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
- grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises (under the Licensing Act 2003) when 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.

Fees

9.2. Under section 212 of the Act, the Licensing Authority shall aim to ensure that income from fees as nearly as possible equates to the costs of providing the service to which the fees relate.

PART B – SPECIFIC FUNCTIONS

Premises Licences

Consideration of applications

- 10.1. In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:
- in accordance with any relevant Code of Practice under section 34 of the Act;
 - in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
 - reasonably consistent with the Licensing Objectives; and
 - in accordance with this Statement of Principles.

Fundamental principles applying to Premises Licences

- 10.2. Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing Authorities can exclude default conditions and also attach others, where it is believed to be appropriate.
- 10.3. The Act states that an application must be made to a licensing authority in whose area the premises are wholly or partly situated. In circumstances where the premises lie in more than one licensing authority's area, the operator should make their application to just one of those authorities. Casino premises are subject to separate regulations, involving a two-stage application process.
- 10.4. In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:
- 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 (subject to the two sub-paragraphs above); and
 - in accordance with this Statement (subject to the three sub-paragraphs above).

Definition of Premises

- 10.5. For the purposes of the Act, the term 'premises' is defined as including 'any place'. A premises licence may not be issued in relation to a vehicle, or part of a vehicle, but may be issued for passenger vessels.

- 10.6. The Act provides that different premises licences cannot apply in respect of single premises at different times, e.g., premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 10.7. Whilst premises is defined in the Act as ‘any place’ it is for the Licensing Authority to decide whether different parts of a building can be reasonably regarded as being separate premises. In considering applications for multiple licences for a building, or those for a specific part of the building to be licensed, the Licensing Authority will take particular note of the following:
- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling, where they are prohibited from participating.
 - 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. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - customers should be able to participate in the activity named on the premises licence.

Decision Making

- 10.8. In making a determination in respect of a Premises Licence, the Licensing Authority cannot have regard to irrelevant matters i.e., those that do not relate to gambling and the Licensing Objectives. Therefore, issues relating to whether planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 10.9. In considering an application for a premises licence no regard will be had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.
- 10.10. As it does not relate to a licensing objective, moral objections to gambling will not be regarded as a valid reason to reject an application for a premises licence.
- 10.11. The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible. It will, however, listen to and carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

10.12. Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application include:

- proximity of gambling premises to properties regularly frequented by vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- the type of advertising materials proposed at the premises;
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- whether any relevant objections to an application could be addressed using one or more conditions

10.13. In circumstances where the Licensing Authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Licensing Authority determines to reject an application.

Local risk assessment

10.14. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Statement.

10.15. The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this Statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

10.16. The Council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area of significant deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder.

- 10.17. Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- 10.18. It should be noted that this Statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Expectations of licence holders

Training

- 10.19. In the interests of promoting the licensing objectives, the Licensing Authority expects licence holders to ensure that all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge of promoting responsible gambling and understanding gambling-related harm.
- 10.20. Staff members should be made aware of clear, documented processes for age verification, exclusion (whether mandatory or voluntary), identifying and communicating with vulnerable persons, refusing entry, maintaining an incident log and enforcing time/spend limits. This list is non-exhaustive and not intended to duplicate any existing training requirement such as may be required by the Gambling Commission's Code of Practice.

Self-Exclusion Schemes

- 10.21. The Licensing Authority expects all premises to operate a voluntary exclusion scheme. This means that should a customer request to be excluded from the premises, they are excluded for an agreed period.
- 10.22. 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 re-admitted during the agreed period.

Intervention

- 10.23. The Licensing Authority expects all premises to have a procedure in place to identify vulnerable persons, and to monitor and intervene where necessary. This may be when the individual is believed to be gambling beyond their means, or more than they would like.
- 10.24. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme.

Plans of premises

- 10.25. Regulations made under the Act state that a plan submitted with an application must show:
- the extent of the boundary or perimeter of the premises

- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads

10.26. Other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence. The Licensing Authority has the discretion to request additional detail on the plan where required to satisfy them that the application promotes the licensing objectives.

Notice of application

10.27. Applicants for premises licences are required to publish notice of their application, and also to notify Responsible Authorities of their application. This requirement also applies to applications for provisional statements, and some ancillary applications that can be made in relation to premises licences.

10.28. Notice must be given in three ways:

- A notice placed outside the premises for 28 consecutive days, in a place where it can be conveniently read
- In a newspaper or newsletter or local relevance, on at least one occasion within ten days of the application being made
- To all Responsible Authorities, which includes the Commission, within seven days of the application being made. A licence application, and any licence subsequently issued, is not valid if the relevant notifications above have not been made.

Local area profile

10.29. There is no statutory duty on the Licensing Authority to complete an area profile but there are significant benefits in having a better awareness of the local area and risks. The weblinks given below provide a range of information on the local environment which should be considered by applicants.

Indices of Deprivation:

http://dclgapps.communities.gov.uk/imd/iod_index.html#

Nomis: Official Census and Labour Market Statistics:

<https://www.nomisweb.co.uk/>

Conditions

- 10.30. Specific sections of the Gambling Act 2005 provide for conditions to be attached automatically to premises licences, or for authorisations to be granted automatically.
- 10.31. Mandatory conditions: The Act may by regulations provide for a specified condition to be attached to premises licences. Such conditions may:
- a) apply generally, only to premises licences in a specified class or only in specified circumstances.
 - b) make different provision for different classes of licence or for different circumstances.
- 10.32. Default conditions: The Act may also by regulations prescribe for a specified condition to be attached to any premises licence unless excluded by the authority who issue the licence. Such conditions may:
- a) apply generally, only to premises licences in a specified class or only in specified circumstances.
 - b) make different provision for different classes of licence or for different circumstances.
- 10.33. Mandatory and default conditions that attach to all premises licences are usually sufficient to ensure that the premise is compliant with the licensing objectives. Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Further conditions will only be considered where there are regulatory concerns of an exceptional nature and will relate to the licensing objectives. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises and will be considered on a case-by-case basis.
- 10.34. Where a discretion exists, the Licensing Authority will not impose its own condition on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.
- 10.35. In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.
- 10.36. The Licensing Authority shall not impose a condition that duplicates any requirement of any other regulatory regime. Similarly, if the Gambling Commission's LCCP places particular responsibilities or restrictions on an operator of a premises, it is not appropriate to impose the same through conditions on a premises licence.
- 10.37. It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:
- any condition on the premises licence which make it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method 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);
- conditions in relation to stakes, fees, winning or prizes.

Reviews

- 10.38. An application 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 application for review is to be granted. An application for review may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:
- a) Are not relevant to the principles that must be applied by the Licensing Authority, namely the licensing objectives, the Gambling Commission's code of practice and guidance, and/or this Statement of Principles
 - b) Are frivolous
 - c) Are vexatious
 - d) Will certainly not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
 - e) Are substantially the same grounds as those cited in a previous application relating to the same premises
 - f) Are substantially the same representations made at the time the application for a premises licence was considered.
- 10.39. Whilst the Licensing Authority recognises the importance of the right of Responsible Authorities' and Interested Parties to request reviews of premises licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.
- 10.40. The applicant for review must submit their application to the Licensing Authority in the prescribed form, stating the reasons why the review is requested, together with supporting information and/or documents. The applicant must also provide written notice of their application to the premises licence holder and to all Responsible Authorities within seven days of making the application.
- 10.41. As the Licensing Authority is required to permit the use of premises for gambling, in so far as it is in accordance with the section 153 principles, applications that raise general objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, leading to rejection under a) above.
- 10.42. Representations must be made within 28 days, commencing seven days after the date on which the application was received. During these seven

days the licensing authority is required to publish notice of the application as per the relevant regulations.

10.43. The Licensing Authority can also initiate a review of a premises licence. It may review the use of the premises and the arrangements that premises licence holders have made to comply with licence conditions, and will typically initiate a review as a result of concerns or complaints. The Licensing Authority may review any matter connected with the use of the premises if:

- it has reason to suspect that premises licence conditions are not being observed
- the premises is operating outside of the principles set out in the Licensing Authority's Statement of Principles
- there is evidence to suggest that compliance with the licensing objectives is at risk
- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

10.44. A formal review would normally be at the end of a process of ensuring compliance by the operator, which might include an initial investigation by an Authorised Officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the Licensing Authority may impose additional conditions or revoke the licence.

10.45. The Licensing Authority must give written notice to the licence holder and Responsible Authorities that it intends to undertake a review and must also publish notice of its intention to carry out the review as per the relevant regulations.

10.46. Having given notice of their intention to initiate a review or having decided to grant a review following an application, the Act requires the Licensing Authority to carry out the review as soon as possible after the 28-day period for making representations has passed. A hearing must be held unless the applicant and any person who has made representations consent to the review being conducted without one. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence, namely:

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition (for example, relating to opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

10.47. The Licensing Authority may take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises, to prevent people from applying for licences in a speculative manner without intending to use them.

10.48. Once the review has been completed the Licensing Authority must notify its decision as soon as possible to:

- the licence holder
- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the Chief Officer of Police
- HM Revenue and Customs

Provisional Statements

General

- 11.1. Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that they:
- expect to be constructed
 - expect to be altered
 - expect to acquire a right to occupy
- 11.2. Whilst applicants for premises licences must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 11.3. An application for a provisional statement must be accompanied by plans and the prescribed fee.
- 11.4. Once the premises are constructed, altered or acquired, the holder of a provisional statement can return to the Licensing Authority and apply for the necessary premises licence. It is a question of fact and degree whether premises are finished to the extent that they can be considered for a premises licence.

Decision Making

- 11.5. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 11.6. Following the grant of a provisional statement and on application for a premises licence, no further representations from relevant 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
 - in the authority's opinion, they reflect a change in the applicant's circumstances.
- 11.7. The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage; or
 - which in the authority's opinion reflect a change in the operator's circumstances.

11.8. The Licensing Authority will not have regard to whether or not a proposal by the applicant is likely to receive planning permission or obtain building regulations approval.

Adult Gaming Centre – Premises Licence

General

- 12.1. An Adult Gaming Centre is a premises for which a Premises Licence is granted to make certain prescribed gaming machines available only to persons aged 18 years and over.
- 12.2. An Adult Gaming Centre Premises Licence can authorise the holder to make available:
- For premises in existence before 13th July 2011 -
- up to four category B3 or B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.
 - No limit of category C or D machines.
- For new premises licensed from 14th July 2011 -
- Up to 20% of the total number of gaming machines on the premises may be of category B3 or B4.
 - No limit of category C or D machines.
- 12.3. Holders of premises licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.

Decision Making

- 12.4. The Licensing Authority will particularly have regard to the need to protect persons under 18 years of age and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 years old do not have access to the premises.
- 12.5. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:
- provision of CCTV
 - supervision of entrances / gaming machine areas
 - physical separation of different areas within the premises
 - numbers, locations and wording of signage / notices / rules
 - self-exclusion schemes
 - specific opening hours
 - the location of adult gaming machine
 - provision of information leaflets / help line numbers for organisations such as GamCare
 - proof of age schemes
- 12.6. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Conditions

- 12.7. A number of mandatory conditions apply to Adult Gaming Centres, but there are currently no default conditions applicable.

Licensed Family Entertainment Centre – Premises Licence

General

- 13.1. The Act creates two classes of Family Entertainment Centre.
- i. A Licensed Family Entertainment Centre will require a premises licence allowing an unlimited number of Category C or D gaming machines. Persons under 18 years old are permitted to enter a Family Entertainment Centre and may play on Category D machines only. They will not be permitted to play on Category C machines, and it will be a requirement that there must be clear segregation between the two types of machine, so that they do not have access to Category C machines.
 - ii. An Unlicensed Family Entertainment Centre which allows gaming machines to be made available for use by means of gaming machine permits, as opposed to a premises licence. These permits could be for an unlimited number of Category D gaming machines only. These permits are covered elsewhere in this Statement of Principles.

Decision Making

- 13.2. The Licensing Authority will particularly have regard to the need to protect children and young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to Category C gaming machines.
- 13.3. The Licensing Authority will expect the applicant to offer their own measures, which may cover issues such as:
- provision of CCTV
 - supervision of entrances/gaming machine areas
 - physical separation of different areas within the premises
 - numbers, locations and wording of signage/notices/rules
 - self-exclusion schemes
 - specific opening hours
 - the location of adult gaming machines
 - provision of information leaflets/help line numbers for organisations such as GamCare
 - proof of age schemes
- 13.4. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Conditions

- 13.5. A number of mandatory conditions apply to Family Entertainment Centres, but there are currently no default conditions applicable.

Casino - Premises Licence

Casino Resolution

- 14.1. At the date of adoption of this Statement, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in line with 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 statement with details of that resolution.

General

- 14.2. Casino Premises Licences fall into one of two categories: a Large Casino Premises Licence or a Small Casino Premises Licence. These are subject to separate application processes and regulations.
- 14.3. The Council is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e., the Secretary of State has made such regulations under section 175 of the Gambling Act 2005) there are likely to be several operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Council will run such a competition in line with any regulations issued under the Gambling Act 2005 and in accordance with the Secretary of State's code of practice for competition of this nature.
- 14.4. The current regulatory framework prescribes that Category B gaming machines may only be made available in licensed gambling premises, and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. Licensing authorities should satisfy themselves that a premises applying for, or operating under a Casino Premises Licence will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for casino games and/or games of equal chance.
- 14.5. All non-remote casinos must offer self-exclusion schemes to customers requesting such a facility.

Decision Making

- 14.6. The Council will, as per 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 or by vulnerable people, when considering the number / nature / circumstances of betting machines an operator wants to offer.
- 14.7. The Licensing Authority will expect the applicant to offer their own measures, which may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas within the premises
- numbers, locations and wording of signage/notices/rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machines
- provision of information leaflets/help line numbers for organisations such as GamCare
- proof of age schemes

14.8. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Conditions

14.9. A number of mandatory and default conditions apply to Casino Premises Licences, with different conditions applicable depending on whether it is a large or small casino.

Bingo - Premises Licence

General

15.1. The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore, the holder of the licence may make available for use:

For premises in existence before 13th July 2011 -

- up to eight category B3 or B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.
- No limit of category C or D machines.

For new premises licensed from 14th July 2011 -

- Up to 20% of the total number of gaming machines on the premises may be of category B3 or B4.
- No limit of category C or D machines.

15.2. The Licensing Authority will expect the premises to abide by the rules concerning primary gambling activity.

Decision Making

15.3. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

15.4. The Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines.

15.5. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives however appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas within the premises
- location of entry to premises
- numbers, locations and wording of signage/notices/rules
- self-exclusion schemes
- specific opening hours
- the location of adult gaming machines
- provision of information leaflets/help line numbers for organisations such as GamCare
- proof of age schemes.

15.6. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.7. The Licensing Authority normally expect the applicant to identify the types of gaming machine that will be placed on the premises.
- 15.8. Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.
- 15.9. All bingo premises must offer self-exclusion schemes to customers requesting such a facility.

Conditions

- 15.10. A number of mandatory and default conditions apply to Bingo Premises Licences.

Betting – Premises Licence

General

- 16.1. A Betting Premises Licence is usually required to enable betting to take place on premises (see Tracks below). The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.
- 16.2. The Licensing Authority will expect the premises to abide by the Licensing Conditions and Code of Practice (LCCP) (social responsibility code provision 9) and offer substantive facilities for non-remote betting if gaming machines are available for use.
- 16.3. By virtue of a Betting Premises Licence the holder may, subject to certain restrictions, make available for use up to four gaming machines of category B2, B3, B4, C or D.
- 16.4. Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence.
- 16.5. All betting premises must offer self-exclusion schemes to customers requesting such a facility.

Decision Making

- 16.6. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:
 - provision of CCTV
 - supervision of entrances/gaming machine areas
 - location of entry to premises
 - numbers, locations and wording of signage/notices/rules
 - self-exclusion schemes
 - specific opening hours
 - provision of information leaflets/help line numbers for organisations such as GamCare
 - the number and location of gaming and betting machines
 - proof of age schemes.
- 16.7. It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures
- 16.8. In addition to the above and other relevant factors, the Licensing Authority in having regard to the licensing objectives will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

Conditions

- 16.9. A number of mandatory and default conditions apply to Betting Premises Licences.
- 16.10. As part of the powers available to the Licensing Authority in relation to the imposition of conditions, the Licensing Authority may attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available.

Track – Premises Licence

General

- 17.1. The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or sporting event takes place or is intended to take place. The Act does not give a list of all premises officially recognised as ‘tracks’, but examples include:
- a horse racecourse
 - a greyhound track
 - a point-to-point horserace meeting
 - football, cricket and rugby grounds
 - an athletics stadium
 - a golf course
 - venues hosting darts, bowls, or snooker tournaments
 - a premises staging boxing matches
 - a section of river hosting a fishing competition
 - a motor racing event
- 17.2. For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.
- 17.3. Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.
- 17.4. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place. But having regard to the need to protect persons under 18 years of age from harm, they should still be prevented from entering areas where gaming machines (other than Category D machines) are provided.

Decision Making

- 17.5. In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:
- location of gaming machines
 - location of betting machines
 - location of any race track
 - the location of any on-course betting facilities
 - the location of any off-course betting facilities
 - the location of any areas to be the subject of additional Premises Licence applications.
- 17.6. The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives and appropriate measures may cover issues such as:

- provision of CCTV
- supervision of entrances/gaming machine areas
- physical separation of different areas
- location of entry to premises
- numbers, locations and wording of signage/notices/rules
- specific opening hours
- provision of information leaflets/help line numbers for organisations such as GamCare
- the number and location of gaming and betting machines
- proof of age schemes.

17.7. In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

Conditions

17.8. A number of mandatory and default conditions apply to Track Premises Licences.

Travelling Fairs

General

- 18.1. A Travelling Fair “wholly or principally” provides amusements, and must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 18.2. Travelling Fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

Permits / Temporary and Occasional Use Notices

Unlicensed Family Entertainment Centre Gaming Machine Permits

General

- 19.1. Unlicensed Family Entertainment Centres are premises which are 'wholly or mainly' used for making gaming machines available.
- 19.2. It is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- 19.3. This type of permit authorises the provision of Category D gaming machines only. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. Any number of Category D machines can be made available under this type of permit.
- 19.4. An application will only be granted if the Chief Officer of Police has been consulted on the application.
- 19.5. In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
 - A detailed plan of the premises, with locations of machines specified
 - details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
 - details of any other permit held by the applicant in respect of other premises
 - the nature of the prizes
 - the proposed frequency of prize gaming at the premises
 - details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits
 - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.
 - Appropriate measures/training for staff regarding suspected truant school children on the premises.
- 19.6. Applications for this permit cannot be made if a Premises Licence has been granted under this Act.

Decision Making

- 19.7. In considering any application the Licensing Authority will normally have regard to the following:
 - each case will be considered on its merits
 - any information received as part of the application process

- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons
- such other factors as the Licensing Authority considers relevant.

19.8. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised officer has been refused access to the premises without reasonable cause; or that the renewal would not be reasonably consistent with pursuit of the licensing objectives.

Conditions

19.9. The Act imposes mandatory conditions on Unlicensed Family Entertainment Centre Gaming Machine Permits. The Licensing Authority cannot impose any other conditions.

Alcohol Licensed Premises Gaming Machine Permits

General

- 20.1. Premises licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises (such as pubs, hotels and restaurants), can automatically have two gaming machines of Category C and/or D. The premises licence holder only needs to notify the licensing authority of their intention to make gaming machines available and pay the required fee. In certain circumstances the Licensing Authority has the power to remove this right.
- 20.2. If a premises wishes to have more than two machines, it needs to apply for an Alcohol Licensed Premises Gaming Machine Permit. The Licensing Authority will consider the application based upon the Licensing Objectives, guidance issued by the Gambling Commission and other such matters as they think relevant.
- 20.3. We recognise that some alcohol licensed premises may apply for a premises licence for their non-alcoholic licensed areas. This may require an application for an Adult Gaming Centre premises licence.

Decision Making

- 20.4. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority may include:
- the adult gaming machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by persons under the age of 18 years
 - notices and signs
 - provision of information leaflets/helpline numbers for organisations such as GamCare.
- 20.5. The Licensing Authority will consider applications taking into account the Licensing Objectives, guidance issued by the Gambling Commission and such other matters as it considers relevant on a case by case basis.

Conditions

- 20.6. The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions. However, the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

Prize Gaming Permits

General

- 21.1. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 21.2. In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following, in writing, in order to ensure that adequate information is provided to enable a proper assessment to be made:
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
 - details of any other permit held by the applicant in respect of other premises
 - the nature of the prizes
 - the proposed frequency of prize gaming at the premises;
 - details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits
 - details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

Decision Making

- 21.3. In considering any application the Licensing Authority will normally have regard to the following:
- each case will be considered on its merit
 - any information received as part of the application process
 - the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons
 - such other factors as the Licensing Authority considers relevant.

Conditions

- 21.4. The Act imposes mandatory conditions on a Prize Gaming Permit. The Licensing Authority cannot impose any other conditions.

Club Gaming and Machine Permits

Club Gaming Permits

- 22.1. A Club Gaming Permit provides that Members Clubs and Miners' Welfare Institutes (but not commercial clubs), subject to certain restrictions, may have no more than three gaming machines of Category B3A, B4, C or D, equal chance gaming and other games of chance as prescribed in regulations.
- 22.2. Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18 years of age.

Club Machine Permits

- 22.3. A Club Machine Permit authorises up to three gaming machines of Category B3A or B4 to D to a Members club, Miners' Welfare Institute or commercial club when the establishment is only able or interested in the provision of gaming machines.

Decision Making

- 22.4. The Licensing Authority cannot attach conditions to either of these permits.
- 22.5. Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements of a member's club or commercial club (club machines only);
 - the applicant's premises are used wholly or mainly by persons under the age of eighteen;
 - an offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on
 - a permit held by the applicant has been cancelled in the last ten years; or
 - an objection to the application has been made by the Gambling Commission or the Police.
- 22.6. In the case of a club which holds a club premises certificate under the Licensing Act 2003, the Licensing Authority may only refuse an application on the grounds that:
- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 22.7. There are mandatory conditions on club gaming permits and club machine permits. No child is permitted to use a Category B or C machines on the

premises and the permit holder must comply with any relevant Gambling Commission Code of Practice about the location and operation of gaming machines.

Temporary Use Notices

General

- 23.1. A Temporary Use Notice may be used where a gambling operator wishes to use premises (as identified in the Act) where there is no Premises Licence for temporarily providing facilities for gambling, such as hotels, conference centres and sporting venues.
- 23.2. A Temporary Use Notice may only be lodged with the Licensing Authority by the holder of an operating licence issued by the Gambling Commission.
- 23.3. A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin, with the relevant fee paid. The application must be copied to:
- The Gambling Commission
 - The Police
 - HMRC
 - If applicable, any other Licensing Authority in whose area the premises are also situated.
- 23.4. A number of restrictions apply to gambling permitted under a Temporary Use Notice:
- A Temporary Use Notice can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
 - Gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12-month period for any or all of a named set of premises. It is for the Licensing Authority to determine in each case what constitutes a set of premises.
 - It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
 - Gaming machines may not be made available under a Temporary Use Notice

Decision Making

- 23.5. Where no objections are made within 14 days of the date of the Notice, the Licensing Authority shall endorse it as valid and return it to the person who lodged it.
- 23.6. Where an objection has been received in relation to a Temporary Use Notice, the Licensing Authority must hold a hearing to consider representations from the person who submitted the Notice, any objectors and any person entitled to receive a copy of the notice.

- 23.7. If the Licensing Authority considers that the Temporary Use Notice should not have effect – after a hearing has taken place or has been dispensed with – it must issue a counter-notice which may provide for the TUN
- not to have effect
 - to have effect only in respect of a specified activity
 - to have effect only in respect of activity carried on during a specified period of time or at specified times of day
 - to have effect subject to compliance with a specified condition.
- 23.8. Objections may be dealt with by proposing modifications that will alleviate the objectors' concerns. If the modifications are accepted by the applicant, a new Temporary Use Notice must be given, incorporating the modifications, and the original notice will be treated as withdrawn.
- 23.9. A counter notice providing that a Temporary Use Notice will not take effect will be given by the Licensing Authority where the notice would contravene the maximum number of days available for a set of premises.
- 23.10. The counter notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.
- 23.11. The principles that the Licensing Authority applies in deciding whether to issue a counter-notice are the same as those in determining Premises Licence applications.

Occasional Use Notices

- 24.1. Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.
- 24.2. Occasional Use Notices may not be relied upon for more than eight days in a calendar year.
- 24.3. The Act prescribes the requirements and process for issuing such Notices; this includes giving notice to the Licensing Authority and copying it to prescribed parties.

Gaming Machines – Available for Use

- 25.1. It is an offence for a person to make a gaming machine available for use where they do not hold the relevant permission(s) or exemption(s) covering gaming machines.
- 25.2. The Act does not define what 'available for use' means and therefore the Licensing Authority shall have regard to the Gambling Commission's guidance on the interpretation of this phrase. Broadly speaking, a machine is 'available for use' if a person can take steps to play it without the assistance of an operator.

Miscellaneous

Rights of appeal and judicial review

- 26.1. Havant Borough Council is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. It also recognises that failure to give reasons for a decision may compel a person to appeal. Havant Borough Council will:
- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so
 - 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.
- 26.2. An appeal must be commenced by the giving of a notice of appeal by the appellant to the local magistrate' court within a period of 21 days beginning with the day on which the appellant was notified by Havant Borough Council of the decision to be appealed against.
- 26.3. 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.

Small society lotteries

- 26.4. The Gambling Act 2005 denotes local authorities as being responsible for registering societies to run small society lotteries.
- 26.5. There are two types of lottery, the latter of which the Council will deal with in terms of receiving and processing applications;
- Licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Gambling Commission and require operating licences;
 - Exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Gambling Act 2005, including the small society lottery.
- 26.6. The Council will refer to the relevant sections of the Gambling Act 2005 and guidance from the Gambling Commission in determining whether a lottery constitutes one of the four exempt lotteries, and whether a 'society' is a non-commercial society for the purposes of holding small society lotteries.
- 26.7. The Council will publish guidance notes on the registration of a small society lottery, incorporating any relevant guidance from the Gambling Commission, relating to tickets, limits places on exempt lotteries, administration of applications and social responsibility. This can be seen at Appendix C to this Statement.

26.8. The Gambling Commission's advice note on promoting society and local authority lotteries shall be made available to potential applicants on the Council's website.

Other matters

26.9. 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 Havant Borough Council website (www.havant.gov.uk) or by contacting the Licensing Department at Havant Borough Council:

- Register of premises licences issued by Havant Borough Council
- 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

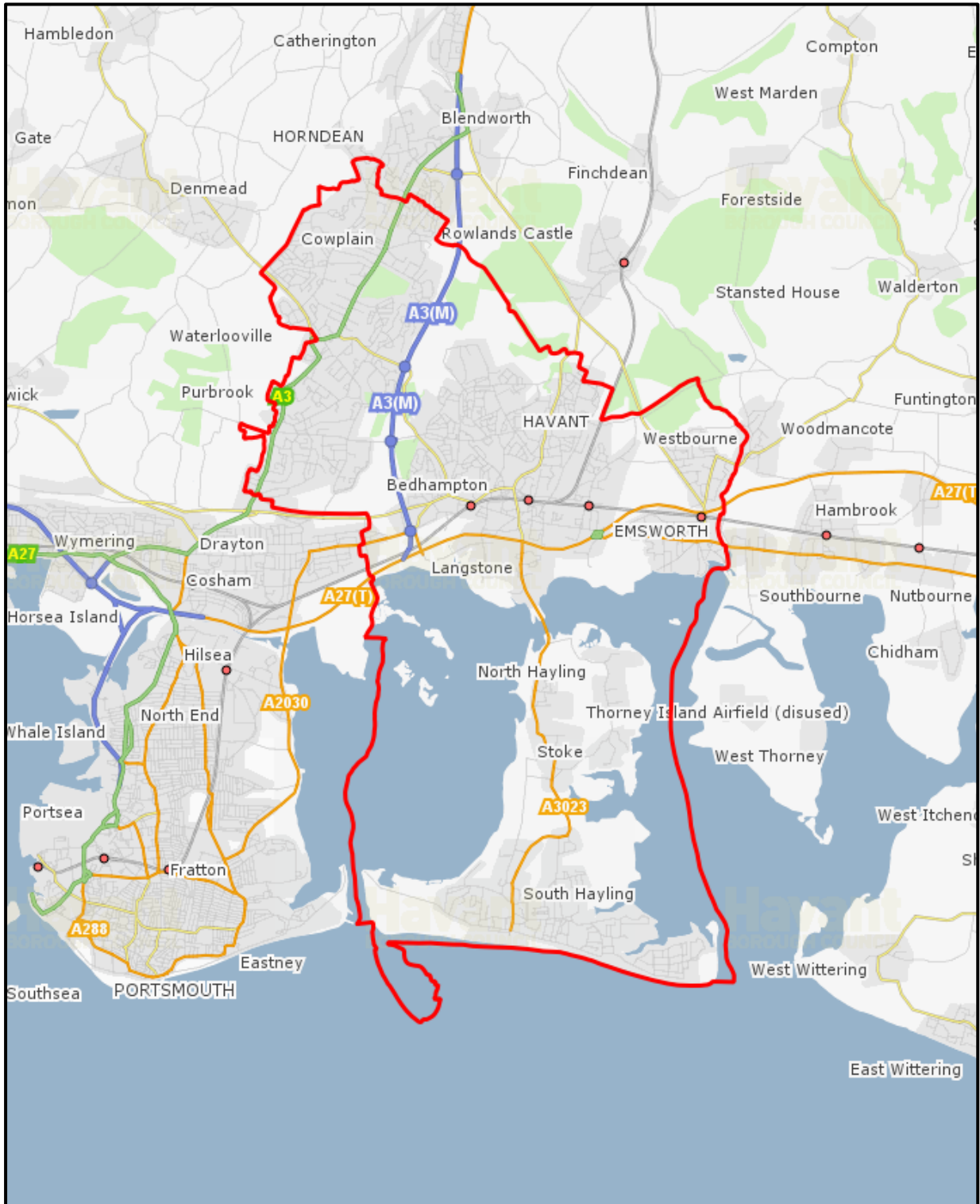
APPENDIX A

Havant Borough Council Delegations of Licensing Functions

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Statement of Principles	x		
No-casino resolution	x		
Fee setting (when appropriate)			x
Application for premises licence		Where representations have been received and not withdrawn	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 statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		x	
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		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

Determination as to whether a person is an Interested Party			x
Determination as to whether representations are relevant			x
Determination as to whether a representation is frivolous, vexatious or repetitive.			x

APPENDIX B



APPENDIX C

GUIDANCE NOTES ON THE REGISTRATION OF A SMALL SOCIETY LOTTERY

These guidance notes refer only to registration of a small society lottery. Please refer to the Gambling Commission for further clarification on the different types of lotteries, the licensing and registration of lotteries, and exempt lotteries.

DEFINITION

The Act's definition of a small society lottery falls into two distinct areas:

Society status - the society in question must be 'non-commercial'

Lottery size - the total value of tickets for sale per single lottery must not exceed £20,000, or the aggregate value of tickets for sale in all lotteries in a calendar year must not exceed £250,000.

If the operator plans to exceed either of these values, they may need to be licensed with the Gambling Commission to operate a large lottery.

LIMITS PLACED ON SMALL SOCIETY LOTTERIES

At least 20% of the lottery proceeds must be applied to the purposes of the society (para 33);

No single prize can be worth more than £25,000 (para 34);

Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (para 35);

Every lottery ticket must cost the same, and the society must receive payment before entry into the draw is allowed (para 37).

TICKETS

Lottery tickets may involve the issuing of physical or virtual tickets to participants (i.e. paper ticket, e-mail or text message). All tickets must state:

the name of the promoting society

the price of the ticket (which must be the same for all tickets)

the name and address of the society member designated as having responsibility for promoting small lotteries, or (if there is one) the external lottery manager

the date of the draw, or information enabling the date to be determined.

The requirement to provide this information for virtual tickets can be satisfied by the participant retaining the message electronically or printing it. The Gambling Commission recommends that societies maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

The licensing authority is permitted to inspect the records of the lottery for any purpose related to it. The Act requires that lottery tickets must only be sold by, and to, people over the age of 16 only.

RETURNS

Under para 39 of Schedule 11, the society must send returns to the licensing authority following each lottery held. The following information must be submitted:

The arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw, and the value of prizes, including any donated prizes and any rollover

The total proceeds of the lottery

The amounts deducted by the lottery promoters for prizes, including prizes in accordance with any rollovers

The amounts deducted by the lottery promoters for costs incurred in organising the lottery

The amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)

The amount of any expenses incurred in connection with the lottery not paid from the proceeds, and the sources from which they were paid

The returns must be sent to the licensing authority within three months of the date of the lottery draw or, in the case of 'instant lotteries' (scratch cards), within three months of the last date on which tickets were on sale

Returns must be signed (electronic signatures are acceptable) by two members of the society, over 18 years old, appointed for the purpose by the society or its governing body. A copy of their letter or letters of appointment must be included with the return.

EXTERNAL LOTTERY MANAGERS

An external lottery manager can be an individual, or a company appointed by the society to manage a lottery, or lotteries, on their behalf. They are consultants and generally take their fees from the expenses of the lottery.

External lottery managers must hold an operator's licence issued by the Commission to manage any lottery, including small society lotteries registered with a licensing authority. Societies must consult the register of operating licences held on the Commission's website at www.gamblingcommission.gov.uk before employing an external lottery manager. It is an offence to employ an unlicensed manager.

NEW REGISTRATION

To register a new small society lottery, complete the online application form on Havant Borough Council's website.

Submit the online application form, complete with £40.00 registration fee.

ADMINISTRATION OF REGISTRATION

The Council is required by para 44 of schedule 11 of the Act to record details of the society on a register, which must be made available to the public on request. It must also inform the Gambling Commission of all registrations.

Once the application for registration has been accepted, the applicant will be notified as soon as practicable.

Registrations run for an unlimited period, unless cancelled or revoked.

There will be an annual fee of £20, which must be paid within the two months prior to the anniversary of registration. Renewal notices will be sent to all registered societies as a courtesy.

The anniversary of any registration will start from the date of first registration by the local authority.

REFUSAL OF APPLICATION

Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for refusal of registrations. In summary these are:

An operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused within the past five years;

The society in question cannot be deemed non-commercial;

A person who will, or may be, connected with the promotion of the lottery has been convicted of a relevant offence (as listed at schedule 7 of the Act); or

Information provided in, or with, the application for registration is found to be false or misleading.

The licensing authority will only refuse an application after the society has had the opportunity to make representations. These can be made at a formal hearing or in writing. Further information on the procedure will be supplied on request.

REVOCAION OF REGISTERED STATUS

A licensing authority may revoke the registration of a society if it thinks they would have had to, or would have been entitled to, refuse an application being made at that time. The same procedure applies as above. Revocations cannot take place unless the society has been given an opportunity to make representations at a formal hearing or in writing. Further information on the procedure will be supplied on request.

APPEALS

Following conclusion of any hearings and receipt of representations, the licensing authority would notify the applicant or society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected. The process of appeal would be sent to the applicant with any decision notice. Any appeal against a decision must be made within 21 days of receipt of the decision notice. This must be made directly to the local magistrates' court.

FURTHER GUIDANCE

Applicants are encouraged to consult the Gambling Commission's website for up-to-date advice and guidance on how to legally run a small society lottery. In particular, the Commission's Lottery Toolkit is particularly helpful and provides guidance on changes to draw dates, ticket vending machines and other variables.

NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

16 August 2023

REVIEW OF STATEMENT OF LICENSING POLICY LICENSING ACT 2003

FOR RECOMMENDATION FOR ADOPTION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/029/2023

1. Purpose

- a. This report outlines the responses received during the consultation period for the proposed changes to the Council's current Statement of Licensing Policy under the Licensing Act 2003.

2. Recommendation

- a. Members are requested to:
 - i. Review comments received during the consultation, approve any amendments to the policy required as a result of consultation responses, and recommend the policy for adoption by Full Council.

3. Executive Summary

- a. The Council is reviewing its Statement of Licensing Policy, required under Section 5 of the Licensing Act 2003 to be published every five years. The aim is to incorporate guidance issued under section 182 of the Licensing Act 2003 and ensure that the policy is reflective of the local area profile.
- b. Since the current Policy's publication in 2016, awareness of issues such as violence against women and girls, drink spiking and child

exploitation have become increasingly more prevalent. The revised Policy seeks to address these issues and outline how the Council will work with the licensed trade to combat them.

- c. Following a Licensing Committee meeting held on 26 June 2023, the Council sought the views of representatives of the licensed trade, representatives of those who may be affected by the Council's operation under the policy, the general public and other licensing authorities during a four-week consultation. Responses were invited in writing to the Licensing Department. The consultation period ended on 30 July 2023.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Wellbeing: The regulation of licensed premises and licensable activities aims to protect the public in line with the promotion of the four licensing objectives. By publishing this Policy, the Council has taken into consideration the local profile of the Borough and how partner agencies and operators can work together to ensure the safety of those who use licensed premises.
- b. Pride in Place: Publishing a statement of how the Council intends to exercise its functions with respect to licensable activities provides operators with transparency, enabling them to submit applications and operate their premises with full knowledge of the relevant legislation, conditions, guidance and local policies. Liaison with partner agencies and implementing a proactive enforcement programme for licensed premises may also drive improvements relating to communities, safety, and place.

6. Options considered

- a. The Council has considered the responses received during the consultation period, all of which are either neutral or in support of the proposed changes. Therefore, it is not considered that any further amendments need to be made to the proposed policy prior to it being recommended for adoption by Full Council.

7. Resource implications

a. Financial implications

- i. The costs of administrating licences and permits under the Licensing Act 2003, and undertaking enforcement action where required, are covered by the Licensing Team's existing budget. Application fees are set by central Government and are set as such to ensure that the administration of applications remains cost neutral.

Section 151 Officer comments

The review does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets. Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

b. Human resources implications

- i. There are no human resources implications as a result of this report.

c. Information governance implications

- i. The revised Statement of Licensing Policy does not propose to collect or process any additional data in addition to that already

covered by the Council's privacy policy. Following adoption of the revised Policy, it would be best practice to develop a new Data Protection Impact Assessment for the licensing authority's functions under the Licensing Act 2003.

d. Climate and environment implications

- i. There are no climate or environment implications as a result of this report.

e. Other resources implications

- i. There are no other resource implications as a result of this report.

8. Legal implications

- a. The Licensing Act 2003 requires the licensing authority to publish its Statement of Licensing Policy every five years. This revised Policy is proposed to cover a five year period from the date of adoption.
- b. The Policy is intended to set out the general approach that the Council will take when making licensing decisions. However, each application will be considered on its own individual merits.
- c. In producing this Policy, the Council has had regard to the licensing objectives and guidance issued under section 182 of the Licensing Act 2003. It has also taken into consideration comments received during the consultation, and deemed that no additional amendments are required.
- d. The Licensing Authority will have regard to the licensing objectives as set out in section 4 of the Licensing Act 2003:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Monitoring Officer comments

Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of its licensing policy at least every five years.

Constitutionally adoption of the Licensing Policy is a matter for Full Council.

- Sarita Riley, Solicitor

Head of Legal Partnerships

Southampton, Fareham & Havant Legal Partnership

9. Risks and mitigations

- a. Exposure to challenge: The Statement of Licensing Policy could be challenged by Judicial Review, but as an open and fair consultation has taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: The Statement of Licensing Policy clearly outlines the Council's expectations of applicants and licensees, and details the principles that will be considered in exercising its functions as licensing authority. Aligning this Statement with statutory guidance published under section 182 of the Licensing Act 2003 demonstrates that the Council aims to achieve consistency with other licensing authorities and avoid unnecessary burdens on licensees.
- c. Timescales: The current Statement of Licensing Policy must be referred to, pending adoption of the revised Policy. It is recognised that the current Policy is overdue for review and therefore it is essential that the Council also refer to the statutory guidance issued under section 182 of the Licensing Act to ensure that decisions made are consistent with current national practices.

10. Consultation

- a. A four-week public consultation has been undertaken, ending on 30 July 2023. The consultation involved writing to Responsible Authorities, bodies that represent the interests of licence holders, and bodies that represent the interests of those who may be affected by the Council's operation under this policy (i.e. Residents Associations).
- b. A total of four responses were received during the consultation, all of which are either neutral or in support of the proposed changes.
- c. The responses received during the consultation are shown in full at Appendix A.

11. Communications

- a. The Licensing Team will publish its revised Statement of Licensing Policy on the Council's website following adoption.

12. Appendices

- Appendix A: Consultation Responses
- Appendix B: Draft Revised Statement of Licensing Policy

13. Background papers

- a. Licensing Committee – Monday 26 June 2023 17:00, Item 10:
Review of Statement of Licensing Policy, Licensing Act 2003
- b. Licensing Committee – Wednesday 13 January 2016 17:00, Item 28:
Proposed Changes to the Current Licensing Act 2003 Policy

Agreed and signed off by:

Portfolio Holder: Cllr Elizabeth Lloyd 08/08/2023

Executive Head: c/o David Fitzgerald 08/08/2023

Monitoring Officer: c/o Sarita Riley 08/08/2023

Section 151 Officer: Steven Pink 04/08/2023

Contact officer:

Name: Briony Appletree

Job title: Licensing & Animal Welfare Team Leader

Phone number: 02392 446660

Email: licensing@havant.gov.uk

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Hampshire Chamber of Commerce
Fareham College, Bishopsfield Road, Fareham, Hampshire, PO14 1NH
Received 4 July 2023

Subject: Review of Statement of Licensing Policy, Licensing Act 2003

Fao: Briony Appletree, Interim Licensing Team Leader, Licensing Team at Havant Borough Council

Hi Briony,

Thank you for your letter seeking comments in regards to Havant Borough Council's review of its Statement of Licensing Policy, published under section 5 of the Licensing Act 2003.

Our Chief Executive/Executive Chair at Hampshire Chamber of Commerce, and the Chair of our Portsmouth & District Business Strategy Group at Hampshire Chamber of Commerce have reviewed the Statement of Licensing Policy. It is a comprehensive statement, and we are happy with it.

Kind regards,

Lisa Hall
PA to the Executive Directors/Business Information Manager
Hampshire Chamber of Commerce

Registered office:
Hampshire Chamber of Commerce,
Fareham College, Bishopsfield Road,
Fareham, Hampshire, PO14 1NH

Trading Standards
Hampshire County Council, The Castle, Winchester, SO23 8UD
Received 4 July 2023

Subject: Review of statement of licensing policy, Principles of Gambling Act 2005

Dear Havant Licensing, to confirm we have received your letters re the above reviews.

We have no comments.

Many thanks,
Toby

Toby Green
Trading Standards Manager – Proactive Interventions

Hampshire County Council - Trading Standards Service,
Postal address: Hampshire County Council, Universal Services, The Castle,
Winchester SO23 8UD

Hampshire and IOW Fire and Rescue Service
Headquarters, Leigh Road, Eastleigh, Hampshire, SO50 9SJ
Received 8 July 2023

Subject: FW: CONSULTATION: Review of Statement of Licensing Policy, Licensing Act 2003 - Havant Borough Council

Good afternoon

Many thanks for sending over the attached document – there are no comments from HIWFRS.

Tor Strowger (She/her)
Station Manager Protection Delivery
Protection Department

Headquarters
Leigh Road, Eastleigh
Hampshire, SO50 9SJ

Langstone Residents Association
c/o Secretary, 18 Southbrook Road, Langstone, Havant, PO9 1RN
Received 13 July 2023

Subject: REVIEW OF STATEMENT OF PRINCIPLES -- LICENSING ACT 2003 AND
GAMING ACT 2005

Dear Briony Appletree,

Your References. LA 2003 Policy 2023. and GA2005 Policy 2023

I have received your letters dated 3 July 2023. Please note the correct address for such correspondence is Langstone Residents' Association, c/o Secretary, 18 Southbrook Road, Langstone, Havaant, PO9 1 RN.

The letters received requested comments on the proposed changes to Havant Borough's Policies regarding Licensing and Gambling. The draft Statements of Principal's have been read and I confirm the LRA is happy to endorse the revised Statements.

Kind regards

David Pattenden
Secretary, Langstone Residents' Association

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Havant

BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

[DD/MM/YYYY]

DRAFT

1. INTRODUCTION.....	3
2. LICENSING OBJECTIVES.....	6
3. OTHER LEGISLATION AND INITIATIVES.....	16
4. CUMULATIVE EFFECT AND SPECIAL SATURATION POLICIES.....	19
5. LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS.....	21
6. APPLICATIONS.....	22
7. TYPES OF LICENCES, CERTIFICATES AND NOTICES.....	22
Premises Licence.....	23
Provisional Statement.....	25
Club Premises Certificates.....	26
Temporary Event Notices.....	28
8. REVIEWS.....	29
9. SUMMARY REVIEWS.....	30
10. APPEALS.....	31
11. ENFORCEMENT.....	31
12. DATA PROTECTION.....	31
APPENDIX 1.....	33
APPENDIX 2.....	35

1. INTRODUCTION

- 1.1 The Licensing Act 2003 (“The Act”) requires licensing authorities to publish a Statement of Licensing Policy (the “Policy”) in respect of its licensing functions every five years. Havant Borough Council is the “Licensing Authority” as defined under the Act. The Policy sets out a general approach to making licensing decisions in respect of licences under the Act.
- 1.2 The Licensing Authority must have regard to this Policy and any statutory guidance issued by the Secretary of State. The Licensing Authority reserves the right to act outside the provisions of this Policy and to depart from it if, having considered the individual case, it can demonstrate good reasons to do so and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.3 During the five-year period, the policy will be kept under review and revised when appropriate; for example, where legislation or statutory guidance is updated. Further licensing policy statements will be published every five years thereafter.

Consultation

- 1.4 Where amendments to the policy are considered necessary, these will be made following consultation in accordance with section 5(3) of the Act, with proper weight given to the views of those consulted.
- 1.5 In accordance with section 5 of the Act, the Licensing Authority has consulted with the following persons/bodies prior to publication of this Policy:
- The Chief Officer of Police, Hampshire Constabulary
 - Hampshire and IOW Fire and Rescue Authority
 - Public Health, Hampshire County Council
 - Bodies representing holders of premises licences and club premises certificates
 - Bodies representing holders of personal licences
 - Bodies representing businesses and residents in the Borough
 - Any other person or body the Licensing Authority deems appropriate
- 1.6 In addition, the Council has consulted with:
- Health and Safety Executive
 - Environmental Health, Havant Borough Council
 - Planning and Development Management, Havant Borough Council
 - Neighbourhood Quality & Community Safety, Havant Borough Council
 - Adult and Child Services, Hampshire County Council
 - Trading Standards, Hampshire County Council
 - Immigration Enforcement, Home Office
 - Hampshire Chamber of Commerce
 - Havant Partnership Action Group
 - Hampshire and Isle of Wight licensing authorities

- 1.7 This statement of licensing policy has been prepared in accordance with section 5 of the Act, taking into consideration the Government's guidance issued under section 182 of the Act and other relevant publications.
- 1.8 The Licensing Authority has established a Licensing Committee consisting of 15 Councillors. All matters relating to licensing functions come under the direction of this committee.
- 1.9 The Licensing Committee may establish one or more sub-committees to whom certain decisions will be delegated. In the interests of efficiency, the Licensing Committee may also delegate some licensing decisions and functions to authorised officers. The Licensing Committee may receive reports on decisions made by officers to inform its overview of licensing matters. Appendix 1 (Schedule of Delegation) sets out the framework for licensing decisions.
- 1.10 Nothing in this Policy will:
- Undermine the right of any person to apply under the Act for any licence, certificate or notice.
 - Override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.

Licensable Activities

- 1.11 The Licensing Authority is responsible for considering all applications for "licensable activities", as defined in section 1 of the Act. The purpose of licensing is to regulate the operation of licensable activities on licensed premises, qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Sale by retail of alcohol
 - Supply of alcohol to club members
 - Provision of late night refreshment
 - Provision of regulated entertainment, defined as follows:
 - A performance of a play
 - An exhibition of film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Playing of recorded music
 - A performance of dance
- 1.12 The Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to licensing requirements for some of the activities listed above.

The Borough

- 1.13 The Havant Borough is just over 30 square miles and serves a population of around 124,200 (2021 Census).
- 1.14 The Havant Borough has many and varied licensed premises. The Licensing Authority recognises that these premises play a vital part in the cultural identity of the area and are important contributors to the local economy. The premises attract tourists and visitors, making for vibrant towns and communities with many employment opportunities.
- 1.15 There are approximately 331 licensed premises in the Borough where alcohol is sold, late night refreshment provided and/or entertainment provided on a regular or occasional basis. These premises include:
- public houses
 - supermarkets and off-licences
 - businesses offering hot food between 23:00 and 05:00
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members' clubs and social clubs
 - theatres and amateur dramatic groups
 - cinemas
 - parks and open spaces
 - premises where indoor sporting events take place
 - community premises, village halls and schools
- 1.16 The 2021 Census found that 4.6% of residents in the Borough, who are currently employed, are working in the accommodation and food service industries.

2. LICENSING OBJECTIVES

- 2.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 2.2 The Licensing Authority recognises that the best means of promoting the licensing objectives is through cooperation and partnership between local authorities, police and other enforcement agencies, local businesses, performers, community and crime prevention groups, and those involved in child protection.
- 2.3 In promoting the licensing objectives, the Licensing Authority has a number of key purposes which should be principal aims for any person or body involved in licensing functions. These purposes include:
- a) Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by licensed premises;
 - b) Ensuring that the police, licensing officers and other agencies have the powers required to effectively manage and police the night-time economy, taking action against those premises not upholding the licensing objectives;
 - c) Recognising the valuable role that licensed premises play in our local communities and economy, by minimising the regulatory burden on businesses where possible, establishing positive relationships with licensees and supporting responsible premises;
 - d) Actively engaging with the local police to identify instances of drink spiking, and using this data to educate licensed premises and the general public about how to keep customers safe;
 - e) Working closely with partner agencies, licensees and local communities to proactively safeguard and prevent violence against women and girls in the night-time economy;
 - f) Providing a regulatory framework for alcohol which reflects the needs of the local area and its communities; and
 - g) Encouraging greater community involvement in licensing decisions, giving local residents the opportunity to express their views regarding licensing decisions that may impact them.
- 2.4 The Operating Schedule forms part of the completed application for a premises licence or club premises certificate. It should include information which is necessary to enable any Responsible Authority or Other Person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. Specific requirements on what the schedule should contain and how it should be presented are contained in sections 17 and 71 of the Act and in regulations. General policies relevant to each of the licensing objectives are detailed below.

Prevention of Crime and Disorder

- 2.5 The consumption of alcohol has a proven relationship with incidents of violent crime and disorder. Data from the Office for National Statistics shows that over 13% of

violent incidents were alcohol-related between 2018 and 2020.

- 2.6 As of 2023, the crime rate in Havant is 16% higher than the South East and 6% higher than the England, Wales & Northern Ireland overall figure. The most commonly committed crimes in Havant are violence and sexual offences, with 5,529 offences during 2022.
- 2.7 The Licensing Authority will maintain a positive working relationship with local policing teams, including the police licensing team, to ensure that information about crime and disorder related to licensed premises is shared and used to inform decisions about applications and enforcement action.
- 2.8 It is expected that applicants for premises licences and club premises certificates engage with the local police licensing team prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.9 Applicants must indicate in the Operating Schedule the steps that they propose to prevent crime and disorder. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:
- Installation and use of CCTV at the premises, in accordance with the Information Commissioner's Code of Practice;
 - A zero tolerance drug policy with clear, documented procedures for dealing with customers suspected of using or supplying illegal drugs;
 - Employment of SIA licensed door supervisors, particularly in the night time economy;
 - Maintaining an incident log on the premises, for the purposes of identifying trends and sharing information with the local police;
 - Risk assessments undertaken for drinks promotions, ensuring that they comply with the mandatory conditions;
 - Staff training in recognising and dealing with drunkenness, conflict management and crime scene preservation;
 - Participation in local crime prevention schemes such as Pubwatch, Shopwatch, Best Bar None and Ask for Angela, where such schemes exist;
 - Preventing open containers of alcohol being removed from the premises;
 - Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

- 2.10 To promote this licensing objectives, the range and scope of control measures will depend on a number of factors. These may include
- nature and style of the venue
 - activities being conducted there
 - location of the premises
 - anticipated clientele of the business involved

- past record of the premises

Offences relating to crime and disorder

2.11 The following are offences under the Act:

- To sell or supply alcohol to a person who is drunk;
- To knowingly allow disorderly conduct on licensed premises.
- For the holder of a premises licence or a Designated Premises Supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported or acquired.

Drink Spiking

- 2.12 Drink spiking is when somebody puts drugs or alcohol into a person's drink without their knowledge or consent. Spiking can affect victim's physical and mental health and emotional wellbeing, with many victims being subject to robbery and sexual assault.
- 2.13 A House of Commons Committee report published in 2022 reported findings relating to drink spiking and made recommendations to the Government. The report was commissioned in response to an increase in the number of reports of drink spiking and needle spiking. The report found that 93% of needle spiking incidents occurred in the evening and night-time economy, most frequently in pubs and clubs. Accurate data regarding the number of spiking incidents per year is difficult to obtain, as many cases go unreported.
- 2.14 The report made a number of recommendations, including that the Government should work with local authorities to develop a national anti-spiking strategy, promotes best practice and requires all police forces and local authorities to publish their chosen approach.
- 2.15 The Licensing Authority expects applicants for premises licences and club premises certificates, and current licensees, to take reasonable steps to prevent drink spiking on their premises. Control measures should be proportionate to the style of premises, taking into consideration Government guidance on the matters and any recommendations made by the local police licensing team.
- 2.16 Applicants and licence holders can be proactive in recognising and tackling drink spiking by ensuring that their staff have access to relevant guidance and training materials. Staff members should understand how to identify potential drink spiking, how to safeguard victims and how to report incidents.
- 2.17 The Council will develop an anti-drink spiking strategy, outlining how it intends to work with partner agencies and licensed premises to tackle the issue. This will be regularly reviewed to ensure that it is fit for purpose.

Violence Against Women and Girls (VAWG)

- 2.18 Certain acts of violence or abuse have been proven to disproportionately affect women and girls. Violence Against Women and Girls (VAWG) can be defined as

any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’

- 2.19 In 2021, the Government published its strategy for tackling violence against women and girls (VAWG). The strategy has been followed by the launch of VAWG initiatives from multiple organisations, including the College of Policing and the Home Office.
- 2.20 Tackling violent crime in the nighttime economy is likely to have a direct impact on preventing violence against women and girls. The Licensing Authority is committed to working with partner agencies and licensed premises to increase awareness of this issue and to signpost licensees to training resources and guidance.
- 2.21 Applicants and licence holders can be proactive in preventing violence against women and girls by participating in initiatives such as ‘Ask for Angela’ and the Home Office’s ‘Enough’ campaign, and ensuring that their staff have access to relevant guidance and training materials such as the Welfare and Vulnerability Engagement (WAVE) training package.

Public Safety

- 2.22 Licensed premises have a number of public safety considerations, many of which are enforced under separate legislation, i.e., the Health and Safety at Work Act 1974.
- 2.23 The Licensing Authority will seek to avoid duplication with other regulatory regimes wherever possible, particularly when drafting licence conditions and guidance. Where requirements are imposed by other legislation, it is not expected that applicants include these in their Operating Schedule as suggested licence conditions.
- 2.24 Where a licensed premises is under investigation or subject to enforcement action under another regulatory regime, the Licensing Authority shall endeavour to have a joined-up approach with the relevant enforcement agency and consider whether the investigation and/or enforcement action demonstrates a failure to promote the licensing objectives.
- 2.25 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies on matters of public safety prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.26 Applicants must indicate in the Operating Schedule the steps that they propose to ensure public safety. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:
- Implementation of a ‘comfort’ capacity level, typically lower than the safe occupancy level as determined by a fire risk assessment, to prevent overcrowding;

- Consideration given to counter terrorism measures, including static and mobile threats, with procedures for evacuation and building lockdown.
- Employment of SIA licensed door supervisors, stewards and/or traffic marshals, depending on what is appropriate for the premises;
- Provision of a suitably trained welfare officer; a designated member of staff for the purposes of ensuring customer safety and wellbeing and responding to vulnerability concerns;
- A procedure for ensuring that any person leaving the premises who is deemed vulnerable has access to necessary support and/or a safe method of travel, engaging with local taxi firms and schemes such as Street Pastors or Night Angels (where such schemes exist).

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

- 2.27 Where appropriate, the Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. These may be drawn from the information contained in the Guidance issued under section 182 of the Licensing Act 2003.
- 2.28 In a case where different Responsible Authorities permit different 'safe' or 'permitted' capacity numbers for a premises, the Licensing Authority will consider the recommendations and make a determination as appropriate to the Licensing Objectives in each case.

Martyn's Law

- 2.29 The Terrorism (Protection of Premises) Bill, also known as Martyn's Law, was published by the Government in draft form in May 2023. The legislation has been drafted following the Manchester Arena inquiry, which strongly recommended the introduction of a legislative requirement to improve the safety and security of public venues.
- 2.30 Whilst this legislation is separate to the Licensing Act 2003, the Licensing Authority recognises that a significant number of premises licensed under the Act will also fall within the scope of Martyn's Law.
- 2.31 The draft legislation will, once passed, apply to premises that are accessible to the public and used primarily for a listed purpose (e.g., for entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings, visitor attractions, places of worship, health, and education establishments), and have a public capacity of at least 100 persons.
- 2.32 The Licensing Authority will signpost applicants and licence holders to the relevant legislation, Government guidance and other published advisory notes to assist them with complying with Martyn's Law.

Prevention of Public Nuisance

- 2.33 The very nature of many licensed premises' day-to-day operations come with the risk of causing nuisance to neighboring business and residential premises.

Premises that provide live and recorded music, in particular, will be expected to ensure that their activities are not causing a significant adverse impact on the local area.

- 2.34 Public nuisance can range from low level nuisance affecting a small number of people to widespread disturbance affecting the whole community. Public nuisance associated with licensable activities may arise from a range of causes including noise, odour, light emission, and litter. The Act, and powers contained therein, will be the default remedy to address these issues associated to premises where a valid licence is in place. To prevent public nuisance the Licensing Authority will seek to ensure that:
- Effective and proportionate controls are in place to prevent public nuisance arising from any licensed activity;
 - Evidence of public nuisance brought to the attention of the Licensing Authority will be considered. Where necessary the Licence will be amended or revoked to reduce the likelihood of further nuisance;
 - Where it is in the public interest enforcement action will be considered in accordance with the Council's Enforcement Policy.
- 2.35 In considering applications, the Licensing Authority shall seek to strike a balance between the right of business owners to carry on licensable activities and the right of residents to peacefully enjoy their homes and local area.
- 2.36 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where premises are:
- In an area with denser residential accommodation
 - In an area with low levels of background noise i.e., rural locations
 - Proposing licensable activities beyond 23:00 and before 07:00
 - Proposing licensable activities in outdoor areas, such as gardens or marquees
 - Proposing licensable activities of longer duration or greater frequency, e.g., every day or every weekend.
- 2.37 Licensing legislation is not the primary mechanism for the control of nuisance caused by individuals that have vacated licensed premises. This is typically beyond the direct control of the licence or certificate holder. Nonetheless, the Licensing Authority expects reasonable controls to be implemented to mitigate nuisance where possible, for example a written dispersal policy.
- 2.38 Where nuisance complaints are made to the Licensing Authority or another regulatory service, i.e., Environmental Health or Planning, the Licensing Authority shall endeavour to have a joined-up approach with the relevant enforcement agency and consider whether the investigation and/or enforcement action demonstrates a failure to promote the licensing objectives.
- 2.39 It is expected that applicants for premises licences and club premises certificates engage with Environmental Health prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.

2.40 Applicants must indicate in the Operating Schedule the steps that they propose to prevent public nuisance. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- Limiting regulated entertainment to indoors only, or to a particular area of the premises which is less likely to adversely affect neighbouring properties;
- Consideration given to design, location and orientation of speakers;
- Documented noise management plan, agreed with Environmental Health;
- Effective queue management procedure;
- Management of external garden areas and smoking areas, including staggered closing times;
- Provision of adequate waste receptacles and cigarette bins;
- Display of signage to encourage customers to leave quietly;
- Installation of sound proofing, air conditioning and sound limitation devices;
- Distribution of information to nearby residents, i.e., regularly meetings or provision of a hotline telephone number.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

Gardens and outdoor smoking areas

2.41 The beer gardens of public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. Late at night, however the use of these same tables and chairs can contribute to noise problems as they can encourage patrons and passersby to loiter rather than disperse.

2.42 The use of tables and chairs for recreation and refreshment on the public highway requires a separate licence issued by the Licensing Authority under the provisions of the Business and Planning Act 2020 or the Highways Act 1980. Where appropriate, time restrictions may be placed on the use of outside chairs and beer gardens to prevent adverse impacts on the safety and amenity of local residents.

Live and recorded music

2.43 Amplified music poses a particular risk of nuisance if it is loud or is dominated by low (bass) frequencies. In respect of potential public noise nuisance from public houses, clubs, hotels, restaurants, cafes, community halls and similar premises, account should be taken of any recommendations made by Environmental Health.

2.44 To establish the risk of public nuisance, the Operating Schedule will need to set out the type and frequency of activities that the licensed premises intends to carry out. The control measures that need to be implemented to prevent public nuisance may include:

- Improvements in the level of sound insulation provided;
- Provision of lobbied entrances;
- Provision of a mechanical ventilation or air conditioning system;

- Management methods for controlling the volume of noise;
- Use of an in-house sound system only;
- Use of devices to automatically limit noise volume in the premises;
- Design and location of the loudspeakers;
- Controls over the times music is played.

Odour

2.45 Public odour nuisance can be caused by a variety of activities associated with licensed premises. These include:

- Inadequate storage of food waste
- Cooking activities
- Cooking extract systems

2.46 Particular care is needed in the design of extract systems serving cooking areas. Account should be taken of any Government or industry guidance on the control of odour and noise from commercial kitchen extractor systems.

Light

2.47 Public nuisance may arise from artificial illumination used in open areas such as gardens. Lighting should not be permitted to create excessive illumination at neighbouring property and should be shielded and directed to avoid glare. Account should be taken of any Government or industry guidance on reduction of obtrusive light.

Smoking and litter

- 2.48 It is illegal to smoke in an enclosed or substantially enclosed public or workplace. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises in gardens and purpose-built shelters has increased since the smoke-free legislation provisions came into force. Premises staff will need to have regard to the additional noise from patrons who have moved outside to smoke and should introduce suitable controls to combat this. Whilst premises staff may not be held wholly responsible for the actions of its customers once they leave a venue, those using gardens or who intend to return to the premises, do remain the responsibility of the site.
- 2.49 Premises staff should also take particular steps to combat litter from smoking as this may give rise to complaints. Appropriate waste receptacles may be provided to ensure that litter is disposed of correctly.

Protection of Children from Harm

- 2.50 The Licensing Authority expects new applicants and current licence or certificate holders to ensure they are fulfilling their responsibility to safeguard children in and around their premises. In particular, awareness of the threat of child sexual exploitation and measures to prevent underage sales of alcohol.
- 2.51 Licensed premises are expected to take a robust approach to preventing underage

sales and proxy sales, implementing a proof of age scheme with regular training provided to staff members on how to verify customers' age and when to refuse service.

2.52 It is unlawful under the Act:

- To allow an unaccompanied child (under 16 years old) to be present on premises which are “exclusively or primarily” used for the supply and consumption of alcohol there, (e.g. public houses) or
- To allow an unaccompanied child to be present on premises used for the supply of alcohol for consumption there between midnight and 0500hrs, (e.g. premises such as restaurants).

Both of these offences relate to the times when a premises is open for business.

2.53 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies (such as the police licensing team and local child protection team) prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.

2.54 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where premises:

- Are more likely to attract children seeking to unlawfully drink alcohol;
- Are closely located to educational establishments for primary, secondary and higher education;
- Have a history of, or recent intelligence relating to serving alcohol to underage customers and/or a reputation for underage drinking;
- Make provision for events for mixed age groups, i.e., discos or parties targeted at 16-18 year olds;
- Make provision for entertainment of an adult or sexual nature;
- Are more likely to be used for child sexual exploitation, i.e., premises with overnight accommodation.

2.55 Applicants must indicate in the Operating Schedule the steps that they propose to protect children from harm. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- A robust proof of age scheme, i.e., Challenge 25, with clear signage displayed to customers and regular staff training relating to age verification;
- Maintaining a refusals log, detailing all refusals made to sell or supply alcohol with the date, time, staff member's name and reason for refusal;
- Use of till prompts at the point of sale, reminding staff members of their obligation to verify customers' age;
- Limitations on the hours when children may be on the premises, or a requirement for accompanying adults;
- Procedures for notifying relevant agencies of safeguarding or vulnerability concerns, particularly where child sexual exploitation is suspected;
- Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

2.56 When deciding whether additional conditions should be imposed the Licensing Authority will consider each application on its own merits. In such cases, it may, in exceptional circumstances, impose a complete prohibition on the admission or presence of children. The type of controls the Licensing Authority may impose include:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Age limitations
- Requirements for accompanying adults and
- Full exclusion of people under 18 from the premises when any or certain licensable activities are taking place

2.57 Where there is provision of entertainment specifically for children (e.g. children's disco) or where the children themselves are performers, the Licensing Authority will normally require the presence of sufficient adults to control the access and egress of the children and to ensure their safety.

Films and Adult Entertainment

2.58 The Licensing Authority expects applicants and licence / certificate holders to make necessary arrangements to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (BBFC).

2.59 Where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, refer the request to a Licensing Sub-Committee for it to classify the film(s) concerned. To achieve consistency and protect children from harm, the Sub-Committee will use the guidelines published by the BBFC.

2.60 In circumstances where adult entertainment (for example, striptease or lap-dancing) is regulated under the Licensing Act 2003, the Licensing Authority expects applicants and licence / certificate holders to have robust procedures in place to prevent children from being admitted to or witnessing entertainment events of this nature.

2.61 Premises used for adult entertainment shall be expected to ensure that performance areas cannot be seen from street, and that an age verification policy is in place in relation to ticket sales and admission.

Child Exploitation

2.62 The exploitation of children can take a number of different forms and perpetrators

may subject children and young people to multiple forms of abuse at the same time, such as criminal exploitation (including county lines) and sexual exploitation.

- 2.63 The Licensing Authority recognises that the issue of child exploitation cannot be addressed by a single agency alone, and that effective collaboration between partner agencies and licensed premises is necessary to protect children from harm. Local businesses such as hotels, fast food restaurants, taxi services and pubs and nightclubs may come into contact with offenders and victims without realising, and so education about how to identify key signs of exploitation and providing appropriate information sharing methods is essential.
- 2.64 Raising awareness of the signs of child exploitation will be achieved in partnership with the local police licensing team, by sharing resources with licensed premises through established Pubwatch schemes and during routine compliance visits.
- 2.65 Applicants and licence holders can be proactive in recognising child exploitation by ensuring that their staff have access to relevant guidance and training materials, for example the Welfare and Vulnerability Engagement (WAVE) training package.

3. OTHER LEGISLATION AND INITIATIVES

- 3.1 In addition to being the Licensing Authority under the Licensing Act 2003, Havant Borough Council has responsibility for a number of other statutory functions which interrelate and complement licensing functions. For example, the Council acts as the local planning authority in determining planning applications, an environmental health service and a building control service.
- 3.2 The Council also publishes its aims and initiatives as part of its corporate strategy, which is reviewed regularly. This includes commitments to regeneration, supporting the wellbeing and health of local communities, and making the Borough a great place to live, work and enjoy.
- 3.3 Through consultation prior to publication, the Licensing Authority has endeavoured to ensure that this Policy is integrated with relevant, local initiatives and that the views of key stakeholders who are involved, directly or indirectly in the promotion of the licensing objectives, are taken into account.
- 3.4 The Licensing Authority will seek to avoid duplication with other regulatory regimes wherever possible, particularly when drafting licence conditions and guidance.
- 3.5 The Licensing Authority recognises that as part of implementing cultural initiatives it should encourage and promote live music, dancing, and theatre for the wider benefit of the community.
- 3.6 The wider cultural benefits of entertainment will always be balanced with the need to prevent disturbance to local neighbourhoods. Care will be taken to ensure that only necessary and reasonable licensing conditions are imposed which do not discourage the promotion of entertainment.
- 3.7 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and

Crime Act 2009). Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.

3.8 Premises must also comply with all other relevant legislation that imposes specific controls on their activities that affect, for example:

- gambling
- food safety
- environmental protection and noise
- health and safety
- fire safety
- smoking
- equality and diversity
- planning and building controls
- counter terrorism measures

Planning

3.9 The Council recognises that there should be clear separation between the planning and licensing functions, with licensing applications considered independently of planning applications. Close liaison will be maintained between the Licensing Authority and the Council’s Planning and Development Management Teams, ensuring that effective communication methods are used to discuss problems arising at premises where both planning and licensing permission are relevant.

3.10 Planning permission can sometimes be required where all or part of a domestic residential property is used for business purposes, and a change of use or changes to opening hours may be required where planning permission has already been granted. In these instances, any premises licence or club premises certificate granted under the Licensing Act does not override the existing planning permission or condition requirements.

3.11 Applicants are encouraged to discuss proposals with the Planning and Development Management Teams to obtain appropriate advice, prior to starting a new business venture or making changes to an existing business that already benefits from formal planning permission.

3.12 The Planning Team are a statutory consultee for the purposes of applications for premises licences and club premises certificates and may submit representations in respect of applications where they consider that the proposals will adversely impact the licensing objectives.

Crime, Disorder and Anti-Social Behaviour

- 3.13 The Licensing Authority will work closely with the police and other enforcement agencies on issues of crime, disorder and anti-social behaviour where these issues can be attributed to licensed premises.
- 3.14 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area.
- 3.15 The Licensing Authority actively supports the existing Havant and District Pubwatch scheme, providing members with regular updates to legislation, guidance and best practice.
- 3.16 The Borough is subject to a Designated Public Places Order (DPPO). This order empowers the Police, Police Community Support Officers (PCSOs) and Accredited Persons (APs) to remove alcohol from individuals involved in anti-social behaviour. The Designated Public Places Order was made by the Local Authority under Section 13 of the Criminal Justice and Police Act 2001.
- 3.17 However, where the Local Authority occupies or manages a premises, or where premises are managed on its behalf and it licenses that place for alcohol sales, the DPPO (as amended under Section 26 of the Violent Crime Reduction Act 2006) will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be the subject to the DPPO at all other times. This allows the Council to promote community events whilst still using DPPOs to tackle anti-social alcohol consumption.
- 3.18 A Community Alcohol Partnership (CAP) was launched in March 2012 on Hayling Island which focuses on the nuisance created by young people drinking alcohol in public places and becoming involved in anti-social behaviour, vandalism. It also aims to address the problem of adults purchasing alcohol for young people and being able to access alcohol from home supplies.
- 3.19 Conditions attached to individual premises licences and club premises certificates may also reflect local crime prevention initiatives.
- 3.20 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who cause an adverse impact to neighbouring residents and businesses when leaving licensed premises. These include:
- Positive action to create a safe and clean town centre environment, in partnership with local businesses and residents, transport operators and other departments of the local authority;
 - Power of local authorities to designate parts of the district as alcohol-free areas;
 - The confiscation of alcohol from adults and children in designated areas;
 - Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of community resolutions and use of dispersal orders;
 - The prosecution of any Personal Licence holder or member of staff at premises found to be selling alcohol to people who are either drunk or under-age;

- Police powers to close any licensed premises or temporary event immediately for up to 24 hours, on grounds of disorder or excessive noise emanating from the premises;
- The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

4. CUMULATIVE EFFECT AND SPECIAL SATURATION POLICIES

- 4.1 The Licensing Authority will not take 'market need' into account for a particular type of premises in its area when considering a licence application. This is a matter for planning and development management, and the open market.
- 4.2 The Licensing Authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder.
- 4.3 Representations may be received from a Responsible Authority or any Other Person that an area has become saturated with premises, making it a focal point for large groups of people. This concentration of premises may create exceptional problems of crime and disorder and public nuisance over and above the impact from the individual premises.
- 4.4 In these circumstances, the Licensing Authority may decide that the application of specific conditions is unlikely to address these problems. It may instead consider refusing new premises licences or club premises certificates if it believes that granting of additional licences would undermine the licensing objectives.
- 4.5 To do this, the Licensing Authority would first adopt a “Special Saturation Policy” as follows:
- identification of concerns about crime and disorder or public nuisance;
 - consideration of whether crime and disorder or public nuisance problems are arising and are caused by the customers of licensed premises;
 - identifying the area from which problems are arising and the boundaries of that area. Alternatively, the risk factors may be such that the area is reaching a point when a cumulative effect is imminent. Evidence of anti- social behaviour from the Police and and noise nuisance from Environmental Health will be considered in determining this;
 - consultation with those specified in section 5(3) of the Act;
 - subject to that consultation, inclusion of a Special Saturation Policy concerning premises licence or club premises certificate applications from that area within the terms of this Policy;
 - publication of the Special Saturation Policy as part of this Statement of Licensing Policy.
- 4.6 Where a Special Saturation Policy is adopted by the Council, any new application for a premises licence or club premises certificate in the relevant area would normally be refused. Applicants would need to demonstrate in their operating schedules why the operation of the premises would not add to the cumulative impact already being experienced. Where representations are

received, however, the onus will also be on the objector to provide evidence that the addition of the premises in question would produce the cumulative impact claimed. The impact will be different for premises with different styles and characteristics.

- 4.7 The Licensing Authority may approve licences that are unlikely to add significantly to the cumulative impact, e.g., restaurants, theatres etc. Departures from the Special Saturation Policy may be made and the Licensing Authority will always consider the circumstances of each individual application on its own merits.
- 4.8 The adoption of a Special Saturation Policy does not relieve Responsible Authorities or any Other Person of the right to make relevant representations in respect of applications for premises licences and club premises certificates.
- 4.9 Once adopted, Special Saturation Policies must be reviewed regularly to assess whether they are still relevant and/or required.
- 4.10 A Special Saturation Policy will not be used as grounds for revoking an existing premises licence or club premises certificate when representations are received about problems with those premises. The Special Saturation Policy will also not impose any trading hours, terminal hours or quotas (number or capacity of premises) as this would remove regard to the individual characteristics of the premises concerned.
- 4.11 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These include:
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses and residents, transport operators and other departments of the local authority
 - Power of local authorities to designate parts of the district as alcohol-free areas
 - The confiscation of alcohol from adults and children in designated areas.
 - Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and community protection notices.
 - The prosecution of any Personal Licence holder or member of staff at premises that are selling alcohol to people who are either drunk or under-age
 - Police powers to close any licensed premises or temporary event immediately for up to 24 hours, on grounds of disorder or excessive noise emanating from the premises.
 - The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

5. LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

- 5.1 The Late Night Levy, introduced by the Police Reform and Social Responsibility Act 2011, enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing and cleaning after the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.
- 5.2 At present Havant Borough Council has not exercised this power. Should it choose to introduce the Late Night Levy it must consider the costs of policing, cleansing and other arrangements for the reduction or prevention of crime and disorder. In connection with the supply of alcohol between midnight and 6 am, and having regard to those costs, the desirability of raising revenue to be applied in accordance with the legal application of net amount of levy payment.
- 5.3 An Early Morning Alcohol Restriction Order (EMRO) enables licensing Authorities to restrict sales of alcohol in the whole or a part of their area for any specified period between 12 midnight and 6 am if they consider it appropriate for the promotion of the licensing objectives. The Police Reform and Social Responsibility Act 2011 extended the flexibility of the existing EMRO power in the 2003 Act to provide Licensing Authorities with an additional tool to shape and determine local licensing, and to address specific problems caused by late night drinking.
- 5.4 At present the Licensing Authority has decided not to exercise this power.

6. APPLICATIONS

- 6.1 Applicants are strongly encouraged to seek guidance at the earliest possible stage from the Licensing Authority and other Responsible Authorities before making an application. This enables applicants to have an informal discussion with the relevant authorities regarding the promotion of the licensing objectives, and to work collaboratively to propose licence conditions where appropriate.

Conditions

- 6.2 Applicants are expected to outline how they intend to promote the licensing objectives when making their application, providing details in the operating schedule. The measures detailed in the operating schedule should be an accurate reflection of how the premises intend to operate and mitigate risk, rather than seen as a 'box ticking' exercise in order to obtain a licence. Applicants may refer to the Guidance issued under section 182 of the Licensing Act 2003 for assistance in drafting their proposals.
- 6.3 The Licensing Authority may apply any information contained in the operating schedule as conditions on a licence or certificate granted, and re-phrase the information where necessary to ensure that conditions are clear and enforceable.
- 6.4 Where the Licensing Authority does not receive representation regarding the terms of an application it will grant the licence or certificate subject only to conditions that are consistent with the operating schedule. Mandatory conditions prescribed in the Act will also be included.

Licensing Hours

- 6.5 Flexible licensing hours for the sale of alcohol may help to avoid the possibility of large numbers of customers leaving premises simultaneously. This can help to reduce impact and disturbance at, for example, late-night fast-food outlets, taxi ranks and other sources of transport.
- 6.6 The Licensing Authority may permit shops, stores and supermarkets to sell alcohol for consumption off the premises at any time they are open for business. Where, however the Police make recommendations for the restriction of hours, then this will be considered.

7. TYPES OF LICENCES, CERTIFICATES AND NOTICES

Personal Licence

- 7.1 A personal licence is granted to an individual and authorises them to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
- 7.2 A personal licence may be granted to any applicant, who:
- Is ordinarily resident in the Licensing Authority's district;
 - Is aged 18 or over;
 - Possesses a licensing qualification accredited by the Department of Culture, Media and Sport (DCMS) or is a person of a prescribed

description as determined by the Secretary of State.

- 7.3 A licence will not be granted to any applicant who has had a personal licence forfeited within the five-year period preceding the date of the application.
- 7.4 An application for a personal licence must be made using the prescribed application form and accompanied by the following supplementary documents:
- Disclosure of convictions and civil immigration penalties;
 - A copy of acceptable documentation proving the applicant's right to work in the UK;
 - Two photographs of the applicant, one of which is endorsed as a true likeness of the applicant by a solicitor or notary, a person of standing in the community or an individual with a professional qualification;
 - Evidence of an approved licensing qualification;
 - A basic DBS certificate, no more than one month from the date of issue;
 - Payment of the prescribed fee.
- 7.5 The police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction, and where they believe the grant of a personal licence would undermine the crime prevention licensing objective. If a police objection is received, the application will be determined at a Sub-Committee at a hearing where all matters relevant to the application will be taken into consideration. These may include the nature of any offences, the time since their occurrence and any mitigating circumstances. The applicant may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified. There will be no need for a hearing if the applicant, Licensing Authority and Chief Officer of Police agree that it is not necessary.
- 7.6 Personal licence holders are obliged to notify the Licensing Authority of any change of name or address during the period of licence.
- 7.7 Should a personal licence holder be convicted of a relevant offence during the period of licence, the relevant Court and the licence holder must notify the Licensing Authority of the conviction as soon as reasonably practicable. In this instance, the Licensing Authority would allow the licence holder to make representations prior to the matter being considered at a Licensing Sub-Committee hearing. Should the licensing Sub-Committee resolve not to revoke the personal licence, the Licensing Authority must give notice to the Chief Officer of Police and give time for them to make representations.

Premises Licence

- 7.8 A premises licence is required for any premises used for one or more licensable activities as defined in section 1 of the Act.
- 7.9 Those who may apply for a premises licence are defined in section 16 of the Act. Applicants must be aged 18 or over, be entitled to work in the UK, and carry or intend to carry on a business which involves the use of

premises for licensable activities.

- 7.10 Certain other individuals and groups, such as recognised clubs, charities and proprietors of educational institutions may also apply for a premises licence.
- 7.11 The requirements in relation to applications for premises licences are set out in section 17 of the Act. An application for a premises licence must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the premises licence holder will have regard to the Licensing Authority's licensing policy and promote the licensing objectives;
 - A plan of the premises to which the application relates, including relevant information as prescribed by Regulations;
 - A form of consent from the individual who is to be specified in the licence as the designated premises supervisor (where the application proposes the sale of alcohol);
 - Evidence of the applicant's right to work in the UK (if applying as an individual)
 - Payment of the prescribed fee.
- 7.12 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises used primarily for certain activities or with higher capacities. Details of fees due can be found on the Council's website.
- 7.13 Unless making an electronic application, applicants are required to copy details of their application to Responsible Authorities, namely:
- The Chief Officer of Police;
 - The local fire and rescue authority;
 - The local enforcement agency for the Health and Safety at Work etc Act 1974
 - The local Environmental Health authority
 - The local Planning Authority;
 - A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
 - The local weights and measures authority, i.e. Trading Standards
 - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
 - The local Primary Care Trust

Contact details for Responsible Authorities can be found in Appendix 2.

- 7.14 Applicants are also required to advertise their application by displaying a prescribed notice (or notices, depending on the size of the premises) at the premises, and publishing a notice in a local newspaper.
- 7.15 Responsible Authorities and Other Persons may make representations in

relation to an application for a premises licence, where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.

- 7.16 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 7.17 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the outcome of the application.
- 7.18 Additional processes for varying a premises licence and transferring a premises licence exist under the Act.
- 7.19 Certain 'community premises' may submit an application to disapply the requirement for a designated premises supervisor to be named on the premises licence, instead passing the responsibility of the sale and supply of alcohol to the premises' management team or governing body.

Provisional Statement

- 7.20 Where premises are to be constructed, extended or substantially altered, new applicants or existing licence holders can apply for a provisional statement. This is a system of prior approval where a premises licence covering the desired licensable activities would be granted once the building work is completed.
- 7.21 Applicants for a provisional statement must be aged 18 or over and have an interest in the relevant premises.
- 7.22 The requirements in relation to applications for provisional statements are set out in section 29 of the Act. An application for a provisional statement must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- A schedule of works, which shall include:
 - a statement made by or on behalf of the application including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used;
 - plans of the work being or about to be done at the premises; and
 - such other information as may be prescribed.
 - Payment of the prescribed fee.
- 7.23 Where Responsible Authorities or Other Persons make representations, a Licensing Sub-Committee hearing will be held to determine the outcome of the application. The Licensing Authority may attach conditions to promote any of the licensing objectives. It is recognised that structural alterations

which change the layout and character of an existing licensed premises can have an effect on the licensing objectives and therefore detailed consideration is required.

Club Premises Certificates

- 7.24 A 'club' is an organisation where members have joined together for particular social, sporting or political purposes. Members of a club may purchase alcohol in bulk, to then supply to fellow members of the club and their guests. This activity requires a club premises certificate, rather than a premises licence.
- 7.25 Only a 'qualifying club' may apply for a club premises certificate. The Act outlines the necessary criteria of a qualifying club, namely:
- The club must have at least 25 members;
 - The club must be established and conducted in good faith;
 - Club persons may not obtain a membership or the privileges of a membership without an interval of at least two days between their application and their admission;
 - Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- 7.26 When determining whether a club is a 'qualifying club', the Licensing Authority will have regard to relevant sections of the Act and guidance issued under section 182 of the Act.
- 7.27 The requirements in relation to applications for club premises certificates are set out in section 71 of the Act. An application for a club premises certificate must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the club will have regard to the Licensing Authority's licensing policy and promote the licensing objectives;
 - A plan of the premises to which the application relates, including relevant information as prescribed by Regulations;
 - A copy of the club's rules; and
 - Payment of the prescribed fee.
- 7.28 No designated premises supervisor is required for a club premises certificate.
- 7.29 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises with higher capacities. Details of fees due can be found on the Council's website.
- 7.30 Unless making an electronic application, applicants are required to copy details of their application to Responsible Authorities, namely:
- The Chief Officer of Police;

- The local fire and rescue authority;
- The local enforcement agency for the Health and Safety at Work etc Act 1974
- The local Environmental Health authority
- The local Planning Authority;
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- The local weights and measures authority, i.e. Trading Standards
- Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
- The local Primary Care Trust

Contact details for Responsible Authorities can be found in Appendix 2.

- 7.31 Applicants are also required to advertise their application by displaying a prescribed notice (or notices, depending on the size of the premises) at the premises, and publishing a notice in a local newspaper.
- 7.32 Responsible Authorities and Other Persons may make representations in relation to an application for a club premises certificate, where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 7.33 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 7.34 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the outcome of the application.
- 7.35 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing commercial services to the general public in a way that the Licensing Authority considers to be contrary to its qualifying club status. It is at this point that the club would no longer be conducted in 'good faith' and the Licensing Authority may give the club notice that it is withdrawing the club premises certificate.
- 7.36 If a club decides that it wishes to offer its facilities commercially, for use by the general public, the Licensing Authority will consider an application for a premises licence. The applicant should consider whether any planning consent must be sought prior to the submission of the premises licence application.
- 7.37 When a premises has the benefit of a club premises certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises to its members. Such supply will only be

permitted during the hours that the premises are open for supply of alcohol to its members on the premises.

Mandatory Conditions

- 7.38 Orders made under the Act in 2010 and 2014 specify mandatory conditions that must be added to any premises licence or club premises certificate granted.
- 7.39 The conditions relate to prohibiting irresponsible drinks promotions, requiring there to be a designated premises supervisor in respect of the premises where alcohol is supplied, and mandating that alcohol is not sold for less than the prescribed permitted price.

Temporary Event Notices

- 7.40 Temporary events involving licensable activities will be permitted if certain criteria are fulfilled.
- 7.41 Any person (or 'premises user') wishing to hold an event involving licensable activities must give notice to the Licensing Authority of that event by means of a temporary event notice. The premises user must be aged 18 or over.
- 7.42 Temporary event notices must be submitted to the Licensing Authority using the prescribed form, providing specific details of the event, namely:
- The general nature of the premises and the event;
 - The date and proposed times of the event;
 - The licensable activities proposed to be carried on at the event;
 - Details of any relevant entertainment (adult entertainment);
 - The maximum number of persons that will be on the premises at any one time.
- 7.43 Temporary event notices must be accompanied by payment of the prescribed fee. Details of fees due can be found on the Council's website.
- 7.44 Whilst there is no requirement to submit a plan with a temporary event notice, the Licensing Authority may request clarification on exactly where the notice relates to. Under the Act, a 'premises' can mean any place, and so it may be necessary for a premises user to supply additional information to satisfy the Licensing Authority of the exact location to which the notice relates.
- 7.45 Unless submitting the notice electronically, premises users are required to copy details of their notice to 'Relevant Persons, namely:
- The Chief Officer of Police;
 - The local Environmental Health authority
- 7.46 Notices must be submitted at least 10 working days before the event is due to start. Premises users are encouraged to do this well before the statutory period is reached so that any problems can be resolved early.

- 7.47 There is also the facility to submit a 'late' temporary event notice, which must be submitted at least 5 working days before the event.
- 7.48 On receipt of a temporary event notice the Licensing Authority will issue an acknowledgement or a counter notice. A counter notice relates to circumstances where certain limits permitted under the Act for running temporary events have been exceeded. These limits are detailed in section 107 of the Act.
- 7.49 If Relevant Persons are satisfied that the event will undermine any of the four licensing objectives, an objection notice stating the reasons will be served on the premises user and the Licensing Authority within three working days of receipt of the notice. The Licensing Authority will then hold a Sub-Committee hearing to consider the objections unless all parties agree that a hearing is unnecessary. If the Sub-Committee agrees with the Relevant Person's objection, then it will serve a counter notice on the premises user. This counternotice prevents the event from taking place.
- 7.50 Temporary event notices may be amended, following an objection notice from a Relevant Person, to impose conditions. However, these conditions must be taken verbatim from a premises licence in respect of the same premises.

8. REVIEWS

- 8.1 At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or any Other Person may ask the Licensing Authority to review the licence or certificate because of a matter arising in connection with any of the four licensing objectives.
- 8.2 A request for a review must be submitted to the Licensing Authority using the prescribed form. The applicant must give notice of the review to Responsible Authorities and the holder of the relevant licence or certificate.
- 8.3 The Licensing Authority must display a notice of the review at the premises for a period of 28 days, during which time Responsible Authorities and Other Persons may make representations in relation to the review. Representations must relate to one or more of the licensing objectives, and must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 8.4 Before arrangements for a review are initiated, The Licensing Authority will make every effort to consult with the review applicant and licence holder in an attempt to resolve issues informally.
- 8.5 Following a Review Hearing the Licensing Authority may:
- modify the conditions of the licence/certificate;
 - exclude a licensable activity from the scope of the licence/certificate;
 - remove the designated premises supervisor from the licence;

- suspend the licence/certificate for a period not exceeding three months;
- revoke the licence/withdraw the certificate.

8.6 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through a premises being used in connection with crime, then revocation of the licence (even in the first instance) will be seriously considered.

9. SUMMARY REVIEWS

9.1 Summary reviews can be undertaken when the Police consider that the premises concerned are associated with serious crime, serious disorder, or both. The powers apply only to premises licences authorised for the sale of alcohol.

9.2 An application for a summary review must be made by or on behalf of the Chief Officer of Police, using the prescribed form. The application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. Guidance issued under section 182 of the Act can be used by police officers to determine whether the certificate should be issued.

9.3 Within 48 hours (not including non-working days) of receipt of the summary review application, the Licensing Authority shall give notice to Responsible Authorities and the licence holder of the application.

9.4 A Licensing Sub-Committee will also consider whether it is necessary to take interim steps, such as placing temporary conditions on the premises licence. A formal hearing is not required for this, although will be arranged where possible. Interim steps include:

- Modification of the conditions of the premises licence
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence; and
- Suspension of the licence.

9.5 Where the Licensing Sub-Committee decides to take interim steps, the decision takes effect immediately. The Licensing Authority must give immediate notice of its decision, and its reasons, to the licence holder and Chief Officer of Police.

9.6 The Licensing Authority will ensure that compliance with any temporary conditions imposed is reasonably achievable by the premises licence holder.

9.7 Any licence holder given notice of a summary review will be given the opportunity to make representations. The Licensing Authority will also advertise the application and invite representations from any person for no less than seven days. Any representation(s) received will be considered by the Licensing Sub-Committee at a subsequent hearing.

10. APPEALS

- 10.1 The Act contains provision for appeals by aggrieved parties against decisions made by the Licensing Authority. Appeals must be made to the Magistrates' Court for the area in which the premises is situated. For personal licences, the appeal must be made to the Magistrates' Court for the area in which the Local Authority's decision was made.
- 10.2 The rights of appeal and reasons for the decision(s) taken by the Licensing Authority will be provided to all parties concerned with any licensing decision. The decision will have regard to the Licensing Authority's Policy, statutory guidance, and relevant legislation (including the Act itself).

11. ENFORCEMENT

- 11.1 Havant Borough Council aims to protect the safety and welfare of people, including members of the public, who may be exposed to risks from the way that licensable activities are carried out and to protect the interests of those who may be adversely affected by such activities if they are unregulated.
- 11.2 The Licensing Authority will always seek to educate and explain before considering enforcement options. For example, where it is alleged or suspected that a premises is operating outside the terms of its licence or certificate, the Licensing Authority will seek to engage with the licence holder informally in the first instance. It will educate the licence holder on the relevant offences potentially being committed and re-visit the premises a short time afterwards to determine whether improvements have been made.
- 11.3 The Licensing Authority will explore all options for improving the operation of a premises prior to considering a review or enforcement options.
- 11.4 Enforcement action, including prosecution, instigated by the Licensing Authority will have regard to the Council's Enforcement Policy.
- 11.5 Where a Licensing Authority is notified by a Court or the Police regarding the issue of a premises closure order, it must review the premises licence within 28 days of receipt of the notice.
- 11.6 Part 7 of the Act sets out a number of offences and proceedings, such as prosecution, which may be instigated by the following:
- The Local Authority
 - The Police
 - The Crown Prosecution Service
 - In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire Trading Standards Department.

12. DATA PROTECTION

- 12.1 The Licensing Authority may use the information submitted on any application form for any licence(s) or permission(s) provided for under the Act for the

purpose of its statutory function(s) under the Act.

- 12.2 All applicants have the right to ask for a copy of the information that the Licensing Authority holds about them under the Act.
- 12.3 By making an application to the Licensing Authority for any licence or permission under the Act, all applicants consent to our processing sensitive personal data about them where this is necessary and lawful.
- 12.4 The Licensing Authority will maintain registers of all matters detailed in Schedule 3 of the Act and any other information prescribed by regulations. Any person is permitted to obtain a copy of this information from the Licensing Authority. Public registers are available via the Council's website.
- 12.5 The Licensing Authority does not publish plans of licensed premises on their public register, for reasons of public safety. Any request made for a copy of a premises plan will be carefully considered with regard given to counter terrorism guidance.

The Licensing Authority welcomes comments and observations on this Policy. These should be addressed to:

The Licensing Team
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant, Hampshire
PO9 2AX
Tel: 02392 446660
Email: licensing@havant.gov.uk

APPENDIX 1

SCHEDULE OF DELEGATIONS

Matter to be dealt with	Licensing Committee or Sub-Committee	Authorised Officer
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a Police or Home Office objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint / representation is irrelevant, frivolous or vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Consideration of a Police and/or Environmental Health objection to a temporary event notice	All cases	
In cases where the Magistrates' Court has determined the licence on appeal		All cases

Application for a minor variation to a premises/club premises certificate		All cases
Application by holder of a community premises licence to dis-apply the requirement for a DPS		All cases

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APPENDIX 2

RESPONSIBLE AUTHORITIES LICENSING ACT 2003

Chief Officer of Police

c/o Emma Walker, Licensing Assistant
Hampshire Constabulary Violent Crime Reduction & Licensing Team
Core 5, Lower Ground Floor
Portsmouth Civic Offices
Portsmouth
Hampshire
PO1 2AL
Tel: 02392 688754
force.licensing@hampshire.pnn.police.uk

Hampshire & IOW Fire and Rescue Service HQ

Business Fire Safety
Leigh Road
Eastleigh
Hampshire
SO50 9SJ
csprotection.admin@hantsfire.gov.uk

Environmental Health – Commercial Team

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
EHealth@havant.gov.uk

Planning & Development Enquiry Officer

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
PlanningandDevelopmentSharedMailbox@havant.gov.uk

Environmental Health – Environment Team

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
EHealth@havant.gov.uk

HCC CSD Safeguarding Unit

Falcon House, Monarch Way
Winchester
Hampshire SO22 5PL
child.protection@hants.gov.uk

The Trading Standards Service

Montgomery House
Monarch Way
Winchester
Hampshire SO22 5PW
01962 833620
tsadvice@hants.gov.uk

Public Health Manager (Licensing)

Public Health Department
1st Floor, Room 153
Elizabeth II Court, South
Hampshire County Council
Winchester
SO23 8TG
publichealth.licensing@hants.gov.uk
Use Fax no. 01962 847644

Home Office

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
alcohol@homeoffice.gov.uk

Licensing

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX
licensing@havant.gov.uk

NON EXEMPT

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

16 August 2023

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

FOR RECOMMENDATION FOR ADOPTION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/030/2023

1. Purpose

- a. This report outlines the responses received during the consultation period for the proposed changes to the Council's current policy on the licensing of hackney carriage and private hire drivers, vehicles and private hire operators, and proposed changes to licence conditions.

2. Recommendation

- a. Members are requested to:
 - i. Review comments received during the consultation, approve any amendments to the policy required as a result of the consultation responses, and recommend the policy for adoption by Full Council.

3. Executive Summary

- a. The Council is reviewing its Hackney Carriage and Private Hire Licensing Policy to adopt relevant recommendations made in the Department for Transport's 'statutory taxi and private hire vehicle standards.' The aim is to update the policy to be consistent with national best practice and achieve common core minimum standards across the taxi and private hire sector.

- b. The proposed changes include, but are not limited to: enhanced DBS checks for drivers every six months; annual DBS checks for vehicle proprietors and private hire operators; requirement to disclose relevant information within 48 hours and on application; requirements for the licensing authority to participate in the National Register of Taxi and Private Hire Vehicle Revocations, Refusals and Suspensions (NR3S); mandatory safeguarding training for all licensed drivers and private hire operators; and requiring private hire operators to maintain specific records, including a register of all staff that take bookings or dispatch vehicles.
- c. Following a Licensing Committee meeting held on 12 June 2023, the Council sought the views of representatives of the taxi trade, the general public, and other licensing authorities during a four-week consultation. Responses were invited either via an online survey, or in writing to the Licensing Department. The consultation period ended on 16 July 2023.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report. The previous report to the Licensing Committee on 12 June 2023 detailed procurement of a third-party company to manage DBS Update Service checks.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Wellbeing: The taxi and private hire trade provides an invaluable service to many different customers, including children and vulnerable persons. A robust policy on the regulation of the taxi and private hire trade is needed to ensure that the safety of the public is maintained and at the forefront of all licensing decisions. Furthermore, a safe and suitable taxi and private hire service benefits members of our community with disabilities or other additional needs, who may find it

challenging to travel without the provision of a variety of public transport options.

- b. Pride in Place:** the taxi and private hire licensing regime prioritises the safety of the public, and by regularly reviewing its policy the Council can ensure that it is working proactively to ensure the safety of taxi and private hire vehicle users, including children and vulnerable people. Furthermore, supporting the taxi and private hire trade with transparent and efficient processes enables them to continue providing a safe and professional service for residents, visitors and tourists.

The revised policy further seeks to encourage the licensing of hybrid and electric vehicles, to positively contribute to the Council's Climate Change Environmental Action Plan, by relaxing the age limit from 5 years to 8 years from the date of first registration.

- c. Growth:** A thriving taxi and private hire trade contributes positively to the local economy, both through the licensing of small businesses as private hire operators and providing a valuable service to business commuters and customers of the night-time economy.

6. Options considered

- a.** The Council has considered the responses received during the consultation period. Where adverse comments have been received, the Council has sought to either amend the proposed policy in response or disregard the comments in favour of adopting the Department for Transport's recommendations.

- b. Safeguarding training for drivers**

In response to the proposal to introduce mandatory safeguarding training for hackney carriage and private hire drivers, a number of adverse comments were received during the consultation. Comments included concerns about the cost and relevance of any training mandated.

The Council has worked with the Procurement Team to source an affordable training course, at £25 per person, which complies with the recommendations made by the Department for Transport regarding course content. The Council is content that the course is reasonably affordable, and that a period of two years to complete training is sufficient for drivers to effectively budget for this additional expense. Members may seek to increase the time period that drivers are given to complete the training, if they deem this necessary.

The Council has amended the proposed policy to add that drivers with alternative safeguarding certificates (other than those obtained from the Council's approved supplier) may be accepted. It has also removed the requirement for ongoing refresher training until it can properly consider the ongoing cost to drivers.

c. Certificate of good character

In response to the proposal to require a Certificate of Good Character from any applicant or driver who has spent six or more continuous months overseas, a number of adverse comments were received during the consultation. Comments included concerns about the process for obtaining this document, and whether there would be difficulties for drivers with refugee status.

The Council is satisfied that the requirement for a Certificate of Good Character is proportionate and will ensure to provide applicants and drivers with the relevant Government guidance on how to obtain their certificates. Any individual unable to obtain a certificate due to extenuating circumstances (i.e. national or international conflict) will be advised to speak to the Licensing Department and an alternative method for determining the individual's fitness and propriety will be discussed.

d. Notification of arrest and release, charge and conviction

In response to the proposal to require drivers to disclose information about certain offences within 48 hours, a number of adverse comments were received during the consultation. Comments included reservations about providing the Council with details of fixed penalty notices, motoring offences, or offences for which they have not been found guilty. Further concerns were raised regarding the short time period for reporting, suggesting that a period of 7 days may be more appropriate.

The Council understands that it may consider any conduct relating to an applicant or driver's character when determining whether they are fit and proper to hold a licence. Whilst one minor motoring offence may not be significant enough to raise concerns, a number of minor motoring offences committed in a short period of time may raise concerns regarding the individual's fitness and propriety. Drivers are licensed for a period of three years, during which time a number of offences could be alleged or committed.

The Council is content that the 48-hour notification period is reasonably achievable by drivers, but will take into consideration any extenuating circumstances (i.e. where a driver has been detained or remanded, and therefore been unable to notify the Council within the period defined).

e. Maximum of 7 DVLA points

In response to the proposal to consider refusing or revoking a licence where the driver has 7 or more DVLA points, a number of adverse comments were received during the consultation. Comments primarily related to the fact that the Council's proposal did not mirror the DVLA's points system (i.e. a maximum of 12 points).

The Council has spoken at length with GMB Union and other licensing authorities to understand the concerns raised regarding this proposal. It

is understood that the Institute of Licensing is currently reviewing its guidance that initially recommended a maximum of 7 DVLA points, and therefore the Council has decided to remove this proposal from the policy until it can review any updated guidance issued.

f. Basic DBS certificates for vehicle proprietors

In response to the proposal to require an annual basic DBS certificate for vehicle proprietors, a number of comments were received that queried the purpose for introducing such a requirement, and queried whether existing drivers and operators would be required to obtain an additional DBS certificate if they wanted to license a vehicle.

The Council has made it clear in the proposed policy that the requirement for a basic DBS certificate for vehicle proprietors would not apply, where that individual is already a driver or operator licensed with Havant Borough Council. The Council does not seek to unnecessarily duplicate DBS checks.

The Department for Transport's recommendation is that the 'fit and proper' test be applied to vehicle proprietors. The simplest and most efficient means of assessing a vehicle proprietor's fitness and propriety is to require a basic DBS certificate, which in most cases will not be required. The Council is satisfied that this is a proportionate and effective measure to introduce.

g. Alternative age limit for hybrid/electric vehicles

In response to the proposal to increase the maximum age limit for hybrid and electric vehicles prior to licensing, a number of adverse comments were received during the consultation. Comments primarily related to hybrid/electric vehicles not being particularly environmentally friendly, and that a robust testing regime for all vehicles would be more beneficial than encouraging hybrid/electric vehicles.

The Council acknowledges that the comparison between electric vehicles and conventionally fuelled vehicles can be complex, and that they depend on the size of the vehicle, how emissions are calculated, and how the electricity is generated. The Government's Net Zero Strategy proposes to ban the sale of petrol- and diesel-powered vehicles by 2030, and unless this is reviewed it is necessary for the Council to continue working towards the national strategy, as well as its own local strategy. As the Council can offer no financial incentive for drivers to purchase a hybrid or electric vehicle, permitting them to license hybrid or electric vehicles aged up to eight years old at the time of licensing may enable them to purchase a more affordable, used hybrid or electric vehicle. Increasing the age limit is not detrimental to any applicant or driver.

h. Removal of the Council's pre-approved list of vehicles

In response to the proposal to remove the Council's list of pre-approved vehicles (that is, vehicles that do not require inspection prior to licensing), a number of adverse comments were received during the consultation. Comments primarily related to the cost incurred by drivers purchasing unsuitable vehicles, and the length of time required for an inspection.

The Council proposes to remove the list of pre-approved vehicles, primarily because small variances between different years of manufacture may render one model suitable, and another manufactured only six months later unsuitable.

The Council publishes its vehicle specification, which has been amended for clarity during this policy review, on its website. Vehicle proprietors are encouraged to review the specification prior to purchasing a vehicle, rather than relying only on an Authorised Officer's inspection to deem it suitable. The Council always recommends that vehicle proprietors bring their vehicle to the Council on a test drive or similar, prior to purchase, to avoid the expense of

purchasing an unsuitable vehicle. The Council may also review images or online listings of vehicles and give an indication (but not a guarantee) of whether the vehicle is likely to meet its specifications.

The Council will, of course, take a pragmatic approach to inspecting vehicles. If a vehicle proprietor purchases several identical vehicles, it may only be necessary to inspect one of these to ensure suitability. It is the Council's intention to ensure that vehicles are suitable for licensing, and not to implement overly burdensome or repetitive practices.

i. Removal of 3-month grace period for renewal of vehicle licences

In response to the proposal to remove the Council's 3-month grace period for renewing a vehicle licence, a number of adverse comments were received during the consultation. Comments raised concerns around extenuating circumstances, such as travel or family bereavement, and the length of time that it can take for vehicles to be repaired.

The Council seeks to remove the 3-month grace period to align the renewal process with that of its driver and operator licences, which are not subject to any grace period.

Vehicle proprietors are aware of the expiry date of their licence; this is printed on their vehicle plate, window signs and the licence itself. The Council issues renewal reminders, as a courtesy, two months in advance of the vehicle licence's expiry. This is intended to give vehicle proprietors sufficient notice to book their MOT and mechanical inspection, renew their insurance and ensure that their vehicle is in suitable cosmetic condition. The Council is content to amend its process for renewal reminders to give three months' notice of expiry, thus giving drivers another month to make necessary arrangements.

Furthermore, the Council will always take into consideration extenuating circumstances when enforcing its own policy. Should a

driver notify the Council of exceptional and compelling reasons why their vehicle cannot be renewed by the expiry date, the Team Leader will review this and determine whether it warrants departure from the terms of the policy.

j. Basic DBS certificates for vehicle proprietors

In response to the proposal to require an annual basic DBS certificate for private hire operators, a number of adverse comments were received during the consultation. Comments primarily related to the cost incurred, and queried whether those who also hold a hackney carriage and private hire driver's licence would need to obtain an additional DBS certificate.

The Council recognises that whilst operators are not transporting members of the public, they do have access to sensitive information such as passengers' addresses, schedules and holiday plans. It is essential that operators are subject to a 'fit and proper' test, as drivers are, to protect the public.

The Council will not require existing hackney carriage and private hire drivers to obtain an additional basic DBS certificate for their operator's licence. However, where offences are disclosed on an enhanced DBS certificate obtained for a driver, the Council may only take into consideration offences that would be disclosed on a basic DBS certificate when considering the application for an operator's licence.

k. Safeguarding training for operators

In response to the proposal to require private hire operators to undertake mandatory safeguarding training, a number of adverse comments were received during the consultation. Comments primarily related to the relevancy of such training to the role of an operator.

The Council recognises that whilst operators are not transporting members of the public, they do have access to sensitive information

such as passengers' addresses, schedules and holiday plans. It is essential that operators are subject to a 'fit and proper' test, as drivers are, to protect the public.

Operators also have a unique insight into the lives of their customers, and with effective safeguarding training they will be able to identify and raise concerns relating to child exploitation, County Lines and domestic abuse.

The Council has worked with the Procurement Team to source an affordable training course, at £25 per person, which complies with the recommendations made by the Department for Transport regarding course content. The Council is content that the course is reasonably affordable, and that a period of two years to complete training is sufficient for operators to effectively budget for this additional expense. Members may seek to increase the time period that operators are given to complete the training, if they deem this necessary.

The Council has amended the proposed policy to add that operators with alternative safeguarding certificates (other than those obtained from the Council's approved supplier) may be accepted. It has also removed the requirement for ongoing refresher training until it can properly consider the ongoing cost to operators.

I. Operators required to have an address within the Borough

In response to the proposal to require private hire operators to have an address within the Borough, a number of adverse comments were received during the consultation. Comments primarily related to how this would impact smaller operators.

The requirement to have an address within the Borough is a matter that the Council already requires and enforces. This has been added to the policy for absolute clarity, and ultimately private hire operators should see no change in how they are expected to operate. Operators may

utilise either their home address or a dedicated business address for this purpose, provided that an Authorised Officer can visit this address, by appointment, to inspect their records.

m. Operators required to maintain a register of staff

In response to the proposal to require private hire operators maintain a register of staff members responsible for taking bookings or dispatching vehicles, a number of adverse comments were received during the consultation. Comments included questions about whether the requirement would be imposed on operators who use technology to automatically dispatch vehicles.

The Council has amended its proposed policy to clarify that operators utilising automatic-dispatch software or similar would not be subject to this requirement.

n. Basic DBS checks required for staff

In response to the proposal to require private hire operators to obtain a DBS certificate for any staff member that takes bookings or dispatches vehicles, a number of adverse comments were received during the consultation. Comments primarily related to the costs involved and the view that this requirement was overly bureaucratic.

The Council recognises that whilst operators' staff are not transporting members of the public, they do have access to sensitive information such as passengers' addresses, schedules and holiday plans. It is essential that staff working on behalf of operators are suitable for the role. The Department for Transport supports this approach.

The policy has no requirement for regular basic DBS certificates to be obtained for staff members; rather, it requires one to be obtained prior to employment. It is up to the operator to conduct further checks at reasonable intervals (i.e. every 3 years) should they consider this

necessary. It is expected that their approach to this is reflected in their policy on employing ex-offenders.

o. Requirement for a policy on employing ex-offenders

In response to the proposal to require private hire operators to produce a policy on employing ex-offenders, a number of adverse comments were received during the consultation. Comments primarily queried the relevance of the requirement.

The Council recognises that whilst operators' staff are not transporting members of the public, they do have access to sensitive information such as passengers' addresses, schedules and holiday plans. It is essential that staff working on behalf of operators are suitable for the role. The Department for Transport supports this approach.

Any policy produced on employing ex-offenders must be reflective of the operator's own practices. Each operator will have different views on employing individuals with criminal convictions. The policy need only relate to staff members employed for the purpose of taking bookings or dispatching vehicles, and would not be required for operators who do not employ staff for this purpose. The Council will produce guidance on drafting such a policy to assist operators in doing so.

p. Review of penalty points system

In response to the proposal to review the Council's penalty points system, enabling up to 12 points to be awarded for breaches of conditions, a number of adverse comments were received during the consultation. Comments related to penalty points systems being too rigid, and queried the appeal process for any penalty points imposed.

Following the consultation period, the Council has carefully considered whether a penalty points system is the best mechanism for enforcing its policy and conditions. Following discussions with GMB Union and

neighbouring licensing authorities, the Council has decided to remove the penalty points system in its entirety from the policy.

The Council's alternative enforcement powers are clearly outlined in the policy, which requires enforcement action to be appropriate and proportionate to the issue at hand.

7. Resource implications

a. Financial implications

- a. The proposed changes to the policy include procuring a contract with an approved provider to conduct six-monthly checks of drivers' DBS Update Service status. This proposal has been reviewed by the Section 151 Officer and agreed.

Section 151 Officer comments

The recommendations have a small financial impact. However, the expected costs are significantly cheaper than the available alternatives. The costs proposed appear to be the most cost-effective way to meet the legal requirements of the service and the Council. Therefore, I support the report's recommendations in full.

Steven Pink – S151

b. Human resources implications

- i. It is proposed that the revised Hackney Carriage and Private Hire Licensing Policy will be implemented using the department's current resources.
- ii. It should be noted that any subsequent project undertaken to review the Council's policy on CCTV in licensed vehicles would require additional resources, but this is not proposed as part of this review.

c. Information governance implications

- i. The Licensing Team will continue to engage with the Council's Data Protection Officer on all information governance and data protection matters.
- ii. There is no proposal to collect and/or process any additional data relating to taxi and private hire licences as a result of this policy review. However, the revised policy does provide clarity to applicants and licensees on how their data is processed and shared.
- iii. A comprehensive data protection impact assessment in relation to the N3RS database has been undertaken by the Council, and has been signed off by the Information Governance Manager and DPO.

d. Climate and environment implications

- i. To support the Council's Strategy, the review of the Policy proposes to encourage the licensing of hybrid and electric vehicles by relaxing the age limit for vehicles at the point they are first licensed with Havant Borough Council.
- ii. The Licensing and Animal Welfare Team Leader is part of the Council's Climate Change Special Interest Group and will take advice on whether there are additional measures that could be introduced in the future to improve environmental sustainability.

e. Other resources implications

- i. There are no other resource implications as a result of this report.

8. Legal implications

- a. The relevant legislation that governs the licensing of hackney carriage and private hire drivers, vehicles and operator does not directly require the Council to prepare and publish a policy. However, the Regulator's

Code, which has statutory effect by virtue of section 22 of the Legislative and Regulatory Reform Act 2006, means the Council must have regard to the requirements of the Code. The development and regular review of a Policy will ensure that the Council satisfies its legal responsibilities with respect to specific elements of the Regulators' Code and will assist the council to demonstrate that it has had due regard to the Code in relation to this particular area of law.

- b. It is good practice for the Council to consult on any changes made to the Policy. A four-week public consultation has been undertaken, receiving a total of 95 responses.
- c. The Policy creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Additionally, the Policy provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken.

Monitoring Officer comments

S.22 of the Legislative and Regulatory Reform Act 2006 provides authority for the Regulator's Code. In determining its own policies in relation to the management and operation of Taxi's the Council must have regard to the requirements of the Code. The development and regular review of a Policy will ensure that the Council satisfies its legal responsibilities with respect to specific elements of the Regulators' Code and will assist the council to demonstrate that it has had due regard to the Code. The proposals set out in the report are considered necessary and proportionate having regard to the provisions of the Human Rights Act 1998, s.17 of the Crime & Disorder Act 1998 and the Equalities Act 2010.

- Sarita Riley, Solicitor

Head of Legal Partnerships

Southampton, Fareham & Havant Legal Partnership

9. Risks and mitigations

- a. Exposure to challenge: the Policy and associated conditions could be challenged by Judicial Review, but as an open and fair consultation will have taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: the Policy and associated conditions set out the expectations of applicants and licensees, balancing their ability to work and generate income and the Council's responsibility to ensure public safety. By demonstrating that the Council is aligning its Policy with Government guidance, and has made reasonable adjustments to the Policy following the consultation, the overall profile and reputation of the Council's Licensing Team is improved.
- c. Achievement of outcome: the Department for Transport advised in its 2020 publication that it 'expects all licensing authorities to implement these recommendations unless there are compelling local reasons not to.' The Council has ensured that all recommendations are included in its revised Policy to demonstrate its commitment to achieving the Department for Transport's objectives. The Council has carefully reviewed all consultation responses and outlined any changes that it has made to the Policy as a result.

10. Consultation

- a. A four-week public consultation has been undertaken, ending on 16 July 2023. The consultation involved writing to all licensed drivers, vehicle proprietors and operators, key stakeholders and unions, and bodies representing children and vulnerable persons.
- b. An online survey was developed with the Council's Customer Insight Team, outlining the key proposed changes to the policy and asking respondents to confirm whether they agreed or disagreed with the proposals. Respondents were given the opportunity to provide the reasons for their answers.

- c. A total of 95 responses were received during the consultation; 93 of these were in response to the Council's online survey, and two were written submissions direct to the Licensing Team.
- d. The Council also utilised the online survey to collect responses from the general public, to better understand which safety measures may make them feel safer travelling in a hackney carriage or private hire vehicle. This data supports the proposals in the revised Policy.
- e. The responses received during the consultation are shown in full at Appendix A.

11. Communications

- a. The Licensing Team will contact all licensed drivers, vehicle proprietors and operators following adoption of the Policy, outlining the key changes and providing guidance on compliance with these changes.

12. Appendices

- Appendix A – Consultation Responses
- Appendix B – Revised Hackney Carriage and Private Hire Licensing Policy

13. Background papers

- a. Licensing Committee – Monday 12 June 2023 17:00, Item 4:
Hackney Carriage and Private Hire Licensing Policy Review
- b. Licensing Committee – Wednesday 13 January 2016 17:00, Item 29:
Proposed Changes to the Current Policy and Vehicle Specification for Hackney Carriages and Private Hire Vehicles

Agreed and signed off by:

Portfolio Holder: Cllr Elizabeth Lloyd 08/08/2023

Executive Head: c/o David Fitzgerald 08/08/2023

Monitoring Officer: c/o Sarita Riley, 08/08/2023

Section 151 Officer: Steven Pink 04/08/2023

Contact officer:

Name: Briony Appletree













Job title: Licensing & Animal Welfare Team Leader

Phone number: 02392 446660

Email: licensing@havant.gov.uk

Taxi Policy Consultation Survey

2. About you

1. Are you responding to this survey as...?				
Answer Choices			Response Percent	Response Total
1	Hackney carriage / private hire driver licensed by Havant Borough Council		38.71%	36
2	Hackney carriage / private hire driver licensed by another Council		2.15%	2
3	I am considering applying for a Hackney carriage / private hire driver license		1.08%	1
4	Hackney carriage / private hire vehicle proprietor licensed by Havant Borough Council		3.23%	3
5	Hackney carriage / private hire vehicle proprietor licensed by another Council		1.08%	1
6	I am considering applying for a Hackney carriage / private hire vehicle proprietor license		1.08%	1
7	Private hire operator licensed by Havant Borough Council		9.68%	9
8	Private hire operator licensed by another Council		3.23%	3
9	I am considering applying for a private hire operator license		1.08%	1
10	Representative of a Council licensing authority (e.g. licensing officer)		7.53%	7
11	Member of the public / user of taxis and private hire vehicles		26.88%	25
12	Other (please specify):		4.30%	4
			answered	93
			skipped	0
Other (please specify): (4)				
1	19/06/2023 15:20 PM ID: 220655576			

1. Are you responding to this survey as...?

2	02/07/2023 01:30 AM ID: 221461643	national private hire and taxi recognised stakeholder representing the taxi and private hire industry
3	02/07/2023 23:25 PM ID: 221489388	GMB Union National Rep for Southern Region (Taxi & PH)
4	04/07/2023 15:23 PM ID: 221617159	Trade union

2. Which of the following age bands do you fall into?

Answer Choices		Response Percent	Response Total
1	16 - 24	0.00%	0
2	25 - 34	21.74%	20
3	35 - 44	27.17%	25
4	45 - 54	16.30%	15
5	55 - 64	23.91%	22
6	65 +	3.26%	3
7	Prefer not to say	7.61%	7
		answered	92
		skipped	1

3. What is your gender?

Answer Choices		Response Percent	Response Total
1	Female	19.57%	18
2	Male	71.74%	66
3	Prefer not to say	7.61%	7
4	Other (please specify):	1.09%	1
		answered	92
		skipped	1

Other (please specify): (1)







1	04/07/2023 15:23 PM ID: 221617159	
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3. Drivers

At present, the Council does not mandate safeguarding training for drivers.

The proposed policy changes would have a requirement for completion of safeguarding training by all drivers.






New applicants must complete this prior to a licence being issued, and current drivers will be given 2 years to complete the training.

4. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		40.23%	35
2	Tend to agree		25.29%	22
3	Neither agree nor disagree		14.94%	13
4	Tend to disagree		5.75%	5
5	Strongly disagree		11.49%	10
6	Don't know / Not sure		2.30%	2
			answered	87
			skipped	6

At present, the Council requires an enhanced DBS certificate every three years from drivers.

The proposed policy changes would have a requirement for all drivers to sign up to the DBS Update Service (costing £13 per year), to allow the Council to check their enhanced DBS status at least every six months.






New applicants will be required to sign up prior to a licence being issued, and current drivers will have until their next licence renewal date to comply.

5. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		63.22%	55
2	Tend to agree		17.24%	15
3	Neither agree nor disagree		10.34%	9
4	Tend to disagree		4.60%	4
5	Strongly disagree		4.60%	4
6	Don't know / Not sure		0.00%	0
			answered	87
			skipped	6

At present, new applicants are required to submit a criminal record check from another country only to complete a five-year address history.






The proposed policy changes would have a requirement for a new applicant or existing driver to submit a criminal record check from the relevant country where they have spent six or more continuous months overseas from the age of 18 years old.

Required for new applicants and for existing drivers during the period of their licence.

6. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		57.65%	49
2	Tend to agree		22.35%	19
3	Neither agree nor disagree		10.59%	9
4	Tend to disagree		1.18%	1
5	Strongly disagree		8.24%	7
6	Don't know / Not sure		0.00%	0
			answered	85
			skipped	8

The proposed policy changes would have a requirement for drivers to notify the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a police fixed penalty notice.

At present, the Council does not formally require drivers to notify them of this information.

7. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		59.30%	51
2	Tend to agree		19.77%	17
3	Neither agree nor disagree		9.30%	8
4	Tend to disagree		4.65%	4
5	Strongly disagree		6.98%	6
6	Don't know / Not sure		0.00%	0
			answered	86
			skipped	7

The proposed policy change is where an applicant or existing driver has 7+ DVLA points, consideration will be given to refusing or revoking the licence. A minimum of 5 years must elapse before the Council will consider licensing the individual. At present, the Council will allow drivers with up to 12 DVLA points to be licensed, although decisions are made on a case-by-case basis.

8. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		23.53%	20
2	Tend to agree		27.06%	23
3	Neither agree nor disagree		8.24%	7
4	Tend to disagree		8.24%	7
5	Strongly disagree		32.94%	28
6	Don't know / Not sure		0.00%	0
			answered	85
			skipped	8

4. Drivers

At present, the Council does not mandate safeguarding training for drivers. The proposed policy changes would have a requirement for completion of safeguarding training by all drivers. New applicants must complete this prior to a licence being issued, and current drivers will be given 2 years to complete the training.

9. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	19
1	18/06/2023 22:00 PM ID: 220602276	Online training should be sufficient. Face to Face training is not required for something that is basically common sense.		
2	19/06/2023 07:42 AM ID: 220610138	Not sure what safeguarding is		
3	19/06/2023 12:30 PM ID: 220622780	I am disagree because i am taxi driver for 6 years and i never had an incident with someone. It's so much work to do and drivers has no time for this. Try the thing to keep it simple .		
4	20/06/2023 16:20 PM ID: 220744827	Maybe minor safeguarding so if they ever had concerns they'd know what to do.		
5	20/06/2023 17:06 PM ID: 220749652	I have been licensed for over 8 years. I don't see what I would learn from a course. It would be an unnecessary expense for drivers with my experience. I would apply the course for new drivers and those with 1-3 years of experience		
6	20/06/2023 18:30 PM ID: 220756675	I do not disagree , I just feel that in a time when the borough is struggling to retain drivers it is just another obstacle for existing and new drivers to overcome.		

9. Why do you disagree and what do you think needs to be considered / addressed in the policy?

7	21/06/2023 14:45 PM ID: 220811561	Uber Britannia Ltd. as an licensed operator was doing couple of years ago such training courses with a certified provider which probably is eager now to expand his business. But Uber did not asked for any payment from the drivers, which will not be the case when the Council will ask drivers to hold a certificate as mandatory for driver's license. As a licensing authority you will only keep squeezing drivers of money without any benefit, not for them but for the public we all serve.	
8	21/06/2023 22:24 PM ID: 220853684	I've been a Private Hire Taxi Driver for 30 Years , I know when something is not right with passengers in my car, I think Drivers with years of experience should be exempt from any training, but it is a good idea for new applicants.	
9	23/06/2023 08:23 AM ID: 220937921	Because unless the training is free it's more expenses we are paying out to do a job we've been doing for years	
10	30/06/2023 19:56 PM ID: 221036910	There are many drivers that are aware through age and experience what is right or wrong. Safeguarding covers many areas some of this comes with age and experience.	
11	02/07/2023 01:30 AM ID: 221461643	since the license was issued under previous conditions, we would recommend that the requirement was for new applicants, but grandfather rights were adopted for existing drivers on the basis that the safeguarding training is a new course and a new requirement. we would recommend that the requirement for existing drivers to sit the course was reserved on a case by case basis, where evidence suggested that the existing driver may benefit from the course.	
12	05/07/2023 08:54 AM ID: 220633310	Just feel its another expense and time lost to drivers that work really hard with all sorts of needs to there customers. Just going to be another obstacle for an already shrinking work force in our area.	
13	05/07/2023 08:59 AM ID: 220851401	I have safeguarding for my coaching and volunteering . Can there not be one safeguarding certificate to cover all needs	
14	05/07/2023 09:02 AM ID: 220683765	I see this as another bureaucratic step. I do not fully understand what this training is for. As drivers(especially the ones doing night weekend shifts) We have to endure a lot of abuse, mostly verbal, sometimes physical. Usually the most severe is our cars get kicked and damaged by drunk unhappy passengers. The police does not have the resources to deal with this situations and we are quite frustrated regarding this. What I am trying to say is I do not think most drivers are eager to do policework when they feel that their demands are not meet by the police.	
15	07/07/2023 07:43 AM ID: 221832169	safeguarding is for police to action	
16	08/07/2023 10:53 AM ID: 221855311	i've done safe guarding course but is not relevant . theory is very different from practice.	
17	11/07/2023 17:27 PM ID: 222096656	What's the point and what's it meant to achieve?	
18	12/07/2023 14:28 PM ID: 222157134	They are taxi drivers not social workers.	
19	15/07/2023 18:57 PM ID: 222438636	This is not a bad thing but i do am not sure if it will work. Drivers, especially night drivers as myself have to put up with a lot of abuse. Rude, racist, drunk, violent, or drugged passengers. Unfortunately when we have problems, police is unable to help as they are stretched with personnel. Unfortunately I think it exist an "not happy with the police sentiment" among drivers. I do not think they will be helping much if they will take this training.	
		answered	19
		skipped	74

5. Drivers

At present, the Council requires an enhanced DBS certificate every three years from drivers. The proposed policy changes would have a requirement for all drivers to sign up to the DBS Update Service (costing £13 per year), to allow the Council to check their enhanced DBS status at least every six months.

New applicants will be required to sign up prior to a licence being issued, and current drivers will have until their next licence renewal date to comply.

10. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	7
1	19/06/2023 05:38 AM ID: 220608010	Six months it is to small time interval.I think one year is enough.		
2	19/06/2023 07:42 AM ID: 220610138	It was too complicated to complete		
3	05/07/2023 08:59 AM ID: 220851401	More expense		
4	05/07/2023 09:02 AM ID: 220683765	This is welcomed as long as it is an easy process. In the past there were some confusing changes.		
5	06/07/2023 22:19 PM ID: 221824199	I disagree only for the money reasons, at the moment the taxi industry is very bad, we earn same money like 2/3 years ago and the cost of living has increased since.		
6	08/07/2023 10:53 AM ID: 221855311	think at 3 years is more then fair.		
7	11/07/2023 17:27 PM ID: 222096656	Seems very bureaucratic and over the top		
			answered	7
			skipped	86

6. Drivers

At present, new applicants are required to submit a criminal record check from another country only to complete a five-year address history.

The proposed policy changes would have a requirement for a new applicant or existing driver to submit a criminal record check from the relevant country where they have spent six or more continuous months overseas from the age of 18 years old.

Required for new applicants and for existing drivers during the period of their licence.

11. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	7
1	19/06/2023 11:57 AM ID: 220627670	Existing driver already had to provide criminal records check at their first application why would you ask for a document you should already have in your records		

11. Why do you disagree and what do you think needs to be considered / addressed in the policy?

2	19/06/2023 12:30 PM ID: 220622780	I agree.	
3	24/06/2023 09:14 AM ID: 220994170	If you are only checking the last 18months in this country they may have a clean record but you don't know what they have done previously in another country and that's why they are here so yes a check should should go further back .	
4	06/07/2023 22:19 PM ID: 221824199	I live in Uk for about 5 years now and I don't know how to get my DBS from my country	
5	08/07/2023 10:53 AM ID: 221855311	a	
6	11/07/2023 17:27 PM ID: 222096656	Overly bureaucratic and can it realistically be achieved to allow a licence to be granted. Enough delays as things currently stand	
7	13/07/2023 20:48 PM ID: 222252289	It would be difficult to obtain a such a certificate for me. I left my home country 12 years ago. I have no idea after so long time where to go and ask for it. At the Embassy will take ages to obtain one.	
		answered	7
		skipped	86

7. Drivers

The proposed policy changes would have a requirement for drivers to notify the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a police fixed penalty notice.

At present, the Council does not formally require drivers to notify them of this information.

12. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	9
1	18/06/2023 22:00 PM ID: 220602276	Agree that serious offences should be disclosed, but not fixed penalty fines.	
2	19/06/2023 02:07 AM ID: 220606985	I only disagree with the part which says that we will have to inform the council about receiving fixed penalty notices and motoring offences because drivers will most likely forget to do this and this will only complicate more the problems and cause more issues in the long term.these matters are already governed by DVLA and Council rules	
3	19/06/2023 11:57 AM ID: 220627670	I think you should be notified by the police if there is something serious to report and not the driver that was involved in something dishonestly. What is to say it will be honest with you.	
4	19/06/2023 12:30 PM ID: 220622780	I am disagree with this policy because I don't think the Council should be involved in this issue.	
5	21/06/2023 14:45 PM ID: 220811561	No comment here. This is just another way round of the GDPR.	
6	21/06/2023 22:24 PM ID: 220853684	I agree that notifying the Council on any arrest charge or conviction of any sexual offence, dishonesty or violence charge within 48 hours is correct, but not so for minor motoring offences.	

12. Why do you disagree and what do you think needs to be considered / addressed in the policy?

7	27/06/2023 22:23 PM ID: 221214061	I disagree as the wording is all encompassing and not specific, i agree with serious charge of sexual offence, violence and dishonesty but fixed penalty notice can be very minor and could be unfair to drivers who on the road more then any normal driver and could be unfairly penalized for a minor lapse of concentration.	
8	05/07/2023 08:59 AM ID: 220851401	I feel I shouldn't have to disclose this unless found guilty of an offence	
9	08/07/2023 10:53 AM ID: 221855311	if a get 3 points fixid penalty from police , should not affect my job in any way ! mistakes happen. why should inform the council ?	
		answered	9
		skipped	84

8. Drivers

The proposed policy change is where an applicant or existing driver has 7+ DVLA points, consideration will be given to refusing or revoking the licence. A minimum of 5 years must elapse before the Council will consider licensing the individual. At present, the Council will allow drivers with up to 12 DVLA points to be licensed, although decisions are made on a case-by-case basis.

13. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	30
1	18/06/2023 22:00 PM ID: 220602276	Points should parallel DVLA points. Drivers are targeted as offences, and considering the amount of driving we do, we are more likely to incur points due to a slight lapse of judgement. 5 years ban is a long time.		
2	19/06/2023 02:07 AM ID: 220606985	I do believe that at only 7+ points to have the licensed renewed is too drastic.being a taxi driver involves driving every day for many many miles and as everybody in their job you can do mistakes and 7+ points can be done and someone's life can be changed in a very drastic way loosing the job so easy in today economy and living prices.the way it worked so far it was good enough and everybody was happy		
3	19/06/2023 05:38 AM ID: 220608010	12 points is ok.It is so easy to get points and so difficult to clean them.		
4	19/06/2023 07:42 AM ID: 220610138	Its not hard to gather more than 6 points over 5 years,it should be 10 points		
5	19/06/2023 11:52 AM ID: 220626673	The current policy should be kept as it is because for all drivers this is our main source of income. I believe that unless the driver has been banned by the court due to a serious offence or recklessness with their driving this statement should apply to them.		
6	19/06/2023 11:57 AM ID: 220627670	I see no proposal here that is actually helping drivers just trying to get more control over them . Don't go the route Portsmouth council is as it will push drivers to get licenced in other boroughs		
7	19/06/2023 12:30 PM ID: 220622780	I am disagree with new proposals and you should keep it with 12 DVLA points.		
8	19/06/2023 17:31 PM ID: 220619251	A lot of roads now are 20 MPH INCLUDING LONDON . You could get points for driving at 23 mph.		

13. Why do you disagree and what do you think needs to be considered / addressed in the policy?

9	20/06/2023 08:01 AM ID: 220695759	12 points is the legal requirement at moment should stay the same
10	20/06/2023 17:06 PM ID: 220749652	Revokin of the license for 7 +points is a tough decision for a driver who supports the family with the help of the license
11	20/06/2023 17:09 PM ID: 220750655	60,000 miles a year for 3 years there are drivers that will lose license that have good service snd made a few mistakes
12	21/06/2023 14:45 PM ID: 220811561	No comment.
13	21/06/2023 22:24 PM ID: 220853684	I think revoking an existing Drivers licence for 7+ DVLA points is unfair, but agree that consideration for refusal for new applicants should be considered.
14	24/06/2023 16:34 PM ID: 221010878	If dvla suspends the driver licence, the badge should be the same.
15	27/06/2023 22:23 PM ID: 221214061	As a driver on the road more then any other normal every day driver be penalized more and could lose his livelihood due to the possibility of having a couple of small speeding offences.
16	28/06/2023 16:39 PM ID: 220811829	My opinion a driver can have more than 7 points, depends what he did for the points.
17	30/06/2023 19:56 PM ID: 221036910	I should think not even a police officer wouldn't lose his job for having 7 points on his licence. If you have 6 points and a short time before or some of the points are removed you could pick up points and loose your job. As for not applying again for 5 years for your taxi licence seems excessive. I think it should be left as it is.
18	02/07/2023 01:30 AM ID: 221461643	<p>this is the IOL guidance and opinion only, it has no bearing or merit in law, and is considered by many within the industry to be far too draconian and biased, to quantify this, a taxi or ph driver is required to pass the same medical level as a HGV or coach driver, and yet those drivers remain entitled to accrue 12 points before any action is taken against their license, to introduce a more rigorous approach against taxi drivers is considered to fail the wednesbury reasonably necessary test.</p> <p>furthermore, the number chosen being 7, does not correlate to the penalty points issued, which is in multiples of 3 generally, as such it makes little to no sense at all.</p> <p>several other local authorities did adopt this guidance, but have since dropped it or amended it to read 9 points before being referred to licensing committee for assessment.</p>
19	05/07/2023 08:59 AM ID: 220851401	The law says 12 points is the limit before a possible ban . I feel it should be you explaining to us drivers why you should change this law to such a low figure and lengthy ban. Which you also don't say could be appealed
20	05/07/2023 09:02 AM ID: 220683765	<p>Drivers are very exposed to getting penalty points. Average PH driver drives 40.000 to 50.000 miles per year. In real life he has to use his phone or other handheld device to accept jobs to complete these jobs, to change destination when the passenger realises on the motorway that he put the wrong address where he wants to go....etc. I repeat! In real life it is impossible to do this job without touching some sort of handheld device, or navigation. You could argue that he can do this wile parked. But I repeat again. In real life this is IMPOSSIBLE. Doesnt matter if its Uber Andicars or other. There is no one that can make this job profitable without touching that phone at one point during the day. There are so many scenarios in which you have to do that I would have to write pages here. So it is very easy to get those is 6 points. Driving so many miles it is very easy to make some other mistake, get some points and loose the licence. Driver looses his job...goes on benefits. Not in the society interest. Or pays for an</p>






13. Why do you disagree and what do you think needs to be considered / addressed in the policy?

		Wolverhampton badge where he doesn't have to take a real knowledge test and continues to do this job. Not in Havant borough residents interest.	
21	06/07/2023 19:25 PM ID: 221817368	Because they do many more miles driving on the roads than the general public it's possible they may pick up more points. DVLA and the courts manage licences	
22	06/07/2023 19:35 PM ID: 221817237	Because as a taxi driver your more likely to receive points than a normal driver with the amount of miles driven per year	
23	06/07/2023 19:48 PM ID: 221819002	It would depend on what points are for	
24	07/07/2023 08:02 AM ID: 221832357	Sometimes the points are given unfairly	
25	08/07/2023 10:53 AM ID: 221855311	to revoke license means to leave that driver without the job !! as a driver job is about 48-70 hours a week mistakes can happes . because of 7 points on licence can make a driver an employment person . council agree that ? 7 points are not an big road traffic offence! especially are keeping on licence for 3 years	
26	09/07/2023 12:55 PM ID: 221930848	It invokes a system of double or even treble jeopardy. 1. Higher insurance 2. Fine plus points 3. Council penalty or loss of work (potentially leading to a drain on the state with benefit claiming).	
27	10/07/2023 07:29 AM ID: 221828076	I consider that 5 years to elapse is to much..	
28	11/07/2023 17:27 PM ID: 222096656	This looks as though the council doesn't want anyone to be a taxi driver. Suggest this is restraint of trade	
29	12/07/2023 14:28 PM ID: 222157134	They are legally allowed to drive with 7 points. So are deemed safe	
30	15/07/2023 18:57 PM ID: 222438636	On average we drive about 40.000 to 50.000 miles per year. I agree with this requirement for a new application. But for renewal is really unfair considering how many miles we drive and how exposed we are to using a handheld device. All drivers have a phone or other similar device in the windscreen they use to get jobs. In real life it is impossible to do our job without touching that device. There are so many examples where we have to do it as there is no safe place to stop. If a customer on the motorway decides he wants to go somewhere else it is impossible to stop safely. We have update the trip or start the navigation. We cant tell that we have to find the next exit and a place to stop as they will be charged more and most people get very angry if we do that. So if a driver gets 6 points for this is very easy to get another 3 points considering how many miles we do. And what is going to happen with that driver if he looses his badge. Loses his job, go on benefits, or find another council to get a new licence where they will be accepted with 12 points. Both scenarios are not in Havant council interest.	
		answered	30
		skipped	63

9. Vehicles







The proposed policy changes would have a requirement for an annual basic DBS certificate from vehicle proprietors.

At present, the Council does not require a DBS certificate from vehicle proprietors.







14. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		47.50%	38
2	Tend to agree		23.75%	19
3	Neither agree not disagree		10.00%	8
4	Tend to disagree		6.25%	5
5	Strongly disagree		12.50%	10
6	Don't know / Not sure		0.00%	0
			answered	80
			skipped	13

The proposed policy change would be to increase the maximum age limit for hybrid and electric vehicles to 8 years from the date of first registration.







At present, new vehicles must be no more than 5 years from the date of first registration at the point that they are first licensed.

15. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		35.80%	29
2	Tend to agree		22.22%	18
3	Neither agree not disagree		13.58%	11
4	Tend to disagree		9.88%	8
5	Strongly disagree		13.58%	11
6	Don't know / Not sure		4.94%	4
			answered	81
			skipped	12

The proposed policy change would be to remove the pre-approved vehicle list from the policy, requiring all new vehicles to be visually inspected by a Licensing Officer prior to licensing. The Council currently pre-approves a number of vehicle makes/models, but this list is outdated and requires review.






16. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		27.50%	22
2	Tend to agree		30.00%	24
3	Neither agree not disagree		16.25%	13
4	Tend to disagree		7.50%	6
5	Strongly disagree		16.25%	13
6	Don't know / Not sure		2.50%	2
			answered	80
			skipped	13

The proposed policy change would be to remove the 3-month grace period after the expiry of a vehicle licence, requiring vehicle proprietors to renew their licences before expiry. Vehicle proprietors currently have a 3 month grace period in which to renew their licence after it expires.

17. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		33.33%	26
2	Tend to agree		15.38%	12
3	Neither agree not disagree		17.95%	14
4	Tend to disagree		8.97%	7
5	Strongly disagree		23.08%	18
6	Don't know / Not sure		1.28%	1
			answered	78
			skipped	15

The proposed policy would amend vehicle specification, including the proposal to permit rear or side-loading wheelchair accessible vehicles.

The Council currently only permits side-loading wheelchair accessible vehicles, which are typically more expensive to purchase and run than rear-loading models.

18. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		50.00%	39
2	Tend to agree		26.92%	21
3	Neither agree not disagree		15.38%	12
4	Tend to disagree		0.00%	0
5	Strongly disagree		1.28%	1
6	Don't know / Not sure		6.41%	5
			answered	78
			skipped	15

10. Vehicles

The proposed policy changes would have a requirement for an annual basic DBS certificate from vehicle proprietors.

At present, the Council does not require a DBS certificate from vehicle proprietors.

19. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	16
1	19/06/2023 02:07 AM ID: 220606985	For me it makes no sense why this should be done by vehicle proprietors. Its just more money more documents to handle more time wasted.		
2	19/06/2023 05:38 AM ID: 220608010	Not all the time owner of car is the taxi driver		
3	19/06/2023 07:42 AM ID: 220610138	Proprietors dont always drive the cars		
4	19/06/2023 11:52 AM ID: 220626673	I feel this would be unfair because the person who is leasing the vehicle is not driving the car unless they hold a taxi badge. However, you could always have some form of registration for people who wish to lease to Havant Borough taxi service. This way you will have information of who is leasing vehicles to our local authority.		
5	19/06/2023 11:57 AM ID: 220627670	I don't see the connection with the vehicle		
6	19/06/2023 12:30 PM ID: 220622780	I disagree because i not agree. Keep the things simple.		
7	19/06/2023 17:31 PM ID: 220619251	The customer is dealing with the driver not the vehicle proprietor		

19. Why do you disagree and what do you think needs to be considered / addressed in the policy?

8	21/06/2023 14:45 PM ID: 220811561	New useless documents added in your files, more jobs for licensing officers.	
9	21/06/2023 22:24 PM ID: 220853684	As an Owner Driver I already have an enhanced DBS. Would I need another for my vehicle?	
10	05/07/2023 08:59 AM ID: 220851401	I neither agree or disagree	
11	06/07/2023 19:35 PM ID: 221817237	Because you only allow operators who have a dbs in place anyway so why change it to an operator having to supply new one yearly that's just stupidity and more cost for an operator - we can't even get drivers through the council test they all go off and get licensed through other boroughs because of the shocking service they receive through Havant	
12	06/07/2023 22:19 PM ID: 221824199	I don't see the point, what relevance is between the car and the proprietor?	
13	07/07/2023 08:02 AM ID: 221832357	The owner is not necessarily the driver/user of the vehicle. Such proposition would infringe someone's right to carry a legitimate business	
14	08/07/2023 10:53 AM ID: 221855311	proprietor have nothing to do with drivers in some cases! my wife can be proprietor and me as a husband im the taxi driver . why you should oblige my wife for dbs ?	
15	11/07/2023 17:27 PM ID: 222096656	Overly bureaucratic and what purpose does it serve?	
16	15/07/2023 18:57 PM ID: 222438636	I own multiple vehicles and I am a driver also. If	
		answered	16
		skipped	77

11. Vehicles

The proposed policy change would be to increase the maximum age limit for hybrid and electric vehicles to 8 years from the date of first registration.

At present, new vehicles must be no more than 5 years from the date of first registration at the point that they are first licensed.

20. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	20
1	18/06/2023 22:00 PM ID: 220602276	It doesnt affect me.		
2	19/06/2023 07:42 AM ID: 220610138	Cars generally get untidy not just mechanically		
3	19/06/2023 11:57 AM ID: 220627670	It discriminates the drivers that can't afford hybrids or ev		
4	19/06/2023 17:31 PM ID: 220619251	At 8 years old the battery's on the car would be at the end of there working live		

20. Why do you disagree and what do you think needs to be considered / addressed in the policy?

5	20/06/2023 16:20 PM ID: 220744827	I don't really understand why there's a limit.	
6	20/06/2023 17:09 PM ID: 220750655	2 things need to be considered with vehicles, condition and emission age should not be a factor	
7	21/06/2023 14:45 PM ID: 220811561	A hybrid or electric car at 8 years of age will need for sure a new battery pack, so what is the point?	
8	21/06/2023 22:24 PM ID: 220853684	5 years is ok for a new licence, a vehicle that is already 8 years old has probably had its best years behind it and so not really a very good investment for a taxi.	
9	24/06/2023 09:14 AM ID: 220994170	Five years is fine at the moment	
10	27/06/2023 18:08 PM ID: 221195802	Electric cars will deteriorate as much as diesel so I don't think making it 3 years longer makes sense at all	
11	30/06/2023 19:56 PM ID: 221036910	An 8 year old car will be close to end of vehicle life.	
12	03/07/2023 14:29 PM ID: 221531057	Question is confusing, is the proposal to increase age limit when first licensed, if so then I agree with that element of the policy. not having an upper age limit does not really support Havant BCs climate strategies. Newer vehicles are cleaner.	
13	05/07/2023 09:00 AM ID: 220752922	Vehicle age limits are arbitrary and should be removed entirely. The better option is to have a high standard robust testing regime. Vehicles that can attain that high standard should be licensed, and continue to be licensed on merit. It is not always the case that there is a direct correlation between age and the condition of a vehicle. In my experience a well maintained older vehicle can be in a much better condition, both visually and mechanically, than a heavily used vehicle only a few years old.	
14	06/07/2023 19:25 PM ID: 221817368	I want the car to be up to the latest standards when it comes to safety and accident avoidance	
15	06/07/2023 19:35 PM ID: 221817237	It should be the same rule for all not just hybrid or electric	
16	07/07/2023 00:55 AM ID: 221828529	Think they should still be checked every 5 yrs	
17	07/07/2023 07:28 AM ID: 221831755	5 years is enough.	
18	07/07/2023 07:43 AM ID: 221832169	Age reflects the interior condition of a vehicle and the safety of interior features. The older it is the worse these become.	
19	07/07/2023 22:47 PM ID: 221889917	Age limits for vehicles are arbitrary, vehicles should be assessed and licensed on merit. A better system is to have a robust vehicle testing regime and if the vehicle can attain the required standard then it should be licensed/continue to be licensed, regardless of age.	
20	15/07/2023 18:57 PM ID: 222438636	Please look into this very carefully. An old hybrid car is more expensive to run than a modern diesel. I agree with full electric ones but I don't think it is the best idea for hybrids. Plus that it risks flooding the business with cheap and worn out Toyotas that had been imported from Japan. Most of these cars are clocked as there is not history before being imported. Drivers will risk buying these cars which are plagued with problems and get into all sort of financial problems.	
		answered	20
		skipped	73

12. Vehicles

The proposed policy change would be to remove the pre-approved vehicle list from the policy, requiring all new vehicles to be visually inspected by a Licensing Officer prior to licensing. The Council currently pre-approves a number of vehicle makes/models, but this list is outdated and requires review.

21. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	22
1	18/06/2023 22:00 PM ID: 220602276	It doesnt affect me.		
2	19/06/2023 02:07 AM ID: 220606985	I answered neither agree or disagree. A updated list i think it would be possible as it would simply make things easier and not end up drivers buying cars that would noy be accepted.		
3	19/06/2023 11:52 AM ID: 220626673	I believe if you remove the pre approved listing from the website it would be a mistake as it gives us some indication of what we are looking for in a vehicle and also most of the drivers would buy a vehicle from the listing. I also believe we should offer a wider range of vehicles which should be updated every two years. Most newer models don't include spare wheels and I think this policy should be reviewed. Other local authorities have a wide range of vehicles available.		
4	19/06/2023 11:57 AM ID: 220627670	The pre-approved cars are all tested and inspected visually already now so it's pointless waist of time and money		
5	19/06/2023 12:30 PM ID: 220622780	I am disagree this proposal because it's an waste of time for both parties. In my opinion you should given update to pre-approval list every year and should be all right. The drivers want to know which vehicle and model can be used.		
6	19/06/2023 17:31 PM ID: 220619251	Limits were you can get the car from if the council have to see it first Eg buying from up North were car are cheaper		
7	21/06/2023 14:45 PM ID: 220811561	Review the list and let the drivers decide what car is more practical and economical to drive. It is much easier to review the list every time a new model comes for the first time to license. But if the same model will have big variations, that is owner's risk and can be anytime inspected by your officer and the license revoked on clear reasons and not at officers discretion.		
8	21/06/2023 22:24 PM ID: 220853684	A pre approved list gives a driver a choice of vehicles to licence, why would any one buy a vehicle that might be refused? It would be a very expensive mistake.		
9	24/06/2023 09:14 AM ID: 220994170	The only problem is when you are thinking about buying a new car how do you get the council to view the car before purchasing it		
10	24/06/2023 16:34 PM ID: 221010878	Removing the pre-approved list, there are chances to buy a vehicle, pay £20000 for it, and you can say that it can t be licensed.		
11	27/06/2023 22:23 PM ID: 221214061	only due to the fact i fear getting a new car and then having a long waiting time to get it inspected also there should be an outline list of standard requirements of any vehicle to used as a taxi/PHV		
12	28/06/2023 16:39 PM ID: 220811829	My opinion is to have a list of pre-approves list of vehicle. If the council request to see the car the driver can go to the council with the car.		
13	30/06/2023 19:56 PM ID: 221036910	If you buy a car 50 miles away it would need to be inspected before purchase. The council officer is always busy and you could wait weeks. The written specification works well. If you need a a car outside of this then yes an inspection. If you had a hundred Skoda Octavia's on the firm you would only need look at one to see its suitable.		
14	06/07/2023 19:35 PM ID: 221817237	If you buy a vehicle you then have to take it to council for approval yet if council say no you have spent put on a vehicle for no reason this is an absurd rule and I		

21. Why do you disagree and what do you think needs to be considered / addressed in the policy?

		have personally already challenged this and asked for clarification because one rule is can't tilt or displace seats to get into the rear of a vehicle so the council think they know better than bsa British standard authority	
15	06/07/2023 19:48 PM ID: 221819002	I would like there to be a standards that are clearly defined With a more updated list And where rules are changed that older vehicles should have to comply within a set time frame	
16	06/07/2023 22:19 PM ID: 221824199	Nothing to say about this matter	
17	07/07/2023 08:02 AM ID: 221832357	What sort of qualifications (mechanical, engineering or similar) has the officer that should approve a vehicle?	
18	08/07/2023 10:48 AM ID: 221897728	Concerns on a mixture of items from vehicle design and build standards and their impact on people who do not meet 'the societal norm' including those disabled by society.	
19	09/07/2023 12:55 PM ID: 221930848	Any vehicle purchase is expensive, even more so for an EV. There is no need to deviate from an ever updated approved list. Once a vehicle is plated then there is absolutely no need to inspect an identical one. It is a complete waste of officer time. Furthermore, if buying privately it would not always be possible to arrange a test drive giving time to visit the Civic Offices and would require a lot of planning. Also it is quite possible that drivers would purchase their vehicles from outside the area, possibly online. A driver cannot reasonably be expected to purchase a vehicle from say, Newcastle, and to drive it to Havant and back just so it can be looked at. I have no problem with a new vehicle model and/or type being inspected on the first one to be plated. But see no point in inspecting multiple Skoda Octavias.	
20	11/07/2023 17:27 PM ID: 222096656	Think logically and practically. The way it's worded is overly complicated and strikes the tone of we don't really want taxi drivers	
21	12/07/2023 14:28 PM ID: 222157134	Vehicles are extensively type approved. The local council isn't going to do a better job than that.	
22	15/07/2023 18:57 PM ID: 222438636	I think doing this for each vehicle it will be very demanding for the council staff as there will be more work for them. Other than that I do not have a problem with that	
		answered	22
		skipped	71

13. Vehicles

The proposed policy change would be to remove the 3-month grace period after the expiry of a vehicle licence, requiring vehicle proprietors to renew their licences before expiry. Vehicle proprietors currently have a 3 month grace period in which to renew their licence after it expires.

22. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	28

22. Why do you disagree and what do you think needs to be considered / addressed in the policy?

1	18/06/2023 22:00 PM ID: 220602276	It doesnt affect me.
2	19/06/2023 02:07 AM ID: 220606985	This grace period is a common sense thing. Owners could have money problems or have to go abroad to family matters and miss the deadline for renewing licence in time. I think its a good thing and it should be kept as it is
3	19/06/2023 07:42 AM ID: 220610138	Its not easy to get a loan and select a car,the grace period is good
4	19/06/2023 11:52 AM ID: 220626673	Withholding from removing this grace period would mean that people who are on holidays or who have other reasons are allowed some leeway in renewing their vehicle before expiry. I believe that this policy should stay or could be reduced to one month and may be extended by writing to the council who may allow them an additional two weeks.
5	19/06/2023 11:57 AM ID: 220627670	There might be circumstances where illness or other problems occur that will be the first priority of the driver .I think the grace period should remain in place although personal I never renew late in my 10 years of driving
6	19/06/2023 12:30 PM ID: 220622780	I am disagree. Just think about one scenario. You have an medical problem and you should stay on the hospital for several weeks and in the meantime your license has expired and when you go out to the hospital you realise that you can't register your taxi license anymore and you lose the job. Leave the 3 months grace period !!!
7	20/06/2023 14:29 PM ID: 220734555	Sometimes it's hard to keep up / manage life and all it's demands so a 3 months period would allow for more flexibility
8	21/06/2023 22:24 PM ID: 220853684	I always licence my vehicle before it expires, but if for some reason, like a long trip to Australia for example, a period of grace would be very appreciated.
9	22/06/2023 18:51 PM ID: 220921523	In case something happened and you where unable to renew in time the license, maybe had a death in the family and you're time and mind was there and you omitted the renewal or maybe something else of personal matter happened and you were unable to renew it
10	23/06/2023 08:23 AM ID: 220937921	Because when having a vehicle serviced through experience have waited an extended time for parts for my vehicle
11	24/06/2023 09:14 AM ID: 220994170	I'm guessing there will be special circumstances in place say if you had an accident and your car is still being repaired
12	27/06/2023 22:23 PM ID: 221214061	As this does not allow for extenuating circumstance's ie long hospital visits or visiting family over seas and having to extend there stay.
13	28/06/2023 16:39 PM ID: 220811829	My opinion is to keep 3 month grace period, for example a driver can have a accident before the car lincens expire and it will take long time to repair the car(insurance company).
14	30/06/2023 19:56 PM ID: 221036910	You could cut it to 6 weeks for instance but the drivers circumstances e.g illness or council tests waiting times could push the vehicle over the grace period.
15	02/07/2023 01:30 AM ID: 221461643	there are occasions and situations which may result in such delays, family deaths leading to absence, awaiting parts for vehicles, time delays in booking appointments are among some of the reasons, as such we welcome the 3 month grace period, and would recommend it remains in place in order to allow greater flexibility. having such a policy in place actually makes Havant council stand out form many other councils who do not allow for such human nature issues, as such, it should remain.
16	05/07/2023 08:59 AM ID: 220851401	I did not disagree

22. Why do you disagree and what do you think needs to be considered / addressed in the policy?

17	06/07/2023 19:35 PM ID: 221817237	If you can't get test booked as numerous occasions have happened to me and end up waiting for the test then I can't replace my vehicle if the council want to do this they need more testing sites not just Norse	
18	06/07/2023 19:48 PM ID: 221819002	If a vehicle has an issue just before renewal and it can't be repaired in time	
19	06/07/2023 22:19 PM ID: 221824199	3 months grace is a decent time and we need a grace period.	
20	06/07/2023 22:20 PM ID: 221824619	If the car is in the garage being repaired when the plate expires it gives no chance for the plate to be renewed.	
21	07/07/2023 00:55 AM ID: 221828529	Think	
22	07/07/2023 03:34 AM ID: 221829568	Because this should be up to vehicle owner	
23	07/07/2023 07:28 AM ID: 221831755	Why wait responsible proprietor would know when to relicense	
24	07/07/2023 08:02 AM ID: 221832357	Maybe they need more time to fix the issues	
25	08/07/2023 10:53 AM ID: 221855311	can happen to be in my origin country for some problems i have there and posible to be 2-3 weeks before my renewal. why to revoke my licence if i cant fizical to be for renew ? think the 3 months grace is better to avoid unpredictable things!	
26	09/07/2023 12:55 PM ID: 221930848	It could be that a vehicle may fail a plate test prior to renewal or have a known mechanical problem even prior to taking the test. Currently many spare parts are taking a long time to arrive and could well be longer than 3 months. I had a problem with my car recently and could not book it with a main dealer for 8 weeks (had to go elsewhere but was still 2 weeks). One garage told me he had been waiting for an EGR valve for a Mercedes for nearly 12 months. It is not reasonable that a driver/proprietor could lose access to that vehicle for work purposes when it could be totally out of their control.	
27	11/07/2023 17:27 PM ID: 222096656	The policy is being loaded with massive bureaucracy and this is another example. Think of the business owner often a small business with many things to do. The current 3 months grace period is reasonable and recognises that	
28	15/07/2023 18:57 PM ID: 222438636	I think removing it altogether is not the best idea. Maybe making it 1 month if it is necessary.	
		answered	28
		skipped	65

14. Vehicles

The proposed policy would amend vehicle specification, including the proposal to permit rear or side-loading wheelchair accessible vehicles.

The Council currently only permits side-loading wheelchair accessible vehicles, which are typically more expensive to purchase and run than rear-loading models.




23. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	7
1	18/06/2023 22:00 PM ID: 220602276	It doesnt affect me.		
2	19/06/2023 05:38 AM ID: 220608010	Not so many cars with wheel chair on the Roads.Encourage more owner to buy them.		
3	20/06/2023 14:29 PM ID: 220734555	I cant comment on this one		
4	27/06/2023 18:08 PM ID: 221195802	Netural		
5	07/07/2023 03:34 AM ID: 221829568	Don't know		
6	09/07/2023 12:55 PM ID: 221930848	There have long been issues with not being permitted to have rear loading access for wheelchair vehicles. I have no problem with rear access WAVs but I do feel there should be a national ruling (primary legislation) to define the type of access permissable on WAVs.		
7	10/07/2023 07:29 AM ID: 221828076	more expensive to purchase and run		
			answered	7
			skipped	86

15. Operators



The proposed policy would require an annual basic DBS certificate from all private hire operators.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council currently requires a basic DBS certificate every three years from private hire operators.







24. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		48.53%	33
2	Tend to agree		25.00%	17
3	Neither agree nor disagree		17.65%	12

24. To what extent do you agree or disagree with the above proposed changes to the policy?

4	Tend to disagree		4.41%	3
5	Strongly disagree		4.41%	3
6	Don't know / Not sure		0.00%	0
			answered	68
			skipped	25





The proposed policy would require completion of safeguarding training by all private hire operators.
 New applicants must complete this prior to a licence being issued, and current operators will be given 2 years to complete the training.
 The Council does not currently mandate safeguarding training for operators.



25. To what extent do you agree or disagree with the above proposed changes to the policy?

Answer Choices			Response Percent	Response Total
1	Strongly agree		41.18%	28
2	Tend to agree		25.00%	17
3	Neither agree nor disagree		14.71%	10
4	Tend to disagree		7.35%	5
5	Strongly disagree		10.29%	7
6	Don't know / Not sure		1.47%	1
			answered	68
			skipped	25

The proposed policy would require operators to have an address in the Borough, where records of bookings can be inspected by appointment. The Council's existing policy does not currently require operators to have an address in the Borough.







26. To what extent do you agree or disagree with the above proposed changes to the policy?

Answer Choices			Response Percent	Response Total
1	Strongly agree		44.78%	30
2	Tend to agree		19.40%	13
3	Neither agree nor disagree		10.45%	7
4	Tend to disagree		4.48%	3

26. To what extent do you agree or disagree with the above proposed changes to the policy?				
5	Strongly disagree		14.93%	10
6	Don't know / Not sure		5.97%	4
			answered	67
			skipped	26

The proposed policy would require private hire operators to maintain a register of all staff members that take bookings and/or dispatch vehicles. New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.





The Council does not currently require operators to record and maintain this information.

27. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		51.47%	35
2	Tend to agree		22.06%	15
3	Neither agree nor disagree		8.82%	6
4	Tend to disagree		4.41%	3
5	Strongly disagree		8.82%	6
6	Don't know / Not sure		4.41%	3
			answered	68
			skipped	25

The proposed policy would require private hire operators to obtain a basic DBS certificate from all staff members that take bookings and/or dispatch vehicles.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to obtain DBS certificates for staff members.







28. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		48.53%	33
2	Tend to agree		26.47%	18
3	Neither agree nor disagree		10.29%	7
4	Tend to disagree		2.94%	2

28. To what extent do you agree or disagree with the above proposed changes to the policy?				
5	Strongly disagree		7.35%	5
6	Don't know / Not sure		4.41%	3
			answered	68
			skipped	25

The proposed policy would require private hire operators to produce a policy on employing ex-offenders.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to produce an ex-offenders policy.

29. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		48.53%	33
2	Tend to agree		29.41%	20
3	Neither agree nor disagree		13.24%	9
4	Tend to disagree		1.47%	1
5	Strongly disagree		5.88%	4
6	Don't know / Not sure		1.47%	1
			answered	68
			skipped	25

16. Operators

The proposed policy would require an annual basic DBS certificate from all private hire operators.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council currently requires a basic DBS certificate every three years from private hire operators.

30. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	8
1	19/06/2023 02:07 AM ID: 220606985	I don't see the point		

30. Why do you disagree and what do you think needs to be considered / addressed in the policy?

2	19/06/2023 11:42 AM ID: 220629895	Annually is too often regarding costs etc. 3 yearly is adequate	
3	21/06/2023 22:24 PM ID: 220853684	What is the point? passengers are in the Drivers vehicles not at the office.	
4	06/07/2023 19:35 PM ID: 221817237	Because to be an operator in Havant you had to be a driver already which means you had dbs anyway	
5	06/07/2023 19:48 PM ID: 221819002	I think every three years is enough	
6	06/07/2023 22:19 PM ID: 221824199	Private hire operators have a private hire licence issued by Havant Borough Council and I think is not necessary for them to provide another DBS	
7	10/07/2023 07:29 AM ID: 221828076	More paperwork to Chase, more money to spend	
8	11/07/2023 17:27 PM ID: 222096656	3 years is reasonable so why propose change? Overly bureaucratic	
		answered	8
		skipped	85

17. Operators

The proposed policy would require completion of safeguarding training by all private hire operators.

New applicants must complete this prior to a licence being issued, and current operators will be given 2 years to complete the training.

The Council does not currently mandate safeguarding training for operators.

31. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	13
1	19/06/2023 02:07 AM ID: 220606985	Neither agree or disagree		
2	19/06/2023 12:30 PM ID: 220622780	I am totally disagree .		
3	20/06/2023 16:20 PM ID: 220744827	Basic safeguarding is good to know		
4	21/06/2023 22:24 PM ID: 220853684	What is the point? passengers are in the Drivers vehicle.		
5	23/06/2023 08:23 AM ID: 220937921	Have had a safeguard certificate and it didn't even get checked		
6	30/06/2023 19:56 PM ID: 221036910	The operators being the owners or staff. If the staff suspect something is wrong I would hope the they would take the appropriate action. This forcing people to take this course may not in some cases yield anything.		
7	02/07/2023 01:30 AM ID: 221461643	as with existing drivers, it is counter productive and serves no actual purpose to adopt this for a telephone operator who has been in the role for a number of years without incident or issue.		

31. Why do you disagree and what do you think needs to be considered / addressed in the policy?

		we would recommend this condition only applies to new staff members being taken on board. furthermore, telephone staff do not have direct contact with members of the public at all, let alone those members of the public that would fall into the safeguarding category.	
8	07/07/2023 07:43 AM ID: 221832169	Safeguarding is for police to enforce - a course just pays lip service - actions speak louder than words, or a course	
9	07/07/2023 08:02 AM ID: 221832357	The operator does NOT interfere directly with the customer in the car	
10	08/07/2023 10:53 AM ID: 221855311	no effect after the course was done .	
11	09/07/2023 12:55 PM ID: 221930848	Not sure that there is any real benefit to this. Many operators now accept work other than by phone or walk in. It is very difficult for an online booking to be assessed for safe guarding issues. I feel this may have been relevant 20 years ago but not now.	
12	11/07/2023 17:27 PM ID: 222096656	What's the objective of this change? Overly bureaucratic	
13	12/07/2023 14:28 PM ID: 222157134	It is not the job of driver	
		answered	13
		skipped	80

18. Operators

The proposed policy would require operators to have an address in the Borough, where records of bookings can be inspected by appointment. The Council's existing policy does not currently require operators to have an address in the Borough.

32. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	12
1	19/06/2023 02:07 AM ID: 220606985	Some small operators could mean they could not comply with this and make it unconcurential as big operators can afford to.operators could have an office few miles away from council boundary limita and this would still mean they would need a change	
2	19/06/2023 11:42 AM ID: 220629895	Why be restricted to such an extent. Uber operates the whole of the south coast	
3	19/06/2023 11:57 AM ID: 220627670	I don't see haw this would help small operators	
4	20/06/2023 16:20 PM ID: 220744827	Why do they need an address in the Borough?	
5	20/06/2023 17:09 PM ID: 220750655	Electronic systems can be integrated remotely, the important thing is that you have access, a school only operator will operate county wide.	

32. Why do you disagree and what do you think needs to be considered / addressed in the policy?

6	23/06/2023 08:23 AM ID: 220937921	As an Uber driver can be expected to pick up jobs outside county lines	
7	30/06/2023 19:56 PM ID: 221036910	I understand that H.B.C. already require this and I have to put this on application forms.	
8	06/07/2023 19:25 PM ID: 221817368	Can you not just ask for them to be made available.	
9	06/07/2023 22:19 PM ID: 221824199	I have thinking to apply for a private hire operator and I always lived in Portsmouth, so I think once you issue private hire license for the people outside the Borough is normal for them to can apply for the operator licence	
10	07/07/2023 08:02 AM ID: 221832357	Tesco is based in Welwyn Gardens, that means you don't buy from them? Utter stupidity	
11	09/07/2023 12:55 PM ID: 221930848	I was under the impression that operators have to have an operating address in the Borough where records could be inspected etc. However you seem to be suggesting that the home address of an operator should be within the Borough. I am not aware that the home address of an operator is where records should be kept? Surely the whole idea is that the Operating address should be within the Borough because it is a business address. This will affect others more than me but most definitely would apply to Aqua/AndiCars and Uber. Such a restriction could cost the Council dearly in terms of lost revenue. Additionally many home addresses have a historical covenant barring commercial activity from the residential property.	
12	11/07/2023 17:27 PM ID: 222096656	They have an address don't they? Inspection can be made. What's the problem you're trying to solve!	
		answered	12
		skipped	81

19. Operators

The proposed policy would require private hire operators to maintain a register of all staff members that take bookings and/or dispatch vehicles. New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to record and maintain this information.

33. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	8
1	19/06/2023 02:07 AM ID: 220606985	Good idea in a way	
2	30/06/2023 19:56 PM ID: 221036910	I cant see why a record needs to be kept. It is my understanding that when a booking is taken the name of the taker is recorded and mostly the booking goes out automatically.	
3	06/07/2023 19:35 PM ID: 221817237	Why do the council need a list of all people who work within the business I don't understand	
4	06/07/2023 22:19 PM ID: 221824199	I agree	

33. Why do you disagree and what do you think needs to be considered / addressed in the policy?

5	07/07/2023 08:02 AM ID: 221832357	Stupid! What if the operator uses IVS or AI?	
6	11/07/2023 17:27 PM ID: 222096656	Overly bureaucratic and without substance or reason	
7	13/07/2023 20:48 PM ID: 222252289	I do not see how this can be any help	
8	15/07/2023 18:57 PM ID: 222438636	This policy seems to put more bureaucracy in place for an already struggling industry.	
		answered	8
		skipped	85

20. Operators

The proposed policy would require private hire operators to obtain a basic DBS certificate from all staff members that take bookings and/or dispatch vehicles.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to obtain DBS certificates for staff members.

34. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	8
1	21/06/2023 22:24 PM ID: 220853684	What is the point? passengers are in the drivers vehicles.	
2	06/07/2023 19:35 PM ID: 221817237	Because it's a cost who is going to pay for that the council if that's the case then yes but as a small business who struggle because of council rules and laws then I would not want to pay for this	
3	06/07/2023 22:19 PM ID: 221824199	You already ask for DBS for 10 times, and I think is not necessary for another one	
4	07/07/2023 08:02 AM ID: 221832357	Same as above, utterly stupid	
5	09/07/2023 12:55 PM ID: 221930848	I think this is overkill.	
6	11/07/2023 17:27 PM ID: 222096656	Overly bureaucratic. What problem are you trying to solve? Sounds more like you want to put people off from working for a taxi business	
7	13/07/2023 20:48 PM ID: 222252289	It is a business for operators. I think this is up to them how they recruit their staff, with or without DBS. In case that something happens, i assume is the employer responsibility, with or without DBS.	
8	15/07/2023 18:57 PM ID: 222438636	This policy seems to put more bureaucracy in place for an already struggling industry	
		answered	8
		skipped	85

21. Operators

The proposed policy would require private hire operators to produce a policy on employing ex-offenders.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.



The Council does not currently require operators to produce an ex-offenders policy.

35. Why do you disagree and what do you think needs to be considered / addressed in the policy?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	6
1	30/06/2023 19:56 PM ID: 221036910	Ex-offenders such as ? Sometimes the conviction is a while ago or is spent. Is there any evidence of ex-offenders in this role doing something wrong. I would not like to see an sex offender in this role and I would think would company would feel the same.		
2	06/07/2023 19:35 PM ID: 221817237	I agree anyone with a criminal conviction should not be employed		
3	07/07/2023 08:02 AM ID: 221832357	If the driver is DBS checked, what all of this has to do with a telephonist?		
4	08/07/2023 10:53 AM ID: 221855311	a		
5	09/07/2023 12:55 PM ID: 221930848	1. The majority of private hire/taxi businesses do not 'employ' drivers. 2. Small operators like myself are one driver outfits. I do not have any point in having such a policy. 3. Does the council have a policy like this for allowing ex offenders to become drivers, once the DBS check has found issues?		
6	11/07/2023 17:27 PM ID: 222096656	If this is for taxi businesses what about other businesses you licence - food for example? Overly bureaucratic and discriminatory		
			answered	6
			skipped	87

22. General

The proposed policy would revise the penalty points system, with a higher number of points applied per incident and a maximum of 12 points awarded prior to Sub-Committee referral for review.

The Council's current penalty points system does not align with guidance from the Department for Transport.

36. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		36.62%	26
2	Tend to agree		23.94%	17

36. To what extent do you agree or disagree with the above proposed changes to the policy?				
3	Neither agree nor disagree		12.68%	9
4	Tend to disagree		5.63%	4
5	Strongly disagree		12.68%	9
6	Don't know / Not sure		8.45%	6
			answered	71
			skipped	22

The proposed policy would have a clear definition of how the Council determines whether an applicant is 'fit and proper' to hold a licence.

37. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		55.71%	39
2	Tend to agree		22.86%	16
3	Neither agree nor disagree		14.29%	10
4	Tend to disagree		2.86%	2
5	Strongly disagree		2.86%	2
6	Don't know / Not sure		1.43%	1
			answered	70
			skipped	23

The proposed policy would have a clear policy on how the Council considers applicants and licensees with criminal convictions.

38. To what extent do you agree or disagree with the above proposed changes to the policy?				
Answer Choices			Response Percent	Response Total
1	Strongly agree		62.86%	44
2	Tend to agree		27.14%	19
3	Neither agree nor disagree		5.71%	4
4	Tend to disagree		0.00%	0
5	Strongly disagree		1.43%	1
6	Don't know / Not sure		2.86%	2

38. To what extent do you agree or disagree with the above proposed changes to the policy?

answered	70
skipped	23

23. General

The proposed policy would revise the penalty points system, with a higher number of points applied per incident and a maximum of 12 points awarded prior to Sub-Committee referral for review.

The Council's current penalty points system does not align with guidance from the Department for Transport.

39. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	12
1	19/06/2023 02:07 AM ID: 220606985	The Council has done a good job so far,no changes are needed from Transport Department	
2	21/06/2023 22:24 PM ID: 220853684	Never had any points, but reviewing drivers for getting 12 points seems a bit harsh, especially if points per incident is increased.	
3	30/06/2023 19:56 PM ID: 221036910	I think the system is fine as it is. How will the council be able to enforce many of these rules without out and about daily enforcement.	
4	02/07/2023 01:30 AM ID: 221461643	as a national representative body, we have seen various examples of penalty points schemes being abused and far too open to opinion and abuse. whilst Cardiff verses singh did not rule penalty points to be unlawful, the case did rule that such a scheme must be reasonable and proportionate. with no appeal process against council issued points, they can be far too draconian and not fit for purpose. there is a convictions policy in place, and measures in place for dealing with breaches of conditions, this should be sufficient.	
5	03/07/2023 14:29 PM ID: 221531057	Penalty points systems tend to be too rigid, each incident and each case needs to be considered on its own merits, including the history of any complaints etc..	
6	05/07/2023 14:29 PM ID: 221711630	i feel this is very harsh	
7	06/07/2023 19:35 PM ID: 221817237	How are the points awarded for what reason and how do we appeal the points system needs to be done on a fair basis not on the council biased opinion when they clearly don't care about the trade on the whole	
8	07/07/2023 08:02 AM ID: 221832357	Is the severity of the incidents clearly outlined?	
9	08/07/2023 10:53 AM ID: 221855311	agree	
10	11/07/2023 17:27 PM ID: 222096656	The points are per the DVLA you can't make them up yourselves	
11	12/07/2023 14:28 PM ID: 222157134	Make it in line with the law	

39. Why do you disagree and what do you think needs to be considered / addressed in the policy?

12	15/07/2023 18:57 PM ID: 222438636	I find this uncles		
			answered	12
			skipped	81

24. General

The proposed policy would have a clear definition of how the Council determines whether an applicant is 'fit and proper' to hold a licence.

40. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	6
1	20/06/2023 08:01 AM ID: 220695759	Depends on what has happened in past history		
2	30/06/2023 19:56 PM ID: 221036910	The proposed rules in places seems extreme e.g. rule 29-40 rule 15 quite often customers purchase alcohol is proposed we cant carry this.		
3	05/07/2023 14:29 PM ID: 221711630	i do think a driver should be fit and healthy to drive		
4	06/07/2023 19:35 PM ID: 221817237	I didn't disagree here but think the council needs to look at the whole policy before commuting to say who is classed as fit and proper		
5	08/07/2023 10:53 AM ID: 221855311	a		
6	11/07/2023 17:27 PM ID: 222096656	Don't you have one now? Needs to be more specific for everyone to understand		
			answered	6
			skipped	87

25. General

The proposed policy would have a clear policy on how the Council considers applicants and licensees with criminal convictions.

41. Why do you disagree and what do you think needs to be considered / addressed in the policy?

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	2
1	08/07/2023 10:53 AM ID: 221855311	a		





41. Why do you disagree and what do you think needs to be considered / addressed in the policy?

2 | 11/07/2023 17:27 PM
ID: 222096656 | Not got one now? You need to be more specific and allow us to form a judgement on what you want to achieve and why






answered	2
skipped	91

26. Public safety

42. How often do you use / hire a taxi or private hire vehicle?

Answer Choices			Response Percent	Response Total
1	At least once a week		5.88%	1
2	At least once a fortnight		17.65%	3
3	At least once a month		47.06%	8
4	At least once a year		29.41%	5
5	Less often than once a year		0.00%	0
			answered	17
			skipped	76







43. How safe or unsafe do you feel when you are in / using a taxi or private hire vehicle?

Answer Choices			Response Percent	Response Total
1	Very safe		5.88%	1
2	Fairly safe		52.94%	9
3	Neither safe nor unsafe		29.41%	5
4	Fairly unsafe		5.88%	1
5	Very unsafe		5.88%	1
6	Don't know		0.00%	0
			answered	17
			skipped	76








27. Public safety

44. Why do you feel unsafe when you are in / using a taxi or private hire vehicle?				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	7
1	20/06/2023 10:59 AM ID: 220711537	When using a taxi I don't feel safe nor unsafe however this is based on having heard of horror stories in which being a woman travelling could be considered as potentially dangerous in general. However checks as previously mentioned would definitely allow for good piece of mind		
2	20/06/2023 16:20 PM ID: 220744827	I don't know the driver		
3	20/06/2023 18:58 PM ID: 220760112	Because I do not know if they have been fully checked to safely transport me		
4	27/06/2023 18:08 PM ID: 221195802	Had 2 bad experiences. Complained both times to company and not even had a return call. One the driver refused to stop and let out so was very scary		
5	07/07/2023 00:55 AM ID: 221828529	Taxis sometimes licenced from outside hampshire and feel you don't know who they are and after question about it you don't regulate these taxis		
6	07/07/2023 07:28 AM ID: 221831755	Never too sure about car / driver history.		
7	08/07/2023 10:48 AM ID: 221897728	Driving standards are way below that I consider a good and competent driver should be. This includes using phones while driving, speeding, aggressive tailgating, and. A general. Lack of consideration for other road users, including the most vulnerable (pedestrians and people cycling)		
			answered	7
			skipped	86

28. Public safety

45. What, if anything, would make you feel safer in using taxis or private hire vehicles?				
Answer Choices			Response Percent	Response Total
1	Nothing, I feel safe		5.88%	1
2	CCTV (video only)		11.76%	2
3	CCTV (video and audio)		58.82%	10
4	Driver wearing an identification badge		58.82%	10
5	Vehicle displaying a licence plate		58.82%	10
6	Vehicle licence number displayed in the vehicle		47.06%	8

45. What, if anything, would make you feel safer in using taxis or private hire vehicles?

7	Details of how to contact the Council displayed in the vehicle		58.82%	10
8	Driver subject to 6-monthly enhanced DBS (criminal record) check		70.59%	12
9	Driver required to complete safeguarding training		70.59%	12
10	Driver required to complete regular medical fitness checks		76.47%	13
11	Pre-booking the vehicle via telephone		17.65%	3
12	Pre-booking the vehicle online / via an app		41.18%	7
13	Other (please specify):		5.88%	1
			answered	17
			skipped	76
Other (please specify): (1)				
1	08/07/2023 10:48 AM ID: 221897728	More police on our roads, and Havant borough council having staff to investigate complaints within suitable timeliness demands. removal or licences for those holding more than 6 points, no hardship please.		

Havant Taxi Policy Survey



**Written response from
GMB UNION
Southern Region
Professional Drivers**

Response to Havant Council Consultation

Introduction

GMB are a national general trade union, with over 600,000 members who are either users or workers within the transport sector across the UK.

This response comes from GMB Southern Region where we have around 90,000 members who are comprised of many different industries including those who drive buses, taxis, private hire vehicles and ambulances or who work in road freight and distribution.

Overall, GMB recognises the important role a safety policy provides but is clear in its belief that a policy must be inclusive of the protections afforded to Taxi and Private Hire drivers. Havant has chosen to ignore the relevance of including a policy in respect of such protections. Further commentary in this iniquity will be included within our conclusion in this document.

Proposals:

Proposal 1.

At present, the Council does not mandate safeguarding training for drivers.

The proposed policy changes would have a requirement for completion of safeguarding training by all drivers.

New applicants must complete this prior to a licence being issued, and current drivers will be given 2 years to complete the training.

We also advocate for conflict resolution training for drivers is a necessity and a value.

GMB Say that the timescale for current drivers may be problematic, and we suggest upon renewal safeguarding training takes place to not create a burdensome workload for licensing staff.

Additionally, GMB are keen to learn what the costs of such training would equate to for drivers undertaking courses.

Also, some drivers may have carried out previous training in other jurisdictions where they may have proof in place it would be logical to consider a baseline for accepting these qualifications or proofs to avoid extra cost and duplication.

Proposal 2

At present, the Council requires an enhanced DBS certificate every three years from drivers.

The proposed policy changes would have a requirement for all drivers to sign up to the DBS Update Service (costing £13 per year), to allow the Council to check their enhanced DBS status at least every six months.

New applicants will be required to sign up prior to a licence being issued, and current drivers will have until their next licence renewal date to comply.

GMB Wholeheartedly agree with this proposal as in the longer term this allows drivers the surety that their license can be re-issued in short order. Likewise, they are able to apply for other roles such a community volunteering role without delay.

Proposal 3:

At present, new applicants are required to submit a criminal record check from another country only to complete a five-year address history.

The proposed policy changes would have a requirement for a new applicant or existing driver to submit a criminal record check from the relevant country where they have spent six or more continuous months overseas from the age of 18 years old.

Required for new applicants and for existing drivers during the period of their licence.

Whilst GMB are completely at one in relation of the need for passenger and other road users safety it is clear that many individuals would not have been able to obtain a CoGC (Certificate of good conduct) based upon the need to depart their country of origin due to discrimination or perhaps political or religious beliefs where receiving such a document would be an impossibility creating a decision to remove drivers licences (Or the possibility of being licensed.) due to lack of availability of such a document.

It is also possible that there may be an abuse of provision where nefarious individuals create counterfeit documents to circumvent conditions. The increased cost of translation and fees is a further unreasonable expense. No details of how a driver's absence from the United Kingdom would be monitored. Who would cover the cost of such a licensing condition.

Proposal 4

The proposed policy changes would have a requirement for drivers to notify the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a police fixed penalty notice.

At present, the Council does not formally require drivers to notify them of this information.

GMB believe that the proposed timescale is inappropriate given the probability that during holiday periods and occasions where the driver concerned may be still in custody or incapacitated through injury that a period of 7 days would be more logical to allow notification to take place.

Proposal 5

The proposed policy change is where an applicant or existing driver has 7+ DVLA points, consideration will be given to refusing or revoking the licence. A minimum of 5 years must elapse before the Council will consider licensing the individual.

At present, the Council will allow drivers with up to 12 DVLA points to be licensed, although decisions are made on a case-by-case basis.

GMB believe such a process is highly detrimental and GMB have advised IOL and NALEO that this is a retrograde policy that penalises drivers who would be able to work in any other role without penalty. As an example, an LGV driver or Plumber who receives 9 points would still be able to drive just as a council employee perhaps using a refuse truck would be able to do so. Are Havant proposing removal of council staff's facility to drive vehicles who have reached the same threshold?

There is a reason that DVLA set the guidelines and not licensing authorities.

James Button and IOL are now re-assessing the current guidance we would recommend that Havant park this until further guidance is available.

Proposal 6

The proposed policy changes would have a requirement for an annual basic DBS certificate from vehicle proprietors. At present, the Council does not require a DBS certificate from vehicle proprietors.

GMB agree with this proposal given our concerns over behaviours of proprietors in some instances.

However, we would go further in requiring the council to have sight of rental or sales agreements such as rent to buy from proprietors to be sure that the agreements do not breach FCA or best practice. At present GMB is dealing with issues with a company who have failed to disclose APRs of over 45% and other excessive costs on such agreements.

Proposal 7

The proposed policy change would be to increase the maximum age limit for hybrid and electric vehicles to 8 years from the date of first registration.

At present, new vehicles must be no more than 5 years from the date of first registration at the point that they are first licensed.

GMB believe these proposals are a value. However, GMB believe a discount on licensing is granted to drivers adopting a full ZEC Battery Electric Vehicle (BEV) and that work must be carried out with county council to improve local and regional charging infrastructure.

Proposal 8

The proposed policy change would be to remove the pre-approved vehicle list from the policy, requiring all new vehicles to be visually inspected by a Licensing Officer prior to licensing.

The Council currently pre-approves a number of vehicle makes/models, but this list is outdated and requires review.

GMB agrees with this proposal. Some vehicle variants may take the same name but be different in terms of capacity or layout EV Yaris and Golf Versions.

Proposal 9

The proposed policy change would be to remove the 3-month grace period after the expiry of a vehicle licence, requiring vehicle proprietors to renew their licences before expiry.

Vehicle proprietors currently have a 3 month grace period in which to renew their licence after it expires.

GMB say this is unfair and unrealistic given the possibility that some driver / owners of vehicles take extended journeys abroad and return is not always practical in such instances. This may be seen as unreasonable in many instances given the viability of the vehicles previously. We accept this may be subject to age limits.

Proposal 10

The proposed policy would amend vehicle specification, including the proposal to permit rear or side-loading wheelchair accessible vehicles.

The Council currently only permits side-loading wheelchair accessible vehicles, which are typically more expensive to purchase and run than rear-loading models.

GMB agree with this proposal but would also ask licensing to look at allowing electric winches and or pullies to allow drivers to load wheelchairs due to the high level of injuries sustained when loading and off-loading passengers using mobility devices.

Op1

The proposed policy would require an annual basic DBS certificate from all private hire operators.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council currently requires a basic DBS certificate every three years from private hire operators.

GMB Agree but also believe that all staff should be subject to this certification and that operators have a full DBS in place that is a live item as previously suggested for drivers. A three year certificate is a safeguarding issue waiting to happen.

Op2

The proposed policy would require completion of safeguarding training by all private hire operators.

New applicants must complete this prior to a licence being issued, and current operators will be given 2 years to complete the training.

The Council does not currently mandate safeguarding training for operators.

GMB agrees this proposal but feel that new employees should undertake this training within 2 months of assuming their role. We also believe that disability training is a practical training value too. Training for existing employers should be within 1 year.

Conflict resolution training is also a value.

Op 3

The proposed policy would require operators to have an address in the Borough, where records of bookings can be inspected by appointment. The Council's existing policy does not currently require operators to have an address in the Borough.

GMB believe this is appropriate and proportionate where an application is in place a set of electronic keys should be available to licensing officers (and Police) to examine when deemed appropriate or necessary.

Op 4

The proposed policy would require private hire operators to maintain a register of all staff members that take bookings and/or dispatch vehicles. New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to record and maintain this information.

GMB Agree with this proposal.

Op 5

The proposed policy would require private hire operators to obtain a basic DBS certificate from all staff members that take bookings and/or dispatch vehicles.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to obtain DBS certificates for staff members.

As previously stated, all staff should hold a live DBS certificate and this should be immediate.

Op 6

The proposed policy would require private hire operators to produce a policy on employing ex-offenders.

New applicants will be required to evidence this prior to a licence being issued, and current operators will have until their next renewal date to comply.

The Council does not currently require operators to produce an ex-offenders policy.

GMB Agree with this planned policy.

Gen 1

The proposed policy would revise the penalty points system, with a higher number of points applied per incident and a maximum of 12 points awarded prior to Sub-Committee referral for review.

The Council's current penalty points system does not align with guidance from the Department for Transport.

GMB emphatically disagree with this proposal and feel that bias could be visited upon drivers and that there may not be the same proportionality in each instance leading to targeting of individual drivers.

The fact that externally licensed drivers working locally would not be subject to the same system may drive drivers away.

Ultimately using a system that is intended to punish is not viable as a policy especially when it is subjective.

Gen 2

The proposed policy would have a clear definition of how the Council determines whether an applicant is 'fit and proper' to hold a licence.

GMB believe the terminology must appropriate and would wish to engage on a working group to reach an agreed phraseology and policy.

Gen 3 Public liability insurance

The proposed policy would have a clear policy on how the Council considers applicants and licensees with criminal convictions.

GMB believe the terminology must appropriate and would wish to engage on a working group to reach an agreed phraseology and policy.

Conclusion:

GMB Union recognise the requirement for passenger safety and safeguarding but are disappointed to find the questions do not recognise driver protections and safety or speak to driver health or mental health issues that drivers face.

GMB urgently seeks a minimum standard of behaviour for operators to adhere to towards drivers as well as improved campaigns that recognise the inherent risks that drivers face daily from verbal & physical abuse to theft and false allegations.

GMB now formally request that Havant Council out a survey to learn and adapt the outcome in to create a set of standards and protections for drivers.

This response has been produced on behalf of GMB Southern Region

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11 July 2023

Submitted via email to licensing@havant.gov.uk

Response to Havant Borough Council Consultation: Hackney Carriage and Private Hire Licensing Policy

Dear Licensing Team

We welcome the opportunity to contribute to the consultation on Havant Borough council's Hackney Carriage and Private Hire Licensing Policy and also welcome the Council's intent to raise the bar in safety standards in the industry.

Our feedback on the proposed conditions is outlined below, with conditions shared for reference followed by the respective feedback thereafter.

DBS Checks (5.39 - 5.46)

We support steps to raise safety standards across the industry and, in that spirit, welcome the standards that increase the frequency of DBS checks across drivers, operators and vehicle proprietors.

We are keen to discuss with LAs and others how the process of undertaking Directors' DBS checks can be streamlined through use of the DBS Update Service (not currently set up for the Basic DBS Checks that Directors are required to undertake).

Staff Members (5.16 - 5.21)

We support the intention behind each of these standards - to prevent any bad actors within an operator facilitating harmful activities on TPH trips. It is, however, worth noting that modern, app-based operators such as Uber also use technology to process bookings and dispatch vehicles, and often do not rely solely on human agents. In many cases, it does not make sense to keep a register of staff that take bookings or dispatch vehicles as there may be none involved in this specific process. As you implement this standard in your record keeping policies, we would encourage you to reflect these different business models so it is clear where requirements do or do not apply.

Records (Appendix D - 22-32)

- **Condition 23h):** The name of any staff member who accepted the booking;
- **Condition 23i):** The name of any staff member who dispatched the vehicle;
- **Condition 23(l):** This condition requests that our booking records include ‘The exact location of where the acceptance of the booking was taken (e.g., the operator premises, via mobile phone within the Borough etc).’

Uber’s business model is such that we use technology to process bookings and dispatch vehicles, and often do not rely solely on human agents. We do not keep records of staff members who accept or dispatch bookings as a result.

Operating premises (Appendix D - 18-21)

We are keen to review this condition as we would seek to have a postal address in an office location within the local authority area rather than a physical office.

Our current location does not have any public reception or waiting area as we do not allow members of the public to enter. No person is physically needed in the office to accept bookings due to the app based nature of our booking methods.

One of the main reasons for having a physical office is to allow booking records to be inspected by a licensing officer or by the police. We have a number of well established digital processes for providing this information upon request without the need of visiting a physical office.

We have with other local authorities conducted audits and compliance checks virtually over Zoom and Microsoft Teams. All of our records are digital and therefore the requirement to have a physical office presents an unnecessary regulatory burden given Uber’s business model.

I welcome the opportunity to discuss this feedback in more detail. Should you have any questions please do not hesitate to contact me via email or phone call.

Yours sincerely



Pritesh Gokani
Head of Cities | South of England



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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Drivers, Vehicles and Operators

Date of Adoption: [\[date\]](#)

DRAFT

Contents

1. Introduction	3
2. Aims and Objectives of the Policy	4
3. Hackney Carriage and Private Hire Driver's Licences	7
4. Hackney Carriage and Private Hire Vehicle Licences	17
5. Private Hire Operator's Licences	26
6. Consideration of Criminal Convictions	34
7. Fees	41
8. Compliance and Enforcement.....	42
APPENDIX A	49
APPENDIX B	54
APPENDIX C	57
APPENDIX D	60
APPENDIX E	65
APPENDIX F	70

1. Introduction

- 1.1. The purpose of this Policy is to set out how the Council as a Licensing Authority intends to carry out the licensing and control of the hackney carriage and private hire trades within the Borough. In this Policy reference to the Council and the Licensing Authority is one and the same.
- 1.2. The Council has a responsibility to ensure all operators and drivers are fit and proper to hold licences, and vehicles are safe to operate. Conditions, which are attached and form part of this Policy, will apply to licences to ensure public safety is protected.
- 1.3. This Policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
 - Applicants for drivers' licences, vehicle licences and operator's licences;
 - Existing licensed drivers, vehicle proprietors and operators;
 - Licensing Officers;
 - Members of the Licensing Committee; and
 - Magistrates and Crown Court hearing appeals against local authority decisions.
- 1.4. The Policy has immediate effect and will be applied to existing licences and new applications received after the date that the Policy is adopted by the Council. The Council reserves the right to overturn a decision that has been made under a previous Policy, or refuse the renewal of a licence where appropriate
- 1.5. The Licensing Authority reserves the right to depart from this Policy if there are, in its reasonable opinion, exceptional or compelling reasons to do so. In addition, the Council may follow any current or subsequent recommendations made by the Institute of Licensing, the Department for Transport or any other national guidance issued.

2. Aims and Objectives of the Policy

- 2.1. The principle purpose of the hackney carriage and private hire licensing regime is to protect the public and promote public safety.
- 2.2. The primary aim of the Policy is to promote the following:
 - The protection of the public, including safeguarding children and vulnerable people;
 - Public confidence in the hackney carriage and private hire services;
 - A professional and competent hackney carriage and private hire trade;
 - The safety and health of the public and drivers;
 - Vehicle safety, access and comfort;
 - Encouraging environmental sustainability and improving air quality.
- 2.3. The following legislation allows the Licensing Authority to fulfil its aim:
 - Section 37 of the Town Police Clauses Act 1847
 - Section 45 of the Local Government (Miscellaneous Provisions) Act 1976
- 2.4. In addition, byelaws which apply to Havant Borough Council have been made under Section 68 of the Town Police Clauses Act 1847, Section 65(7) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 171 of the Public Health Act 1875.

Consultation

- 2.5. It is the Council's policy to consult with all interested parties before making decisions on matters referred to in this Policy. These include the Police, the Highways Authority, representatives of the hackney carriage and private hire trade, and others thought appropriate. These may include groups representing disabled people, the Chambers of Commerce, Organisations with a wider transport interest and special interest groups.

Review

- 2.6. This Policy will be reviewed every five years or sooner if there are relevant legislative changes or significant issues arise in the area.

Information sharing

- 2.7. The Council may use the information submitted on any application form for any licence(s) for the purpose of its statutory function(s).
- 2.8. The Council is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.
- 2.9. The Council may provide information submitted on any application form for a licence or permission to other statutory Authorities, such as Her

Majesty's Revenue and Customs (HMRC), The Audit Commission, Home Office and Law Enforcement Agencies.

- 2.10. The Licensing Authority provides information to the National Register of Taxi and Private Hire Vehicle Revocations, Refusals and Suspensions (NR3S) which is part of the National Anti-Fraud Network (NAFN). The Register is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage and/or private hire driver's licence revoked, suspended or an application refused. This is necessary for compliance with a legal obligation to which the Council is subject.
 - 2.11. Where a Combined (Dual) Hackney Carriage/Private Hire Driver's licence is revoked or suspended, or an application for one refused, the Licensing Authority will automatically record this decision on NR3S. This is a condition of applying for/being granted a Combined (Dual) Hackney Carriage/Private Hire Driver's licence.
 - 2.12. All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the Authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
 - 2.13. The information recorded on NR3S itself will be limited to:
 - Full Name
 - Date of birth
 - Address and contact details
 - National Insurance number
 - Driving licence number
 - Decision taken
 - Date of decision
 - Date decision effective
- The information relating to suspensions, revocations and refusals will be retained on NR3S for a period of 11 years. Searches will be retained for 3 years.
- 2.14. If the Council receives a request for further information on a named person on the register from another Licensing Authority, it will only release the reasons for the entry on the register following receipt of an official and legal request.
 - 2.15. Information will be processed in accordance with the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that

all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

- 2.16. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the UK GDPR, you can do so to the authority's Data Protection Officer via dp@havant.gov.uk. Further information is also available at www.havant.gov.uk/data-protection.
- 2.17. You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

3. Hackney Carriage and Private Hire Driver's Licences

- 3.1. Havant Borough Council issues a combined (Dual) Hackney Carriage and Private Hire Driver's Licence, allowing drivers to drive both hackney carriage and private hire vehicles licensed by the Licensing Authority.
- 3.2. In order to assess the suitability of an applicant or licence holder the Licensing Authority can ask for such information as they may reasonably consider necessary to determine whether the licence should be granted. The Licensing Authority will take into consideration the following factors and will therefore ask for information related to these matters:
 - Criminality
 - Period of holding a DVLA driver's licence
 - ~~Number of endorsed driving licence penalty points~~
 - Right to work in the UK
 - Immigration status
 - Medical fitness to drive
 - Standard of driving
 - General conduct/standard of behaviour
 - The conduct of the applicant in making the application
 - The previous licensing history of existing/former licence holders
 - Information on the NR3S database
 - Theoretical knowledge of issues and matters related to the work of a licensed driver
 - Tax conditionality (on renewal, or where an applicant holds / has previously held a licence with Havant Borough Council or another Licensing Authority)
- 3.3. This section of the Policy is intended to outline the Licensing Authority's requirements for obtaining a (Dual) Hackney Carriage and Private Hire Driver's Licence and provide guidance to applicants on how to meet the requirements.

Right to work in the UK

- 3.4. As required under the Immigration Act 2016, applicants must provide evidence that they have a right to work in the UK. Failure to provide satisfactory documentation will result in the application being refused.
- 3.5. The Licensing Authority reserves the right to provide documentation or information to the Home Office where considered necessary in determining an applicant or licensee's immigration status or to protect the public.
- 3.6. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.

Driving licence

- 3.7. An application for a licence must be accompanied by satisfactory evidence that the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive. The Licensing Authority will verify their driving licence record by using a driving licence check code.
- 3.8. The Licensing Authority considers that driving experience is relative to the length of time a person has been lawfully permitted to drive. Therefore, applicants must have held a full driving licence for a minimum of 12 months at the time of application. This licence must have been issued in the UK, the European Community (EC) or one of the countries in the European Economic Area (EEA).

Driving assessment

- 3.9. In addition to possessing a driving licence issued by a relevant country, all new applicants are required to have passed a driving assessment with a provider approved by the Council. The cost of such test shall be borne by the applicant or licensee and a pass certificate must be supplied. Certificates shall be no more than five years from the date of issue.
- 3.10. Existing drivers, who have not completed a driving assessment due to being licensed prior to this requirement first being introduced, will not be required to complete a driving assessment unless there is a break in their licence or it is deemed necessary and proportionate following a complaint or concerns raised. If their existing licence expires before it is renewed, they will need to meet this requirement before being re-licensed.

Knowledge test

- 3.11. All applicants must have passed the Licensing Authority's knowledge test. This assesses geographical knowledge (i.e. roads and locations), basic literacy and numeracy, the Highway Code and basic awareness of the role and responsibilities of a licensed driver. Payment for the test must be made in advance and failure to attend shall mean forfeiture of any monies paid.
- 3.12. An applicant who was previously licensed with this Council less than three years from the date of the new application, who has passed the Licensing Authority's knowledge test, will not be required to re-take the knowledge test.
- 3.13. If an applicant fails three successive knowledge tests, they will be required to wait at least 12 months (from the date of the most recent failure), before being able to take further tests.
- 3.14. In an applicant is found to have cheated during a test they will fail automatically. ~~and t~~ The Council ~~may~~ will use this information in

determining their fitness and propriety to hold a licence, which may result in the application being refused.

English language

- 3.15. An applicant must have sufficient ability to speak and read English, and to understand spoken and written English, to provide the service that they wish to be licensed for. This will be assessed throughout the application process.
- 3.16. A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
- 3.17. Where concerns about an applicant or current licence holder's ability to speak and read English, and/or understand spoken and written English, are raised by an Authorised Officer during the course of the application process or duration of licence, the Licensing Authority reserves the right to require the applicant or licensee to pass an English language test with a provider approved by the Council. The cost of such test shall be borne by the applicant or licensee and a pass certificate must be supplied.

Safeguarding training

- 3.18. All new applicants must successfully complete a safeguarding awareness training course with a provider approved by the Licensing Authority. The cost of the course shall be borne by the applicant and a pass certificate or similar evidence of course completion shall be provided to the Licensing Authority before a licence is granted. The certificate shall be no more than five years from the date of issue.
- 3.19. The aim of the training is to provide the skills, knowledge and understanding of what is meant by safeguarding, how to identify the signs of child sexual exploitation, County Lines drug dealing and domestic abuse, to recognise what makes a person vulnerable and understand how to respond and where to report safeguarding concerns to.
- 3.20. Existing licensed drivers will be required to complete such training within 2 years of the date of adoption of this Policy.
- 3.21. The Council may accept evidence of safeguarding training with another provider, other than the Council's approved provider(s), if it considers the training to be consistent with the curriculum of its approved provider(s) training.
- ~~3.22. Refresher training in relation to the safeguarding of children and vulnerable people will subsequently be required every 3 years from the~~

~~date of the previous training. This refresher training must be undertaken with a provider approved by the Licensing Authority. The cost of the course shall be borne by the applicant and a pass certificate or similar evidence of course completion shall be provided to the Licensing Authority.~~

- 3.23. Failure to provide evidence completion of a safeguarding awareness training course ~~and/or refresher training~~ within the timescales given will result in the suspension of a drivers' licence or a refusal to renew the licence, as appropriate.
- 3.24. If a driver is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or 999 in an emergency). Other concerns can be reported to Crimestoppers on Tel 0800 555 111 and the anti-terrorist hotline on Tel 0800 789 321.

Medical fitness

- 3.25. The Council requires all applicants and licensed drivers to demonstrate that they meet the Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers.
- 3.26. Applicants must undergo and pass a medical examination that meets this standard using the medical assessment form provided by the Council. Medical examinations must be carried out:
- Prior to a licence being granted (i.e. on initial application);
 - At 45 years of age, and every five years thereafter;
 - At 65 years of age, and every year thereafter.
- 3.27. Licence holders with certain medical conditions will also be required to adhere to additional requirements as detailed in the DVLA Group 2 Standards of Medical Fitness in order for them to retain their driver's licence.
- 3.28. The medical examination form must be completed by the applicant's or licensee's own GP, or another GP at the same practice, ~~in order that the examining GP has access to their full medical records. In exceptional circumstances, and with prior agreement from the Licensing Authority, a medical assessment may be carried out by another registered GP practice provided that the applicant's medical history has been viewed and assessed.~~ The GP ~~or other medical professional~~ carrying out the medical must confirm they have viewed the applicant's medical history.
- 3.29. Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities as and when they occur.

- 3.30. Applicants and licensed drivers are responsible for all costs incurred in any medical examinations required by the Council.
- 3.31. Licensed drivers are under a legal duty to carry assistance dogs in their vehicles and without additional charge (as per the Equality Act 2010, as amended). Drivers with a medical condition which is caused or aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle in a prominent position such as on the dashboard or on the windscreen.
- 3.32. Licensed drivers are under a legal duty to transport wheelchair-bound passengers and passengers that require the use of mobility aids where the vehicle has the capability to do so safely, and provide mobility assistance, without additional charge (as per the Equality Act 2010, as amended). Drivers with a medical condition that makes it impossible or unreasonably difficult to provide mobility assistance may apply to the Council for exemption from the duty on medical grounds.

For the purpose of exemptions, 'mobility assistance' means:

- Assistance to enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, assistance to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - Assistance to load the passenger's luggage or mobility aids into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, assistance to load the wheelchair into and out of the vehicle.
- 3.33. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle in a prominent position such as on the dashboard or on the windscreen. The exemption does not exempt the driver from carrying passengers with wheelchairs and/or mobility aids where the vehicle has the capability to do so safely
- 3.34. No licence shall be issued or renewed until confirmation that the applicant meets the DVLA Group 2 Standards of Medical Fitness has been received. If considered appropriate, a completed medical examination form will be referred to the Council's nominated medical advisor to determine whether or not the applicant meets the DVLA Group 2 Standards of Medical Fitness.
- 3.35. Where there is any doubt as to the medical fitness of the applicant or a licensed driver, the Council may require the person to undergo a further medical examination.

Fit and proper person test

- 3.36. Under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority must not grant a licence for a hackney carriage and/or private hire driver unless satisfied that the applicant is a fit and proper person to hold a licence.
- 3.37. In each case, the authority has powers to grant a licence, renew it on application and, during the life of the licence, suspend or revoke it.
- 3.38. An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled or attempted to mislead the Council as part of any process associated with the administration or determination of a licence.
- 3.39. There is no definition in law of a “fit and proper” person. The Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards (July 2020) suggests the following test:
- “Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”
- If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.
- 3.40. In considering whether an individual is ‘fit and proper’, the safeguarding of the public is paramount. All decisions made on the suitability of an applicant or current licensee should be made on the balance of probability. The threshold is lower than that for a criminal conviction (that being beyond all reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.
- 3.41. In assessing whether the applicant (an individual, partner or director) is a ‘fit and proper’ person, the guidelines outlined Section 6 of this Policy will be considered.

Previous licences

- 3.42. An applicant or current licence holder must disclose to the Licensing Authority if they have had an application for a licence refused, or a licence revoked or suspended by another other licensing authority.

Disclosure and Barring Service (DBS)

- 3.43. All applicants and current licensees are required to obtain an enhanced DBS certificate with Barred List checks from the Council’s approved provider. If an individual has signed up to the DBS Update Service with a certificate not previously issued by this Authority, we will need to see the

certificate prior to completing a check on the DBS Update Service. Full information on how to apply is available from the Licensing Team. In the interests of public safety, the Council will not issue a licence to any individual that appears on the children and/or adult barred lists.

- 3.44. The Licensing Authority will review any convictions and other relevant information disclosed on the enhanced DBS certificate, and this will be taken into account when deciding whether or not to grant the application. The Licensing Authority may also contact the Police for further information surrounding a conviction, under Common Law Police Disclosure. This information will be used when deciding whether an applicant is a 'fit and proper' person.
- 3.45. All new applicants must subscribe and maintain a subscription to the DBS Update Service before the licence is issued. Existing drivers must sign up to the DBS Update Service when next required to produce an enhanced DBS certificate (i.e., their next licence renewal). Signing up to the DBS Update Service will be required by a condition placed on the licence. The Council (or the Council's authorised third party) will check the status of their certificate online should we consider it necessary to do so, and routinely every six months in line with guidance from the Department for Transport.
- 3.46. Where the DBS Update Service indicates that there have been changes on an individual's DBS record since its issue, or that the subscription has lapsed, a new enhanced DBS certificate will be required before consideration is given to grant/renewal. Should this occur during the period of licence, the Council may suspend the licence pending receipt of a satisfactory enhanced DBS certificate.
- 3.47. Applicants and licensees are responsible for the costs of obtaining the enhanced DBS certificate and any costs associated with maintaining the DBS Update Service subscription.

Overseas convictions

- 3.48. The Disclosure and Barring Service (DBS) cannot access criminal records held overseas; only foreign convictions that are held on the Police National Computer may be disclosed. Therefore, an enhanced DBS certificate may not provide a full picture of an individual's criminal record where there have been periods spent living or working overseas.
- 3.49. If an applicant has spent six continuous months or more living outside of the United Kingdom since the age of 18 years old, they must provide evidence of a Certificate of Good Character from the relevant country or countries covering the period the applicant was overseas. This will be a summary of any overseas convictions from the Ministry of Justice, Embassy or Home Country Police Service. They will also need to provide a Home Country Traffic Police Record.

- 3.50. Before renewing a drivers' licence, if the applicant has spent six continuous months or more living outside of the United Kingdom since their licence was previously renewed, they will also be required to provide evidence of a Certificate of Good Character from the relevant country or countries, and a Home Country Traffic Police Record. This must be provided before their licence is renewed.
- 3.51. Ex service personnel are exempt from the requirement to provide a Certificate of Good Character for their periods of military service. Proof of period of military service is required.
- 3.52. Should an applicant or licensee be unable to obtain a Certificate of Good Character from the relevant country, the reasons for this must be discussed with the Licensing Authority.

Dress code

- 3.53. The purpose of the dress code is to achieve a standard of dress that provides a positive image of the hackney carriage and private hire trade in the Havant Borough, to enhance the professional image of licensed drivers and ensure that public and driver safety is not compromised.
- 3.54. All clothing worn by the driver must be clean and in good condition. A smart, well-groomed appearance is expected, and the driver must have good standards of personal hygiene.
- 3.55. Suitable clothing includes full length trousers, knee length tailored shorts, knee length skirt, shirt or blouse which has a full body and long or short sleeves, or a knee length dress which has a full body and long or short sleeves.
- 3.56. Footwear for all drivers should fit around the heel of the foot and be suitable for driving. Flip-flops, clogs or similar, or bare feet are not permitted.
- 3.57. The following standards of dress are not acceptable:
- Dirty clothing;
 - Ripped or snagged clothing, or holes in clothing;
 - Sportswear, such as football shirts, tracksuits or beachwear;
 - Clothing with slogans or logos that may be perceived as offensive;
 - Studs or sharp edges to clothing;
 - Pronounced heels to shoes, or slip off shoes such as flip-flops;
 - Short skirts;
 - The wearing of hoods or similar clothing that obscures the driver's vision or their identity

New applicants

- 3.58. If an applicant has not successfully completed all of the criteria required above for being issued with a drivers' licence within 6 months of submitting an application to drive a hackney carriage and/or private hire vehicle, the application will be rejected and a new application with new supporting checks would need to be submitted.

Renewals for existing licensed drivers

- 3.59. Licences will not be renewed unless all of the information required to support the renewal application has been provided and has been assessed i.e. medical checks, DBS check etc. For the avoidance of doubt, evidence of the drivers' subscription to the DBS Update Service or a new enhanced DBS certificate must be produced prior to any licence being renewed.

Photographs

- 3.60. Applicants must provide suitable photographs to accompany their initial application, on renewal and as and when requested.

Refusals

- ~~3.61. In the case where a licence has been refused or revoked, no new application will be considered for a minimum period of 12 months from the date of refusal/revocation.~~

Duration of licence

- 3.62. Where the Licensing Authority issues a Hackney Carriage and Private Hire Driver's Licence, it will be for a maximum of three years from the date of issue. The authority may grant a licence for one year instead upon request, and dependant on the circumstances of the individual case.
- 3.63. Where the licence holder dies during the period of licence, the licence will immediately lapse.
- It is advised that the licence holder's next of kin or appointed executor(s) contact the Council to advise them of the death, to prevent reminder letters and other correspondence being sent
 - It is advised that the licence holder's next of kin or appointed executor(s) contact the Council to advise them of the death, to prevent reminder letters and other correspondence being sent.
 - Where relevant, the Council will notify the private hire operator(s) of the licence holder's death
- 3.64. A licence holder may surrender their licence at any time. In doing so, they must notify the Licensing Authority of the day on which they wish for the

surrender to take effect, and return their driver badge and paper licence to the Council within 7 days of such notification

Conditions and byelaws

- 3.65. The Council may attach such conditions to a Drivers licence as are considered necessary. The conditions for a Dual Hackney Carriage and Private Hire Vehicle Driver's licence are set out in Appendix A.
- 3.66. The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. These are detailed on the Council's website www.havant.gov.uk/hackney-carriage-and-private-hire-licences

4. Hackney Carriage and Private Hire Vehicle Licences

Types of Licence

- 4.1. A hackney carriage (taxi) may be used to ply for hire at an authorised taxi rank, pick up passengers when 'flagged down' in the street, and when pre-booked. A hackney carriage may be licensed to carry a maximum of eight passengers.
- 4.2. A private hire vehicle may only be pre-booked via a private hire operator licensed by the same Licensing Authority. Such vehicles are licensed to carry up to eight passengers and may not ply for hire or take bookings other than via an operator.
- 4.3. A private hire vehicle may only be pre-booked via a private hire operator licensed by the same Licensing Authority. The vehicle must be driven by a private hire driver licensed by the same authority. Such vehicles may not ply for hire or take bookings other than via an operator.

Age of Vehicles

- 4.4. All petrol and diesel vehicles must be less than five years from the date of first registration at the time of initial licensing. The vehicle may be renewed on an annual basis at the discretion of an Authorised Officer.
- 4.5. All hybrid and electric vehicles must be less than eight years old from the date of first registration at the time of initial licensing. The vehicle may be renewed on an annual basis at the discretion of an Authorised Officer.

Vehicle Specifications

- 4.6. The following specifications apply to both hackney carriage and private hire vehicles. The suitability of a vehicle will be determined by an Authorised Officer using these specifications to inform their decisions.
- 4.7. All vehicles must comply with M1 specification.
- 4.8. Vehicles, including parts, fittings and accessories, shall be clean, tidy and maintained at all times in safe working order.
- 4.9. Vehicles shall be one standard colour, including the roof, bonnet, tailgate, door and all other panels.
- 4.10. Vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the point of initial licensing, and during the period of licence.
- 4.11. Vehicles must have a minimum of four wheels, and a wheelbase of not less than 2450mm measured between the centres of the front and rear wheel axles.

- 4.12. Vehicles must have a minimum of four doors, excluding any tailgate.
- 4.13. Comfortable and suitably upholstered seating must be provided for all passengers, with ample leg and head room, to the satisfaction of an Authorised Officer.
- 4.14. Seating capacity will be calculated on the basis of a passenger unit seat width of 400mm (measured laterally across the middle of any seat) and 400mm seat depth (measured from the front edge of any seat).
- 4.15. Where a vehicle has three or more rows of seats, all rear seated passengers (i.e., any passenger not sitting in the front of the vehicle) must have access to at least one door without the necessity for sliding, folding or removing seats or parts of seats.
- 4.16. In the case of battery powered vehicles, there must be sufficient charging capacity in the batteries to sustain the use of the vehicle for the carriage of passengers.
- 4.17. Vehicles must have ample luggage space within the vehicle, to the satisfaction of an Authorised Officer.
- 4.18. It may be necessary for a guard to be fitted between the luggage compartment and the passenger compartment, where an Authorised Officer considers that there is a risk to passenger safety.
- 4.19. Roof racks may be used, provided that they are of a suitable type and design and are securely fixed. Roof racks must not be loaded beyond the manufacturer's recommendations. The use of a roof rack does not negate the need for the vehicle to have ample luggage space within the vehicle.
- 4.20. Only right-hand drive vehicles will be considered for licensing; left-hand drive vehicles are not permitted.
- 4.21. Vehicles must have suitable tyres fitted, with tyre pressure maintained at manufacturer's recommendations. A minimum of 2mm tyre tread is required across the entire width and circumference of each tyre. Re-moulded or re-cut tyres are not acceptable.
- 4.22. All vehicles must carry a spare tyre of a suitable size and type for the vehicle. A spare tyre, temporary wheel, skinny wheel or run flat tyre may be used to finish a journey, but must then be re-placed prior to the next.
- 4.23. Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a 'drive' or 'reverse' position.

- 4.24. Filling points for fuel tanks must be accessible only from outside the vehicle, with a suitable filler cap fitted that is designed to prevent it being accidentally dislodged.
- 4.25. Vehicles must carry either a dry powder or BCF (or similar) fire extinguisher, carried in such a position that it is readily available for use. On renewal of the vehicle licence, the fire extinguisher shall be marked with the plate number of the vehicle to which it relates, using permanent marker or similar.
- 4.26. Vehicles must have a sun visor and adequate devices for de-misting, defrosting and washing the windscreen fitted, all of which capable of operation by the driver whilst seated in the driver's seat.
- 4.27. Windows must be provided to the sides and rear of the vehicle, and all passenger door windows must be capable of being opened easily by passengers whilst seated.
- 4.28. Vehicles shall have adequate heating and ventilation fitted.
- 4.29. Passenger and driver doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 4.30. Vehicles may display a front and rear sun strip, or a decal on the front doors of the vehicle, bearing only the name and contact details of the private hire operator by which the vehicle is operated. Any other advertising must be approved by the Council prior to being displayed.
- 4.31. Where a vehicle has been involved in an accident and classed as a 'write off', it will not be licensed. This includes write-off categories A, B, C, D, N and S.
- 4.32. Once licensed, vehicles shall display a licence plate on the rear of the vehicle, permanently fixed to the satisfaction of an Authorised Officer.
- 4.33. Once licensed, vehicles shall display approved signage inside the vehicle that advises customers how to contact the Licensing Authority in the event that they wish to make a comment or complaint about the driver, vehicle and/or operator.
- 4.34. Registration plates displayed on the vehicle must comply with the DVLA's requirements: <https://www.gov.uk/displaying-number-plates>
- 4.35. Any window tinting applied must comply with the requirements under The Road Vehicles (Construction and Use) Regulations 1986.
- 4.36. The Council does not currently mandate or prohibit the installation of CCTV in licensed vehicles. Vehicle proprietors installing CCTV must have

regard to guidance issued by the Information Commissioner's Office regarding the installation of CCTV.

Wheelchair Accessible Vehicles

- 4.37. All wheelchair accessible vehicles (WAVs) must be capable of carrying a wheelchair and its passenger, and a minimum of one other passenger. The vehicle can be either side or rear loading.
- 4.38. Wheelchairs must be capable of being secured in the vehicle, with the passenger remaining in the wheelchair, facing either a forward or rearward position.
- 4.39. A converted vehicle must meet M1 specification, and a Certificate of Conversion from a reputable company must be supplied. Where the wheelchair accessible vehicle is less than 10 years old, Individual Vehicle Approval (IVA) must be obtained from the DVSA at the proprietor's expense and evidence of this supplied to the Council prior to licensing.
- 4.40. Wheelchair accessible vehicles may be fitted with electric winches or pulleys, where a certificate of installation confirming that the equipment complies with all relevant safety standards is provided.

Hackney Carriage Vehicles

- 4.41. The Council currently limits the number of licensed hackney carriages to a maximum of 40.
- 4.42. Hackney carriage vehicles bearing the licence numbers 46-50 are required to be wheelchair accessible (either rear or side loading).
- 4.43. The following requirements apply specifically to hackney carriage vehicles, in addition to the general vehicle specifications.
- 4.44. Hackney carriage vehicles shall be fitted with a taximeter of an approved type, which shall be calibrated and tested by a competent taximeter agent. A completed certificate of calibration shall be submitted to the Licensing Authority as evidence that the taximeter has been calibrated and tested.
- 4.45. Hackney carriage vehicles shall have a roof light or 'top box' bearing the word 'TAXI' fitted to the roof of the vehicle, which may be illuminated only when the vehicle is plying or standing for hire.

Plate Exemption

- 4.46. Private hire vehicles used exclusively to carry out executive contracts (i.e., for high profile clients) may apply to the Council for an exemption from the requirement to display a licence plate on the rear of the vehicle. This application must be accompanied by evidence of the contract(s) in place,

and any further information that the Council requires to determine such an application.

Special Vehicles (including stretch limousines)

- 4.47. The following requirements apply specifically to stretch limousines and other special vehicles, in addition to the general vehicle specifications. An Authorised Officer may depart from the general vehicle specifications, or these requirements were considered necessary and proportionate in circumstances of the individual case.
- 4.48. The Council will determine whether a vehicle is considered a 'special vehicle.' This may include vintage or classic vehicles (over 30 years old), niche vehicles such as fire engines, ambulances, replica vintage vehicles, and wheelchair accessible vehicles designed to carry two or more wheelchairs on a permanent basis.
- 4.49. Any vehicle proposed to be licensed under this section of the Policy shall be inspected by an Authorised Officer prior to application and any grant of a licence.
- 4.50. Any application to license a vehicle under this section of the Policy shall be accompanied by satisfactory evidence that the vehicle was modified by a qualified converter. This may include requiring a QVM sticker and/or full details of the vehicle converter or modifier.
- 4.51. No stretched limousine will normally be accepted for licensing if it has been lengthened by more than 120 inches or weighs more than 3500 kg. A plate must be affixed to the vehicle by the converter or modifier, stating vehicle weight information.
- 4.52. Vehicles must be fitted with tyres designed and manufactured for the type of vehicle, and capable of supporting the maximum loaded weight for each axle when the vehicle is driven at maximum speed. The full-size spare wheel required must also be fitted with the same type of tyre.
- 4.53. Individual Vehicle Approval (IVA) or equivalent in respect of the vehicle must be submitted to the Council prior to licensing.
- 4.54. Seatbelts complying with current legislation must be fitted in respect of each passenger seat.
- 4.55. Vehicles licensed under this section of the Policy may be required to have a mechanical test undertaken every 6 months at the Council's approved testing centre. This will be at the discretion of an Authorised Officer. Only vehicles that pass this test may be licensed.

- 4.56. No vehicle licensed under this section of the Policy shall have the appearance of any current operational emergency service vehicle, and functional blue lights are not permitted. An Authorised Officer must be satisfied that a member of the public could not reasonably confuse the vehicle with a genuine emergency vehicle.

New applications

- 4.57. It is recommended that a vehicle presented for licensing for the first time is inspected by an Authorised Officer prior to an application being submitted. This ensures that the applicant does not incur excessive costs in purchasing a vehicle that does not meet the specification outlined in this Policy.
- 4.58. An application for a new hackney carriage or private hire vehicle licence shall be submitted using the Council's prescribed application form. Applications shall be accompanied by the following documents:
- a) The V5C registration document (logbook) for the relevant vehicle. Where the vehicle has been recently purchased and the V5C has not yet been received, a full HPI check (against the VIN and VRN) obtained from a reputable provider must be provided.
 - b) A valid MOT certificate from a reputable MOT testing station (for all hackney carriages exceeding 12 months old, and for any private hire vehicle exceeding three years old). The MOT certificate must be valid for the date that the licence is due to commence.
 - c) Proof of a completed mechanical test undertaken at a garage or testing station approved by the Council, dated no more than 3 months from the date that the licence is due to commence.
 - d) A valid certificate of motor insurance (or temporary cover note) for the vehicle, covering the appropriate licence types for the carrying of passengers for hire.
 - e) Evidence that the vehicle has been appropriately taxed.
 - f) A basic DBS certificate for each proprietor to be named on the vehicle licence, except where they are already a licensed hackney carriage and private hire driver, or private hire operator, with the Council. This is required annually.
 - g) Payment of the prescribed fee, once the above criteria have been fulfilled and the licence is ready to grant.
- 4.59. An application for a hackney carriage or private hire vehicle may be submitted by either an individual, partnership or registered company. Where the applicant is a partnership or registered company, section (f) above applies to all partners and/or company directors.
- 4.60. Where a licence is held by a partnership or registered company, the licence holder shall notify the Council of any changes to partners or company directors within 7 days, and a basic DBS certificate will be required for each new partner or company director. Should this occur

during the period of licence, the Council may suspend the licence pending receipt of satisfactory basic DBS certificates.

- 4.61. Where any Hackney Carriage and Private Hire Driver ceases to hold such a licence but continues to hold a Hackney Carriage or Private Hire Vehicle Licence, a basic DBS certificate will be required immediately, and the Hackney Carriage or Private Hire Vehicle Licence may be suspended until this is received by the Licensing Authority.

Renewals

- 4.62. An application to renew a hackney carriage or private hire vehicle licence must be submitted prior to the current licence expiring. No grace period will be given. In the event that the licence expires, a new application must be made, and the vehicle must comply with the requirements for new vehicles.
- 4.63. An application to renew a vehicle licence shall be submitted using the Council's prescribed application form. Applications shall be accompanied by the same documents required for a new vehicle licence application. Payment of the prescribed fee is due before a licence is granted.
- 4.64. A vehicle licence will not be renewed unless all the information required to support the renewal application has been provided and assessed.

Sale of vehicle (transfer of proprietor)

- 4.65. Where a licensed vehicle is sold to another vehicle proprietor during the period of licence, an application must be submitted using the Council's prescribed application form for a sale of vehicle. Applications shall be accompanied by a valid certificate of insurance and the V5C registration document. Payment of the prescribed fee is due before a licence is granted. The licence expiry date will remain the same.
- 4.66. Where a licensed vehicle is sold to another vehicle proprietor for social, domestic and pleasure use, the vehicle licence must be formally surrendered prior to the sale taking place, with the plate and licence returned to the Council.

Vehicle transfer (hackney carriages only)

- 4.67. Where the licence holder wishes to change the vehicle to which the hackney carriage vehicle licence applies during the period of licence, an application must be submitted using the Council's prescribed application form for a transfer of hackney carriage vehicle licence. Applications shall be accompanied by the same documents required for a new vehicle licence application. Payment of the prescribed fee is due before a licence is granted. The licence will be granted for 12 month from the date of issue.

Duration of licence

- 4.68. Where the Licensing Authority issues a hackney carriage or private hire vehicle licence, it will be for a maximum of 12 months from the date of issue. The authority may grant a licence for less time dependant on the circumstances of the individual case.
- 4.69. Where the licence holder is an individual, and where that individual dies during the period of licence, the following procedure applies:
- Upon notification of the death to the Council, the licence will be immediately suspended;
 - The Council will allow the remaining period of licence for the licence holder's next of kin or appointed executor(s) to complete a 'sale of vehicle' application and submit the necessary documentation and fee;
 - Upon receipt of a valid 'sale of vehicle' application, the Council will issue the licence in the relevant name and lift the suspension;
 - In the event that a 'sale of vehicle' application is not submitted as above, the licence will expire and no renewal will be permitted.
- 4.70. Where the licence holder is a partnership or registered company, and one of the partners or company directors dies during the period of licence, the licence will continue to be held in the name of the partnership or registered company. As per section 4.60 of the Policy, the licence holder must notify the Council within 7 days of any changes to the partnership or directorship of the registered company. Where the partner or company director who has died is the only partner or company director in respect of that partnership or registered company, the above procedure for individual licence holders must be followed.
- 4.71. A licence holder may surrender their licence at any time. In doing so, they must notify the Licensing Authority of the day on which they wish for the surrender to take effect and return their licence plate and paper licence to the Council within 7 days of such notification.

Temporary Vehicles

- 4.72. A temporary licensed vehicle may be required in cases where a hackney carriage or private hire vehicle has been involved in an accident or is unusable for reasons of mechanical issues or safety. Temporary vehicles must comply with the requirements of this Policy unless otherwise stated.
- 4.73. The Council will license a temporary vehicle for a period of 1 month upon receipt of an application, payment of the fee and satisfactory documentation. The period of licence may be extended on request and at the discretion of an Authorised Officer.
- 4.74. Applicants for temporary vehicles licences need not comply with the requirement to supply a basic DBS certificate.

Enforcement

- 4.75. A licensed vehicle may be called in for inspection at any time by an Authorised Officer to ensure compliance. An Authorised Officer may also require a vehicle to undergo a mechanical test at a garage or testing station approved by the Council, where concerns are raised regarding the fitness of the vehicle. Failure to attend an inspection or mechanical test, or show any documentation as requested, may lead to suspension or revocation of licence.
- 4.76. A vehicle licence may be suspended where it does not comply with any section of this Policy or the relevant conditions. Suspensions may take immediate effect where there is a risk to public safety. The Licensing Authority will require the licence plate and windows stickers to be returned when the suspension takes effect. A suspension shall only be lifted upon receipt of evidence that the vehicle has been repaired to a satisfactory standard. An Authorised Officer may require any such documentation they deem necessary to determine whether the vehicle is fit to be licensed.

Accidents

- 4.77. Where a hackney carriage or private hire vehicle has been involved in an accident, or damaged in such a way that causes it to breach vehicle conditions, the vehicle proprietor shall notify the Council within 72 hours of such accident or damage.
- 4.78. Where an Authorised Officer considers the accident or damage to cause the vehicle to be unfit for use as either a hackney carriage or private hire vehicle, the licence may be suspended or revoked. The Licensing Authority will require the licence plate and windows stickers to be returned when the suspension or revocation takes effect.
- 4.79. The suspension of a vehicle licence following an accident or damage may be lifted upon receipt of evidence that the vehicle has been repaired to a satisfactory standard. An Authorised Officer may require any such documentation they deem necessary to determine whether the vehicle is fit to be licensed; this may include photographs, garage worksheets, a mechanical test at the Council's approved garage, or an MOT.

Conditions

- 4.80. The Council may attach such conditions to a hackney carriage or private hire vehicle licence as are considered necessary. The standard conditions for Hackney Carriage and Private hire Vehicle Licences are set out in Appendix B.

5. Private Hire Operator's Licences

- 5.1. Private hire operators are either a business or individual(s) that makes provision for the invitation or acceptance of bookings for private hire vehicles. Any business or individuals(s) that make provision for inviting or accepting bookings in the Havant Borough, or who dispatches private hire vehicles licensed by Havant Borough Council, must first obtain a Private Hire Operator's Licence from the Council.
- 5.2. Any private hire vehicle dispatched by a licensed private hire operator, and any individual driving said vehicle, must be licensed by the same Licensing Authority as the private hire operator. This is known as the 'trinity of licences.'
- 5.3. In order to assess the suitability of an applicant or licence holder the Licensing Authority can ask for such information as they may reasonably consider necessary to determine whether the licence should be granted. The Licensing Authority will take into consideration the following factors and will therefore ask for information related to these matters:
 - Criminality
 - Right to work in the UK
 - Immigration status
 - General conduct/standard of behaviour
 - The conduct of the applicant in making the application
 - The previous licensing history of existing/former licence holders
 - Checks undertaken by the operator on the staff members that they employ
 - Tax conditionality (on renewal, or where an applicant has holds / has previously held a licence with another Licensing Authority)
- 5.4. An application for a private hire operator's licence may be submitted by either an individual, partnership or registered company. Where the applicant is a partnership or registered company, the Licensing Authority may consider the above information in relation to all partners and/or company directors.
- 5.5. Where a licence is held by a partnership or registered company, the operator shall notify the Council of any changes to partners or company directors within 7 days, and a basic DBS certificate will be required for each new partner or company director. Should this occur during the period of licence, the Council may suspend the licence pending receipt of satisfactory basic DBS certificates.
- 5.6. This section of the Policy is intended to outline the Licensing Authority's requirements for obtaining a Private Hire Operator's Licence and provide guidance to applicants on how to meet the requirements.

Right to work in the UK

- 5.7. As required under the Immigration Act 2016, applicants must provide evidence that they have a right to work in the UK. Failure to provide satisfactory documentation will result in the application being refused.
- 5.8. Where the application is being made by more than one individual, evidence of right to work in the UK must be provided for all individuals. Where the application is being made by a partnership or registered company, evidence of right to work in the UK must be provided for all partners or company directors.
- 5.9. The Licensing Authority reserves the right to provide documentation or information to the Home Office where considered necessary in determining an applicant or licensee's immigration status or to protect the public.
- 5.10. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.

Operating address

- 5.11. Applicants must provide details of an operating address within the Havant Borough and are expected to obtain the relevant proof of right to occupy and any necessary planning permission. Evidence of proof of right to occupy and planning permission may be requested by the Licensing Authority.
- 5.12. It is expected that any licensed private hire operator shall make available their booking records for inspection by the Licensing Authority at the operating address specified, **by appointment only**.

Private hire vehicles

- 5.13. Private hire vehicles operated by the private hire operator must be licensed by the same Council.
- 5.14. There is no maximum limit to the number of vehicles an operator may have.
- 5.15. Records of all licensed vehicles operated must be maintained, as per conditions(s) applied to the Private Hire Operator's Licence.

Staff members

- 5.16. The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy

themselves that only suitable drivers, administrative staff and vehicles are used, and continue to be used in the course of their business.

- 5.17. Private hire operators and drivers are not necessarily the only individuals who will have contact with customers. For example, staff members may be employed for the purposes of taking bookings and dispatching vehicles. It is the operator's responsibility to ensure that staff employed in these roles do not present any undue risk to the public or the safeguarding of children and vulnerable adults.
- 5.18. **Where staff members are used to take bookings and dispatch vehicles,** the operator must ensure that a register of all staff members responsible for taking bookings and/or dispatching vehicles is maintained. These staff must provide the operator with a basic DBS certificate prior to the start of their employment. Evidence of this may be required by the Licensing Authority at the point of application and/or in the course of checking operator records.
- 5.19. All new applicants must provide the Licensing Authority with a policy on the employment of ex-offenders. This must, as a minimum, detail how often a basic DBS certificate will be required for staff members and the process for ensuring that new staff members disclose any convictions prior to employment and during their employment.
- 5.20. All current licensed private hire operators must provide a copy of their policy on employing ex-offenders to the Licensing Authority prior to their next licence renewal.
- 5.21. **Operators who do not employ any staff members for the purpose of taking bookings or dispatching vehicles need not comply with the requirement to maintain a register of staff, obtain DBS certificates for staff, or provide a policy on the employment of ex-offenders.**
- 5.22. Any failure of the operator to ensure that appropriate checks are carried out on staff members prior to and during employment may call into question whether they remain 'fit and proper' to hold a licence.

Complaints

- 5.23. All new applicants must provide the Licensing Authority with their procedure for dealing with customer complaints. This may be a paper-based or electronic procedure and must as a minimum include the recording of the customer's name, the date that the complaint was made, the nature of the complaint and how it was rectified. The procedure must be to the satisfaction of the Licensing Authority prior to any licence being issued. Current licence holders must provide the Licensing Authority with the above prior to their next licence renewal.

Records to be kept

- 5.24. Records of all bookings taken and vehicle dispatched must be maintained, as per conditions applied to the Private Hire Operator's Licence.

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Safeguarding training

- 5.25. All new applicants must successfully complete a safeguarding awareness training course with a provider approved by the Licensing Authority. The cost of the course shall be borne by the applicant and a pass certificate or similar evidence of course completion shall be provided to the Licensing Authority before a licence is granted. The certificate shall be no more than five years from the date of issue.
- 5.26. Where the application is being made by more than one individual, evidence of a successfully completed safeguarding awareness training course must be provided for all individuals. Where the application is being made by a partnership or registered company, evidence of a successfully completed safeguarding awareness training course must be provided for all partners or company directors. The certificate(s) shall be no more than five years from the date of issue.
- 5.27. The aim of the training is to provide the skills, knowledge and understanding of what is meant by safeguarding, how to identify the signs of child sexual exploitation, County Lines drug dealing and domestic abuse, to recognise what makes a person vulnerable and understand how to respond and where to report safeguarding concerns to.
- 5.28. Existing licensed operators will be required to complete such training within 2 years of the date of adoption of this Policy.
- 5.29. The Council may accept evidence of safeguarding training with another provider, other than the Council's approved provider(s), if it considers the training to be consistent with the curriculum of its approved provider(s) training.
- 5.30. Failure to provide evidence completion of a safeguarding awareness training course within the timescales given will result in the suspension of an operator's licence or a refusal to renew the licence, as appropriate.
- 5.31. If an operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or 999 in an emergency). Other concerns can be reported to Crimestoppers on Tel 0800 555 111 and the anti-terrorist hotline on Tel 0800 789 321.

Use of Public Service Vehicles and Passenger Carrying Vehicle Drivers

- 5.32. A private hire operator may choose to utilise public service vehicles (PSVs) and passenger-carrying vehicle (PCV) licensed drivers to fulfil some of their bookings. These vehicles do not require licensing as private hire vehicles.
- 5.33. When utilising a PSV, the operator must ensure that the customer provides informed consent to such a vehicle being used to fulfil their

booking. Furthermore, the operator shall ensure that details of the PSV are recorded as per the operator conditions.

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Fit and proper person test

- 5.34. Under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority must not grant a Private Hire Operator's Licence unless satisfied that the applicant is a fit and proper person to hold such a licence.
- 5.35. In each case, the authority has powers to grant a licence, renew it on application and, during the life of the licence, suspend or revoke it.
- 5.36. An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled or attempted to mislead the Council as part of any process associated with the administration or determination of a licence.
- 5.37. There is no definition in law of a "fit and proper" person. The Institute of Licensing's "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" (April 2018) suggests the following test:
- "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"
- If, on the balance of probabilities, the answer to the question is 'no', the applicant should not hold a licence.
- 5.38. In considering whether an individual is 'fit and proper', the safeguarding of the public is paramount. All decisions made on the suitability of an applicant or current licensee should be made on the balance of probability. The threshold is lower than that for a criminal conviction (that being beyond all reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.
- 5.39. In assessing whether the applicant (an individual, partner or director) is a 'fit and proper' person, the guidelines outlined Section 6 of this Policy will be considered.

Previous licences

- 5.40. An applicant or current licence holder must disclose to the Licensing Authority if they have had an application for a licence refused, or a licence revoked or suspended by another other licensing authority.

Disclosure and Barring Service (DBS)

- 5.41. All applicants and current licensees are required to obtain an annual basic DBS certificate with Barred List checks from either the Council's approved

provider or GOV.UK. If an individual has signed up to the DBS Update Service with a certificate not previously issued by this Authority, we will need to see the certificate prior to completing a check on the DBS Update Service. Full information on how to apply is available from the Licensing Team.

- 5.42. Where the application is being made by more than one individual, an annual basic DBS certificate must be obtained for all individuals. Where the application is being made by a partnership or registered company, a basic DBS certificate must be obtained for all partners or company directors.
- 5.43. Where the applicant is being made by an individual who already holds a Hackney Carriage and Private Hire Drivers Licence issued by Havant Borough Council, there is no requirement for them to obtain a basic DBS certificate in addition.
- 5.44. The Licensing Authority will review any convictions and other relevant information disclosed on the basic DBS certificate, and this will be taken into account when deciding whether or not to grant the application. The Licensing Authority may also contact the Police for further information surrounding a conviction, under Common Law Police Disclosure. This information will be used when deciding whether an applicant is a 'fit and proper' person.
- 5.45. Where any Hackney Carriage and Private Hire Driver ceases to hold such a licence but continues to hold a Private Hire Operator's Licence, a basic DBS certificate will be required immediately, and the Private Hire Operator's Licence may be suspended until this is received by the Licensing Authority.
- 5.46. All new applicants are advised to subscribe and maintain a subscription to the DBS Update Service before the licence is issued. Existing operators are advised to sign up to the DBS Update Service when next required to produce a basic DBS certificate. Licensees must also give consent to the Council to check the status of their certificate online should we consider it necessary to do so, and routinely every 12 months in line with guidance from the Department for Transport. Where the DBS Update Service indicates that there have been changes on an individual's DBS record since its issue, a new basic DBS certificate will be required before consideration is given to grant/renewal.
- 5.47. A licence will not be granted in the absence of a current basic DBS certificate or renewed without either the same or a check completed via the DBS Update Service. A licence will be suspended if a check cannot be completed via the DBS Update Service.
- 5.48. Applicants and licensees are responsible for the costs of obtaining the basic DBS certificate and any costs associated with maintaining the DBS Update Service subscription.

New applications

- 5.49. If an applicant has not successfully completed all of the criteria required above for being issued with an operator's licence within 6 months of submitting an application, the application will be rejected and a new application with new supporting checks would need to be submitted.

Renewals

- 5.50. Licences will not be renewed unless all of the information required to support the renewal application has been provided and has been assessed i.e., basic DBS certificate.
- 5.51. An application to renew a private hire operator's licence must be submitted prior to the current licence expiring. No grace period will be given. In the event that the licence expires, a new application must be made.
- 5.52. An application to renew a private hire operator's licence shall be submitted using the Council's prescribed application form. Applications shall be accompanied by the same documents required for a new application. Payment of the prescribed fee is due before a licence is granted.
- 5.53. A private hire operator's licence will not be renewed unless all the information required to support the renewal application has been provided and assessed.

Re-application after refusal

- 5.54. In the case where a licence has been refused or revoked no new application will be considered for a minimum period of 12 months from the date of refusal/revocation.

Duration of licence

- 5.55. Where the Licensing Authority issues a Private Hire Operator's Licence, it will be for a maximum of five years from the date of issue. The authority may grant a licence for fewer years instead upon request, and dependant on the circumstances of the individual case.
- 5.56. Where the licence holder is an individual, and where that individual dies during the period of licence, the licence will immediately lapse.
- It is advised that the licence holder's next of kin or appointed executor(s) contact the Council to advise them of the death, to prevent reminder letters and other correspondence being sent.
 - Where possible, the paper licence and should be returned to the Council.
 - The Council shall endeavour to notify relevant private hire drivers and vehicle proprietors of the licence holder's death.

- 5.57. Where the licence holder is a partnership or registered company, and one of the partners or company directors dies during the period of licence, the licence will continue to be held in the name of the partnership or registered company. As per section 5.5 of the Policy, the licence holder must notify the Council within 7 days of any changes to the partnership or directorship of the registered company.
- 5.58. Where the partner or company director who has died is the only partner or company director in respect of that partnership or registered company, licence will immediately lapse.
- 5.59. A licence holder may surrender their licence at any time. In doing so, they must notify the Licensing Authority of the day on which they wish for the surrender to take effect and return their paper licence to the Council within 7 days of such notification.

Conditions

- 5.60. The Council may attach such conditions to a Private Hire Operator's Licence as are considered necessary. The standard conditions for Private Hire Operator's Licences are set out in Appendix D.

6. Consideration of Criminal Convictions

- 6.1. The purpose of this section of the Policy is to provide guidance on the criteria considered by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a 'fit and proper' person to hold a licence. It relates to the relevance of convictions, cautions and other for both new applicants and existing licensees.
- 6.2. As public trust and confidence in the overall safety and integrity of the hackney carriage and private hire trade is vital, the standards detailed in these guidelines will be applied to drivers, operators and vehicle proprietors.
- 6.3. There may be occasions where it is appropriate to depart from the Policy, and such instances must be agreed by the Licensing Team Leader or Environmental Health Manager or referred to the Licensing Sub-Committee as deemed appropriate in the individual circumstances.

Definitions

- 6.4. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction. Matters which have not resulted in a criminal conviction can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this Policy, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 6.5. In this Policy, "since completion of any sentence imposed" is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment, then the date that the sentence ends will be five years from the date of sentencing, regardless of the amount of time served by the applicant.
- 6.6. In this Policy the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are having their licence reviewed; for example, due to a complaint or because the Licensing Authority has been made aware of offending behaviour.

Consideration of disclosed criminal history

- 6.7. An applicant with a conviction need not be automatically barred from obtaining a licence, but would normally be expected to:
 - Remain free of conviction for an appropriate period; and

- Show adequate evidence that they are a fit and proper person to hold a licence, with the onus on the applicant to produce such evidence.
- 6.8. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 6.9. If an applicant has any convictions, cautions, warnings, fixed penalty notices or charges awaiting trial, the Licensing Authority will consider the following:
- How relevant the offence(s) are to the licence being applied for;
 - The seriousness of the offence(s);
 - When the offence(s) were committed;
 - The date of conviction(s);
 - Circumstances of the individual concerned;
 - Sentence imposed by the Court;
 - The applicant's age at the time of conviction;
 - Whether they form part of a pattern of offending;
 - Any other character check considered reasonable;
 - Any other factors that might be relevant.
- 6.10. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.
- 6.11. An applicant must disclose any arrest and release, charge, conviction, caution, fixed penalty or community resolution on application. This information will be assessed by the Licensing Authority in determining whether the applicant is fit and proper to hold a licence. Furthermore, the Licensing Authority may take into consideration conduct that has not resulted in any police investigation or criminal conviction.
- 6.12. Failure by an applicant to disclose any arrest and release, charge, conviction, caution, fixed penalty or community resolution, that the Licensing Authority is subsequently advised of, may be seen as behaviour that questions the honesty and integrity and therefore suitability of the applicant, regardless of the outcome of the initial investigation.

Rehabilitation of Offenders Act 1974

- 6.13. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.
- 6.14. Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that all criminal convictions will be taken into account by the Local Authority in

determining the fitness and propriety of an individual. In terms of spent convictions, only relevant spent convictions will be considered. Vehicle proprietors and private hire operators are not exempt.

- 6.15. Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Authority in confidence.

Outstanding charges or summonses

- 6.16. If a new applicant has been charged with any offence and is awaiting trial, the determination of the application will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, this authority will take this Policy into account in deciding what action to take.

Single convictions

- 6.17. A person with a single conviction for certain offences will not necessarily be permanently barred from obtaining a licence, but is expected to remain free of conviction for between 5 and 10 years, depending on the seriousness of the offence and the relevant circumstances, before an application is considered. However, persons with convictions of a sexual or child-related nature or other very serious crime will not normally be issued with a licence.
- 6.18. The Licensing Authority reserves the right to extend the number of years free from conviction depending on the severity and/or the number of offences.

Offences resulting in death

- 6.19. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed, or will have their current licence revoked.

Exploitation

- 6.20. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed, or will have their current licence revoked. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

- 6.21. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be

granted until at least 10 years have elapsed since the completion of any sentence imposed. **Harassment is also considered a violent offence.** Any current driver convicted of a violent offence can expect their licence to be revoked.

Possession of a weapon

- 6.22. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Sexual offences

- 6.23. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted, or will have their licence revoked. In addition, the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list and will revoke the licence of any current driver who appears on either.

Dishonesty

- 6.24. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Discrimination

- 6.25. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Drugs

- 6.26. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years has elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.
- 6.27. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In

these circumstances, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Any current driver convicted of this type of offence can expect their licence to be revoked.

- 6.28. If there is evidence of persistent drugs use, misuse or dependency, a satisfactory medical report (in accordance with DVLA Group 2 medical standards) will be required before the licence is granted or at any time for a licensed driver.
- 6.29. If the applicant was an addict, they must show evidence of 5 years free from drug use after treatment.

Motoring convictions

- 6.30. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not necessarily prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 6.31. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

- 6.32. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

In these circumstances, any applicant will also have to undergo drugs testing at their own expense, following completion of any sentence or driving ban imposed, to demonstrate that they are not using controlled drugs.

- 6.33. If there is any suggestion that an applicant is alcohol dependent, a satisfactory medical report must be provided before the application can be granted. If the applicant is found to be an alcoholic, a period of five years must elapse after treatment is complete before a further licence application is considered.

Using a hand-held device whilst driving

- 6.34. Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Any current driver convicted of this type of offence can expect their licence to be revoked.

Other motoring offences

- 6.35. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a hand-held mobile telephone (these are addressed separately), and has not resulted in injury to any person or damage to any property (including vehicles). ~~Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. A licence holder who receives DVLA points while licensed that takes their total of DVLA points to 7 or more, can expect their licence to be revoked.~~ Motoring offences will be considered on a case-by-case basis, and where one or more motoring offences demonstrate to the Licensing Authority that the applicant or current driver is not a fit and proper person to hold a licence, their licence may be suspended or revoked, or their application refused.
- 6.36. A major traffic or vehicle related offence is one which is not covered by those under minor traffic or vehicle related offences. It does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a hand-held mobile telephone, these have been addressed separately. It does include any offence which resulted in injury to any person or damage to any property (including vehicles). Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Hackney carriage and private hire offences

- 6.37. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Vehicle use offences

- 6.38. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since

the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

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Repeat offending

- 6.39. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Where an applicant has more than one conviction, serious consideration will be given as to whether they are a fit and proper person to be granted or retain a licence. Where a pattern or trend of repeated offending is apparent, a licence will not be granted or a current licence will be revoked.
- 6.40. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or while using a hand-held mobile telephone. It is likely that a licence will not be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a hand-held mobile telephone. It is also likely that a licence will not be granted if an applicant has had a disqualification from driving.

Behaviour once licensed

- 6.41. Once a licence has been granted, there is a continuing requirement on the part of the licensee to continue to be a 'fit and proper' person. If the licensee receives any convictions or is subject to other actions which would have prevented them being granted a licence on initial application, this will lead to the licence being revoked.
- 6.42. Licensed drivers are required to notify the Licensing Authority in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a police fixed penalty notice. An arrest for any of the offences within this scope will result in a review by the Council as to whether the licence holder continues to be fit.
- 6.43. Licensed drivers are required to notify the Licensing Authority in writing within 7 days of any conviction not detailed in 6.43 above.
- 6.44. Licensed drivers are also required to notify the Licensing Authority if they have an application for a hackney carriage and/or private hire driver's licence refused by another licensing authority, or a licence suspended or revoked by another licensing authority, in writing within 7 days of such refusal, suspension or revocation.
- 6.45. If a licence holder falls short of the 'fit and proper' standard at any time, the licence will be revoked or refused on renewal.
- 6.46. The Council reserves the right to overturn a decision that has previously been made regarding issuing a licence, or refuse to renew a licence, based on the requirements in this Policy.

Referrals to DBS and Police

- 6.47. Where a Hackney Carriage and Private Hire Driver's Licence is revoked, or an application refused, the Council will consider whether it is appropriate to make a referral to the Disclosure and Barring Service (DBS) under the Safeguarding Vulnerable Groups Act 2006. This decision will be based on whether the licence holder or applicant has:
- harmed or poses a risk of harm to a child or vulnerable adult;
 - satisfied the 'harm test' outlined by the DBS; or
 - received a caution or conviction for a relevant offence; and
 - has or might in the future be working in regulated activity.
- 6.48. If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a Barred List. This will enable other licensing authorities to consider this should further applications to other authorities be made.
- 6.49. Where a Hackney Carriage and Private Hire Driver's Licence is revoked, or an application refused, on public safety grounds, the Council will consider whether it is appropriate to notify the police of the revocation or refusal.

7. Fees

Fee structure

- 7.1. The hackney carriage and private hire licensing regime provides that fees charged to applicants can cover the majority of the costs incurred by the Council in the administration of these licences. This includes elements of administration costs and the costs in ensuring compliance by licensees. Fees must be cost neutral.

Fee setting

- 7.2. Fees will typically be reviewed and set as part of the Council's annual budget process and come into force from 1st April each year. Any variation to fees will be subject to public consultation as required by the relevant legislation and will be approved by the Council's Licensing Committee and full Council.
- 7.3. Current prices for Council services can be viewed on the Council's website: <https://www.havant.gov.uk/>

8. Compliance and Enforcement

Introduction

- 8.1. The principal purpose of the hackney carriage and private hire licensing regime is to protect the public and promote public safety.
- 8.2. The Licensing Authority shall have regard to the Council's Environmental Health Enforcement Policy when undertaking its duties. The aim of this section is not to duplicate the Enforcement Policy but to detail how the Licensing Authority will approach enforcement in more detail, while operating within the overarching approach and principles detailed in the Environmental Health Enforcement Policy. Both policies comply with the principles in the Regulators Compliance Code. The Policy provides detail on what the public and licensees can expect from enforcement and will ensure all such action is proportionate and conducted with openness, fairness and transparency.
- 8.3. The Licensing Authority recognises that most businesses and individuals want to comply with the law. Assistance and advice will be provided, wherever possible, to help businesses and individuals meet their legal obligations. However, the Licensing Authority will take firm action against those who flout the law or act irresponsibly. Any kind of enforcement action will be primarily based on an assessment of risk to public safety.
- 8.4. A range of tools and powers will be used to ensure compliance. Compliance assessment is ultimately to ensure that the driver, vehicle proprietor or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.
- 8.5. The purpose of enforcement action is to:
 - Protect the public;
 - ~~Punish offenders;~~
 - Change the behaviour of offenders;
 - Deter future non-compliance;
 - Provide a fair-trading environment for compliant individuals and businesses.
- 8.6. The Licensing Team Leader is responsible for the effective operation of this Policy. All Licensing Officers must be fully acquainted with the requirements of this Policy and any future amendments.
- 8.7. All Licensing Officers will follow this Policy when making enforcement decisions. Any departure from the Policy will be exceptional, capable of justification and be fully considered by the Licensing Team Leader or Environmental Health Manager before the decision is taken. Any departures from this Policy and the reasons for it, will be recorded.

- 8.8. The Council's Licensing Committee have jurisdiction in certain matters within this Policy. It is not generally necessary for Council Members to be involved in detailed consideration of individual cases (other than in very exceptional circumstances).
- 8.9. The Licensing Authority's principles of enforcement will include the following:
- Advice will be put clearly and simply and confirmed in writing on request. It will explain what is required, why it is required and define a timescale where applicable.
 - Ensuring that any enforcement action is proportionate to the potential risk(s).
 - Taking into account the individual circumstances of the case.
 - Working with licensees to assist them with meeting their legal obligations without unnecessary expense.
 - Legal requirements will be clearly distinguished from best practice advice.
 - Ensuring that any enforcement or remedial action taken is reasonable, necessary and proportionate in the circumstances.
 - Ensuring clear reasons for any formal enforcement action are given to the licensee(s) against whom any enforcement action is being taken, at the time the action is taken. These reasons will be confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures will be explained at the same time.
 - Carrying out duties in a fair, equitable and consistent manner.
 - Consulting and liaising with other local authorities and agencies, such as the Hampshire and Isle of Wight Licensing Officers' Group, and particularly, where there is a shared enforcement role, with other enforcing authorities.
 - Licensing staff will be courteous, identify themselves by name and carry an identity card. Contact details will be provided for customers requesting further help or advice.

Determining when enforcement action is taken

- 8.10. In determining the nature and extent of enforcement action, the Licensing Authority will consider the following:
- The risk of harm to the public and others.
 - Whether the matter is in the public interest.
 - The seriousness of the offence(s).
 - The consequence of non-compliance.
 - The explanation of the offender and their willingness to prevent recurrence.
 - Confidence in the individual that they will not offend in the future.
 - Whether there have been previous contraventions of policy, conditions etc.
 - The likely effectiveness of the various enforcement options.
 - The availability and reliability of witnesses.
 - The sufficiency of the evidence.

- Statutory defences.
- 8.11. Before formal enforcement action is taken, where appropriate, the relevant authorised officer will discuss the circumstances of the case with the Licensing Team Leader or Environmental Health Manager and complete an internal decision notice. Where immediate action is taken, reasons for such action will be given at the time and confirmed in writing. Where there are rights of appeal against formal action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- 8.12. In making decisions about enforcement action, the Council is not acting on behalf of an individual complainant, but rather is exercising a wider responsibility to secure a safe environment for the public and any others who may be affected.

Enforcement options

- 8.13. Enforcement action may only be initiated by officers who are authorised to do so in accordance with the Licensing Team’s delegation of authority. The enforcement options detailed below constitute incremental steps reflecting the seriousness of the non-compliance. The five levels of enforcement action are not necessarily sequential. While best practice recommends that prosecution is considered as a last resort, each case will be considered on its own merits. Action at any of the levels may be instigated following non-compliance as considered appropriate, considering the factors listed previously in section 8.10.

Level 1
<ul style="list-style-type: none"> • Verbal advice and/or guidance • Advisory letter(s) identifying non-compliance and how to rectify • Information to promote or assist compliance
Level 2
<ul style="list-style-type: none"> • Written warning advising of the potential consequences of continued non-compliance • Penalty points imposed on licence, as per Appendix 4 • Remedial action, such as completing a training course
Level 3
<ul style="list-style-type: none"> • Refusal to renew an existing licence • Suspension or revocation of a licence • Referral to Licensing Sub-Committee hearing for decision
Level 4
<ul style="list-style-type: none"> • Simple cautioning of adult offenders
Level 5
<ul style="list-style-type: none"> • Prosecution

- 8.14. The Licensing Authority may use a variety of informal actions to secure compliance with legislation, policy and/or conditions, including offering advice, verbal warnings, requests for action, the use of letters and inspection reports.
- 8.15. It may be appropriate to use informal action in the following circumstances:
- The act or omission is not serious enough to warrant formal action;
 - From the individual's / business's past history, it can be reasonably expected that informal action will achieve compliance;
 - The consequence of non-compliance will not pose a significant risk to the public.
- 8.16. Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

Penalty points

- ~~8.17. The Licensing Authority operates a penalty points system of enforcement for specified breaches of byelaws, policy or conditions of a licence. The penalty points system will apply to operators, drivers, and vehicle proprietors.~~
- ~~8.18. The primary objective of the penalty points scheme is to improve the levels of compliance amongst licensed drivers, vehicle proprietors and private hire operators, and to improve the standards, safety and protection of the travelling public. It is designed to work in conjunction with the other enforcement options detailed in this Policy. The scheme will record instances of non-compliance and act as a record of licence holder's behaviour and conduct, to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other forms of actions.~~
- ~~8.19. The issue of points is a formal and 'stepped' approach to dealing with enforcement concerns but does not prejudice the right of Authorised Officers to take other action if deemed necessary. Points may be awarded as a final (and only) sanction or given together with a verbal and written warning. Equally, if the 'offence' under investigation is one for which a prosecution could be instigated — that course of action may also be considered as appropriate.~~
- ~~8.20. Authorised Officer may operate the scheme and issue points accordingly. The penalty points scheme is detailed in Appendix E.~~

Simple cautioning of adult offenders

- 8.21. The Home Office Circular 016/2008 'Simple cautioning of adult offenders' states that the purpose of the simple caution is:
- to deal quickly and simply with less serious offenders where the offender has admitted the offence;
 - to divert them from unnecessary appearance in the criminal courts;
 - record an individual's criminal conduct for possible reference in future criminal proceedings or relevant security checks; and
 - to reduce the likelihood of re-offending.
- 8.22. In determining whether to issue a simple caution the requirements detailed in the Home Office Circular 016/2008 'Simple cautioning of adult offenders' will be followed. The Environmental Health Manager is designated the "cautioning officer" to issue simple cautions.
- 8.23. Where an individual declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action i.e. prosecution.
- 8.24. Where a simple caution has been given, other relevant regulatory bodies will be advised i.e. the Police.

Prosecution

- 8.25. The decision to refer a case for prosecution is a significant one. Prosecution will, in general, be restricted to those persons who blatantly disregard the law, refuse to achieve even the basic minimum legal requirements, and who put the public at significant risk.
- 8.26. The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:
- The seriousness of the alleged offence:
 - The risk of harm to the public;
 - Identifiable victims;
 - Disregard of public safety for financial reward.
 - The previous history of the party concerned:
 - Offences following a history of similar offences;
 - Failure to respond positively to past warnings;
 - Failure to comply with statutory notices.
 - The likelihood of the defendant being able to establish a due diligence defence;
 - The ability of any important witnesses and their willingness to co-operate;
 - The willingness of the party to prevent a reoccurrence of the problem;

- Any explanation offered by the suspected offender. This will always be encouraged;
 - The probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent;
 - Whether other enforcement action would be more appropriate.
- 8.27. There are various factors which will point away from a prosecution including:
- The likelihood of a nominal penalty;
 - The offence was committed as a result of a genuine mistake or misunderstanding. This must be balanced against the seriousness of the offence;
 - Whether any other enforcement action would be more appropriate.
- 8.28. When circumstances have been identified which may warrant a prosecution, all relevant evidence and information shall be considered to enable a consistent, fair and objective decision to be made. For the prosecution to proceed there must be relevant, admissible, substantial and reliable evidence that an identifiable person or company has committed an offence. There must be a realistic prospect of conviction. There must be a positive decision, based on relevant criteria, that it is in the public interest to prosecute.
- 8.29. Before a prosecution proceeds, the case officer must have the prosecution report signed off by the Environmental Health Manager. It will then be referred to the Legal Team.
- 8.30. Where a prosecution is initiated, other relevant bodies may be advised. These bodies may include the Police.
- 8.31. In all cases where there may be a shared enforcement responsibility, such as Hampshire Constabulary, the Gambling Commission, Trading Standards Department or the Hampshire Fire and Rescue, then the other party will always be consulted on the best co-ordinated approach.

Remedial action

- 8.32. Regardless of any course of action arising following non-compliance with the law, policy and/or conditions, other actions including the following may also be taken:
- Issue of fixed penalty notices;
 - Referral to the Licensing Sub-Committee;
 - Referral to another appropriate agency;
 - Referral to another appropriate Local Authority;
 - Referral to the Police;
 - Referral to the Vehicle and Operator Services Agency (VOSA);
 - Referral to another appropriate department within the Council;

- Requirement to re-take knowledge test or other training course.

Decisions

- 8.33. Where Licensing Officers have delegated powers to grant licences, they will utilise the guidelines set in this Policy when making such decisions. Where appropriate, applications for licences will be referred to the Licensing Sub-Committee for determination. While Officers and the Committee will have regard to the guidelines contained in the Policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the Policy.
- 8.34. Any applicant who is refused a Hackney Carriage and Private Hire Driver's Licence, on the grounds that the Licensing Authority is not satisfied that they are a fit and proper person to hold such a licence, has the right of appeal to the Magistrates' Court.
- 8.35. Any applicant who is refused a Hackney Carriage Vehicle Licence has the right of appeal to the Crown Court.
- 8.36. Any applicant who is refused a Private Hire Vehicle has the right of appeal to the Magistrates' Court.
- 8.37. Any applicant refused a Private Hire Operator's Licence, on the grounds that the Licensing Authority is not satisfied that they are a fit and proper person to hold such a licence, has the right of appeal to the Magistrates' Court.
- 8.38. Any licence holder whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

APPENDIX A

Combined (Dual) Hackney Carriage and Private Hire Driver's Conditions

These conditions are made under section 51 Local Government (Miscellaneous Provisions) Act 1976 by Havant Borough Council in respect of Private Hire Drivers.

The driver must make themselves familiar with these conditions and apply them at all times, and upon request make them known to any hirer. The driver must also make themselves familiar with the Byelaws, apply them at all times when driving a hackney carriage, and upon request make them known to any hirer.

Interpretation

Throughout these conditions -

“The Act” means the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised Officer” means any officer of the Council authorised in writing by the Council for the purposes of these conditions.

“Borough” means Havant Borough Council's administrative area.

“Byelaws” means those in respect of Hackney Carriages made by Havant Borough Council under section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875.

“The Council” means Havant Borough Council.

“Driver” means a person licensed to drive a hackney carriage or private hire vehicle.

“Drivers Badge” means a badge issued by the Council under section 54 of the Act.

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847.

“Private Hire Vehicle” means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

“Taximeter” means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

“Vehicle” means any vehicle licensed for use as a hackney carriage or private hire vehicle.

Driver Badge

1. The driver must at all times when driving a licensed vehicle for hire or reward, wear the driver’s badge issued by the Council in a prominent visible place on the outer clothing. Drivers may wear their badge in the following ways:
 - A clip badge attached to clothing in a prominent position, or
 - A plain or Council issued lanyard around the neck.
2. The driver’s badge remains the property of Havant Borough Council. In the event that the driver’s licence is suspended or revoked, the driver’s badge and paper licence must be returned to the Council within 7 days of a written notice or upon the demand of an authorised officer. Failure to return the badge is an offence with a penalty of a Level 1 fine.
3. If the badge is lost, stolen or damaged so that it is unserviceable, the licence holder shall without delay apply to the Council for a replacement badge, paying the appropriate fee. Where a badge has been stolen, the driver must report this to the Police.
4. The driver shall not cause or permit his badge to be worn by any other person.

Conduct of licensed drivers

5. The driver must at no time cause or allow the noise emitted by any radio or in car entertainment in the vehicle to be a source of nuisance or annoyance to any person, whether they are inside or outside the vehicle.
6. The driver shall make themselves familiar with the topography of the district and, if requested to do so, satisfy the Council as to their knowledge of the district.
7. The driver shall not allow any hackney carriage vehicle to be left unattended without due cause whilst it is standing or plying for hire.
8. In the event of a vehicle breakdown or other mechanical failure whilst undertaking a hiring, the driver shall ensure that alternative transport, in the form of another suitably licensed driver and vehicle, is secured without delay to complete the journey.
9. The driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of the persons specified on the vehicle licence plate attached to the outside of the vehicle.

10. The driver shall not at any time by calling out or otherwise, harass any person to hire the vehicle and shall not make use of the services of any other persons for this purpose.
11. The driver when hired to drive to any destination, subject to any direction given by the hirer, proceed to that destination by the shortest available route, and shall not, without reasonable cause, prolong in distance or time any journey for which the vehicle is hired.
12. The driver when hired or agreed to be in attendance with their vehicle at an appointed time and place, attend punctually with such vehicle unless delayed or prevented by some sufficient cause beyond their control.
13. The driver must provide a prompt, efficient and reliable service at all times and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
14. The driver must take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from their vehicle and offer passengers such assistance as may be required such as with luggage or any mobility aids or wheelchair.
15. The driver must have good standards of personal hygiene and comply with the dress code detailed in the Hackney Carriage and Private Hire Policy at all times.
16. The driver must behave in a civil, courteous and orderly manner at all times, including in their dealings with the general public, private hire operators, vehicle proprietors and other drivers of licensed vehicles, as well as the Council's Authorised Officers.
17. The driver must comply with the Hackney Carriage and Private Hire Policy regarding working with children and vulnerable adults.
18. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
19. The driver must not smoke, vape or use e-cigarettes or any similar device or substance, or permit another other person to do so, in a licensed vehicle at any time.
20. The driver must not transport in the vehicle more persons than the number specified on the plate attached to the vehicle.
21. The driver of a wheelchair accessible hackney carriage or private hire vehicle shall not refuse to carry a wheelchair user when either plying for hire or when instructed to do so by their private hire operator, unless they hold a valid exemption issued by the Council. No additional charge shall be made for the carriage of a wheelchair user and/or their wheelchair.

22. Any animal belonging to or in the custody of a fare paying passenger may be carried in a hackney carriage or private hire vehicle at the driver's discretion, provided that the animal is appropriately secured in the vehicle at all times.
23. The driver of a hackney carriage or private hire vehicles shall not refuse to carry an assistance dog, provided it is accompanied by a fare paying passenger, unless they hold a valid exemption issued by the Council. No additional charge shall be made for the carriage of an assistance dog.
24. The driver must immediately after the end of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there. If any property is found or given to the driver, having been left in the licensed vehicle, the licence holder shall comply with the Lost Property Guidance as per Appendix F to the Council's Hackney Carriage and Private Hire Licensing Policy.
25. The driver will, if requested by the hirer of a hackney carriage or private hire vehicle, provide a written receipt for the fare paid.
26. If the driver at any time during the life of the licence becomes aware of any medical condition which may affect their fitness to drive licensed vehicles they shall immediately (i.e., within 24 hours) give notice in writing to the Council and shall, if required, submit to an examination by a registered medical practitioner of the Council's choice to ascertain their fitness to be licensed.
27. The driver shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a police fixed penalty notice. An arrest for any of the offences within this scope will result in a review by the Council as to whether the licence holder continues to be fit and proper to hold a licence.
28. The driver shall notify the Council in writing within 7 days of any conviction not detailed in 25 above.
29. If at any time during the life of the licence the licence holder is the subject of a driving ban imposed by a Court of Law, they shall immediately (i.e., within 24 hours) give notice in writing to the Council and surrender their driver's badge.
30. The driver must notify the Council in writing within 7 days of the details of any change of name and/or address.
31. The driver shall not demand from the hirer of a private hire vehicle a fare in excess of any previously agreed prior to the journey began. Where the vehicle is fitted with a taximeter and no fare has been agreed prior to the journey beginning, the taximeter must be used, and the fare shall be the amount shown on the taximeter.

32. Drivers of private hire vehicles shall not stop on or near an appointed hackney carriage rank at any time in circumstances that could give the impression that the vehicle is plying for hire.

Appeals

33. The driver may appeal against the imposition of any of these conditions to the Magistrates Court.

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APPENDIX B

Hackney Carriage Vehicle Conditions

These conditions are made under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, by Havant Borough Council with respect to hackney carriage vehicles licensed by the Council.

The licence holder must observe and carry out the requirements of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, and any order or regulation made thereunder or the requirements of any other Act of Parliament or orders, regulations or bye-laws made thereunder relating to hackney carriage vehicles.

Interpretation

Throughout these conditions -

“**Authorised Officer**” means any officer of the Council authorised in writing by the Council for the purposes of these conditions.

“**Borough**” means Havant Borough Council’s administrative area.

“**Byelaws**” means those in respect of Hackney Carriages made by Havant Borough Council under section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875.

“**The Council**” means Havant Borough Council.

“**Hackney Carriage**” has the same meaning as in the Town Police Clauses Act 1847.

“**Licence Holder**” means the holder of a Hackney Carriage Vehicle Licence.

“**Taximeter**” means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

“**Vehicle**” means any vehicle licensed for use as a hackney carriage.

“**Vehicle Licence Plate**” means the hackney carriage licence plate issued by the Council to be displayed on the outside rear of the vehicle.

Licence Plates

1. The licence holder shall ensure that the vehicle licence plate provided by the Council, bearing the number of the licence granted in respect of the vehicle, is permanently fixed to the rear of the vehicle to the satisfaction of an Authorised Officer. The vehicle licence plate shall be fitted to the off-side rear of the vehicle and be clearly visible from the rear of the vehicle.
2. The licence holder shall ensure that the vehicle licence plate is not concealed from public view while the vehicle is being used for hire purposes or standing or plying for hire. This includes wilful or negligible concealment, damage or defacement.
3. The licence holder shall immediately notify the Council in the event that the vehicle licence plate is lost, stolen or damaged in such a way that it is rendered unserviceable, and pay the required fee for a replacement plate. Where a plate has been stolen, the driver must report this to the Police.
4. In the event of vehicle licence expiry, lapse, suspension, or revocation, the licence holder shall return the vehicle licence plate to the Council within 7 days of such expiry, suspension, or revocation.

Vehicle Standards

5. The licence holder shall ensure that the vehicle is maintained and serviced in accordance with the manufacturer's recommendations, in addition to any requirements under the Council's Policy.
6. The licence holder shall ensure that the vehicle and its fittings are, at all times when the vehicle is available for hire or being used as a hackney carriage, be safe, clean and tidy and comply with the relevant DVSA vehicle safety standards.
7. The licence holder shall ensure that a dry powder or BCF (or similar) fire extinguisher is carried in the vehicle in such a position that it is readily available for use at all times. On renewal of the vehicle licence, the fire extinguisher shall be marked with the plate number of the vehicle to which it relates, using permanent marker or similar.
8. The licence holder shall ensure that an indexed street map of the Borough is carried and available in the vehicle at all times. On renewal of the licence, the map shall be marked with the plate number of the vehicle to which it relates, using permanent marker or similar.

Taximeter

9. The licence holder shall ensure that any taximeter fitted in the vehicle is maintained in good working order at all times.

10. The licence holder shall notify the Council of any replacement taximeter fitted to the vehicle within 7 days of such replacement and provide evidence that the taximeter has been calibrated and tested by a competent taximeter agent.

Display of Information

11. The licence holder shall ensure that a notice supplied by the Council, bearing the licence number and contact details of the Council, are displayed in the top nearside of the windscreen and the nearside passenger door window. The licence number shall be displayed so that it is clearly visible to people boarding or approaching the vehicle from the outside.
12. The licence holder shall ensure that a roof light or 'top box' bearing the word 'TAXI' fitted to the roof of the vehicle, which may be illuminated only when the vehicle is plying or standing for hire.
13. The licence holder shall ensure that no other written or printed material, including advertisements, are displayed on the vehicle except with the consent of the Council.
14. The licence holder shall ensure that a notice of maximum fares to be charged for any hiring of the vehicle is prominently displayed in the vehicle at all times that it is available for hire or being used as a hackney carriage.

Appeals

15. The licence holder may appeal against the imposition of any of these conditions to the Magistrates Court.

NOTE

Licence holders are reminded that Hackney Carriages are also regulated under bye laws made by the Borough of Havant on 18 June 1976 under Section 68 of the Town Police Clauses Act 1847, Section 171 of the Public Health Act 1875, and Section 84 of the Hampshire County Council Act 1972.

APPENDIX C

Private Hire Vehicle Conditions

These conditions are made under section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, by Havant Borough Council with respect to private hire vehicles licensed by the Council.

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, and any order or regulation made thereunder or the requirements of any other Act of Parliament or orders, regulations or bye-laws made thereunder relating to private hire vehicles.

Interpretation

Throughout these conditions -

“**The Act**” means the Local Government (Miscellaneous Provisions) Act 1976.

“**Authorised Officer**” means any officer of the Council authorised in writing by the Council for the purposes of these conditions.

“**Borough**” means Havant Borough Council’s administrative area

“**The Council**” means Havant Borough Council

“**Licence Holder**” means the holder of a Private Hire Vehicle Licence.

“**Private Hire Vehicle**” means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

“**Vehicle**” means any vehicle licensed for use as a private hire vehicle.

“**Vehicle Licence Plate**” means the licence plate issued by the Council to be displayed on the outside rear of the vehicle.

Licence Plates

1. The licence holder shall ensure that the vehicle licence plate provided by the Council, bearing the number of the licence granted in respect of the vehicle, is permanently fixed to the rear of the vehicle to the satisfaction of an Authorised Officer. The vehicle licence plate shall be fitted to the off-side rear of the vehicle and be clearly visible from the rear of the vehicle.
2. The licence holder shall ensure that the vehicle licence plate is not concealed from public view while the vehicle is being used for hire purposes. This includes wilful or negligible concealment, damage or defacement.

3. The licence holder shall immediately notify the Council in the event that the vehicle licence plate is lost, stolen or damaged in such a way that it is rendered unserviceable, and pay the required fee for a replacement plate. Where a plate has been stolen, the driver must report this to the Police.
4. In the event of vehicle licence expiry, lapse, suspension, or revocation, the licence holder shall return the vehicle licence plate to the Council within 7 days of such expiry, suspension, or revocation.

Vehicle Standards

5. The licence holder shall ensure that the vehicle is maintained and serviced in accordance with the manufacturer's recommendations, in addition to any requirements under the Council's Policy.
6. The licence holder shall ensure that the vehicle and its fittings are, at all times when the vehicle is available for hire or being used as a private hire vehicle, be safe, clean and tidy and comply with the relevant DVSA vehicle safety standards.
7. The licence holder shall ensure that a dry powder or BCF (or similar) fire extinguisher is carried in the vehicle in such a position that it is readily available for use at all times. On renewal of the vehicle licence, the fire extinguisher shall be marked with the plate number of the vehicle to which it relates, using permanent marker or similar.
8. The licence holder shall ensure that an indexed street map of the Borough is carried and available in the vehicle at all times. On renewal of the licence, the map shall be marked with the plate number of the vehicle to which it relates, using permanent marker or similar.

Display of Information

9. The licence holder shall ensure that notices supplied by the Council, bearing the licence number and contact details of the Council, are displayed in the top nearside of the windscreen and the nearside passenger door window. The licence number shall be displayed so that it is clearly visible to people boarding or approaching the vehicle from the outside.
10. The licence holder shall not display on the vehicle any sign or notice:
 - i. Which consists of or includes the word 'taxi' or 'cab', whether in the singular or plural and whether alone or as part of another word, or
 - ii. Which consists of the words 'for hire' or any other wording that suggests that the vehicle is presently available to take up any passengers wishing to hire it or would be so available if not already hired.
11. The licence holder shall ensure that no other written or printed material, including advertisements, are displayed on the vehicle except with the consent of the Council.

12. Where the vehicle licence has been granted an exemption from displaying a vehicle licence plate, the licence holder shall ensure that a notice supplied by the Council is affixed to the bottom-left of the vehicle's windscreen and that a vehicle licence plate is carried in the vehicle at all times.
13. The licence holder shall ensure that a minimum of two 'no smoking' signs are displayed on or inside the vehicle, where passengers are able to clearly see them.

Appeals

14. The licence holder may appeal against the imposition of any of these conditions to the Magistrates Court.

APPENDIX D

Private Hire Operator's Conditions

These conditions are made under section 55(3) Part II of the Local Government (Miscellaneous Provisions) Act 1976, by Havant Borough Council with respect to persons licensed to operate private hire vehicles in the Council area.

Interpretation

Throughout these conditions -

“The Act” means the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised Officer” means any officer of the Council authorised in writing by the Council for the purposes of these conditions.

“Borough” means Havant Borough Council's administrative area.

“The Council” means Havant Borough Council.

“Driver” means a person licensed to drive a hackney carriage or private hire vehicle.

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847.

“Operator” means the individual or business licensed by the Council to make provision for the invitation or acceptance of bookings for private hire vehicles.

“Private Hire Vehicle” means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

“Vehicle” means any vehicle licensed for use as a hackney carriage or private hire vehicle.

Operator licence

1. The operator must make themselves familiar with the conditions, apply them at all times, and upon request make them known to any hirer.
2. The operator must not trade under any name for private hire purposes unless the name has been approved by the Council and has been entered on the Private Hire Operator's Licence issued by the Council.
3. The operator must inform the Council of any proposed change of trading name prior to any change. In changing the name, the operator may not use any name already in use within the Council area, or a name that so closely

resembles a name already in use that it is deemed by the Council likely to confuse customers.

4. The operator shall maintain use of an operating address within the Borough for the purposes of an Authorised Officer inspecting records at this address by appointment. ~~and provide evidence of the right to occupy this address on request by an Authorised Officer.~~
5. The operator must inform the Council of any proposed change of operating address prior to any move. ~~as this licence is specific to the address shown on it.~~ Operators must be aware that planning permission is usually required for the operation of a private hire business where the number of vehicles to be operated exceeds one. This licence does not allow the use of the premises as a private hire operator's base in the absence of planning permission.
6. The operator must notify the Council in writing of any changes in ownership, partnership or directorship of the business within 7 days.

Conduct of licensed operators

7. The operator shall provide a prompt, efficient, courteous and reliable service to members of the public and ensure that those who work for or with them do the same.
8. The operator shall behave in a civil and orderly manner at all times in their dealings with the general public, customers, vehicle proprietors, drivers and Authorised Officers.
9. The operator must notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by the Council as to whether the licence holder continues to be fit to hold the licence. Where the operator is a partnership or company, this requirement shall be applied to each partner or director.
10. The operator shall notify the Council in writing within 7 days of any conviction not detailed in 89 above.
11. The operator shall notify the Council in writing of any complaints received concerning the conduct of a driver or the condition of a vehicle, within 7 days of receipt of such a complaint.
12. The operator shall ensure that they comply with their own complaints procedure, as required by the Hackney Carriage and Private Hire Policy. Any proposed changes to the complaints' procedure must be provided to the Licensing Authority at least 7 days in advance of making such change.

13. The operator shall not refuse any booking made nor apply any additional charge for carrying a wheelchair user without reasonable cause.
14. The operator shall not refuse any booking nor apply any additional charge for carrying an assistance dog without reasonable cause.

Vehicles and drivers

15. The operator shall not employ any vehicle or driver in the course of a private hire business unless that vehicle and driver are licensed for that purpose by the Council that issued the private hire operator's licence.
16. The operator shall take all reasonable steps to ensure that the Council's licence conditions in respect of vehicles and drivers under their control are properly observed.
17. The operator shall not allow a greater number of private hire vehicles to operate from their premises than the number for which planning permission has been granted by the Council.

Operating premises

18. The operator must have an operating address within the Havant Borough. This address shall be a bonafide residential or business address which the operator has the right to occupy for the purposes of their business.
19. The operator shall ensure that their bookings records are made available for inspection at their operating address **by appointment**.
20. Any public reception or waiting area must be kept in a clean and tidy condition at all times, and have adequate seating. The premises must conform to all other legal requirements i.e. planning permission and health and safety.
21. No person who is behaving in a disorderly manner shall be permitted to remain on the premises.

Records

22. The operator shall maintain, ~~at the premises for which they are licensed~~, a record book or auditable computer record in a form satisfactory to the Council.
23. The operator shall record the following information for every booking of a private hire vehicle invited and/or accepted:
 - a) The name of the hirer
 - b) The specified pick-up location;
 - c) The time and date when the booking was taken;
 - d) The time and date of the pick-up;

- e) The registration number of the vehicle dispatched for the booking;
 - f) The name and licence number of the driver dispatched for the booking;
 - g) How the booking was made (i.e. telephone, email, app)
 - h) The name of any staff member who accepted the booking;
 - i) The name of any staff member who dispatched the vehicle;
 - j) The specified destination location;
 - k) The fare quoted, or whether the fare is to be charged by the taximeter, and in either case details of any additional fees charged;
 - l) The exact location of where the acceptance of the booking was taken (e.g., the operator premises, via mobile phone within the Borough etc).
24. Where the operator does not utilise staff members for the purposes of taking bookings or dispatching vehicles, there is no requirement to comply with (h) and (i) above.
25. The operator shall maintain a register of all drivers and vehicles which they operate, including copies of all licences issued in respect of said drivers and vehicles.
26. The operator shall notify the Council in writing within 7 days when a driver or vehicle starts or finishes working for them.
27. The operator shall retain a copy of the current insurance certificate / cover note in respect of each private hire vehicle which they operate.
28. The operator shall retain a copy of any plate exemption certificate granted in respect of any private hire vehicle that they operate.
29. The operator shall maintain a record of all staff members responsible for taking bookings and/or dispatching vehicles. Where the operator does not utilise staff members for these purposes, there is no requirement to maintain these records.
30. The operator shall ensure that any employment contract or similar, signed by a staff member responsible for taking bookings and/or dispatching vehicles, includes the requirement for that staff member to advise the operator of any convictions while they are employed in that role. Where the operator does not utilise staff members for these purposes, there is no requirement to comply with this condition.
31. Where the telephone number of the operator is diverted to a person outside of the operating premises at any time, details of all bookings accepted in this way shall be entered into the operator's records as per 223 above within 48 hours.
32. In the event that the operator outsources booking and dispatch functions to a third-party organisation, the operator shall retain a copy of that organisation's policy on protecting children and vulnerable adults.

33. The operator shall maintain all records for a period of at least 24 months. The operator shall produce such records on request to any Authorised Officer of the Council or any Police Officer.

Sub-contracting

34. Every contract for the hire of a private hire vehicle licensed by the Council shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not the operator provided the vehicle.
35. Where any bookings are sub-contracted either by the operator to another licensed operator, or are accepted by the operator from another licensed operator, a full record of the booking as per 223 must be made, and notes must be included stating the name and licensing authority of the other operator.
36. Where a booking is sub-contracted, the operator originally receiving the booking must inform the customer with whom the contract is made of the name of the operator to whom the booking has been sub-contracted.

Use of passenger carrying vehicles (PCV) licensed drivers

37. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking shall not be permitted without the informed consent of the customer. The customer who makes the booking must be informed that a PCV licensed driver will be used.

Advertising

38. All signs or advertisements, in whatever form and wherever so displayed, shall not consist of or include the words "taxi" or "cab", whether in the singular or plural, whether alone or as part of another word, or any word of similar meaning or appearance.

Appeals

39. The operator may appeal against the imposition of any of these conditions to the Magistrates Court.

APPENDIX E

Penalty Points Scheme

1. Introduction

- 1.1. ~~Should a driver, vehicle proprietor or operator commit an offence, or fail to comply with the policy and/or licence conditions, an investigation will be undertaken and, where appropriate, enforcement action taken in line with the Hackney Carriage and Private Hire Licensing Policy.~~
- 1.2. ~~The Hackney Carriage and Private Hire Licensing Policy identifies penalty points as a potential outcome for enforcement action. This document aims to outline how penalty points will be awarded and in which circumstances.~~
- 1.3. ~~The evidential standards for awarding penalty points shall be 'on the balance of probabilities', as opposed to the criminal standard of 'beyond all reasonable doubt.'~~
- 1.4. ~~Where penalty points are awarded, the case officer will advise the licence holder in writing as soon as practicable after completion of any investigation. The written notification will include details of the number of penalty points awarded, the reason for penalty points being awarded, and details of the right to appeal to within 14 days of notification of the penalty points being awarded. Any appeals regarding the issuing of penalty points will be referred to the Licensing Sub-Committee for consideration, who have the discretion to award a greater number of points than displayed on the tariff, if the decision is upheld.~~
- 1.5. ~~The tariff shown in this document is intended as a guide for licence holders and the Licensing Authority in determining the appropriate number of penalty points to be awarded in varying circumstances. The Council reserves the right to depart from the tariff, awarding fewer or more penalty points, where it is considered reasonable and proportionate to do so in the individual circumstances.~~
- 1.6. ~~The penalty points scheme does not prejudice the Council's ability to take other actions. The Council may also issue written warnings, suspend or revoke the licence, refuse to renew a licence or take other action without having issued penalty points in the first instance. In all cases actions will be in line with the Council's Environmental Health Enforcement Policy with the overarching aim of protecting public safety.~~
- 1.7. ~~Penalty points remain 'current' for 36 months from the date the penalty points were issued. The period is on a roll forward basis, to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licence holder. In all cases, a record will remain against the driver's record regardless of whether penalty points have been issued or have become spent.~~

1.8. ~~Where a licence holder accumulates 12 penalty points or more in any 36-month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licence holder remains a fit and proper person to hold a licence. The Licensing Sub-Committee have discretion to suspend or revoke a licence, issue a warning letter, or require the driver to undertake remedial action i.e. completion of a training course.~~

1.9. ~~The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.~~

2. ~~Penalty Points Tariff~~

PENALTY POINTS TARIFF				
Offence/Breach of Condition		Minimum Points Applicable	Driver	Vehicle Proprietor or Operator
1	Failure to notify the Council, in writing, within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a fixed penalty notice.	9	✓	✓
2	Refusal to accept hiring without reasonable cause.	6	✓	
3	Plying for hire by private hire driver.	6	✓	
4	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	6	✓	✓
5	Using a vehicle for which the licence has been suspended or revoked.	6	✓	✓
6	Charging or obtaining more than the agreed fare or the fare shown on the taximeter – hackney carriages only.	6	✓	✓
7	Charging or obtaining more than the agreed fare – private hire only.	6	✓	✓
8	Using unlicensed vehicle or vehicle without insurance or MOT.	6	✓	✓
9	Allowing unlicensed driver to drive a licensed vehicle.	6		✓
10	Carrying more passengers than stated on the vehicle licence.	6	✓	
11	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓

Offence/Breach of Condition		Minimum Points Applicable	Driver	Vehicle Proprietor or Operator
12	Using a non-approved or non-calibrated taximeter.	6	✓	✓
13	Interfering with a taximeter.	6	✓	✓
14	Obstruction of an authorised officer or police officer in the course of their duties.	6	✓	✓
15	Evidence of alcohol in vehicle.	6	✓	✓
16	Failure to carrying a wheelchair without requisite exemption.	6	✓	✓
17	Failure to carry an assistance dog without requisite exemption.	6	✓	✓
18	Displaying any signage or feature on private hire vehicle that may suggest that it is a hackney carriage.	6		✓
19	Failure to maintain proper records of private hire vehicle.	6		✓
20	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓
21	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
22	Failure to notify the Council, in writing, within 7 days of any conviction not detailed above.	6		
23	Failure to display external/internal licence plate or signs as required.	4	✓	✓
24	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
25	Failure to notify transfer of private hire or hackney carriage vehicle licence within 14 days.	4	✓	✓
26	Failure to behave in a civil, courteous and orderly manner.	4	✓	✓
27	Failure to observe Policy on spare wheel.	4	✓	✓
28	Evidence of smoking or use of electronic cigarette or another vaporising device in vehicle.	4	✓	✓
29	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
30	Failure to provide evidence of valid MOT upon request.	4	✓	✓
31	Failure to produce hackney carriage or private hire vehicle for inspection and/or testing when required.	4	✓	✓

	Offence/Breach of Condition	Minimum Points Applicable	Driver	Vehicle Proprietor or Operator
32	Failure to provide proof of valid insurance cover when requested.	4		✓
33	Failure to wear driver's badge when working as a hackney carriage and/or private hire driver.	4	✓	
34	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions.	3	✓	✓
35	Failure to notify, in writing, the Council of change of name and/or address within 7 days.	3	✓	✓
36	Failure to notify, in writing, the Council of any changes in ownership, partnership or directorship of the business within 7 days.	3		✓
37	Failure to produce on request records of driver(s) work activity.	3		✓
38	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	3		✓
39	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	3	✓	
40	Unsatisfactory appearance of driver.	3	✓	
41	Failure to carry fire extinguisher.	3		✓
42	Displaying unsuitable or inappropriately sited signs or advertisements in the vehicle.	3		✓
43	Displaying advertisement(s) without the written agreement of the Council.	3		✓
44	Failure to use authorised roof light, or use of roof light in a way that breaches conditions – hackney carriage only.	3	✓	
45	Failure to observe rank discipline – hackney carriage.	3	✓	
46	Failure to give reasonable mobility assistance.	3	✓	
47	Failure to display fare card – hackney carriage only.	3	✓	✓
48	Failure to issue receipt on request.	3	✓	✓
49	Failure to attend punctually at appointed time and place without sufficient cause.	3	✓	✓

Offence/Breach of Condition		Minimum Points Applicable	Driver	Vehicle Proprietor or Operator
50	Leaving Hackney Carriage unattended on a rank.	3	✓	
51	Failure to comply with licence conditions.	3	✓	✓
52	A licensed vehicle with a bald tyre.	2 per tyre	✓	✓
53	Unsatisfactory conduct of licensed driver, vehicle proprietor or operator.	1	✓	✓
54	Points awarded by Licensing Sub-Committee where matters referred to them for decision.	1	✓	✓

APPENDIX F

Lost Property Guidance for Drivers

You should check your vehicle after each journey is undertaken to check for lost property. Check the seats, footwells, boot and other storage compartments for any property that has been left behind by passengers.

The Police will not normally take in lost property, unless it meets the criteria below:

If the item has a serial number, hand it into a police station, police officer or PCSO so that the owner can be traced, and the item otherwise dealt with. Items the police can help with include mobile phones, MP3 players, computers, tablets, and any other item capable of containing data.

If the item has a person's name or other personal information on it (e.g., a passport, driving licence etc), follow the instructions on the reverse of the item to return it to the relevant authority or organisation (e.g., return passports to HM Passport Office). If the item has the individual's address on it, you could post it to them. If you're unable to do either of these things, hand it into a police station, police officer or PCSO.

If the item is valuable (worth over £500), you should make reasonable enquiries to reunite the item with its owner. If you have collected or dropped off the customer at a public place, such as a restaurant or a pub, you could leave your contact details with the staff. If you can't find the owner, hand it into a police station, police officer or PCSO.

If the item is a controlled drug or weapon, you must hand it into a police station, police officer or PCSO immediately. Do not undertake any further journeys whilst the item remains in your vehicle, as you could be guilty of an offence.

If the item is of low value and cannot be directly identified to a person (e.g., umbrellas), you should make reasonable enquiries to reunite the item with its owner. If you have collected or dropped off the customer at a public place, such as a restaurant or a pub, you could leave your contact details with the staff. You could also try posting on local Facebook groups or similar, to see if someone has lost the item that you have found. If you can't find the owner, you may dispose of the item after a reasonable period.

Your private hire operator may have a procedure for collecting and recording lost property at their operating address. Check with this with them, as they may have the facilities to store items of low value / items that cannot be directly identified to a person. They may also have the contact details of the individual who booked the vehicle, enabling them to contact the passenger(s) and reunite them with their property.

Further guidance on lost and found property can be found on Hampshire Constabulary's website: <https://www.hampshire.police.uk/ro/report/lp/lost-or-found-property/?stepid=1-2-2-1&rid=5>

Lost Property Guidance for Operators

If you have sufficient space at your operating address, you may choose to have a procedure in place for storing and recording lost property found by drivers in vehicles that you operate. This is not mandatory but may give your customers more confidence in booking vehicles operated by you. Consider the following:

Recording Items:

Any item handed in should be logged in the lost property log book, with the date and time that the item was found, a description of the item, the details of the vehicle in which the item was found, and details of where the item is stored.

The lost property log should be checked regularly by a senior member of staff to ensure that no items are held for too long a period of time or signed out without authorisation.

Storing Items:

Valuables such as mobile phones, wallets, bank cards, cash and jewellery should be stored in a secure place such as a locked box or safe, to whom limited people have access. This should be a temporary location, used only for storing valuable items prior to taking them to the police station.

Items such as clothing, umbrellas, shopping bags etc could be stored in a large box or crate in a secure room such as the manager's office.

Disposal of Property:

Consider how long you can reasonably store lost property at your operating address (not including items handed in to the police). A maximum of 28 days is generally a good rule. After this period has passed, the property may be disposed of.

Reclaiming Items:

In order for property to be reclaimed, you may require a detailed description of the item(s) and/or proof of identity. If an item is reclaimed, you should ensure that this is logged in the lost property log book.

Further guidance on lost and found property can be found on Hampshire Constabulary's website: <https://www.hampshire.police.uk/ro/report/lp/lost-or-found-property/?stepid=1-2-2-1&rid=5>