

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



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

19 February 2024

SUMMONS

Dear Councillor

You are requested to attend the following meeting:

Meeting: Licensing Committee
Date: Tuesday 27 February 2024
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, Patel, Seal,
Mrs Shimbart, Wade, Weeks and Harris

Contact Officer: Emma Carlyle Democratic Services Officer (023) 9244 6151
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AGENDA

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Please note that this meeting will be cancelled if there are no representations from the public received, in relation to item 4 on the agenda.

1 Apologies

To receive and record apologies for absence.

2 Minutes of the previous meeting

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To approve:

- 1 the minutes of the meeting of the Licensing Committee held on 16 January 2024
- 2 the minutes of the meeting of the Licensing Sub Committee held on 22 January 2024 and 24 January 2024.

3 Declarations of Interests

To receive declarations of interests relating to matters on the agenda.

4 Review of Hackney Carriage and Private Hire Licensing Fees

Report to follow.

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

This agenda and its accompanying reports can also be found on the Havant Borough Council website: www.havant.gov.uk

Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. Many of the Council's meetings allow the public to make deputations on matters included in the agenda.

In accordance with Standing Order 28 and the "[Deputations at the Licensing Committee](#)" procedure, a member of the public may speak at a meeting provided that the request to speak and a summary of the text has been received by the Democratic Services Manager no later than 48 hours before the start of the meeting.

Disabled Access

The Public Service Plaza has full access and facilities for the disabled.

Emergency Procedure

Please ensure that you are familiar with the location of all emergency exits which are clearly marked. In the unlikely event of an emergency an alarm will sound.

PLEASE EVACUATE THE BUILDING IMMEDIATELY.

DO NOT RE-ENTER THE BUILDING UNTIL AUTHORISED TO DO SO

No Smoking Policy

The Public Service Plaza operates a strict No Smoking policy in all of its offices, corridors, meeting rooms and toilets.

Parking

Pay and display car parking is available in the Leisure Centre car park opposite the Plaza.



Havant

BOROUGH COUNCIL

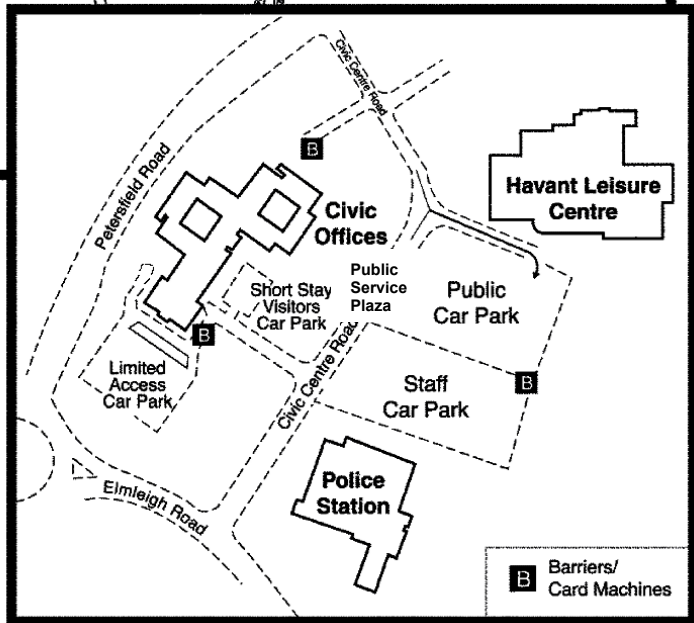
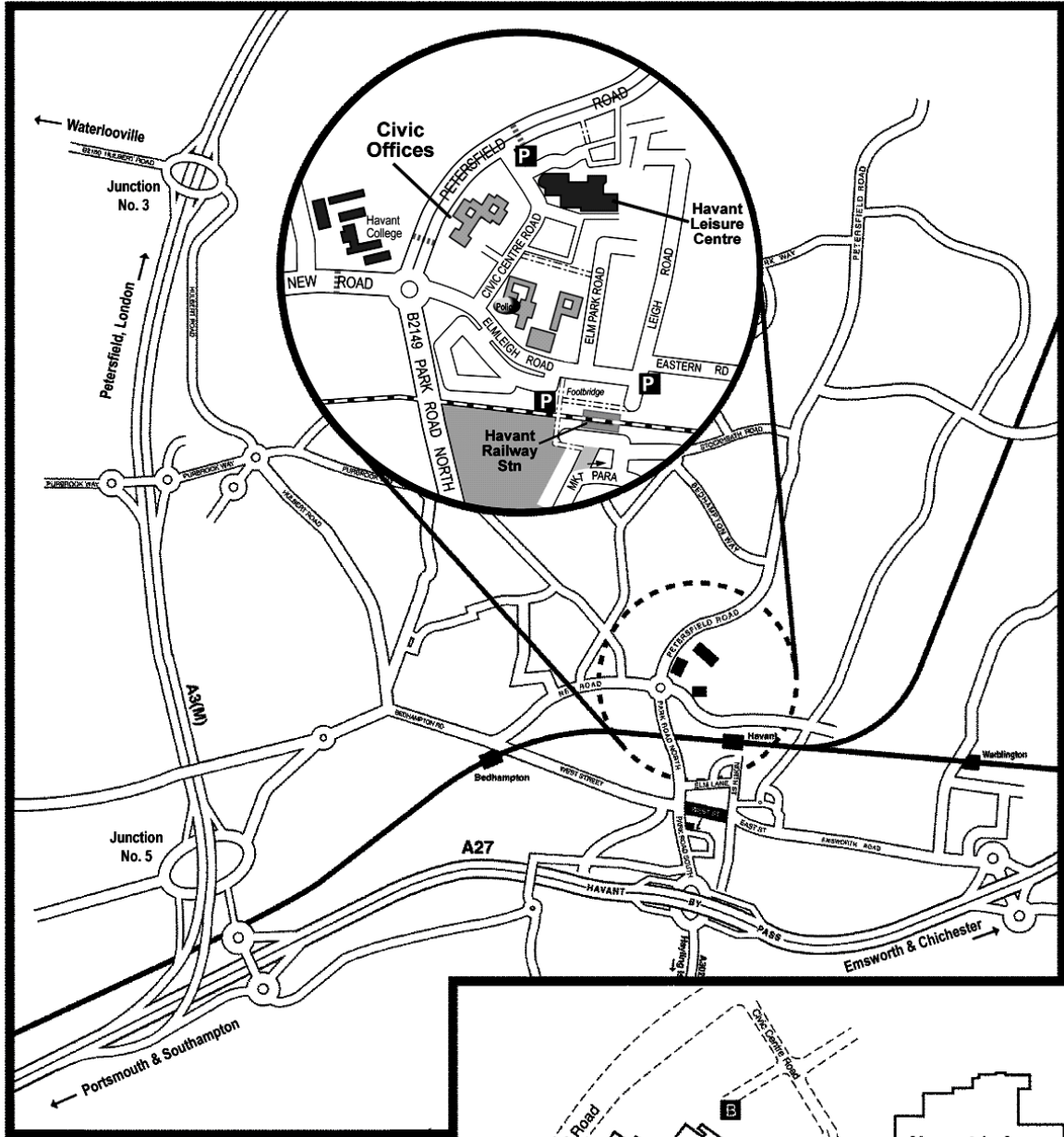
PROTOCOL AT MEETINGS – RULES OF DEBATE

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 16 January 2024

Present

Councillor Patrick (Chairman)

Councillors Keast, Harris, Weeks, Gray, Milne, Sceal and Wade

24 Apologies

Apologies for absence for this meeting were received from Councillors Payter, Shimbart and Brent.

25 Minutes of the previous meeting

PROPOSED by Councillor Keast and SECONDED by Councillor Wade it was RESOLVED that:

1. the minutes of the meeting of the Licensing Committee held on 19 October 2023 be agreed as a correct record and signed by the Chairman.

26 Declarations of Interests

There were no declarations of interest from members present in respect of any item on the agenda.

27 Review of Street Trading Consent Fees

The Licensing and Animal Welfare Team Leader introduced their report.

Following questions, the below points were raised:

- The scale of charges has taken into account salary increases.
- The published unit costs are incorrect and a correct version will be published before commencing with the consultation. (Supplementary Item 4 - Appendix A Amendment)
- Predicted fees are based on our 1 street trader in the borough, anticipated figures are recommended by the finance manager.
- We only recover costs with these fees and do not receive a profit.

PROPOSED by Councillor Weeks and SECONDED by Councillor Milne

RESOLVED that members;

- a) **APPROVE** the proposed fees as outlined in Appendix A (as amended - Supplementary Item 4 - Appendix A Amendment) for public consultation

- b) Authorise the placing of the necessary statutory advertisement

And;

- c) If no representations are received in response to the public consultation, recommend the new fees for adoption by Full Council and implementation for the financial year commencing 1 April 2024.

28 Review of Hackney Carriage and Private Hire Licensing Fees

The Licensing and Animal Welfare Team Leader introduced their report.

Following questions, the below points were clarified:

- A 100% increase means this is something we previously didn't charge for.
- The fees proposed are based on cost and doesn't include any additional income to the council.
- If a review of Hackney carriage fares is requested, this would take into consideration the fees that drivers pay for the licences.

PROPOSED by Councillor Sceal and **SECONDED** by Councillor Wade it was;

RESOLVED that members;

- a) Approve the proposed fees as outlined in Appendix A for public consultation.
- b) Authorise the placing of the necessary statutory advertisement and;
- c) If no representations are received in response to the public consultation, recommend the new fees for adoption by Full Council and implementation for the financial year commencing 1 April 2024.

The meeting commenced at 5.30 pm and concluded at 5.48 pm

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 22 January 2024

Present

Patrick (Chairman), Harris and Gray

18 Apologies for Absence

There were no apologies for absence for this meeting.

19 Declarations of Interests

There were no declarations of interests relating to matters on the agenda.

20 Exclusion of the Press and Public

The Committee were requested to resolve that the hearing be excluded from the Press and Public.

PROPOSED by Councillor Gray and **SECONDED** by Councillor Harris it was

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 21 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 2)

21 Licensing Hearing - Application for the Grant of a Combined Hackney Carriage and Private Hire Driver's Licence

The Chairman welcomed all parties to the meeting and explained the procedure for the hearing.

The Licensing Officer explained that an application for a Combined Hackney Carriage and Private Hire Driver's Licence had been made by Applicant. It was revealed that the applicant had failed to declare criminal convictions when he submitted his application.

The Licensing Officer explained that the purpose of the Sub-Committee was to determine whether Applicant A was a “fit and proper person” to hold Combined Hackney Carriage and Private Hire Driver’s Licence as required by Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant explained the mitigating circumstances relating to his convictions and stated that, at the time of submitting the application form and the interview, he had forgotten the offences. He further advised that he was unaware that his licence had been suspended in 2013 and was under the impression that he had decided not to renew his licence for financial reasons. He had recently been offered employment with a private hire operator which involved airport trips, which when combined with his current employment would be more financially viable than before.

(The Licensing Officers and Applicant A left the meeting)

Members were reminded that the Council’s policy and guidelines on convictions relating to dishonesty stated that at least seven years from such a conviction or caution should be shown before an application is entertained: this period had lapsed

In making its decision the Sub-Committee took into consideration the representations made by the officers and Applicant A and had regard to:

- Local Government (Miscellaneous Provisions Act) 1976
- Town Police Clauses Act 1847
- Havant Borough Council’s Hackney Carriage and Private Hire Licensing Policy
- Department for Transport’s Statutory taxi and private hire vehicle standards
- IoL Guidance on determining the suitability of applicants and licensees in the private hire and hackney carriage trades.
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Public Sector Equality Duty (s.149 Equality Act 2010)

was a “fit and proper” person to hold a licence but felt that such a licence should be granted for less than three years to enable the Council to monitor the performance of Applicant A. The Sub-Committee stressed that it would expect Applicant A to declare all his convictions if he sought to apply to renew his licence.

RESOLVED That a Combined Hackney Carriage and Private Hire Driver’s Licence be issued to Applicant A for a period of 1 year from the date the licence is issued with a warning that the Council would expect Applicant A to make a full declaration when seeking to renew his licence.

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 24 January 2024

Present

Patrick, Gray and Harris

22 Apologies for Absence

There were no apologies of absence received for this meeting.

23 Declarations of Interests

There were no declarations of interest received from members present in respect of any item on the agenda.

24 Exclusion of the Press and Public.

The Committee were requested to resolve that the hearing be excluded from the Press and Public.

PROPOSED by Councillor Harris and **SECONDED** by Councillor Gray it was **RESOLVED** that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 25 An application for the Grant of a Combined Hackney Carriage and Private Hire Driver's Licence.

(Paragraphs 1 to 2)

25 Application for the Grant of a Combined Private Hire/Hackney Carriage Driver Licence

The Chairman welcomed all parties to the meeting and explained the procedure for the hearing.

The Licensing Officer explained that an application for a Combined Hackney Carriage and Private Hire Driver's Licence had been made by Applicant A. It

was revealed that the applicant had been accused of over charging passengers.

The Licensing Officer explained that the purpose of the Sub-Committee was to determine whether Applicant A was a “fit and proper person” to hold a Combined Hackney Carriage and Private Hire Driver’s Licence as required by Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The applicant explained the mitigating circumstances relating to the complaints and stated that, due to implementation of a new operating system within the company he worked for there was confusion surrounding the way tips were recorded. Following a number of complaints from passengers the driver was dismissed. Since taking up employment, the driver has secured a 5* rating with Uber within 4 months.

In making its decision the Sub-Committee took into consideration the representations made by the officers and Applicant A and had regard to:

- Local Government (Miscellaneous Provisions Act) 1976
- Town Police Clauses Act 1847
- Havant Borough Council’s Hackney Carriage and Private Hire Licensing Policy
- Department for Transport’s Statutory taxi and private hire vehicle standards
- IoL Guidance on determining the suitability of applicants and licensees in the private hire and hackney carriage trades.
- Human Rights Act 1998
- [Crime and Disorder Act 1998](#)
- Public Sector Equality Duty (s.149 Equality Act 2010)

The members were satisfied on the balance of probabilities that Applicant A was a “fit and proper” person to hold a licence but felt that such a licence should be granted for less than three years to enable the Council to monitor the performance of Applicant A.

RESOLVED That a Combined Hackney Carriage and Private Hire Driver’s Licence be issued to Applicant A for a period of 1 year from the date the licence is issued.

The meeting commenced at 10.00 am and concluded at 10.40 am