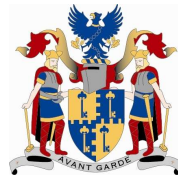


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## LICENSING COMMITTEE AGENDA

**Membership:** Councillor Johnson (Chairman)

Councillors Branson, Brown, Farrow, Gibb-Gray, Kennedy (Vice-Chairman), Mackey, Shimbart, Mrs Smallcorn, Smith K, Tarrant, Wade and Wilson

**Meeting:** Licensing Committee

**Date:** Wednesday 13 November 2013

**Time:** 5.00 pm

**Venue:** Hollybank Room, Public Service Plaza, Civic Centre Road,  
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez  
Service Manager – Legal & Democratic Services

5 November 2013

Contact Officer: *Tristan Fieldsend* 023 9244 6233  
Email: [Tristan.fieldsend@havant.gov.uk](mailto:Tristan.fieldsend@havant.gov.uk)

### PART 1 (Items open for public attendance)

**1 Apologies**

To receive and record apologies for absence.

**2 Minutes**

To approve the minutes of the Licensing Committee held on 12 June 2013.

**3 Matters Arising**

**4 Declarations of Interests**

Page

1 - 2

To receive and record any declarations of interest.

<b>5</b>	<b>Chairman's Report</b>	
<b>6</b>	<b>Licensing Sub-Committee</b>	<b>3 - 10</b>
	To approve the minutes of the meeting of the Licensing Sub-Committee held on 3 October 2013.	
<b>7</b>	<b>Hackney Carriage Unmet Demand Survey</b>	<b>11 - 86</b>
<b>8</b>	<b>Gambling Act 2005 Statement of Principles</b>	<b>87 - 122</b>

## **PART 2 ( Confidential Items)**

None

## **GENERAL INFORMATION**

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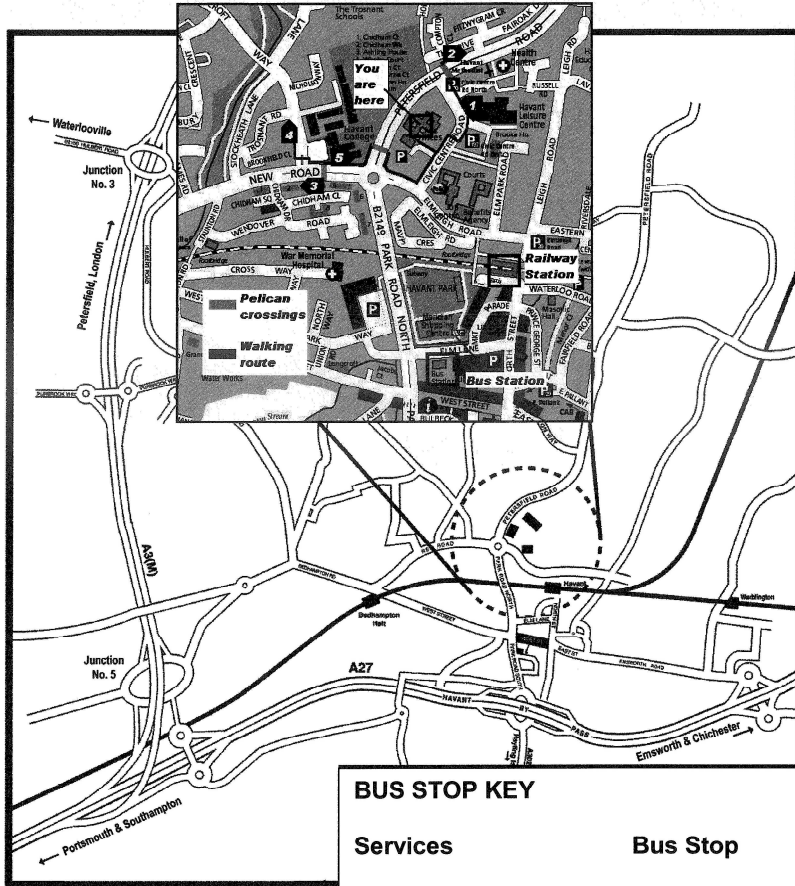
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**HAVANT BOROUGH COUNCIL**

At a meeting of the Licensing Committee held on 12 June 2013

Present

Councillor M Johnson (Chairman)

Councillors R Brown, Mrs H Farrow, B Gibb-Gray, O Kennedy (Vice-Chairman),  
C Mackey, G Shimbart, Mrs M Smallcorn and K Smith

**4. Apologies**

Apologies for absence were received from Councillors J Branson, J Hunt and  
C Tarrant.

**5. Minutes**

The minutes of the meetings of the Licensing Committee held on 31 October  
2012 and 8 May 2013 were approved as a correct record.

**6. Matters Arising**

Minute 18/10/2012 – Ward Members on Licensing Sub-Committees

In response to a member of the Committee, the Chairman confirmed that the  
decision to prohibit Ward Members from sitting on the Licensing Sub-  
Committee would not prevent Ward Members from making representations on  
behalf of their residents at licensing hearings.

**7. Declarations of Interests**

There were no declarations of interest from any of the members present.

**8. Chairman's Report**

The Chairman reported that he had visited all Pubwatch premises in the  
Borough and that all had signed up to an agreement whereby any member  
failing to attend more than three Pubwatch meetings would no longer be able to  
access the scheme.

Complaints of noise and anti-social behaviour associated with the Wheelwrights  
Arms were now resolved following the closure of the premises. Similar  
problems associated with West Town Hotel on Hayling Island were currently  
being monitored by the Licensing and Environmental Health Officers and the  
Police.

**9. Minutes of the Licensing Sub-Committee**

The minutes of the meeting of the Licensing Sub-Committee held on 12 April  
2012 were approved as a correct record.

*Licensing Committee (12.6.13)***10. Proposed Hackney Carriage Fare Increase**

The Committee considered a report setting out options in relation to Hackney Carriage fares and was asked to determine which of the five suggested options should be applied.

The Committee was mindful of the negative impact of the present economic climate on the Hackney Carriage trade and of the need to have in place a pricing framework that struck a balance between profitability and affordability.

Taking into account the information set out in the report and the low number of representations submitted by members of the Hackney Carriage trade, the Committee was minded not to increase fares at the present time and to actively support the officers in their efforts to establish new hackney carriage ranks at alternative locations within the Borough. It was agreed that the Chairman, in the first instance, would liaise with the Licensing Officers with a view to taking this forward.

RESOLVED that

- (1) fare charges remain unchanged; and
- (2) urgent efforts be made to identify and provide new locations for additional hackney carriage ranks within the Borough and that the Committee be given regular updates on progress.

**The meeting commenced at 5.00 pm and concluded at 5.35 pm**

## HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 3 October 2013

Present

Councillor Shimbart (Chairman)

Councillors Farrow and Smith K

Officers:	Hannah Newbury	Senior Solicitor
	Mark Gregory	Democratic Services Officer
	Gerry Thorne	Licensing Officer
	Mr S Lawford	Hampshire Trading Standards Officer
	Ms M Blaylock	Hampshire County Trading Standards Officer
	PC1148 P Barron	Licensing Officer
	Mrs A Chestnutt	Mr Swan's Representative
	Mr N Swan	Designated Premises Supervisor
	Mr D Sawyer	Proposed Designated Premises Supervisor

### 5 **Declarations of Interests**

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

#### **Introduction and Procedure**

Prior to hearing the applications for review the Chairman outlined the procedure for the hearing (Minute 6) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

Mrs Chestnutt confirmed that she wished to address the hearing on behalf of Mr Swan.

Mr Lawford confirmed that that he wished to address the hearing on behalf of Hampshire County Trading Standards.

Mr Thorne advised that the application had been advertised in accordance with the relevant regulations.

### 6 **Review of Premises Licence for Clapp's Convenience Store, 236 Seafront , Hayling Island**

The following documents were submitted to the Sub-Committee:

- (i) a report from the Licensing Officer;
- (ii) Notice of Hearing and enclosures;

- (iii) Application for a Review;
- (iv) Statement submitted by the Police;
- (v) Statement submitted on behalf of the Premises Licence Holder; and
- (vi) A statement from Mr Hutchinson read to the Sub Committee by Mrs Chestnutt.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the application and the representations received.

Both parties were invited to make representations to the Sub-Committee in relation to the application. Both parties responded to members' questions and were given an opportunity to ask questions of each other.

In response to a questions raised by members of the Sub Committee, Mr Lawford, PC Barron, Mr Mrs Chestnutt, Mr Swan replied as follows:

Mr Lawford

- (a) It was not known whether a representative from Clapp's Convenience Store attended the launch of the Hayling Island Community Alcohol Partnership. However, Trading Standards would have visited the shop and left a retail pack;
- (b) The member of staff questioned on 2 July 2013 had not been trained;
- (c) It was not known if the store proposed further training or if Mr Podmore Wise had been trained;
- (d) The Closure Notice issued on 23 July 2013 related to the sale of alcohol and had been complied with;
- (e) each Premises Licence Holder was responsible for ensuring that all staff serving alcohol were trained: the form and level of training was also the responsibility of the Premises Licence Holder. Challenge 25 required that training should be recorded and that staff signed a declaration to show that they had received training;

PC Barron

- (f) the Police and Trading Standards would have visited the shop on 26 April at approximately 7.30 pm;



Mrs Chestnutt

- (g) was not present at the premises on 23 April so could not comment on the Trading Standard's comments relating to Mr Swan being under the influence of alcohol;
- (h) Although the parent company owned two premises, Mr Swan was the manager of Clapps Convenience Store;

Mr Swan

- (i) retired to bed at 8 pm everyday as he dealt with the paper deliveries every morning. He was therefore, in bed when Trading Standards and the Police visited his premises on 23 April: he was not under the influence of alcohol;

In response to questions raised by Mr Lawford, Mrs Chestnutt advised that:

- (a) it was acknowledged that training had not been recorded in the past: steps had now been taken to train staff and to record this training;
- (b) although she had not seen the action plan, she would not doubt its clarity: it was acknowledged that the plan was not followed. To correct these failings, Mr Swan would resign as the DPS and action would be taken to ensure compliance with the law in future;
- (c) Action would be taken to ensure that all refusals were recorded and the booked signed by the DPS: the refusals book would also record where people had been challenged but not refused;
- (d) A limited company owned the premises: Mr Swan and his ex wife were the directors of this company;
- (e) Mr Swan would continue to be involved with the paper deliveries and ordering stock.
- (f) Mr Sawyer would be required to be present at the shop for 40 hours a week. His job description would include a requirement that he ensured that the Challenge 25 policy was complied with;
- (g) The training of all staff to Level 2 Of BIIAB was not financially viable;
- (h) When Mr Sawyer became the Designated Licence Supervisor he would be able to train the staff to the appropriate level;

- (i) CCTV had been installed and the recordings were kept for 30 days on a rolling programme;
- (j) It was hoped that details of criminal records for Mr Sawyer would be received from Disclosure Scotland within the next seven days

Mr Thorne advised that all other documentation had been received from Mr Sawyer and subject to a satisfactory CRB check a licence could be granted within forty eight hours after the receipt of the CRB check. Mr Thorne raised some concerns about whether Mr Sawyer would be able to turn this problematical store around.

Mr Sawyer advised the Sub Committee that he had a lengthy experience in the licensing trade including working for Potter Snooker Club. He had also worked in a One Stop store and had been trained up to Level 3 with a view to becoming a Designated Premises Supervisor in the West Leigh One Shop Store.

In response to further questions from members of the Sub-Committee and Mr Thorne, Mr Swan, Mrs Chestnutt and Mr Sawyer advised that:

- (A) there would be 1 to 3 staff (including the manager) in the store at any time: after 6pm there would only be 1 member of staff to reflect the level of trade transacted;
- (B) there were approximately 10 to 15 refusals each week;
- (C) staff had been trained to challenge anyone who appeared to be under the age of 25; after discussing the matter with Mr Thorne, it had been agreed that all challenges would now be recorded;
- (D) after discussing the current practices with Mr Thorne, it had been agreed that a document showing all staff authorised to sell alcohol be displayed in the premises;
- (E) 25 to 28% of the shop's sales were alcohol related;

In his final submission, Mr Lawford drew the Sub-Committee's attention to the offences committed and the seriousness of these offences. With reference to the concerns raised by Mr Thorne, he raised doubts over whether the steps proposed by Mrs Chestnutt were sufficient to overcome the failings identified with the operation of the store. Mr Lawford suggested that if the Sub Committee was minded to grant permission, it should:

- (1) require all staff, who sold alcohol to be trained up to Level 2 BIIAB;
- (2) require the Designated Premises Supervisor to be trained to Level 2 BIIAB;

- (3) the licence should be suspended for a period of three months in view of the seriousness of the offences; and
- (4) the licence be amended to prohibit the sale of alcohol after 3pm to enable the licensee to demonstrate that the business was capable of selling alcohol legally.

Mrs Chestnutt in her final submission advised that:

- (a) Mr Sawyer had already achieved Level 3 BIIAB;
- (b) the licence holder would be able to ensure that all staff were trained to a sufficient standard without having to resort to formal training courses: the business could not afford to pay for its staff to attend the Level Two Course; and
- (c) the business was willing to work with Trading Standards and the Council's Licensing Officer to ensure that there were no further offences.

PC Baron advised that he nothing to add.

In response to further questions from members of the Committee, Mrs Chestnutt and Mr Swan advised that:

- (1) arrangements had been made with the other director of the parent company to ensure that she would cover for Mr Sawyer in his absence: these arrangements would be reviewed; and
- (2) the training requirements for Challenge 25 and the Licensing Act according to Mr Lawford were not complicated and formal training was not required as a norm: the business could not meet the cost of training all staff to level 2 (the average cost was £160 per person).

RESOLVED that:

- (A) provided that Mr Sawyer would become the Designated Premises Supervisor of Clapp's Convenience Store, 236 Seafront, Hayling Island and having considered the application for review by Hampshire County Council Trading Standards, the following steps be undertaken in relation to Clapp's Convenience Store:
  - (a) The premises licence be suspended for a period of fourteen days from the date this decision comes into effect under Section 52(11) of the Licensing Act 2003 (as amended)
  - (b) The premises licence be amended to include the following conditions:

- (1) In addition to the DPS, at least 1 member of staff who is authorised to sell alcohol at the premises will pass the Level 2 BIIAB Award for personal licence holders course or equivalent course within 3 months of today's date. Thereafter the member of staff will receive refresher training regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication, every 6 months. Records of this training will be kept which should be signed and dated by the member of staff who received that training. All training records will be made available immediately upon the request of Hampshire Constabulary or any other responsible authority. Training records will be kept on the licensed premises to which they relate for a minimum period of two years.
- (2) A written log shall be kept of all refusals of age restricted products, including refusals to sell alcohol. This log will also record the sale of alcohol where the Challenge 25 policy has been applied and the customer has then produced appropriate identification allowing the sale to conclude. The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the designated premises supervisor. The refusal log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any other responsible authority. Records of refusals will be retained for 12 months.
- (3) There will be a challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual who visually appears to be under the age of 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purpose of age verification will include a driving licence, passport or photograph bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.
- (4) A document prominently be displayed on the premises showing, who is authorised by the DPS to sell alcohol.

- (5) The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance and exit.
- (6) The premises shall have a CCTV system which shall include the following features:
  - (i) The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas;
  - (ii) CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
  - (iii) All equipment shall have a constant and accurate time and date generation.
  - (iv) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - (v) The premises licence holder must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with i.e. password protected.
  - (vi) Viewable copies of CCTV footage will be supplied to the police within 24 hours of their request. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
  - (vii) In the event of a technical failure of the CCTV equipment the premises licence holder or designated premises supervisor must report the failure to the police licensing unit within 24 hours.
- (B) In the event of Mr Sawyer not becoming the DPS, the application for review be brought to the Committee for further consideration.

The Sub Committee was satisfied that the above steps and additional conditions would adequately address the concerns raised by the Police and Hampshire County Trading Standards and were proportionate.

The Sub Committee was satisfied that the additional conditions were necessary to promote the following licensing objectives:

- (1) crime and disorder; and
- (2) protection of children from harm

**The meeting commenced at 10.00 am and concluded at 12.35 pm**

## HAVANT BOROUGH COUNCIL

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Licensing Committee

13 November 2013

Hackney Carriage Unmet Demand Survey

Report of the Licensing Officer

**For Decision:** Yes

**Environment and Neighbourhood Quality Portfolio: Councillor Collins**

**Key Decision:** N/A

---

### **1.0 Purpose of Report**

**1.1** The purpose of this report is to outline the findings of the unmet demand survey for Hackney Carriages which was conducted in July and August 2013

### **2.0 Recommendation**

**2.1** That members resolve to adopt one of the two options suggested in the report regarding the current limit of forty Hackney Carriage licenses issued by Havant Borough Council.

### **3.0 Summary**

**3.1** In order to retain a limit on the number of Hackney Carriage licenses issued by Havant Borough Council, Department for Transport (DfT) best practice guidance and previous case law requires that a survey is conducted to determine whether there is any latent or patent unmet demand within the area of the licensing authority.

**3.2** The survey was conducted during July and August 2013 by CTS Traffic & Transportation Ltd who have carried such surveys for many licensing authorities across the country.

**3.3** The final report of the survey concludes that there remains no unmet demand within the area of Havant Borough Council.

**3.4** The report is shown at appendix A.

### **4.0 Subject of Report**

**4.1** The final report of the survey concludes that there remains no unmet demand within the area of Havant Borough Council.

- 4.2** This enables Havant Borough Council, if it so wishes, to retain its current limit of forty Hackney Carriage licenses issued within its controlled district.
- 4.3** The report provides several options for members to consider. The options are shown on pages 75 and 76 of the agenda .

In brief:

- Option 1 – retain the limit of forty Hackney Carriage vehicles.
- Option 2 – remove the limit on the number of Hackney Carriage vehicles.

However, should the Licensing Authority remove the limitation, the current policy specifying the number of wheelchair accessible vehicles would no longer be appropriate. Further, with a unrestricted number of vehicles, it may be appropriate to reconsider the vehicle specifications. Should members prefer this option a further report will be brought back to Committee proposing a change in vehicle specifications and policy.

## **5.0 Implications**

### **5.1 Resources:**

No additional work created for HBC staff

### **5.2 Legal:**

The report enables HBC to comply with DfT best practice guidance

### **5.3 Strategy:**

No impact on HBC strategy

### **5.4 Risks:**

None for Havant Borough Council

### **5.5 Communications:**

Survey conducted amongst the service users and stakeholders

### **5.6 For the Community:**

None

### **5.7 The Integrated Impact Assessment (IIA) has been completed and concluded the following:**

Not required at this stage. The committee should have regard to the analysis of the impact of retaining or removing the limit on the number of hackney carriages set out on page 42 of the attached report.

Should the Committee opt for option 2 (removal of the limit), an assessment will be carried out and proposals will be made to the Committee on any changes that would be required to other existing policies.



## **6.0 Consultation**

As per the report at appendix A.

**Appendix A** – CTS Traffic & Transportation Ltd Unmet Demand survey report.

Agreed and signed off by:

Legal Services: 27/09/2013

Relevant Executive Head: 07/10/2013

**Contact Officer:** Steve Abolins  
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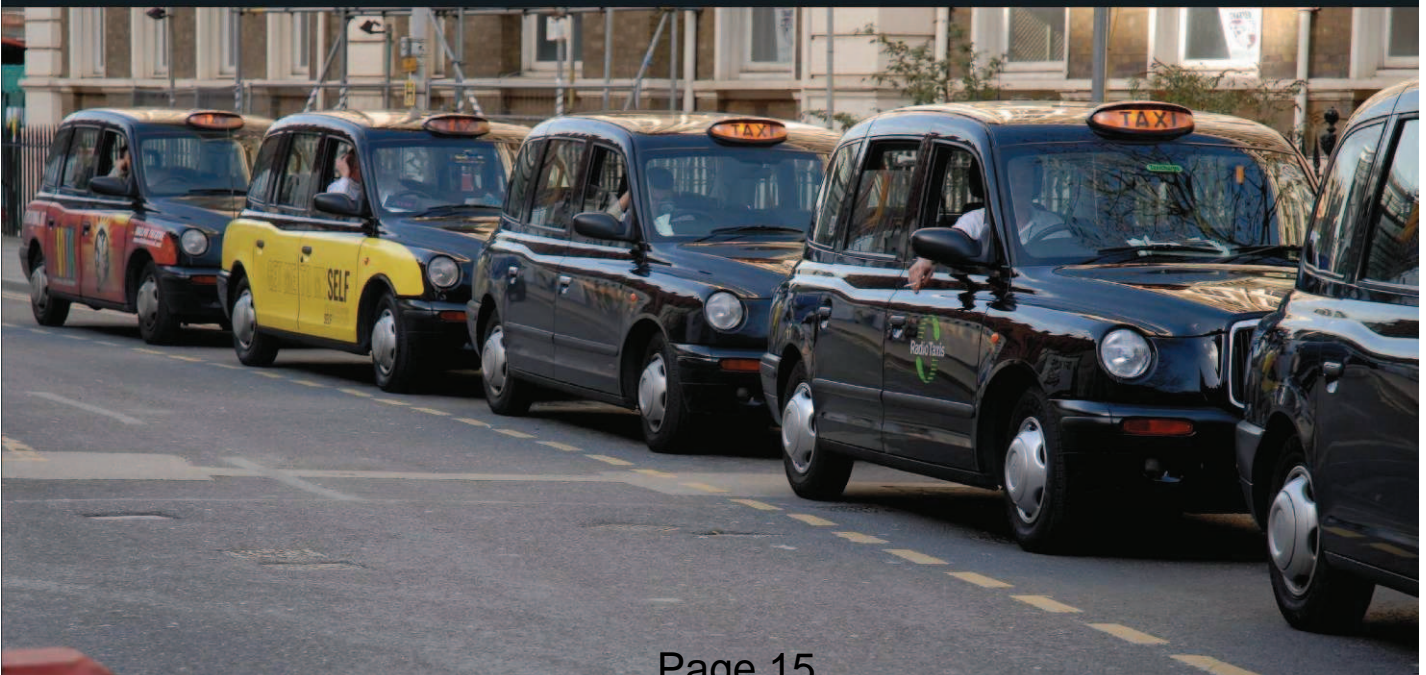
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THE DATA COLLECTION SPECIALISTS

**Havant Borough Council  
Hackney carriage unmet  
demand survey  
Final Report**

**September 2013**





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## **Data Quality Assurance:**

Report by: Ian Millership

Date: 10/09/13

Checked by: Joe Maclaren

Date: 11/09/13





## **Executive summary**

CTS Traffic & Transportation were appointed by Havant Borough Council to undertake a hackney carriage unmet demand survey on 8<sup>th</sup> April 2013. Rank survey work was undertaken in early July 2013, with licensed vehicle drivers consulted by letter / questionnaire during July, with other key stakeholder consultation between July and August. Public attitude information was also collected in the area in July 2013. The results will be presented to the licensing committee on 13<sup>th</sup> November 2013.

At the time of writing this Report, the limit on hackney carriage vehicle numbers stands at 40, with the last issue of plates (for wheel chair accessible vehicles only) first appearing in DfT statistics in 2005. There are presently seven such vehicles in the hackney carriage fleet. These 40 hackney carriages are supplemented by 507 private hire vehicles meaning the hackney carriages are 7% of the total licensed vehicle fleet. There is no double-shifting and an apparent shortage of drivers when both fleets are considered.

There are a large number of private hire companies, of which two are quite large, but many do not operate a public service (executive services), or operate very specific services such as airport trips. Local transport policy encourages the use of licensed vehicles as they can transfer journeys that would otherwise be made in full by car to a mix of public transport options.

There is a reference list to allow people to identify wheel chair accessible vehicles in both fleets by phone. Compared across Hampshire, Havant has a higher proportion of vehicles in the hackney carriage fleet than four other authorities.

In fare terms, Havant is 203<sup>rd</sup> equal of the 364 UK licensing authorities according to the August 2013 National Private Hire Monthly comparison table.

86 hours of rank observations were undertaken. Current annual observable hackney carriage demand, including a level of 0.5% hailing from the public attitude survey, is 99,000 passengers per year. This appears to be 90% of the level observed in 2003. All rank-based demand was observed at Havant station, a private rank administered by South West Trains at a supplemental fee. The busiest hour observed saw 22 vehicles depart from the station to meet demand. Even if vehicles took an hour to return this suggests the 40 vehicles are more than adequate to meet this, and any other demand that might arise in the near future. However, there was an issue of less vehicles serving late night demand on Friday and Saturday which did lead to some unmet demand, but not at a significant level.

300 persons were interviewed across the Havant area, in five different locations. Just 18% of those interviewed had used a licensed vehicle in the last three months. Across the area there are just 0.95 licensed vehicle trips per month, falling to just 0.1 for hackney carriages. 91% of those interviewed obtain licensed vehicles by mobile, smart or traditional phones, with only Havant seeing ranks as important. Despite the wide choice of companies available, private hire company usage seems restricted to a small number. Despite low usage, people appear well aware of the hackney carriages, and most know the station rank at Havant.

There were no real issues with the service provided. The only indication was that, were the hackney carriage fleet to be more obvious (by having other ranks to use and a wider telephone availability), people might use them more. Just one person had given up waiting for a hackney carriage in the area, but at a little used rank in Leigh Park.

Most key stakeholders use the services of private hire companies, including white ticket work for the railway company. There are no night clubs in the area and most public houses see customers travel home by pre-booking private hire vehicles. The police would like to be better able to clear volumes of people returning home between 23:00 and 01:00 at weekends, but both police and others though preferring to see ranks found it hard to identify suitable locations – with Emsworth being at the top of those expressing any preference. The other rank suggestion was St George’s Church, Waterlooville.

One disability representative provided information but was keen to work with the licensing section and trade further to encourage better access to the vehicles that were available.

A 22% response was received to the postal trade questionnaire, a good response. Average hackney carriage experience was 12 years in the trade. Average working weeks were six days and 57 hours, although some quoted 90-hour weeks. Many pointed out Havant station was the only practical rank and that its capacity was limited to half the available fleet.

90% of the trade responding said it was appropriate to retain the current limit on vehicle numbers. Were the limit removed, 62% said they would leave the trade.

**The key conclusion is that there is no evidence of any significant unmet demand for the services of hackney carriages in the Havant Borough Council area. The council can therefore retain the current limit and this would be defensible if challenged.**

Other actions are listed in the detail in the recommendations chapter.

# **1. Introduction**

Havant Borough Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the council area. The licensing authority has a limit on the number of hackney carriage vehicle licences since at least 1994 (with no detailed information available from the 2005 DfT survey information). The most recent survey of demand for hackney carriages was undertaken in 2003.

## **Study timetable**

Havant Borough appointed CTS Traffic and Transportation on 8<sup>th</sup> April 2013 to undertake this independent hackney carriage research in line with our quotation dated February 2013.

The review was carried out between April and August 2013 with survey work undertaken in July 2013 (rank surveys being requested to cover the Summer period). Licensed vehicle drivers were consulted by a letter sent out during July 2013, with other stakeholder consultation between April and August. A draft final report was submitted and this was reviewed in early September 2013 to identify any factual or missing issues. The Final Report will be presented to the Licensing Committee on 13<sup>th</sup> November 2013.

## **National background and definitions**

At the present time, hackney carriage and private hire licensing is carried out under the Town Police Clauses Act 1847 (as amended by various further legislation including the Transport Act 1985, especially Section 16) in regard to hackney carriages and the Local Government (Miscellaneous Provisions) Act 1976 with reference to private hire vehicles. A number of modifications have been made within more recent legislation and through case law.

The issue of limits on hackney carriage vehicle licences (and other potentially restrictive practices) were considered by the Office of Fair Trading (OfT) (and latterly the House of Commons Select Committee on Transport). The Department for Transport most recently published Best Practice Guidance in April 2010 to cover a number of more recent issues and take on board both the recommendations of the OfT and House of Commons Select Committee (HoC SC). More recently a further HoC SC has led to the Law Commission (LC) taking on a wide ranging review of vehicle licensing law to be completed over the next few years. The consultation document from the LC was released in mid-May 2012 and the initial consultation period is now closed.

The Law Commission published an interim statement in early April 2013, one of whose points was that "we no longer recommend abolishing quantity controls" (paragraph 6), although the statement is clearly noted as not being their final set of recommendations which will be published towards the end of 2013. This was published shortly after the Department for Transport published the government response to the LC consultation and we understand DfT will not provide any government response to the LC interim statement.

At the present time, each licensing authority in England supervises the operation of two different kinds of licensed vehicle. Firstly, all vehicles able to carry nine or more passengers are dealt with under public service vehicle licensing and licensing authorities only have jurisdiction over those carrying eight or less passengers. These vehicles are further subdivided into:

- Hackney carriage vehicles (sometimes referred to as 'taxis' in legislation), which alone are able to wait at ranks and pick up people in the street (ply for hire). To operate such a vehicle also requires a driver to be licensed to drive within the area the vehicle is licensed to operate
- Private hire vehicles, which can only be booked through an operating centre and who, otherwise, are not insured for their passengers (often also known as 'taxis' by the public). To operate such a vehicle requires a vehicle and driver licence, and there must also be an affiliation to an operator. Such vehicles can only transport passengers who have made bookings via this operator.

For the sake of clarity, this report will refer to 'licensed vehicles' when meaning hackney carriage and private hire collectively, and to the specific type when referencing either specific type of vehicle. The term 'taxi' will be avoided as far as possible, although it has to be used in its colloquial form when dealing with the public, few of whom are aware of the detailed differences.

### **Review aims and objectives**

Havant Borough Council is seeking a review of their current policy towards hackney carriage quantity control in line with current Department for Transport (DfT) Best Practice guidance as published in April 2010. Further background information about previous policy is contained in Chapter 2 to set the context of the current situation.

The "Best Practice Guidance" paragraph 47 states: "Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered...." Recent information suggests that some 75% of licensing authorities in England and Wales either have never limited numbers, or have removed their limit since the OfT published its results. Around 95 authorities currently retain a limit – although a small number have over recent years returned the limit on vehicle licences (notably including Sheffield and Birmingham, but also including Slough, Derbyshire Dales, Wirral, Watford and Chesterfield).

Havant Borough Council requires this review to make recommendations on what policy the Council should retain or adopt, considering the whole range of policy options open to the Council. This review report must contain reasoned, recommended policy options for the Committee to consider. Recently, it was agreed that in order to retain the limit on hackney carriage vehicles numbers a current survey was required.

Our study has the following objectives:

- To assess and advise on taxi provision in Havant licensing area;
- To assess and advise on whether or not there is currently an appropriate balance between the numbers of private hire vehicles and Hackney Carriages in Havant licensing area;
- To assess and advise whether or not there is any significant unmet demand (including both on-street and latent demand) or oversupply of Hackney Carriages within Havant licensing area, as set out in Section 16 of the Transport Act 1985;
- To assess whether there is an over or under supply for wheelchair users and those with mobility impairment;
- To assess the current patterns of taxi use, including tourists, seasonal variations and any changes since the previous survey arising from the relaxation of pub and club trading hours and the impact of the recession;
- To suggest improvements to the service, re: sufficiency and location of ranks and wheelchair accessible vehicles
- If there is any significant unmet demand, to identify how many new licenses are required to satisfy that demand
- To provide evidence to assist the licensing authority to ensure safe journeys at a transparent price
- Provide a quality service to the public.

Our research focusses on:

- customer need and expectation
- the existence and significance of unmet demand
- service quality
- safety
- vehicle types
- vehicle designs
- accessibility

Target groups include:

- customers
- potential customers
- individuals
- groups
- organisations on whom the hackney carriage service impacts
- other persons with whom the hackney carriage trade interacts.

### **Methodology**

In order to meet Havant Borough Councils' objectives, the following methodology was adopted:

- Review of relevant policies, standards etc: to understand the authority's aspirations for meeting travel needs and social inclusion and provide context to determining overall demand for travel and how this should be met;
- Extensive rank observations and audits: of all the ranks in the Authority, including monitoring passengers' waiting time, any illegal plying for hire, use of Hackney Carriages by wheelchair users and rank audits;
- On street interviews: a survey of 300 representative people on street to obtain information about their understanding of the sector, their last taxi journey, their overall levels of taxi use, about quality and barriers to use;
- Consultation: including consultation with all relevant stakeholders – the local authorities, police, trade associations, all drivers, mobility impaired, specific user groups, businesses, and other major generators of taxi trips, and
- Benchmarking against other authorities: to provide a useful comparison as to the quantity of hackney carriages and private hire vehicles.

### **Report structure**

This Report provides the following further chapters:

- Chapter 2 – current background to taxi licensing statistics and policy
- Chapter 3 – results from the rank surveys
- Chapter 4 – results from the surveys undertaken with the public
- Chapter 5 – up to date stakeholder consultation
- Chapter 6 – results from consultation with the taxi licensing trade
- Chapter 7 – consideration of the responses to BPG paragraph 47 and Annex A questions
- Chapter 8 – a review of options relating to the Equality Act
- Chapter 9 – summary and conclusions of this review
- Chapter 10 – recommendations for policy arising from this review.

## **2. Background to taxi licensing in Havant**

### **The Havant Borough Council area**

Havant Borough is one of eleven councils within the county of Hampshire. Interim data from the 2011 census projected suggests the current 2013 population for Havant is 121,444 (the latest Havant Borough web figure quoted is 120,700). Amongst the eleven districts, Havant is fourth in population terms – and very close to the average district population for Hampshire.

Havant Borough licensing area covers a mainly urban area with the principal centre being Havant itself, although this area has several districts including Leigh Park, West Leigh, Denvilles, Langstone and Bedhampton amongst others. However, it also includes the large urban settlement of Emsworth to the East, and a large urban agglomeration to the West of the A3(M) including Waterlooville, Purbrook and Cowplain. Finally, the Borough includes Hayling Island and several islands in Langstone Harbour. The whole district covers some 30 square miles.

### **Background Council policy**

Havant Borough Council has several background policies underpinning the various strategies for the area. The Havant Borough Local Plan Core Strategy was adopted on 1 March 2011 and runs to 2026.

The Borough has transport policies described in the latest Hampshire Local Transport Plan. This document contains details of the overall background policies both for environmental as well as transport policy. The latest, third, Local Transport Plan (LTP3), covers the fifteen year period from 2011 to 2026, and operates using a three year implementation plan, the current of which covers 2011 to 2016 and was last rolled forward on 2 April 2013.

Hampshire was the Transport County of the Year in the National Transport Awards 2012, and both the county and its district are well forward with obtaining community infrastructure levies from Section 106 Agreements. Each borough has its own Transport Statement covering its area within the context of the LTP. The key LTP aim is to support the sustainable growth and competitiveness of the local economy.

The LTP provides the background that every day in Hampshire some 650,000 people travel to work, 200,000 travel to education,  $\frac{3}{4}$  of a million shop and 13,500 arrive as tourists across the area. The LTP seeks to ensure that all these people are able to reliably get to places, choose if, when and how to travel, do so safely and as far as possible enjoy their journeys. In developing Town Access Plans and District statements, the county and local authorities work with a wide range of stakeholders. The overarching aim is "safe, efficient and reliable ways to get around a prospering and sustainable Hampshire".

Across the county, Hampshire supports 17 taxi / car share schemes. This is seen as providing a safety net for people. Travel planning is encouraged, including use of taxis to complete journeys that would otherwise be undertaken in full by car.

Havant is part of the South Hampshire area, where overall planning is covered by Transport for South Hampshire (TfSH). Policy I "encourages private investment in bus, taxi and community transport solutions"- the measures done in support of taxi services include suitably located taxi ranks, and delivery of station Travel Plans.

The Borough also has a Transport Statement (TS), published in September 2012, valid till 2026 but being regularly updated. This confirms that the area is within the Solent Local Enterprise Partnership (LEP) and that the statement draws together aims from the LEP as well as items from the latest Local Development Framework (LDF). The main two developments that will add to transport pressures in the area are those West of Waterlooville and at Dunsbury Hill Farm. There is also an updated spatial strategy for the South Hampshire area led by a partnership known as the Partnership for Urban South Hampshire (PUSH). A sub-regional traffic model is also available to test any changes or impact on the road infrastructure (SRTM). The TS comments that some bus links have become 'call and go' whilst some are provided by taxi or community link options. Station Travel Plans are being developed for Havant and Bedhampton whilst improvements are planned for walking links between Havant railway station and bus station. No specific taxi schemes are identified.

### **Policy of restricting hackney carriage vehicle licences**

Havant Borough Council has a power to restrict the number of hackney carriage vehicle licences it grants when it is satisfied there is no unmet demand for the services of hackney carriages which is deemed to be significant. This power has been in this format since the introduction of the 1985 Transport Act, Section 16 (before which the power to limit was unfettered).

The Department for Transport statistics do not give a date for the start of the policy, but this has clearly been in place since the start of their statistics in 1994. The most recent survey of demand reported in September 2003.

Considering the 2003 survey, some 360 hours of rank demand data were collected, with just over 500 public attitude surveys and discussion with key stakeholders. Rank work occurred between April and May 2003 and covered some 9 locations, with between 35 and 57 hours of observations at each location.

86% of all passenger departures were from Havant station. Of all the ranks observed, just four were used, with Market Parade, North Street seeing the next most (10%), then Market Parade, Havant Park (3%) and Leigh Road, Havant (1%).



The other five, unused ranks, were all on Hayling Island. No significant unmet demand was identified, but it was recommended that more wheel chair accessible vehicles were needed. Six further ranks were suggested, five in the smaller settlements in the area.

These results are compared to the 2013 survey in Chapter 10.

The current survey has been undertaken following a verbal consultation with hackney carriage drivers at Havant station, where 14 all agreed it was legally necessary for a new survey to be undertaken.

### Background statistics

Information was obtained to demonstrate the current make-up of the licensed vehicle fleet in the Havant Borough Council area, including current vehicle trends. The table below shows the historic level of vehicle numbers in this area.

	Hackney carriage vehicles	Private hire vehicles	Total licensed vehicle fleet	Driver numbers			Comment
				hcd	Phd	Dual	
DfT data gives no date for start, at least 1994							
<b>1994</b>	35	unknown	n/k	551	0	0	
<b>1997</b>	35	377	412	0	0	550	
<b>1999</b>	35	468	503				
<b>2001</b>	35	510	545				
<b>2004</b>	35	445	480				
<b>2005</b>	40	426	466	0	0	589	50 ops
<b>2007</b>	40	426	466	0	0	589	50 ops
<b>2009</b>	40	419	459	0	0	548	55 ops
<b>2010</b>	40	438	478				n/a
<b>2011</b>	40	425	465	0	0	523	51 ops
<b>2012</b>	40	483	523				n/a
<b>2013</b>	40	460	500	0	0	499	51 ops
<b>2013 (Aug)</b>	40	507	547	0	0	505	53 ops

*Note: DfT statistics used from 1994 to 2009 and 2011/3.*

*National Private Hire Association survey for 2010, Council statistics at start of study for 2013 (as at 19 August)*

The above figures show the policy of restricting hackney carriage plates has seen just one increase, of five plates, following the 2003 study. These plates were wheel chair accessible vehicles as recommended by that study.

Private hire vehicles have increased by one third during the 1997 to 2013 period, although they are currently just two above the highest level of 545 reached in 2001. The proportion of the fleet that is hackney carriage has fallen marginally from nearly 9% in 1997 to 7% now, not a significant change.

During the same period, driver numbers have remained remarkably consistent. In 1997, there were a total of 550 drivers, very similar to the latest 505. The number of drivers has only varied between 499 and 589 over the whole period of DfT holding statistics, a significantly stable situation. Despite the fact that all drivers are “dual” the Council is also able to readily differentiate those that drive hackney carriages from those whose main driving is of private hire vehicles. There are a large number of private hire operators – never less than 50 and currently at the high of 53. From an initial review, there are around 8 executive operators, six who appear to focus on airport work and ten who operate under a number of names. From all the companies, there is one very large company with about two fifths of the vehicles, and another with just over a tenth of the fleet. None of the companies have readily accessible offices, most being based in trading estates.

In the hackney carriage fleet, there is one owner with ten of the vehicles – a quarter of the fleet – and four of the seven WAV vehicles are within this fleet. A small number of the fleet operate on a radio circuit (Havant Cabs) who are advertised by the formal rail taxi web-site, traintaxi.co.uk as being available for three of the four Havant Borough stations.

### **Comparative information**

The Table below compares recent licensed vehicle numbers for other Hampshire authorities, based on the latest 2013 DfT information. The table is listed with the lowest provision of hackney carriages (hcv) per thousand of population at the top of the table. At council request, we have added Arun and Southampton into the comparison.

<b>Area</b>	<b>Popn (2013 000)</b>	<b>No of HCV  (% WAV)</b>	<b>HCV per 1000 popn</b>	<b>No of PHV  (% WAV)</b>	<b>PHV per 1000 popn</b>	<b>Total veh</b>	<b>Total veh per 1000 popn</b>
Test Valley (L)	118	36 (33)	0.3	143 (0)	1.2	179	1.5
Havant (L)	121	40 (18)	0.3	507 (5)	4.2	547	4.5
Basingstoke and Deane	173	66 (100)	0.4	273 (1)	1.6	339	2.0
New Forest	180	124 (31)	0.7	268 (13)	1.5	392	2.2
Gosport	84	56 (30)	0.7	72 (3)	0.8	128	1.5
Eastleigh	128	105 (8)	0.8	444 (13)	3.5	549	4.3
East Hampshire	117	107 (4)	0.9	201 (54)	1.7	308	2.6
Winchester	118	114 (60)	0.9	150 (0)	1.3	264	2.2
(Southampton)(L)	241	283 (25)	1.2	572 (7)	2.3	855	3.5
Rushmoor	95	153 (100)	1.6	69 (1)	0.7	222	2.3
Hart	93	161 (2)	1.7	83 (0)	0.9	244	2.6
(Portsmouth)(L)	139	234 (36)	1.7	941 (3)	6.8	1175	8.5
(Arun)	153	294 (2)	1.9	30 (0)	0.2	324	2.1
Fareham	114	230 (4)	2.0	61 (0)	0.5	291	2.5
<b>Hampshire Average</b>	<b>122</b>	<b>108 (35)</b>	<b>0.9</b>	<b>206 (8)</b>	<b>1.6</b>	<b>310</b>	<b>2.6</b>
<b>Average all above</b>	<b>139</b>	<b>143 (32)</b>	<b>1.0</b>	<b>272 (7)</b>	<b>1.8</b>	<b>412</b>	<b>2.8</b>
<b>England average(2013)</b>		<b>(43)</b>	<b>0.9</b>	<b>(4)</b>	<b>1.8</b>		<b>2.8</b>

*Note: Population values are 2013 estimates from the 2011 new census 2011 figures in thousands. Hackney carriage vehicle (HCV) and private hire vehicle (PHV) numbers are from 2013 DfT survey WAV = wheelchair accessible vehicle L = limits retained on vehicle numbers, ( ) are areas outside geographical county requested for comparison by Council.*

In 2013, Havant retains a limit alongside Test Valley, Portsmouth and Southampton Councils within the comparator set. Just Basingstoke and Rushmoor have 100% wheel chair accessible vehicle fleets – and Southampton still only has a quarter of its fleet wheel chair accessible.

The level of hackney carriage per thousand of population for Havant Borough is well below the average of 1 vehicle per thousand of population for the comparator set, and beneath the national average (excluding London) for 2013 of 0.9. However, Basingstoke and Deane, which removed its limit around two years ago, still only has a value of 0.4. Fareham, with two hackney carriages for every 1,000 persons in the resident population, has the highest provision.

In terms of private hire vehicles and overall licensed vehicle fleet, Havant (with 4.5 total licensed vehicles and 4.2 private hire vehicles per thousand of population) has well above the average of 1.5 to 1.6 (for the average of set and Hampshire respectively), and 1.8 nationally. Havant has both the second highest level of private hire vehicles in the set of authorities compared and the second highest overall licensed vehicle fleet per thousand of population (only to Portsmouth). This suggests a significant dominance of private hire in this area – and a much higher provision that would be expected.

In terms of wheel chair accessible vehicle percentages in the hackney carriage fleet, Havant is half the Hampshire average (although this is partly biased upwards by two authorities that are fully wheel chair accessible). Interestingly, the Hampshire average is the level it is expected might be set by were the Equality Act s161 to be applied. Four other Hampshire authorities and another authority in the comparator set have a lesser proportion of wheel chair accessible vehicles – four of which have 4% or less of their fleet wheel chair accessible compared to the 18% for Havant (almost 1 in 5 vehicles).

Havant therefore has a high provision of licensed vehicles in the area, but a low proportion as hackney carriage, and a moderate proportion of the hackney carriage fleet wheel chair accessible.

### **Vehicle Accessibility**

As noted above, the current level of wheel chair accessible vehicles in the hackney carriage fleet is moderate, with a small percentage of such vehicles in the private hire fleet there is an overall level of 6% in the total licensed fleet in 2013. There is also a list provided of all the wheel chair accessible vehicles in both fleets, although there is one operator with most of the private hire provision.

This could be an issue were Section 161 of the Equality Act to be implemented and Havant Borough retains its limit on hackney carriage vehicle numbers. This is considered further in Chapter 8.

## ***Driver ratios***

At the present time, there are 505 dual drivers for 547 vehicles. There is clearly no double-shifting and some issue that vehicles may not be in regular use, which could partly relate to the executive market where several vehicles may be owned for different purposes – although there also does appear to be a very tight market for drivers (which seems to have been the case since 2012).

## ***Fares***

Using the latest Private Hire and Taxi Monthly fare averages (August 2013) Havant Borough Council fares (currently £5-40 for a 2 mile tariff 1 fare) rank 203<sup>rd</sup> equal of the 364 fares authorities in England, Scotland and Wales. 23 other authorities share this fare level, including Fareham and Test Valley within Hampshire, several other South East authorities, Cardiff and four Scottish authorities.

In terms of national fares, the highest fare at August 2013 was £8 and the lowest £2-80 for the 2 mile tariff 1. The national average fare is £5-55, some 3% higher than the current Havant fare, whilst the average 'South' regional fare is £6-06, some 11% more. The Hampshire average fare is £5-89, or 8% more than that for Havant. The level of fare set (last increased in 2008) therefore appears generally a little below average.

### **3. Results from rank surveys**

The Table below shows the result of our review of the ranks available in Havant Borough. At the time of the last survey, there were eight formal Council ranks and the private rank at Havant railway station. Of these, four ranks no longer exist.

During the course of our research a bye-law was identified listing some 13 ranks, many of which are now non-existent (and may have existed at the time of the previous survey). Of these, three formally remain on Hayling Island, one is not formally appointed, and two other ranks are formally appointed, whilst a further private rank at Emsworth station is listed. The bye-law made it clear that drivers had to seek permission from the "British Rail Board" to ply for hire at both station ranks even though they were listed in the council bye-law.

A walk-round review was also undertaken as part of our preparation for the tender, and some information from this is included below, together with information provided at the Inception meeting. In general, however, only the rank at Havant station sees regular use by vehicles or customers, although it is important that overall provision over time is documented to clarify if any latent demand might be present. We do not believe there are any other ranks within the Borough Council area.

<b>Rank / operating hours</b>	<b>Spaces (approx)</b>	<b>Comments</b>
<b>Havant ranks</b>		
Leigh Road	2	Opposite side from main station rank, TRO reconfirmed 6/5/1994 and still marked – little used, on current list
Market Parade	4+4	Two ranks, both in bus lay-bys, surveyed and used in 2003, last section removed in December 2012. May be possible to return a rank into this road.
North Street near Six Bells	4	Removed
West Street near St Faith's Church	n/a	Possible location for new rank
Bus Station, Elm Lane	n/a	Possible location for new rank
<b>Hayling Island ranks</b>		
Beachlands	3	Remains marked but little used
Ferry Boat Inn	4	Remains marked but little used
Creek Road	2	Remains marked but little used, original buildings that provided use removed, not on current list
Sea Front, Eaststoke Corner	2	Though in bye-law and on current list, unable to identify location
<b>Waterlooville ranks</b>		
Rockville Drive Car Park	1	Marked but no TRO and not enforceable, little used, but on current list
London Road	2	Surveyed in 2003 but lost when road became bus only
Hambledon Road, near St George's Church	n/a	Possible location for new rank
<b>Leigh Park ranks</b>		
Somborne Drive, West side	3	Eastern end of Greywells Pedestrian precinct, in bye-law but no longer appears to exist, was given TRO on 13 Jan 1995
Park Parade, South side	2	Near Leigh Park library, still appears on streetview, in bye-law, given TRO on 13 Jan 1995 – possible this location might be made to work as active rank.
<b>Emsworth ranks</b>		
High Street or Nile Street	n/a	Possible new rank locations
<b>Private ranks</b>		
Havant railway station – all hours	18	Only active rank identified – permit needed from rail operator
Emsworth railway station – all hours	3	No longer marked – listed in Bye-law but on private land

Surveys were proposed during the tender stage of the project (as informed by our walk-round review), and were modified at the inception meeting to take account of current expectation of times of use of ranks and informal rank locations. The Table below shows the actual hours observed, using video methods with the recordings observed by trained staff, and analysed to provide details of the usage and waiting times for both passengers and vehicles. Passenger waiting time was kept to that which was true unmet demand, ie when passengers were waiting but no hackney carriage vehicle was there.

Location	Day / date (all 2013)	Time observed	Total hours observed
<b>Hayling Island ranks</b>			
Beachlands	Friday 5 <sup>th</sup> July	11:00 to 21:00	10
Ferry Boat Inn	Friday 5 <sup>th</sup> July	12:00 to 20:00	8
<b>Waterlooville ranks</b>			
Hambledon Road (potential rank)	Saturday 6 <sup>th</sup> July	09:00 to 21:00	12
<b>Leigh Park ranks</b>			
Park Parade	Saturday 6 <sup>th</sup> July	08:00 to 20:00	12
<b>Emsworth ranks</b>			
High Street / Nile Street (potential rank)	Friday 5 <sup>th</sup> July	17:00 to 01:00	8
<b>Private rank</b>			
Havant Station	Friday 5 <sup>th</sup> July	10:00 to 03:00	17
	Saturday 6 <sup>th</sup> July	07:00 to 02:00	19
<b>TOTAL HOURS</b>			<b>86</b>

Full details of the observed volumes of passenger and vehicle traffic are included in **Appendix 1**. The survey comprised some 86 hours of observation. There are no feeder ranks in the licensing area which required additional cameras or observation that was not visible from the main camera position at any site.

The Table below summarises the time periods observed at each locations as well as providing overall operational statistics for each location during each period of observation. A detailed description of the observations follows below.

Rank	Period (2013)	Total passengers observed	Total loaded vehicle departures	Passengers per loaded vehicle	Empty vehicle departures	% of vehicles leaving empty	No. of passengers having to wait for vehicle to arrive
<b>Private rank</b>							
Havant Station	Friday 5 <sup>th</sup> July 10:00 to 03:00	270	183	1.5	5	3	27
	Saturday 6 <sup>th</sup> July 06:00 to 02:00	311	186	1.7	57	23	57

### **Havant Station rank**

This rank is provided by the South West Trains railway operating company on Network Rail land, and needs a supplementary permit for use. This is confirmed by reference to needing this permit in the hackney carriage by-laws. Permits are either available (at a slightly discounted rate) through the local taxi association, or direct from South West Trains. Most, but not all, hackney carriages have these permits.

The rank was observed from 10:00 on Friday 5<sup>th</sup> July through to 02:00 on Sunday 7<sup>th</sup> July.

#### *Friday observations*

On the Friday a total of 270 passengers used the rank, with average vehicle occupancy being 1.5 passengers. Just five vehicles left without passengers (3% of vehicles serving the location). Some 27 passengers were observed arriving when vehicles were not available at this location (see further discussion below).

Over the 16 active hours observed, there were on average 17 passengers per hour. The rank was active from when we began observations through to 01:30 when it became quiet (the last train from London arrives at 01:21), and two vehicles left empty at that point. There were just two hours when there were 31 passengers – 19:00 and 23:00. There were just four other hours when passenger numbers were over 20 – not particularly high levels of demand.

However, for the top three hours, and for the midnight hour with 20 passengers, some people arrived when vehicles were not immediately available at the rank. In the 19:00 hour, one person had to wait two minutes. In the 22:00 hour, ten waited (but none more than four minutes). In the 23:00 hour, five waited, but for more than two minutes.



The worst waiting was in the midnight hour when the longest wait was 18 minutes, and in total 11 people waited on average six minutes (when shared out between all passengers travelling in that hour). Over the full day, the 27 people waiting typically experienced just under a six minute wait, although this reduced to just 35 seconds when shared over all the passengers travelling.

Maximum vehicle waits for fares were generally not too high – the worst being mid-morning when a vehicle had to wait 47 minutes for a fare. Daytime maximum waits otherwise varied from 11 to 35 minutes, though after 19:00 vehicle maximum waits reduced to 6 to 24 minutes, with average waits for a fare in this period between just under two and 11 minutes. This possibly arises from less vehicles working in evenings.

Overall service to this rank on the Friday was **good**

#### *Saturday observations*

On the Saturday a total of 311 passengers used the rank, with average vehicle occupancy higher than Friday at 1.7 passengers. Some 57 further vehicles left without passengers (23% of vehicles serving the location) – much higher than on the Friday. On this day, some 57 passengers arrived at the rank when no vehicles were waiting to collect them (see further discussion below).

Over the 20 active hours, there were on average 16 passengers per hour – marginally less than on the Friday. The rank was active from 06:00 through to 02:00 when it became quiet, although at this point 5 vehicles left empty. Similarly to the Friday, two hours had peak passenger flows of 31 persons, being again at 19:00 but also in the midnight hour (an hour later than on Friday). Just two other hours saw more than 20 people (17:00 and 23:00).

Some 57 passengers arrived when no hackney carriages were available at the rank. The passenger queues occurred over four consecutive hours, from 22:00 onwards until the end of service at the rank. However, not everyone had to wait, with nearly two-fifths not having to wait even during these four hours. The average wait on the Saturday, when shared between all passengers using this location averaged just over 1 minute. For those waiting, the average was just under six minutes. The longest wait experienced was 16 minutes. This suggests the number of vehicles serving the late Saturday night demand may well be less than that on the Friday.

Vehicle waits for passengers are high during Saturday daytime hours, with four hours seeing maximum waits over an hour. From 17:00 to 22:00, maximum waits fell to between 24 and 37 minutes. After 23:00, the longest a vehicle waited was eight minutes, with average vehicle waits down to a few minutes.

Overall service to this rank on the Saturday was **good**.

## **Other ranks**

As noted above, three other ranks and two potential rank locations were observed for periods when it was expected they may see usage by either vehicles or passengers. No significant use was identified of any of these locations. Further details are given below by location. Some other rank locations remain marked but our best information suggested none were in any regular use and had probably not been used for some time for a mix of reasons, including closure of nearby facilities and negligible demand for a turn up and go service.

## **Hayling Island ranks**

### *Beachlands*

This rank was observed on Friday 5<sup>th</sup> July 2013 from 11:00 to 21:00. No passengers or hackney carriage vehicles stopping were observed all day.

### *Ferry Boat Inn*

This rank was observed on Friday 5<sup>th</sup> July 2013 from 12:00 to 20:00. No passengers or hackney carriage vehicles stopping were observed all day. A car parked in the space for 30 minutes at 15:50 but otherwise the rank was available for use. Corroboration was provided by a member of the local pub staff saying they were not aware of a rank nearby, nor did they ever see hackney carriages waiting anywhere near their location.

## **Waterlooville**

### *Potential rank – Hambledon Road*

This location was observed on Saturday 6<sup>th</sup> July 2013 from 09:00 to 21:00. No passengers or hackney carriage vehicles were observed all day, although the bays were used as a drop off / pick up point for private vehicles and private hire cars, and occasionally private hire vehicles would stop for some minutes before driving off, presumably waiting for fares to be radioed through. At no time did any passengers board these vehicles at this location.

## **Leigh Park ranks**

### *Park Parade rank*

This rank, near the library, was observed from 08:00 to 20:00 on Saturday 6<sup>th</sup> July 2013. No passengers or hackney carriage vehicles stopping were observed all day.

## **Emsworth ranks**

### *High Street / Nile Street potential rank location*

This location was observed on Friday 5<sup>th</sup> July 2013 from 17:00 to 01:00. No passengers or hackney carriage vehicles stopping were observed all day. No significant private hire activity was noted. Two local pubs suggested a rank might be useful in Emsworth but both thought it would be hard to find a location, and even harder to encourage vehicles to wait there with the low level of demand likely.

### Comparison of overall supply and demand

The Table below provides a slightly different summary of supply and demand, comparing average vehicle arrivals per hour with average loaded departures per hour, ie seeing how supply and demand match on average.

Rank	Period	No of hours rank operated	Average vehicle arrivals per hour	Average loaded departures per hour	Overall judgment of service provided
Havant Station (private)	Friday 5 <sup>th</sup> July 2013, 10:00 – 03:00	(16)	12	11	Good
	Saturday 6 <sup>th</sup> July 2013, 06:00 to 02:00	20	12	9	Good

Note: ( ) is hours observed, rank was almost certainly active earlier.

These figures suggest that there is a fairly close match between demand and supply at this rank, but that there is more spare capacity on a Saturday than on the Friday, based on the average figures used. Given that this is the only active rank, and that there are 40 hackney carriage vehicles, the overall level of demand for their services is clearly vastly outweighed by the number of vehicles. For example, if a typical return trip in the area returns a vehicle to the rank every hour the observed demand – even at the peak of 22 vehicle departures – could still be met by just over half the available fleet.

### Comparison of total demand with previous survey

The table below calculates a typical week from the observations undertaken in 2013. Ranks are listed in descending order of usage and where possible compared to 2006 by factoring those results.

Rank	Passengers per week, 2013 survey	2003 survey (approx. wkly est)
Havant Station	1884	1815
Market Parade (both ranks)	n/a	259
Leigh Road, Havant	Not used	28
Beachlands, Hayling Island	0	0
Ferry Boat Inn, Hayling Island	0	0
Eastern Beachlands, Hayling Island	Removed	0
Creek Road, Hayling Island	Not used	0
Hambledon Road, potential rank Waterlooville	0	n/a
London Road, Waterlooville	Removed	0
Park Parade, Leigh Park	0	n/a
High Street / Nile Street, potential rank, Emsworth	0	n/a
<b>Total</b>	<b>1884(100)</b>	<b>2102(100)</b>

Note – surveys only compared where possible due to changes in ranks surveyed. Total includes all observations at relevant points as available, 2003 factored to full week from detail available (limited).

Compared to 2003, demand has reduced by around 10%, although the number at the station has increased marginally (4%). In the same period, rail usage statistics (see later Chapter) suggest rail patronage at Havant has increased by around 11%.

The only other rank that saw significant use in 2003, at Market Parade, was removed in late 2012 although it is understood it only saw occasional use – although this might suggest that if it did exist, demand might be very similar to 2003. This level of observable demand for hackney carriages equates to 99,000 passengers per year, or some 65,000 hirings per year – around four per vehicle per day – a very low level of usage.

### **Level of hackney carriage vehicle activity**

Of the 40 hackney carriage vehicles, 11 were observed at the station in one visit when attending the Inception meeting. Sample observations during the rank survey saw five vehicles at 08:30 on the Friday, six at 16:40 (two of which were the same as those seen in the morning), and just three on Saturday late evening (21:30), one of which was the same as a vehicle seen on the Friday afternoon (and was wheel chair accessible).

### **Application of the ISUD index**

The industry standard index of significant unmet demand (ISUD) has been used and developed since the initial Government guidance that limits could only apply if there was no significant unmet demand for the service of hackney carriage vehicles.

The current index has two elements which can negate the need for use of the index by setting the value to zero. The first test relates to if there are any daytime hours (Monday to Friday 1000 to 1800) where people are observed to queue for hackney carriages. There are no such hours in the Havant observations and no evidence of such queues, so this will set the ISUD index to zero.

The other index that could be zero – proportion of passengers in hours in which waits occurred which was over 1 minute – was 10% for the whole survey giving a value of 10.

The seasonality index is 1.0 since the surveys were undertaken in July before school holidays.

The area does not exhibit peaked demand, so this factor is 1.0.

Average passenger delay in minutes across the whole survey is 0.8 minutes.

From the public attitude work, the latent demand factor is 1.05, assuming all who did not give an answer had not ever given up waiting.

The ISUD index for the full survey is 0. This is significantly less than the value of 80 which is agreed signifies the significance of unmet demand using this index. There is therefore, from the index measure, no significant unmet demand in Havant licensing area at this time. This arises because, even though there is unmet demand and eight hours of people waiting for vehicles to arrive, it occurs at specific peak times and, with the impossibility of requiring vehicles to cover specific periods, cannot be guaranteed to be resolved by adding further plates.

Other factors need to be balanced with this measure to confirm this decision (see later evidence and chapters). It is also true that, even if the ISUD index had identified a level over 80, the Council would be unable to influence this since the rank where there were delays is privately operated and the additional fee for operating there is outside Council control, and could itself be restraining demand.



## 4. Public Consultation results

A fifteen question survey was undertaken with 300 persons in the Havant Borough Council area. Surveys were undertaken within the main central area of Havant (75), in Waterlooville (75), on Hayling Island (50), at Leigh Park (50) and at Emsworth (50). In all cases, people were asked about their local area rather than using the generic area 'Havant', as requested by the Council. Responses were mainly from those available during the day time, following standard practise for these interviews. The Table below summarises the overall responses.

Question	Response	Av	Hav	Wat	HI	LP	Ems
Have you used a taxi in the last three months in the 'x' area?	Yes	18	23	13	18	26	10
How often do you use a taxi within this area?	Almost daily	19	18	20	22	23	0
	Once a week	22	24	30	11	23	20
	A few times a month	17	18	10	11	15	40
	Once a month	13	12	0	11	15	<b>40</b>
	Less than once a month	<b>29</b>	<b>28</b>	<b>40</b>	<b>45</b>	<b>24</b>	0
	% not responding	82	77	87	82	74	90
How do you normally get a taxi within this area? (percentage as a total of those who responded)	At a taxi rank	6	20	0	0	0	0
	Hail in the street	3	0	9	0	0	14
	Telephone a taxi company	44	<b>40</b>	36	<b>75</b>	<b>50</b>	14
	Use a Freephone	0	0	0	0	0	0
	Use my mobile or smart phone	<b>47</b>	<b>40</b>	<b>55</b>	25	<b>50</b>	<b>72</b>
	Other	0	0	0	0	0	0
	% responding	21	27	15	16	32	14
Companies used	Please see analysis below						
How often do you use a hackney carriage within the 'x' area?	Almost daily	7	0	20	0	0	0
	Once a week	20	17	<b>40</b>	0	0	0
	A few times a month	0	0	0	0	0	0
	Once a month	0	0	0	0	0	0
	Less than once a month	<b>73</b>	<b>83</b>	<b>40</b>	<b>100</b>	<b>100</b>	<b>0</b>
	% of total above is	5	8	7	2	6	0
	I can't remember when I last used a hackney carriage (% of all interviews)	11	15	3	12	20	10
	I can't remember seeing a hackney carriage in 'x' (% of all interviews)	2	0	4	4	0	0
	No response at all	82	77	87	82	74	90

Please tell me the ranks you are aware of in Havant Borough, and for each if you use them	Please see analysis below						
Is there any location in Havant Borough where you would like to see a rank, and if it was there and vehicles were available, would you use it?	Please see analysis below						
Have you had any problem with the local hackney carriage service? (indicate as many as apply)		Av	Hav	Wat	HI	LP	Ems
	No problem (no. of people)	2	2	0	0	0	0
	Total problems cited (by no of people)	26 (18)	9 (8)	6 (4)	4 (2)	5(3)	2(1)
	Design of vehicle	8	0	17	25	0	0
	Driver issues	12	0	17	25	20	0
	Position of ranks	<b>38</b>	<b>67</b>	17	25	20	<b>50</b>
	Delay in getting a taxi	15	0	<b>32</b>	0	20	<b>50</b>
	Cleanliness	8	0	17	25	0	0
	Price	19	33	0	0	<b>40</b>	0
	Other problems (please state)	0	0	0	0	0	0
What would encourage you to use hackney carriages or use them more often	No response	88	83	87	96	88	88
	No. of responses (by no. of people)	37 (29)	13 (11)	10(8)	2 (2)	6(3)	6(5)
	Better vehicles	3	0	10	0	0	0
	More hackney carriages I could phone for	38	38	20	0	66	50
	Better drivers	8	0	20	0	17	0
	More hackney carriages I could hail or get at a rank	24	31	10	0	17	50
	Better located ranks	5	8	10	0	0	0
	Cheaper fares	22	23	30	100	0	0
	Other	0	0	0	0	0	0



		Av	Hav	Wat	HI	LP	Ems
		Av	Hav	Wat	HI	LP	Ems
Do you consider you, or anyone you know, to have a disability that means you need an adapted vehicle?	% who responded	18	23	13	18	24	10
	No	<b>71</b>	<b>88</b>	<b>70</b>	<b>78</b>	<b>58</b>	<b>40</b>
	Yes - I need a wheelchair accessible vehicle	2	0	0	0	8	0
	Yes – someone I know needs a wheelchair accessible vehicle	15	6	20	22	17	20
	Yes– I need an adapted vehicle but not a wheel chair accessible	8	0	10	0	17	20
	Yes – someone I knows needs an adapted vehicle but not wheel chair accessible	4	6	0	0	0	20
	Other	0	0	0	0	0	0
If you arrived at a rank and there were saloon and wheel chair accessible vehicles there, which vehicle would you choose?	The first available	71	76	80	88	54	0
	The saloon	29	24	10	12	31	80
	The wheel chair accessible	8	0	10	0	15	20
If you chose a vehicle type in the question above, why did you chose that specific vehicle type? (no. of people answering)	Choose WAV as I need it	4	1	1	0	1	1
	Leave WAV for those needing them	12	2	1	1	4	4
	Chose saloon as more comfortable or convenient	2	1	1	0	0	0
Have you ever given up waiting for a hackney carriage at a rank in the Havant Borough area?	No	<b>96</b>	<b>100</b>	<b>90</b>	<b>(89)</b>	<b>100</b>	<b>100</b>
	% who gave any response	18	23	13	18	26	10
Do you have regular car access?	Yes	56	53	67	56	50	67

		Av	Hav	Wat	HI	LP	Ems
Do you live in the area?	Yes – Havant	20	64	0	0	0	0
	Yes – Waterlooville	9	0	50	0	0	0
	Yes – Hayling Island	17	0	0	100	0	0
	Yes – Leigh Park	23	6	0	0	85	0
	Yes – Emsworth	11	12	10	0	0	60
	No	20	18	40	0	15	40
Gender (value in bracket from census, 2008 est of 2013)	Male	47 (48)	48	43	56	42	47
Age (value in brackets from census, 2008 est of 2013)	Under 30 (16-29)	20 (19)	20	19	20	26	18
	30-55 (30-55)	44 (40)	52	36	50	38	41
	Over 55 (56+)	36 (41)	28	45	30	36	41
		Av	Hav	Wat	HI	LP	Ems

Just 18% of those interviewed had used a licensed vehicle in the Havant Borough Council area in the last three months, a very low level of recent usage. Usage at Leigh Park was highest (26%) followed by Havant (23%). Waterlooville was second lowest (13%) whilst Emsworth was lowest at just one in ten people.

Of the respondents who told us they had used a licensed vehicle recently, those using them said how often they used a licensed vehicle. We have assumed the remaining non-respondents do not use licensed vehicles and calculated the average level of licensed vehicle trips per month per person below.

For area average

Frequency	% of people	Assumed Trips per month	Total
Daily	19	20	380
One per week	22	4	88
A few per month	17	2	34
One per month	13	1	13
Less than one per month	29	0.5	14.5
			529.5
Factor for 82% not responding			
Trips per person per month			0.95

For Havant:

Frequency	% of people	Assumed Trips per month	Total
Daily	18	20	360
One per week	24	4	96
A few per month	18	2	36
One per month	12	1	12
Less than one per month	28	0.5	14
			518
Factor for 77% not responding			
Trips per person per month			1.2

For Waterlooville:

Frequency	% of people	Assumed Trips per month	Total
Daily	20	20	400
One per week	30	4	120
A few per month	10	2	20
One per month	0	1	0
Less than one per month	40	0.5	20
			560
Factor for 87% not responding			
Trips per person per month			0.7

For Hayling Island:

Frequency	% of people	Assumed Trips per month	Total
Daily	22	20	440
One per week	11	4	44
A few per month	11	2	22
One per month	11	1	11
Less than one per month	45	0.5	22.5
			529.5
Factor for 82% not responding			
Trips per person per month			0.95

For Leigh Park:

Frequency	% of people	Assumed Trips per month	Total
Daily	23	20	460
One per week	23	4	92
A few per month	15	2	30
One per month	15	1	15
Less than one per month	24	0.5	12
			609
Factor for 74% not responding			
Trips per person per month			1.6

For Emsworth:

Frequency	% of people	Assumed Trips per month	Total
Daily	0	20	0
One per week	20	4	80
A few per month	40	2	80
One per month	40	1	40
Less than one per month	0	0.5	0
			200
Factor for 90% not responding			
Trips per person per month			0.2

On average, there are 0.95 person trips by licensed vehicle per month based on these assumptions, a very low level. Leigh Park has the highest use of licensed vehicles (1.6), followed by Havant (1.2), Hayling Island (0.95), Waterlooville (0.7) and Emsworth, where usage is very very low (just 0.2).

21% of interviewees told us how they obtained licensed vehicles in the Havant Borough Council area. Ranks are only important in Havant (one in five get a licensed vehicle at a hackney carriage rank there). This is consistent with the rank results. Hailing is important to people in Waterlooville and Emsworth, but overall not really important (just 3% of those replying over the whole area). The dominant method of getting a licensed vehicle in the area (47%) is by use of mobile or smart phone. When the telephone percentage is added (44%), 91% across the area obtain licensed vehicles by some form of booking. In Leigh Park and Hayling Island all licensed vehicles are booked in some way. The lowest level of booking is for Havant at 80%, still very high. This confirms that hackney carriages from ranks or hailing are not very well used by people in the area per se.

People were asked to name the companies they used in the area. Across the area, 45 people gave a total of 74 responses. These 74 responses mentioned just nine companies – with the biggest two companies both coming out top of the whole area list. Both were also named across all areas apart from one company not named by those responding from Hayling Island – where there was also the widest range of companies named. Just the top two companies were named in Leigh Park, with one other company added in Waterlooville, two more in Emsworth and three more in Havant. This suggests a large number of the small operators have a very local clientele. Two companies were not Havant Borough registered, one of which we observed setting down in the area from Portsmouth.

A set of questions were then asked relating specifically to use of hackney carriages. The first question asked how often people used them. Across the area, only 2% could not remember seeing a hackney carriage – so people are aware of them. However, across the area 11% said they could not remember the last time they used a hackney carriage – with the proportion being one in five in Leigh Park, and one in ten in Emsworth. Between 74 and 90% of people did not answer this question at all.

In the table below, the same calculation undertaken above for licensed vehicles overall is undertaken specifically for hackney carriages:

Average usage of hackney carriages, whole area

Frequency	% of people	Assumed Trips per month	Total
Daily	7	20	140
One per week	20	4	80
A few per month	0	2	0
One per month	0	1	0
Less than one per month	73	0.5	36.5
			256.5
Allowing for this being 5%			
Trips per person per month			0.1

Average usage of hackney carriages, Havant

Frequency	% of people	Assumed Trips per month	Total
Daily	0	20	0
One per week	17	4	68
A few per month	0	2	0
One per month	0	1	0
Less than one per month	83	0.5	41.5
			109.5
Allowing for this being 8%			
Trips per person per month			0.09

Average usage of hackney carriages, Waterlooville

Frequency	% of people	Assumed Trips per month	Total
Daily	20	20	400
One per week	40	4	160
A few per month	0	2	0
One per month	0	1	0
Less than one per month	40	0.5	20
			580
Allowing for this being 7%			
Trips per person per month			0.4

Average usage of hackney carriages, Hayling Island

Frequency	% of people	Assumed Trips per month	Total
Daily	0	20	0
One per week	0	4	0
A few per month	0	2	0
One per month	0	1	0
Less than one per month	100	0.5	50
			50
Allowing for this being 2%			
Trips per person per month			0.01

Average usage of hackney carriages, Leigh Park

Frequency	% of people	Assumed Trips per month	Total
Daily	0	20	0
One per week	0	4	0
A few per month	0	2	50
One per month	0	1	0
Less than one per month	100	0.5	50
			50
Allowing for this being 6%			
Trips per person per month			0.03

Average usage of hackney carriages, Emsworth

Frequency	% of people	Assumed Trips per month	Total
Daily	0	20	0
One per week	0	4	0
A few per month	0	2	50
One per month	0	1	0
Less than one per month	0	0.5	0
			0
Allowing for this being 0%			
Trips per person per month			0

Compared to the 0.95 trips per person by licensed vehicle, hackney carriages generate 0.1 trips per person, about 10% of the total, consistent with the 9% that say either rank or hail across the area. Interestingly, Waterlooville claims the highest hackney carriage usage, followed by Havant, then Leigh Park and Hayling Island. No use of hackney carriages is claimed by those responding in Emsworth.

People were asked to name all the rank locations they were aware of in the Havant Borough Council area and if they used the locations they named or not. 42 (14%) named ranks they knew and if they used them. The bulk of those named the Havant station rank as the only one they knew. 31% of these said they used it. One person in Waterlooville said they used the Park Parade rank. Two (from Hayling Island) were aware of the Beachlands rank but did not use it. One person in Leigh Park was aware of the Market Parade rank, but also did not use it. This information is consistent with the rank surveys in showing very little knowledge or use of ranks other than that at Havant station.

When asked about new locations, people made 19 suggestions. Just one suggested a rank they would not use (Emsworth). This was the most suggested location, by five people from three different areas (Havant, Waterlooville and Emsworth itself). A rank at Tesco was suggested by three persons, and ranks at the Meridian Centre, Town Centre (Havant) and in Waterlooville by two persons each. None of these are high numbers, but do suggest ranks might be used, although demand levels would be low.

Across the whole 300 respondents, 18 people (6%) noted a total of 26 problems they had experienced with the hackney carriage service in the Borough. Eight quoted two issues. Half of these were people from Havant, as might be expected. The dominant issue in Havant was location of ranks followed by price. Position of ranks was also the dominant problem quoted in Emsworth, though the issue of delay getting a taxi was also mentioned. Price was the most dominant issue in Leigh Park. However, all these have to be held in the context of the very low number of problems quoted overall.

29 persons (10%) noted just 37 matters that would encourage them to use hackney carriages more. Taking into account the low response, the largest matter was more hackney carriages people could phone for (which is difficult as many are independent), followed by more they could obtain at a rank (again hard since there is only one rank), followed by cheaper fares. This suggests a hackney carriage fleet that people would use more would have to make itself much more obvious in the Borough than being based at just one location, and would need ranks that people would use, and more vehicles linked to either the single radio network (better advertised), or to several networks.

People were asked if they or anyone they knew had a disability needing either a wheel chair accessible licensed vehicle, or a vehicle adapted in some other way. Across the area, 71% did not need or know anyone who needed an adapted taxi, ranging from 58% at Leigh Park up to 88% in Havant itself. Of those needing an adapted vehicle, the highest percentage was those who knew someone who needed a wheel chair accessible vehicle. Interestingly, the level needing them in Havant was the lowest, and there was higher demand in the four other areas, although the only demand from someone themselves for a wheel chair accessible vehicle was at Leigh Park. This either suggests there is need for more wheel chair accessible vehicles in the private hire fleet or that hackney carriages need to serve more of the Borough.

When people were asked which vehicle they would choose at a rank between saloon and accessible styles, 71% said they would choose the first available. 29% said saloon and just 8% the wheel chair accessible. Most of those giving a reason for choosing a vehicle said they would choose the saloon to leave the wheel chair vehicle for those who might need it. Four people said they would choose the wheel chair vehicle because they needed to use it – one in each area apart from Waterlooville.

Very few – just two – had given up waiting for a hackney carriage, and one of these when asked where said in Portsmouth. The only person found to have given up waiting across the area was interviewed in Waterlooville and had given up waiting at Leigh Park. None had given up waiting in Havant, Leigh Park or Emsworth. None said they had given up waiting at the Havant station rank.

On average, 56% of those responding had regular access to a car – with the highest car ownership in Waterlooville and Emsworth (67% in each). 80% of those interviewed lived in the area. In all cases the highest proportion interviewed were in the part of the Borough where they were interviewed, although the lowest proportion was just half of those interviewed in Waterlooville – 40% of them came from outside the Borough (as did the same percentage for Emsworth). Everyone interviewed on Hayling Island was from that part of the Borough. People interviewed in Havant also came from Leigh Park, Emsworth and outside the Borough.

Our gender sample saw an accurate representation of men (47% compared to 48%), although there was over-representation in the Hayling Island sample. Our age sample was slightly skewed to the middle-aged group (44% compared to 40%) with the main reduction being those over 55 (36% instead of 41%). The proportion of under 30's was fairly and consistently accurate across the Borough (but slightly over-represented in Leigh Park).

### **Summary**

In summary, the 300 public attitude surveys show very low use of licensed vehicles in the Borough, and even lower usage of hackney carriages. Just 18% have used licensed vehicles (ranging from 10% in Emsworth to 26% in Leigh Park). Around 0.95 trips are made per person per month by licensed vehicle, falling to 0.1 trips per person by hackney carriage. The only effective, active rank is at Havant station, and ranks are only important to those we interviewed in Havant. People tend to get licensed vehicles by using mobile or smart phones, followed by traditional phone-calls. 91% across the area obtain licensed vehicles by such methods. Hailing is insignificant.

Even use of private hire companies is restricted to a small number of companies, despite wide choice, just nine companies were named, and two dominated. This suggests many companies have a very local clientele. However, people are well aware of hackney carriages, with just 2% saying they could not remember seeing one, and 11% saying they could not remember using one.

When asked about ranks, the clear response is that only the Havant station rank is known and used, although there is some knowledge of some other ranks (Park Parade, Waterlooville and Beachlands, Hayling Island). The highest requested rank location was by five people in Emsworth, followed by one at Tesco by three persons.

Few issues were identified with the hackney carriage service, and few matters that would increase usage. The only indication is that, were the hackney carriage fleet to be more obvious (both by having other ranks to use and by a wider telephone availability), people might use it more. The key issue with new ranks is the likely low level of demand they might produce.



In terms of wheel chair accessible or other adapted licensed vehicles, 71% did not know or need such a vehicle. Interestingly, the highest demand for wheel chair accessible vehicles appears to be in the parts of the Borough outside Havant (where of course few would currently be seen). There appeared to be an awareness that wheel chair vehicles should be left for those who might need to use them.

Only one person had ever given up waiting for a hackney carriage within the Borough, and they had done so at a little used rank (Leigh Park). No-one stated they had given up waiting at the Havant station rank.

Car ownership was highest in Waterlooville and Emsworth and 56% across the area – not too high. Most people tended to be from within the area they were interviewed, with overall 20% being from outside the Borough. Hayling Island saw all those interviewed being local. Our gender and age sample structure was relatively representative.



## 5. Stakeholder Consultation

The following key stakeholders were contacted in line with the DfT Best Practise Guidance 2010:

- Supermarkets
- Hotels
- Hospital
- Local education
- Pubwatch / night clubs
- Disability representatives
- Education and social services
- Police
- Rail operators
- Other council contacts
- County council contacts

Specific comments have been aggregated below to provide an overall appreciation of the current situation, although in some cases comments are specific to the needs of a particular stakeholder. It should be noted that the comments contained in this Chapter are the view of those consulted, and not that of the authors of this Report. **Appendix 2** provides further details of those consulted.

The licensed vehicle trade consultation is the subject of the following chapter.

### ***Supermarkets***

Eight supermarkets were contacted. Half had direct phones to specific private hire operators. Just one said people used the nearby Leigh Park rank. All said people used their own mobile phones as well as any phones provided to obtain a vehicle. Those with direct phones said they obtained a good service. None had received any complaints from customers. Only one had an issue that their pick-up point could get congested at peak customer times.

### ***Hotels***

Three hotels were contacted. All used the same private hire company to serve their customers. None had any issue with the service provided.

### ***Hospital***

It did not prove possible to contact any representatives of the local hospital.

### ***Night life***

There are no night clubs in the area. A list of all 54 public houses in the area was provided, most of which were located on a map alongside rank provision to see if any were close to ranks.

Eight were contacted, of which two were not available at the time of our research. A spread of venues was called, two on Hayling Island, two at Emsworth, one at Leigh Park and two in Waterlooville.

All had a number of private hire operators they gave numbers to their customers for – often using cards provided by the operator. None had specific phones. One said that their customers often phoned for or hailed vehicles to get to them, but mainly phoned to return home. The pub near the Ferry Inn rank said they were not aware of the rank and never saw any hackney carriages waiting near their location, although they did often bring customers. One said it was hard to get private hire vehicles on Friday and Saturday evenings, but that there were too many hackney carriages, although they never expected to see any in their location (Emsworth) since the main service was provided to and from the station at Havant. Another pub in Emsworth suggested a rank would be useful there, although their customers were well-served by phoning booking to private hire companies. The issue was finding a suitable location.

### ***Police***

A local police representative met us at the Inception meeting. The main police concern was between 23:00 and 01:00 in clearing some of the volume of people wishing to return home. Their main concern was a lack of ranks where people could formally wait for vehicles. One key area for this was Emsworth.

The police representative told us they believe few hackney carriages serve other than the business community using the railway station during weekday daytimes. Many have school contracts that further concentrates their service on weekday daytimes.

### ***Transport representatives***

A number of bus operators were contacted. Just one responded, with a comment that they only operated one school service and had no comment about licensed vehicle services.

A representative from Hampshire was contacted in regard to arranging transport for children and adults in Hampshire. None of the Havant area clients have found any particular difficulty getting a licensed vehicle and tenders are responded to well. Their requirements include both tenders and ad-hoc requirements usually confirmed by phone-calls.

### ***Tourist representatives***

The Visitor Information Office on Hayling Island was contacted. They confirmed that they would either give anyone asking for a licensed vehicle a set of phone numbers, or would call a vehicle for them. They are aware of four companies on the Island, and the longest any person has had to wait for a vehicle to arrive is 20 minutes. They were not aware of any active taxi ranks in the area.

## ***Disability Representatives***

A representative of the Havant Disability Access Group (HADAG) was contacted. They pointed out a key issue in the area was how the A3 (M) effectively split the Borough from a transport perspective, implying long journeys by bus if people did not have access to a car. The alternative was use of licensed vehicles. They felt there were not enough wheel chair accessible vehicles, although they were not aware of the actual level (they believed five rather than the seven that exist in the hackney carriage fleet). They compared this to the higher level they felt was provide in Portsmouth. The issue is not so much the volume of vehicles in the fleet, but the number actually available, mostly by phone, compared to the number that actually exist. The issue that few hackney carriages are on private hire or radio / telephone networks does not help.

The representative felt that larger vehicles were needed, preferably with rear not side entry. They told us that drivers needed more training. They preferred full and wide ramps not channels as many chairs found channels hard to negotiate. They also told us of the issue of larger chairs, and the trend for increase in size and weight of chairs at the present time as people want more facilities and ability in their chairs. They told us they are trying to grow the network of people willing to talk about issues with disability in Havant.

Following our initial discussions, the representative offered to work with the licensing section and trade further over an extended time period to ensure that better liaison and feedback was developed. The possibility of a questionnaire agreed between all parties and shared in various ways was suggested – but it was also agreed this needed more time than was available for this specific report.

## ***Other representatives***

Contact details were provided by a representative of the Council for a number of local groups and associations. Many were unable to respond in the time frame for this consultation, or chose not to respond.

The Warblington and Denvilles Residents Association told us none had received any concerns – and in fact found services provided very convenient especially for older people when public transport was not available. They felt the current system was working well and needed no revision to policy.

A representative from Waterlooville felt that licensed vehicles currently waited outside St George's Church, and suggested that could be a place for a rank. Also, the town had reduced licensed vehicle service since a local company had moved its booking office out of the area. They did not feel able to comment about the policy of limiting vehicle numbers.

A representative from the Hayling Island Residents Association preferred to see a one tier system for licensed vehicles. They would like to see the option to negotiate fares for longer, pre-booked trips, as well as identifying a policy solution that would satisfy all those working in the trade, which was difficult with so many varied and often vested interests. They also commented that "Havant" as a Borough was a non-place but that a lot of thought and discussion would be required to come up with any alternative.

## **Rail Operators**

National statistics are publicly available showing the total number of entries and exits at each rail station in the United Kingdom. These numbers are calculated using ticket barrier and ticket issue information from ticket sales.

The Table below shows information for Havant Borough stations from 1997/1998 to date. There are four stations within the boundaries of the Council area – Emsworth and Warblington on the Southern route from London Victoria via Horsham to Portsmouth, and Havant and Bedhampton on the London Waterloo to Portsmouth route operated by South West Trains. In the latest statistics, Havant has the 247<sup>th</sup> highest station flow, Emsworth is 937<sup>th</sup>, Bedhampton at 1203 and Warblington at 2066 in English, Scottish and Welsh station statistics (there are just over 2,530 stations currently in use).

Rail year (ends March in last year noted)	Entries / exits	Growth / decline
<b>Havant (SWT)</b>		
1997 / 1998	1,447,312	n/a
1998 / 1999	1,502,539	+4%
1999 / 2000	1,622,322	+8%
2000 / 2001	1,700,799	+5%
2001 / 2002	1,771,919	+4%
2002 / 2003	1,830,202	+3%
2004 / 2005	1,911,821	+4%
2005 / 2006	1,943,917	+2%
2006 / 2007	1,918,386	-1%
2007 / 2008	1,995,906	+4%
2008 / 2009	2,184,698	+9%
2009 / 2010	2,124,274	-3%
2010 / 2011	2,153,160	+1%
2011 / 2012	2,047,166	-5 (+41% overall)
<b>Emsworth (S)</b>		
1997 / 1998	182,354	n/a
1998 / 1999	191,235	+5%
1999 / 2000	215,665	+13%
2000 / 2001	204,879	-5%
2001 / 2002	215,252	+5%
2002 / 2003	241,507	+12%
2004 / 2005	251,271	+4%
2005 / 2006	266,643	+6%
2006 / 2007	285,966	+7%
2007 / 2008	318,992	+12%
2008 / 2009	325,128	+2%
2009 / 2010	378,422	+16%
2010 / 2011	428,034	+13%
2011 / 2012	401,862	-6% (+120% overall)

<b>Bedhampton (SWT)</b>		
1997 / 1998	85,079	n/a
1998 / 1999	81,908	-4%
1999 / 2000	81,107	-1%
2000 / 2001	77,157	-5%
2001 / 2002	78,399	+2%
2002 / 2003	85,957	+10%
2004 / 2005	96,397	+12%
2005 / 2006	98,671	+2%
2006 / 2007	101,576	+3%
2007 / 2008	119,484	+18%
2008 / 2009	113,680	-5%
2009 / 2010	98,120	-14%
2010 / 2011	115,866	+18%
2011 / 2012	249,226	+115 (+ 193%overall)
<b>Warblington (S)</b>		
1997 / 1998	51,250	n/a
1998 / 1999	51,987	+1%
1999 / 2000	54,903	+6%
2000 / 2001	49,177	-10%
2001 / 2002	46,607	-5%
2002 / 2003	40,978	-12%
2004 / 2005	43,432	+6%
2005 / 2006	43,011	-1%
2006 / 2007	43,830	+2%
2007 / 2008	51,283	+17%
2008 / 2009	45,472	-11%
2009 / 2010	32,690	-28%
2010 / 2011	27,176	-17%
2011 / 2012	31,212	+15 (-39% overall)

Havant has the highest patronage of the four stations – with over 2 million entries and exits in the last available year (2011/12). Since 1997/8 this value has grown by 41%, although there has been effective falls over the last three years. There are some 1 million people leaving this location every year requiring onward travel – a good market for hackney carriages.

Emsworth sees just over 400,000 entries and exits (and is up 120% overall), Bedhampton sees just under 250,000 (up 193%) and Warblington just over 30,000 (but down by 39% since 1997/8). These three stations are probably unlikely to generate sufficient for rank-based licensed vehicle provision.

The train taxi guide was interrogated to identify licensed vehicle links from each station. The record is correct for each station. Havant is defined as a major station with active rank. Three private hire companies are also given (at least one is the hackney carriage radio company).

The other three stations all correctly suggest advance booking is necessary, with Bedhampton and Warblington suggesting the same three operators as Havant, whilst Emsworth suggests one company, registered with Havant Council as a private hire company (albeit having changed name since), or use of Havant station. Interestingly, the two private hire companies in all three other lists no longer operate even though traintaxi still lists them.

In other references, Bedhampton is advised to be a station where wheel chair access is not possible because the platforms are too narrow, although this is not recorded in the train taxi database or elsewhere.

It is therefore possible to continue journeys from all four Havant Borough stations by some form of licensed vehicle, although the only reference to wheel chair onward travel is on the national rail web site where the two Southern stations advise people wanting such onward travel to contact the Southern Rail help line to arrange.

Contacts at Network Rail helpfully confirmed the extent of the rail land ownership at Havant and that the rank was fully on railway land.

Permits are issued by South West Trains for Havant station. They confirmed the rank has capacity for a maximum of 20 vehicles and that 38 permits are currently issued. The actual number of permits is not limited although all users are aware the capacity is 20 vehicles. There are no complaints about the lack of capacity of the rank. The permit fee is based on train and passenger flows through the station, and South West Trains confirmed a discounted 'Association' rate and a higher individual rate, both of which were used. The permit is obtained on signing of a contract that outlines what is expected of the vehicles serving the station. The station manager did not make further operational comment about the rank.

Other sources told us that the 'white ticket' work (for when there is need for licensed vehicles either when there is engineering, or unplanned issues with the service that preclude passengers completing their journey by rail), is arranged by South West Trains with a Portsmouth based private hire company under a completely separate agreement – the rank-based work does not include such work. This is not unusual.

### ***Other Licensing Officers***

Test Valley is another licensing authority in Hampshire, which retains its limit on vehicle numbers. Its present limit is 35 but in January 2011 five further plates were made available for wheel chair accessible vehicles. None of these plates were taken up, so recently the criteria was relaxed to allow two to be saloon style, although one WAV is currently being licensed, with further thought being given to licensed vehicle policy.



## 6. Licensed Vehicle Trade Consultation

### *Trade consultation*

Within our proposal and at the inception meeting it was agreed to invite trade consultation principally by issuing a letter and questionnaire to all hackney carriage drivers / proprietors and to private hire companies, the latter asking them to pass to drivers who wished to return. A total of 38 were issued to the hackney carriage trade and 57 to private hire proprietors.

Further, trade representatives were given opportunity to contact us directly if they wished, although no such contact was made.

All responses were returned to CTS using a freepost address provided by CTS.

Some 21 responses were received plus one lengthy email response to supplement a questionnaire. 16 (77%) were from hackney carriage drivers, 19% from private hire, and 4% from those who drove both sorts of vehicle at different times. 90% owned their own vehicles, with just 14% saying someone else also drove their vehicle, or they drove a vehicle owned by someone else. Overall, 24% operated for private hire company radio networks or for the hackney radio company (split evenly between the two sorts of network, but with two phv companies named). Only three of those on the Havant Cabs network responded.

Those responding had, on average, been involved with the licensed vehicle trade as drivers for 12 years (hackney carriage) and 16 years (private hire). They tended to work 6 days per week for an average of 57 hours per week. The range of days worked was between 3 and 7 – with 4 respondents saying they worked seven days (19%). The range of hours was from 24 to 90 (hackney carriage). 71% of respondents said they worked longer on some days than others although only Friday and Saturday featured in the additional days mentioned.

Average quoted earnings were about £60 per day for those responding, with a range quoted between nothing and £130 for the day the questionnaire was answered. Some took care to point out that their expenses reduced their earning level significantly, and others said there had been no recent increase in fares even though costs had continued to increase.

Many made the point that the Havant station rank was the only practical and active rank, and that it was subject to a further fee from the railway operator, and limited to just 20 vehicles, when 40 might turn up at any time.

In terms of policy, 90% felt that the current policy of limiting hackney carriages remained appropriate for Havant. None abstained from this question, with the remaining 10% disagreeing, one saying they strongly supported deregulation (but they were a private hire operator).

In terms of reactions to change of the policy, 62% said their response would be to leave the trade (or effectively so even though they refused to directly make a choice). 24% said, however, they would have no reaction but most either responded directly or did so within their comments.

Several suggested more ranks were needed across the Borough and a small number made clear suggestions, in one case for ten locations. Many of the hackney carriages suggested there was need for a limit on private hire vehicle numbers in the area. Quite a few hackney carriage respondents also said that it would be good if private hire fares could be regulated as competition had driven their prices to very low levels. Many also felt that private hire vehicles tended to wait near where ranks might otherwise be located in order to respond quickly to radio calls, or to take those who might otherwise have hailed hackney carriages.

## 7. Responses to DfT Best Practice Guidance 2010

Annex A of the Best Practice Guidance (BPG) provides a list of useful questions to help assess the issue of quantity controls of hackney carriage licences.

This chapter takes the form of a response to each question based on the evidence identified earlier in this report. BPG questions are shown in **bold italic** with responses following in normal type. Whilst these responses are mainly for the Council to complete, we have made our best attempt to respond as far as possible within our remit.

***Have you considered the Government's view that quantity control should be removed unless a specific case that such controls benefit the consumer can be made?***

Yes, this report is the independent input to this consideration on behalf of Havant Borough Council.

***Questions relating to the policy of controlling numbers:  
Have you recently reviewed the need for your policy of quantity controls?***

Yes, this report forms a current review of the need for the policy of quantity control of hackney carriages at this point in time in the Havant Borough Council area.

***What form did the review of your policy of quantity controls take?***

This current review follows the DfT Best Practise Guidance April 2010 in undertaking a full review of the current situation in regard to the policy towards hackney carriage vehicle limits. It includes:

- A review of the background policies of the Council
- A rank survey program to identify current demand and supply
- Public consultation with people in the streets of Havant, Waterlooville, Hayling Island, Leigh Park and Emsworth
- Stakeholder consultation with all groups recommended by the DfT Best Practise Guidance as far as people were available
- a questionnaire posted to all licensed drivers in the area by the Council (to cover data protection issues)
- Consideration of the relevant section of the Equality Act

### ***Who was involved in the review?***

This review was undertaken by an independent consultant and included direct discussion with the following respondents:

- Local supermarkets
- Hotels in the area
- The police
- Transport stakeholders
- Network Rail
- Local train operating companies
- A local Disability group
- Local community groups
- County council representatives
- Local parking and transport representatives

### ***What decision was reached about retaining or removing quantity controls?***

The decision regarding quantity controls is the subject of the final chapter, but is also a matter for decision by the committee appointed to make such decisions on behalf of the Council.

### ***Are you satisfied that your policy justifies restricting entry to the trade?***

Please see the summary and conclusions section for guidance on conclusions from our review – ultimately this decision is for the local council to make.

### ***Are you satisfied that quantity controls do not:***

- ***Reduce the availability of taxis***
- ***Increase waiting times for consumers***
- ***Reduce choice and safety for consumers***

At the present time, there are more than enough hackney carriage vehicles available to service ranks across the Borough although only one private rank is actually served. Just one Havant Borough respondent said they have given up waiting for a hackney carriage at a rank.

### ***What special circumstances justify retention of quantity controls?***

This issue is ultimately for the Councillors to conclude. At the present time there is insufficient demand for all the hackney carriages that exist and there is evidence that removal of the restriction could result in a significant reduction in the level of rank-based vehicles available with 62% of those responding to the trade questionnaire saying they would leave the trade – which would result in a significant loss of expertise in the hackney carriage service.

***How does your policy benefit consumers, particularly in remote rural areas?***

Havant Borough Council has significant proportions of rural and semi urban areas, but none have sufficient trade to encourage ranks, and all tend to be served by private hire operations. Maintaining a healthy provision of vehicles to the rank at the station ensures those wishing to get to rural areas from the main transport hub can readily do so.

***How does your policy benefit the trade?***

Retention of a limit would retain some added value of having a hackney carriage vehicle licence which would allow some investment in the trade that would not be as likely with the introduction of further vehicles, although it would be strongly advisable that any removal of the limit must require new vehicles to be wheel chair accessible and even more so to be of a high overall standard (as current policy would require any new vehicles to be fully wheel chair accessible).

***If you have a local accessibility policy, how does this fit with restricting taxi licences?***

We are not aware of any local accessibility policy, and current evidence suggests the demand for wheel chair accessible vehicles is very low in the area, with many disabled providing their own vehicles.

***Questions relating to setting the number of taxi licences:***

***When did you last assess unmet demand?***

This study was preceded by an earlier one in 2003.

***How is your taxi limit assessed?***

In all previous studies the limit has been assessed using industry standard techniques.

***Have you considered latent demand, ie potential customers who would use taxis if more were available, but currently do not?***

Yes, latent demand was considered by several methods, with the key method being through interviews with members of the public. There is very little latent demand from formal methods. However, lack of service of the other ranks which was evident in 2003 is endemic, and it is clear that expectation of service to these locations is very low.

***Are you satisfied that your limit is set at the correct level?***

This is a matter for decision by the Council committee based on evidence following in our summary. Even if many vehicles moved from the railway station rank to the other ranks, there would still be many more vehicles than justified by even increased demand levels

***How does the need for adequate taxi ranks affect your policy of quantity controls?***

There is a key issue that there is no active rank other than the private rank at Havant station, which requires a supplementary permit. The only other rank used in 2003 in Market Parade was removed in late 2012, and other outer ranks still marked are rarely used. The principal issue is that there is currently relatively low demand even at the only rank used, and demand at the other locations would be much less than this level, and therefore possibly not at a level sufficient to keep a rank viable.

***Questions relating to consultation and other public transport service provision:***

***When consulting, have you included all those working in the market, consumer and passenger (including disabled groups), groups which represent those passengers with special needs, local interest groups, eg hospitals or visitor attractions, the police, a wide range of transport stakeholders, eg rail/bus/coach providers and traffic managers?***

See above, yes, all appropriate consultees have been taken into account.

***Do you receive representations about taxi availability?***

No

***What is the level of service currently available to consumers including other public transport modes?***

At the present time, bus services in the area are generally very good, although there are issues with routes between centres sometimes having long journey times to overcome the barrier of the main road route which forces just a few crossing points, and even less crossing points when the need for higher levels of demand for viable bus services causes operators to focus services on routes allowing fast, high frequencies.

## 8. The Equality Act 2010

Whilst several sections of the Equality Act (EA) affect licensed vehicle operations, the key provision relevant to this report is the requirement under section 161 that any authority with a limit on the number of hackney carriage vehicle licences should issue licences to wheel chair accessible vehicles (WAV) until an agreed percentage of the fleet were such WAV style. The last guidance in regard to timescales for introduction of this regulation saw consultation occurring around this point in time – although nothing has yet been issued by the Department for Transport. Havant Borough Council currently has a limit and this section of the Act would apply if ever enacted.

The Equality Act is national legislation which cannot be amended by the council or its officers. Current thought suggests that the required proportion of WAV style vehicles expected for the Council area might be of the order of 35%. The Table below sets out the possible options for the Council based on the current level of 7 WAV and a proportion of 35%.

Option	Total number of vehicles	Number of wheel chair accessible vehicles (WAV)	Percentage of fleet that are WAV
Current	40	7	18%
EA requirement	40	14	35%
Meet EA by removing limit but no WAV stipulation	Uncertain	Uncertain – might reduce	Uncertain
Meet EA by removing limit but with all new vehicles having to be WAV	40 upwards	7 upwards with each new vehicles adding to number	At least 18%- an extra 2.5% for each new vehicle added
Meet EA by retaining limit and 16 current vehicles converting	40	14	35%
Meet EA by granting plate to any WAV, with none of present converting under limited scenario.	51 (+28%)	18	35%

## ***Potential responses to the Equality Act***

The EA requirement is a compound requirement which means that the percentage of vehicles must be of the current total after any new plates are added. This compound growth means that, if no current vehicles convert, and the limit is retained, 11 extra WAV style hackney carriages would be needed, taking the limit to 51 hackney carriage vehicles.

Were the trade to agree to convert sufficient vehicles to WAV style to ensure that the EA requirements were met this would require 7 vehicles to convert, but would retain the current number of vehicles at 40.

At the present time, with no significant unmet demand and little apparent willingness to serve other than the Havant station rank (which is on private land), issuing up to 11 more licences would potentially lead to significant issues with congestion around the railway station area, and increase in safety issues. It would certainly lead to many feeling they could no longer continue, which might perversely reduce the wheel chair accessible vehicles as these are more expensive to purchase, run and maintain.

However, it is also true that retaining the limit by applying the quality standard that all new hackney carriages had to be wheel chair accessible would not guarantee any further vehicles would be added but would meet the stipulation of the EA.

Of the choices available under the Act, the conversion of current vehicles is preferable as it prevents investment in such vehicles being diluted by the volume added to the overall fleet. But this raises the issue of adding extra costs to an industry currently clearly struggling to meet present costs.

However, no options within the Act bring resolution to the issues around disability access to vehicles that have been mentioned by the public and other stakeholders and any decision in regard to this Act must be taken in full context of the real issues involved. Unless care is taken there is a real possibility that both the number of hackney carriages and the number of current wheel chair accessible vehicles might both fall.

There is value in the Council, trade and disability representatives working together to ensure that the various expectations and limitations of service to the disabled are fully understood and dealt with appropriately. This is likely to need some way by which more wheel chair accessible vehicles can be encouraged to join the fleet, and to encourage those that are already there to maximise their availability and use by those needing their facilities.



## 9. Summary and conclusions

### ***Policy Background***

Havant Borough Council has the fourth largest population level amongst the 11 authorities within Hampshire (and is very close to the Hampshire average population), and the seventh largest in the fourteen areas compared. Present population is 121,444 spread over a relatively small area but in a large number of settlements, albeit with a reasonable amount of rural area including Hayling Island.

The recent Local Plan Core Strategy was adopted in March 2011 and runs till 2026. The Third Local Transport Plan also covers the same period, operating using a rolling three year implementation plan. There is a Borough Transport Statement and Havant is also part of the Transport for South Hampshire (TfSH) area. The key policy relating to licensed vehicles is Policy I which states it "encourages private investment in bus, taxi and community transport solutions", including suitably located taxi ranks and the delivery of rail station travel plans. Developments are noted West of Waterlooville and at Dunsbury Hill Farm. There is an encouragement that use of licensed vehicles can transfer journeys that would be made in full by car to a mix of public transport.

Havant has used its power to restrict the number of hackney carriages since at least 1994. At the time of writing this report, the limit on hackney carriage vehicle numbers stands at 40, with the last issue of plates first appearing in DfT statistics in 2005, all of which were for wheel chair accessible vehicles. There are currently seven such vehicles in the fleet. A recent development is ten plates that are now owned by a lease company.

These hackney carriage vehicles are presently supplemented by 507 private hire vehicles meaning the hackney carriages are 7% of the licensed vehicle fleet, a marginal fall from the 9% the fleet was in 1997. The private hire vehicles work for a relatively large number of operators, although there is one large and one medium sized operator in existence. Of the 53 operators, eight appear to be 'executive' and six appear to focus on airport work. To make the number of operators even higher at least ten work under a number of different names. Some work is undertaken by nearby Portsmouth-based private hire operators (eg for South West Trains 'white ticket' work).

Driver numbers have remained incredibly constant since 1997 and even though all are able to drive any vehicle, those that mainly drive hackney carriage are readily identified by the Council. There is no evidence of any double-shifting, in fact there are currently less drivers than vehicles.

There are presently 0.3 hackney carriages per thousand population in the licensing area, the lowest provision level amongst Hampshire authorities alongside currently limited Test Valley. Fareham has highest provision with two hackneys for every thousand population.

The level of private hire vehicles however takes Havant well above the local and national averages of 1.5 to 1.8 licensed vehicles per thousand population (with 4.5 total licensed vehicles). There seems to be a significant dominance of private hire in the area and a higher provision than might be expected.

In terms of wheel chair accessible fleets, two Hampshire authorities have fully wheel chair accessible fleets. The Hampshire average level of wheel chair accessible vehicles is 35% - the level expected by the Equality Act - and Havant is around half this level at 18%. However, four of the authorities in the comparator set have 4% or less of their hackney carriage fleet wheel chair accessible, and in the same set five authorities have lower proportions than Havant. There is also a best-practice listing of wheel chair accessible vehicles in both hackney carriage and private hire vehicles listing available, although it does not cover all the hackney carriages (who have a right to choose if they are listed or not).

August 2013 comparative information suggests the area is 203<sup>rd</sup> equal of the 364 fare authorities in England, Scotland and Wales. Fares are the same on this comparison base as Fareham and Test Valley plus 21 other authorities and perhaps a little below average for the area.

### ***Rank Survey results***

86 hours of observation were undertaken at hackney carriage ranks in the area. 2013 observable hackney carriage demand, including 0.5% hailing identified from the public attitude surveys, is around 99,000 passengers per year. This appears to be around 90% of the level of demand observed in the 2003 survey.

All rank demand in this survey occurred at Havant station private rank. Despite watching a number of other actual and potential rank locations, no other hackney carriage (or private hire) passenger pick-ups were observed.

Compared to 2003, Havant station hackney carriage patronage has increased around 4%, but not as much as station patronage has (11%). In 2003, the Market Parade rank was used, but this no longer exists, and all usage of other ranks has apparently ceased to any significant level.

Considering the busiest hour at any rank, 22 vehicles were observed to depart. Even if it is assumed all vehicles take an hour to return, this demand would be met by just over half the current fleet. Despite this clear excess of vehicles, late night demand on both Friday and Saturday led to passengers waiting for vehicles to arrive, although not to the level that would give rise to significant unmet demand (as this is outweighed by good daytime service Monday to Friday).

## ***Public Consultation***

300 persons were interviewed within the main central areas for Havant (75), at Waterlooville (75), on Hayling Island (50), at Leigh Park (50) and Emsworth (50). Just 18% of those interviewed had used a licensed vehicle in the last three months. Across the area, there are 0.95 licensed vehicle trips per month. This falls to just 0.1 for hackney carriages. The only effective rank is at Havant station, reflected in the survey showing ranks are only important to those we interviewed in Havant. 91% across the area obtain licensed vehicles by mobile, smart or traditional phones.

Usage of private hire companies seems restricted to a small number of companies despite the wide choice available. However, most people are well aware of hackney carriages with just 2% saying they could not remember seeing one, and 11% who could not remember using one.

Rank knowledge confirms that only the Havant station rank is known and used, although there is some knowledge of other ranks (Park Parade, Waterlooville and Beachlands, Hayling Island) with Emsworth having the most requested rank location (but only by five people). A rank at Tesco was requested by three persons.

Few issues were identified with the hackney carriage service provided. The only indication was that, were the hackney carriage fleet to be more obvious (by having other ranks to use and a wider telephone availability) people might use them more.

71% did not themselves need or know anyone who needed a wheel chair accessible vehicle. The highest demand for wheel chair vehicles was outside Havant, although many people said they would leave use of such vehicles to those who might need them.

Just one person had given up waiting for a hackney carriage in the Borough, at the little used rank in Leigh Park. None said they had given up waiting at the Havant station rank.

Car ownership overall was not too high – 56% across the area. Most people tended to be from within the area they were interviewed in and surprisingly all interviewed on Hayling Island were local. Our gender and age sample structure was relatively representative.

## ***Stakeholder Consultation***

Supermarket service tends to be by arranged private hire services, although there was suggestion that some customers used the Leigh Park rank. Hotels also tended to call private hire companies to obtain service for customers – with those contacted all using the largest operator.

There are no night clubs in the area. Discussion with a spread of pubs found all used private hire companies, mainly by cards made available by the company.

Police concerns were limited to clearing volumes of people wishing to return home between 23:00 and 01:00 at weekends. A rank would be preferred in Emsworth to help these issues. They felt hackney carriages focussed on serving the business community in the week daytime at the station.

Local education and social services contracts found no shortage of vehicles to meet their contract or ad hoc needs. The tourist information representative from Hayling Island was not aware of any active ranks on the Island and their customers needs tended to be met by private hire companies, four of which provided cards for issue.

One disability representative provided a significant amount of information, and offered to work with the trade and licensing officers on a more extended timescale to help see a better match between available services and needs. This is partly related to the current attempt to develop the level of representation of those with disabilities in the area after a period when people have not been willing to discuss issues. They were not aware of there being seven vehicles (they thought five), but the key issue was how to get access to them given that few were available readily by phone. The representative felt training was needed, as were a wider range of vehicles.

Other local groups and associations provided responses most of which said current service was good. Suggestion was made a rank was needed near to St George's Church, Waterlooville.

There was no negative comment from the rail operator and the hackney carriage company is the only commonly quoted operator in the train taxi guide (the other two most quoted private hire companies no longer operate). Anyone with a valid hackney carriage licence can have a permit for Havant station, by paying either an association or individual fee, with 38 currently on issue. Havant has over 2 million entries and exits per year in the last available data (2011/2) compared to 400,000 at Emsworth, 250,000 at Bedhampton and just 30,000 at Warblington. This appears to confirm only Havant is likely to generate sufficient custom for an active rank.

### ***Trade Consultation***

A 22% response was received to the postal questionnaire. 77% came from hackney carriage drivers. 90% owned their own vehicles. 24% said they worked on a radio circuit – half of whom were for the hackney carriage radio circuit. Hackney carriage respondents had on average 12 years' experience and private hire 16 years.

Average working weeks were 6 days long and covering 57 hours, although some hackney carriages stated 90 hour weeks. This resulted in about £60 per day.

Many made the point that the Havant station rank was the only practical and active rank limited to being able to take half the available fleet.

90% said it was correct to retain the limit. Of those responding with an action were the limit to be removed, 62% said they would leave trade.

Many other comments were made in addition to the questions on the form. Many wanted a limit on the number of private hire vehicles which is not legally possible.

### ***Equality Act***

The Equality Act is already on the statute books. There is a proposal in The Act for the requirement that any authority with a limit on its number of hackney carriages should ensure no new entrant is refused entry if they are offering a wheel chair accessible vehicle if a given proportion of vehicles has not been achieved. At the present time, the level of WAV required in a fixed fleet has not been determined, and there is still no confirmed date for the consultation required to allow this to move forward.

The recent Law Commission Review may reduce any desire by Government to spend time resolving this Act. There is no way set out in legislation that any Council can require a particular level of WAV within the private hire fleet. We do not believe there are any other statutory requirements on national or local government beyond the Equality Act which require present action.

At the present time, there is no way that any authority without a limit on hackney carriage vehicle numbers can encourage an increase in the number of WAV style hackney carriages, apart perhaps from the introduction of a mandatory order requiring all vehicles to be wheel chair accessible (which would most likely be opposed by those seeking the spirit of the EA since current thinking is a mixed fleet is generally better for those with a range of disabilities).

If a limit on vehicle licence numbers is retained and section 161 is enacted, and the proportion is 35%, Havant would either need to encourage 7 of the present fleet to convert, or issue wheel chair accessible licences to 11 extra vehicles (increasing the overall fleet by 28%). Further discussion of this is found below.

### ***Best Practice Guidance***

A review of the questions posed in the BPG was undertaken and is presented in an earlier Chapter. This review has been consistent with the requirements of the BPG.

### ***Conclusion***

At the present time, there is no evidence of significant unmet demand for the services of hackney carriages in the Havant Borough Council area, either from the patent or latent elements of demand. On this basis, a limit on the number of hackney carriage vehicles can be retained. There is no given number of plates that need to be issued.

Whilst there is no clear evidence of need for more wheel chair accessible vehicles, as in most places there is a preference for more to be available and for drivers to be better trained and vehicle availability to those with disabilities increased.

There is some evidence of a desire for more ranks, both on the trade and public side, but the largest issue is the very low level of demand across the area which may make developing even one rank difficult to do from a viability point of view. The high level of private hire establishment and competitiveness would also be an issue to such development.

There is also evidence of a mismatch of vehicles with passengers late on Friday and Saturday nights at the railway station, again arising from low levels of demand and even lower levels of those willing to be active at such times of the day. A lack of double shifting of vehicles reduces the amount of time vehicles are available, but there could be some switching from times when long waits are experienced by vehicles to times when passengers end up waiting, although fairness would be needed to ensure that the available remuneration was shared by all those active in the hackney carriage trade.

## 10. Recommendations

### ***Limits on the number of hackney carriage vehicles***

At the present time in the Havant Borough Council area there is no evidence of any significant unmet demand for the services of hackney carriage vehicles.

The only issues that have arisen in our review that could ultimately lead to significant unmet demand being found relate to the lesser service provided at the station on Friday and Saturday evenings and the issue of the relatively low level of wheel chair accessible vehicles (and more so the availability of those that do exist to the preferred method of people getting service from them). The number of marked but unused ranks, and lack of any other active ranks, is also of concern.

Based on the evidence, the Licensing Committee has a number of options:

- Option 1 – retain the limit on the number of hackney carriage vehicles and take no further actions until the law is amended or when the next survey is required in no more than three years' time (ie Summer 2016).
- Option 2 – remove the limit on the number of hackney carriage vehicles but retaining the need for new vehicles to be wheel chair accessible
- Option 3 – remove the limit but take further actions to minimise the impact in terms of the likely number of new vehicles that may wish to provide hackney carriage service

Discussion of each option occurs below followed by an associated action plan. The action plan includes several items which need action irrelevant of which option is chosen.

### ***Option 1 – retain limit (no further action)***

This option is the minimum required by the Committee. With the backing that there is no significant unmet demand for hackney carriages, this option could be defended in court. Present demand for hackney carriages even at the busiest hour accounts for no more than half the present fleet, so even addition of one or more active ranks would still have vehicles available to serve them.

### ***Option 2 – remove limit***

The committee could choose to remove the limit on hackney carriage vehicles altogether.

This option does also meet stated current government policy, although it does not take into account the Law Commission interim advice that it sees merit in the retention of the ability to have limits. In the present situation, were Havant to remove the limit and the current Law Commission recommendations occur, a limit could be reinstated which should remove any plate values which occur at present.

We do not believe that simply adding more plates would guarantee service to any of the other rank in the Borough, or to any new ranks that might be provided. There is no legal or other option to stipulate where new plates should go and the usual expectation would be they would all end up at Havant station when the passenger numbers were highest. This would cause congestion issues at the station.

On current stated driver intentions, this would mean that the present experienced hackney carriage drivers may well leave the trade and new entrants, with much less knowledge, would replace them. This could lead to a deterioration of the service provided unless significant amounts of training were provided to the new drivers.

### ***Option 3 – remove limit but take actions to reduce likely impact***

This option is the same as option 2, but would seek to further increase quality standards to try to prevent the worsening of the situation at the railway station which would potentially occur with option 3. This would potentially include age limits on new vehicles or a requirement for further training, or some other quality criteria that would increase the entry costs to the hackney carriage trade.

## ***Other Elements of an Action Plan***

### **Havant Borough Council (licensing)**

The licensing section need to continue their liaison with the transport section of both the Borough and County Council to see at least one other rank developed, travel plans applied at the stations (in conjunction with the train operating companies and their agents), and better marketing and signing of ranks

### **Other sections of Havant Borough Council**

The current liaison between the transport and licensing sections of the Council is national best practice. All parties in the Council must ensure this continues.



Examples of where this should continue are:

- With development of the railway station Travel Plans
- Consideration of better signing for the ranks that are to be developed
- Attempt to develop at least one new rank (either in Emsworth or in Havant Market Place)

The transport section should consider including the facts and results from this review into the Transport Strategy to ensure that hackney carriage and private hire services maximise their contribution to the sustainable transport of the Borough.

### **Hampshire County Council**

Members of the transport element of Hampshire County Council must continue to work with their Borough counterparts and the Senior Licensing Officer in all areas where transport policy can help develop the contribution of the licensed vehicle trade to sustainable transport.

**Hackney carriage trade** representatives and all drivers must work with all parties to identify how they can better meet the needs of the public both in ensuring more vehicles service the late night demand on Friday and Saturday at the station and in providing the small but very important service to those needing adapted or wheel chair accessible vehicles.

**Private hire trade** members and representatives need to continue to work with the licensing section and other key players to ensure they provide the best possible service to the public in the Havant licensing area.

**Disability representatives** need to take forward their offer to work with the trade and licensing section to ensure that the best possible match is made between those with wheel chair accessible vehicles in the area and those who need to make use of these vehicles. This may require some honest discussion of needs that such vehicles cannot meet as well as ways in which unmet needs can be better addressed.



## **Appendix 1 – Rank Observation Details**







# Havant, Railway station rank (private), Friday 5<sup>th</sup> July 2013, 10:00 – 03:00

Hour	No of vehicle arrivals	Total passenger departures	Total loaded vehicle departures	Empty vehicle departures	Total Vehicle departures	Average vehicle waiting times (hh:mm:ss)	Average vehicle waiting times (for a fare, hh:mm:ss)	Maximum vehicle waiting time for a fare (hh:mm:ss)	Average passenger waiting time in an hour (mins)	Average passenger waiting time, those waiting only (mins)	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time (mins)
10	4	5	2	1	3	00:31:15	00:33:40	00:47:00						
11	8	7	7	0	7	00:15:00	00:15:00	00:27:00						
12	10	13	11	0	11	00:07:42	00:07:42	00:19:00						
13	10	14	11	0	11	00:08:18	00:08:18	00:21:00						
14	7	5	5	0	5	00:16:17	00:16:17	00:35:00			No passenger waits			
15	17	24	17	0	17	00:04:42	00:04:42	00:11:00						
16	13	26	13	0	13	00:06:18	00:06:18	00:17:00						
17	12	17	12	0	12	00:07:50	00:07:50	00:22:00						
18	10	18	11	0	11	00:08:06	00:08:06	00:19:00						
19	22	31	21	1	22	00:03:08	00:03:11	00:08:00	00:00:03	00:02:00	1	0	0	00:02:00
20	9	15	9	0	9	00:11:33	00:11:33	00:17:00			No passenger waits			
21	10	13	10	0	10	00:04:24	00:04:24	00:09:00						
22	21	29	22	0	22	00:02:05	00:02:05	00:06:00	00:00:57	00:02:48	10	0	0	00:04:00
23	21	31	20	1	21	00:02:05	00:01:39	00:06:00	00:00:15	00:01:36	5	0	0	00:02:00
00	12	20	11	0	11	00:05:00	00:05:00	00:24:00	00:06:00	00:10:54	1	6	4	00:18:00
01	2	2	1	2	3	00:17:30					No passenger waits			
<b>TOTALS</b>	<b>188</b>	<b>270</b>	<b>183</b>	<b>5</b>	<b>188</b>	<b>n/a</b>	<b>n</b>	<b>n/a</b>	<b>00:00:35</b>	<b>00:05:51</b>	<b>17</b>	<b>6</b>	<b>4</b>	<b>00:18:00</b>

# Havant, Railway station rank (private), Saturday 6<sup>th</sup> July 2013, 06:00 – 02:00

Hour	No of vehicle arrivals	Total passenger departures	Total loaded vehicle departures	Empty vehicle departures	Total Vehicle departures	Average vehicle waiting times (hh:mm:ss)	Average vehicle waiting times (for a fare, hh:mm:ss)	Maximum vehicle waiting time for a fare (hh:mm:ss)	Average passenger waiting time in an hour (mins)	Average passenger waiting time, those waiting only (mins)	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time (mins)
06	1	5	3	1	4	00:06:00	00:16:40	00:19:00						
07	3	4	3	0	3	00:16:40	00:20:20	00:26:00						
08	3	12	9	2	11	00:18:35	00:21:00	01:16:00						
09	17	9	5	1	6	00:50:30	01:00:15	01:10:00						
10	6	12	8	2	10	00:20:45	00:22:00	00:28:00						
11	8	18	11	1	12	00:20:00	00:20:00	00:29:00						
12	15	15	9	3	12	00:18:44	00:21:45	00:38:00						
13	11	13	8	0	8	00:43:43	00:43:06	00:52:00						
14	11	10	9	3	12	00:34:21	00:36:48	00:59:00						
15	8	13	8	0	8	00:45:37	00:48:20	00:59:00						
16	17	24	15	4	19	00:10:49	00:11:51	00:24:00						
17	19	16	14	3	17	00:25:53	00:25:33	00:37:00						
18	17	31	17	3	20	00:15:31	00:15:56	00:27:00						
19	21	18	12	6	18	00:18:45	00:20:00	00:24:00						
20	13	19	8	11	19	00:12:23	00:13:30	00:26:00						
21	18	15	9	10	19	00:14:00	00:13:07	00:35:00	00:00:20	00:01:40	3	0	0	00:02:00
22	17	29	15	0	15	00:01:21	00:01:07	00:08:00	00:05:28	00:07:34	8	6	7	00:15:00
23	16	31	16	2	18	00:01:33	00:01:24	00:08:00	00:03:15	00:04:02	19	6	0	00:09:00
00	12	17	7	3	10	00:02:35	00:02:00	00:07:00	00:03:38	00:07:45	0	7	1	00:16:00
01	0	0	0	2	2						No passenger waits	No passenger waits		
02														
<b>TOTALS</b>	<b>243</b>	<b>311</b>	<b>186</b>	<b>57</b>	<b>243</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>00:01:03</b>	<b>00:05:44</b>	<b>30</b>	<b>19</b>	<b>8</b>	<b>00:16:00</b>



## Appendix 2 Stakeholder Feedback Diary

Chapter	Stakeholder Group / Person	Date	Views returned?
5	<b>Supermarkets</b>		
	Iceland, Market Parade, Havant	8/8/13	Y
	Waitrose, North Street, Havant	8/8/13	Y
	Asda, Larchwood Avenue, Havant	8/8/13	Y
	Tesco Extra, Havant	8/8/13	N
	Farmfoods, Greywell Shopping Centre, Leigh Park	8/8/13	Y
	Waitrose, Waterlooville	8/8/13	Y
	Morrison, Waterlooville	8/8/13	Y
	J+K, Creek Road, Hayling Island	8/8/13	Y
	Sainbury's, Meagham Rd, Hayling Island	8/8/13	Y
5	<b>Hotels</b>		
	Bear Hotel, East Street, Havant	8/8/13	Y
	Brookfield Hotel, Emsworth	8/8/13	Y
	Langstone Hotel, Hayling Island	9/8/13	Y
5	<b>Hospital</b>		
	No contact made		
5	<b>Disability representatives</b>		
	Havant Area Disability Group	various	Y
5	<b>Public Houses</b>		
	Ferry Boat Inn, Hayling Island	28/8/13	Y
	Lily Sugars, Creek Road, Hayling Island	28/8/13	N
	Ship Inn, Emsworth	28/8/13	Y
	Railway Inn, Emsworth	28/8/13	Y
	The Heron, Leigh Park	28/8/13	Y
	Heroes, Waterlooville	28/8/13	Y
	Denmead Queen, Waterlooville	28/8/13	N
5	<b>Transport Stakeholders</b>		
	Hampshire School Transport	Various	Y
	First	16/8/13	Y
	Emsworth and District	15/8/13	N
	Stagecoach South	15/8/13	N
5	<b>Rail Operators</b>		
	A Richards, SWT	7/8/13	Y
	Network Rail	Various	Y

	Southern Trains	Various	N
5	<b>Police</b>		
	PC Baron	Inception Meeting	Y
	<b>Other Council Representatives</b>		
	Louise Weaver, Research and Information	20/8/13	Y
	Visitor Information Officer, Hayling Island	21/8/13	Y
	<b>Other Groups</b>		
	Hayling Island Residents Association	20/8/13	Y
	Waterlooville Residents Association	20/8/13	Y
	Waterlooville and Denvilles Residents Association	27/8/13	Y
6	<b>Hackney carriage and private hire trade</b>		
	Via questionnaire	August	Y
	One direct email	15/8/13	Y

## **HAVANT BOROUGH COUNCIL**

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Licensing Committee

13 November 2013

Subject: Gambling Act 2005 Statement of Principles

Report of the Licensing Officer

**For Decision** **NO**

**Environment and Neighbourhood Quality Portfolio: Councillor Collins**

**Key Decision:** **N/A**

---

### **1.0 Purpose of Report**

**1.1** To seek the views of the Licensing Committee with regard to the Council's draft Statement of Principles under the Gambling Act 2005, following a twenty-eight day consultation period, prior to its submission to Full Council for approval.

### **2.0 Recommendation**

**2.1** That the Committee recommends the Council to approve the revised Statement of Principles, shown at Appendix A, for publication as the Council's Statement of Gambling Policy.

### **3.0 Summary**

**3.1** The Gambling Act 2005 requires Havant Borough Council (as the licensing authority) to publish its Statement of Principles every three years. The statement must be published before the authority can carry out licensing functions.

### **4.0 Subject of Report**

**4.1** The current Statement of Principles has now been redrafted and sent out for consultation as required under the Act to the following:-

- The Police.
- Representatives of gambling businesses in the area.
- Representatives of persons likely to be affected by the exercise of the Authority's functions under the act.

**4.2** The period of consultation closed on 23<sup>rd</sup> October 2013 and no responses were received.

**4.3** There have only been statistical amendments made to the previous statement along with adjusted categories for the various gaming machine types. The

paragraphs affected by the changes are 2.3.4, 9.7.1, 9.12.2, 9.15.1, 10.14.1.  
There were no material changes to the wording of the policy.

- 4.4 In the three years since the introduction of the previous statement of principles no complaints have been received regarding any of the premises licensed under the Gambling Act 2005.

## **5.0 Implications**

### *Financial*

- 5.1 Havant Borough Council accrues approximately £25,000 per annum from the administration of Licences and Permits under the Gambling Act 2005.

### *Legal*

- 5.2 As set out in paragraph 3.1 above.

### *Strategy (Community and Corporate)*

- 5.3.1 When dealing with licensing matters to which this policy relates, and in so far as they are relevant to the licensing objectives, the Authority will also take the following into consideration:

- A. Havant Borough Council Corporate Strategy 2012 – 2017
- B. Havant Borough Council Licensing Policy (LA 2003)

### *Equalities/Customers*

- 5.4 This review of the existing Statement of Principles has not in any way altered the Authority's position regarding equality under the Gambling Act 2005.

### *Risk*

- 5.5 None

### *Communications/Public Relations*

- 5.6 Following approval of the Statement of Principles, it will be published as required by the Act on the Authority's website and made available for public inspection

A consultation was conducted with the Police, representatives of gambling businesses in the area and representatives of persons likely to be affected by the exercise of the Authority's functions under the act. No responses to the consultation were received.

## **Annexes**

**Appendix A** – Draft copy of Gambling Act 2005 Statement of Principles.

Agreed and signed off by:

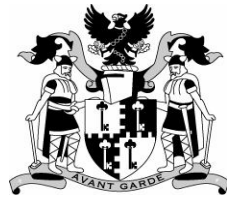
Legal Services: 04/10/2013

Relevant Executive Head: 04/11/2013

Financial Services: 05/11/2013

**Contact Officer:** Steve Abolins  
**Job Title:** Licensing Officer  
**Telephone:** 02392 446657  
**E-Mail:** [stephen.abolins@havant.gov.uk](mailto:stephen.abolins@havant.gov.uk)

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**Havant**  
BOROUGH COUNCIL

**STATEMENT  
OF  
PRINCIPLES**

**GAMBLING ACT 2005**

January 2014

Page 91

# GAMBLING ACT 2005

## STATEMENT OF PRINCIPLES

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# PART A – GENERAL PRINCIPLES

## 1. Licensing Objectives

1.1 When dealing with licensing matters Havant Borough Council (“the Licensing Authority”) must have regard to the three licensing objectives set out in the Gambling Act 2005 (“the Act”). 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 (“The Licensing Objectives”).

1.2 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. Introduction

### 2.1 Duration of Statement

2.1.1 This statement of principles is the Licensing Authority’s published policy for the purposes of the Act. It will run for the period of three years approved at a meeting of Full Council on 11<sup>th</sup> December 2013 and commencing on 31<sup>st</sup> January 2014.

2.1.2 This policy will be applied in the exercise of the Licensing Authority’s functions under the Act during that period.

2.1.3 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.

2.1.4 Should you have any comments with regard to this policy statement, please send them via email or letter to the following contact:

Name: Licensing Officer

Address: Havant Borough Council, Public Service Plaza, Civic Centre Road,  
Havant,

Hampshire PO9 2AX. Email: [licensing@havant.gov.uk](mailto:licensing@havant.gov.uk)

2.1.5 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.

## 2.2 Content of Statement

2.2.1 A summary of information contained within this statement is attached as an index at the front of this document.

2.2.2 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 and 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.

2.2.3 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.

2.2.4 This statement is published on the Licensing Authority's web-site and is available at the offices of the Licensing Authority during normal working hours.

2.2.5 The address of the Licensing Authority's web-site is <http://www.havant.gov.uk/law-and-licensing>

## 2.3 Geographical application of Statement

2.3.1 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.

2.3.2 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 harbourside shores.

2.3.3 Tourism is a major part of the local economy and every year 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.

2.3.4 The current projected population for the Borough of Havant is almost 121,000. 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:

- 14 Betting offices
- 71 Alcohol licensed premises
- 16 Members clubs
- 1 Bingo Hall
- 9 Adult Gaming Centres
- 2 Family Entertainment Centre (with premises licence)
- 8 Family Entertainment Centre Machine Permits
- 3 Holiday Resorts with Bingo Premises Licences

There are currently no Casinos or Tracks within the Borough.

2.3.5 A map showing the extent of the Borough is produced at Appendix A

## 2.4 Consultation Process

2.4.1 Before publishing this policy statement the Licensing Authority has consulted with and taken into account comments from various persons/bodies who appeared to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the district, together with persons/bodies who appeared likely to be affected by the exercise of the Licensing Authority's functions under the Act, namely:

- The Chief Officer of Police for Hampshire
- Association of British Bookmakers
- British Holiday and Home Parks Association
- The Bingo Association
- The British Casino Association
- Current holders of Betting Office and Bookmakers permits in Havant Borough
- Crime and Disorder Reduction Partnership
- British Institute of Innkeeping
- British Beer and Pub Association
- Environmental Services
- Social Services
- Citizens Advice Bureau
- GamCare

- The Gambling Commission
- British Amusement Catering and Trades Association
- Planning Authority
- Hampshire Fire and Rescue Service
- Local Authority Licensing Councillors
- Trading Standards

2.4.2 A full list of comments made is available by request to :  
Licensing Officer, Havant Borough Council, Public Service Plaza, Civic Centre  
Road, Havant, Hampshire, PO9 2AX

## 2.5 Declaration

2.5.1 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.

## 2.6 Fundamental principles

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

## 3. **Responsible Authorities**

### 3.1 Responsible Authorities - General

- 3.1.1 The Act specifies various bodies as Responsible Authorities (“Responsible Authorities”). The contact details of all the Responsible Authorities in the area of the Licensing Authority can be found on the Council’s website at [www.havant.gov.uk/havant-7439](http://www.havant.gov.uk/havant-7439)
- 3.1.2 The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.

### 3.2 Responsible Authority - Protection of Children from harm

3.2.1 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.

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

## 4. **Interested parties**

### 4.1 Interested Parties – General

4.1.1 The Act identifies various categories of person who may be Interested Parties ("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. Interested parties can make representations about licence applications or apply for a review of an existing licence.

4.1.2 Interested parties can make representations about licence applications or apply for a review of an existing licence.

### 4.2 Interested Parties – Principles relating to determination

4.2.1 The Licensing Authority will apply various principles to determine whether a person is an Interested Party.

4.2.2 The Licensing Authority will consider each situation on its merits.

4.2.3 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.

4.2.4 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.

4.2.5 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

4.2.6 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 Officer on (02392) 446653 for advice.

## **5. Responsible Authorities and Interested Parties**

### **5.1 Responsible Authorities and Interested Parties - representations**

5.1.1 Representation made by a Responsible Authority or Interested Party, which is not withdrawn, will normally result in a hearing taking place.

5.1.2 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. Disclosure / Exchange of Information**

### **6.1 Exchange of Information – General**

6.1.1 The Act, and other legislation such as the Data Protection Act 1998 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.

### **6.2 Exchange/Disclosure of Information – principles**

6.2.1 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.

6.2.2 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.

6.2.3 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.

6.2.4 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.

6.2.5 The Licensing Authority in carrying out its duties will have full regard to the provisions of the Data Protection Act 1998 and the Freedom Of Information Act 2000.

6.2.6 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.

## **7. Enforcement**

### **7.1 Enforcement – General**

7.1.1 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.

7.1.2 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.

### **7.2 Inspections and instituting criminal proceedings – principles**

7.2.1 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.

7.2.2 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.

7.2.3 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.

### 7.3 Carrying out enforcement responsibilities – risk

7.3.1 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.

7.3.2 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.

## 8. Havant Borough Council Functions

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.

## PART B – SPECIFIC FUNCTIONS

### 9. Premises Licences

#### 9.1 Fundamental principles applying to Premises Licences

- 9.1.1 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 are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.1.2 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.
- 9.1.3 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.

9.1.4 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).

## 9.2 Premises Licence – Definition of Premises.

9.2.1 For the purposes of the Act, the term “premises” is defined as including “any place”.

(NB: A premises licence may not be issued in relation to a vehicle, or part of a vehicle)

9.2.2 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.

9.2.3 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.

### 9.3 Premises Licence - Decision Making

9.3.1 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 a 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.

9.3.2 The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.3.3 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;
- 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 by the use of one or more conditions.

9.3.4 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.

### 9.4 Premises Licence – Conditions

9.4.1 **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.

9.4.2 **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.

9.4.3 Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises.

9.4.4 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.

9.4.5 In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.

9.4.6 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.

## 9.5 Premises Licence – reviews

9.5.1 Requests 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 review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous or vexatious will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- 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 and
- in accordance with the authority's statement of licensing policy.

9.5.2 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.

9.5.3 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

### **Adult Gaming Centre Premises Licences**

#### **9.6 Adult Gaming Centres - General**

9.6.1 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 eighteen years and over.

#### **9.7 Adult Gaming Centre Premises Licence – Miscellaneous**

9.7.1 An Adult Gaming Centre Premises Licence can authorise the holder to make available:

For premises in existence before 13<sup>th</sup> 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 14<sup>th</sup> 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.

#### **9.8 Adult Gaming Centre Premise Licence – decision making**

9.8.1 The Licensing Authority will particularly have regard to the need to protect persons under 18 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.

9.8.2 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 barring 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.

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

### **Licensed Family Entertainment Centres**

#### **9.9 Licensed Family Entertainment Centres – General**

9.9.1 The Act creates two classes of Family Entertainment Centre.

1. A Licensed Family Entertainment Centre will require a premises licence allowing an unlimited number of Category C or D gaming machines. Persons under eighteen years old will be permitted to enter an FEC and may play on Category D machines. 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.

2. 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.

#### **9.10 Licensed Family Entertainment Centres – Decision Making**

9.10.1 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 under 18 year olds do not have access to the adult only gaming machine areas.

9.10.2 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 barring 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.



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

### **Casino Premises Licence**

#### 9.11 Casino Resolution

9.11.1 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.

### **Bingo Premises Licence**

#### 9.12 Bingo Premises Licence - General

9.12.1 Bingo does not have a statutory definition.

9.12.2 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 13<sup>th</sup> 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 14<sup>th</sup> 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.

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

#### 9.13 Bingo Premises Licence – Decision Making

9.13.1 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.

9.13.2 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 under 18 years olds do not have access to adult only gaming machines.

9.13.3 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 barring 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.

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

9.13.5 The Licensing Authority normally expect the applicant to identify the types of gaming machine that will be placed on the premises.

9.13.6 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.

### **Betting Premises**

#### 9.14 Betting Premises - General

9.14.1 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.

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

#### 9.15 Betting Premises - Miscellaneous

9.15.1 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 to D.

9.15.2 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.

#### 9.16 Betting Premises – Decision Making

9.16.1 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 barring 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.

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

9.16.3 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, and 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.

9.16.4 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.

## **Tracks**

### 9.17 Tracks - General

9.17.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.

### 9.18 Tracks - Miscellaneous

9.18.1 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.

9.18.2 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.

9.18.3 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 from harm they should still be prevented from entering areas where gaming machines (other than category D machines) are provided.

#### 9.19 Tracks – Decision Making

9.19.1 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.

9.19.2 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
- self barring 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.

9.19.3 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.

### **Travelling Fairs**

#### 9.20 Travelling Fairs - General

9.20.1 A Travelling Fair “wholly or principally” provides amusements.

#### 9.21 Travelling Fairs - Miscellaneous

9.21.1 A Travelling Fair can only take place on a site that has not been used for fairs for more than 27 days per calendar year.

9.21.2 Travelling Fairs do not require a permit or licence to provide gaming machines provided that these are only category D gaming machines. There is no limit to the number of such category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

## 9.22 **Provisional statements**

9.22.1 Section 204 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy

9.22.2 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.

9.22.3 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.

9.22.4 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.

9.22.5 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.

## **10. Permits/Temporary and Occasional Use Notices**

### **Unlicensed Family Entertainment Centre Gaming Machine Permits**

10.1 **Unlicensed Family Entertainment Centre Gaming Machine Permits – General**

10.1.1 This permit authorises the provision of specified low category (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.

10.1.2 No operators licence or premises licence is required for the grant of this permit.

10.1.3 An application will only be granted if the Chief Officer of Police has been consulted on the application.

## 10.2 Unlicensed Family Entertainment Centre Gaming Machine Permits – Miscellaneous

10.2.1 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:

- 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.

10.2.2 Applications for this permit cannot be made if a Premises licence has been granted under this Act.

## 10.3 Unlicensed Family Entertainment Centre Gaming Machine Permits – Statement of Principles

10.3.1 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.

## 10.4 Unlicensed Family Entertainment Centre Gaming Machine Permits – Decision Making

10.4.1 The Act imposes mandatory conditions on an Unlicensed Family Entertainment Centre Gaming Machine Permit. The Licensing Authority cannot impose any other conditions.

10.4.2 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.

### **Alcohol Licensed Premises Gaming Machine Permits**

#### **10.5 Alcohol Licensed Premises Gaming Machine Permits - General**

10.5.1 Premises, licensed to sell alcohol for consumption on the premises (such as Public Houses), 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 has paid the required fee.

10.5.2 In certain circumstances the Licensing Authority has the power to remove this right.

10.5.3 If a premises wishes to have more than 2 machines, it needs to apply for a permit and the Licensing Authority will consider the application based upon the Licensing Objectives, guidance issued by the Gambling Commission and 'such matters as they think relevant'.

10.5.4 This Licensing Authority considers that such 'relevant matters' will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to satisfy us that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy this 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
- notices and signs
- provision of information leaflets/helpline numbers for organisations such as GamCare.

#### **10.6 Alcohol Licensed Premises Gaming Machine Permits - Miscellaneous**

10.6.1 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.

#### **10.7 Alcohol Licensed Premises Gaming Machine Permits – Decision Making**

10.7.1 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.

10.7.2 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**

#### **10.8 Prize Gaming Permits – General**

10.8.1 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.

#### **10.9 Prize Gaming Permits - Miscellaneous**

10.9.1 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.

#### **10.10 Prize Gaming Permits – Statement of Principles**

10.10.1 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.

#### **10.11 Prize Gaming Permits – Decision Making**



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

### **Club Gaming**

#### **10.12 Club Gaming Permits – General**

10.12.1 A Club Gaming Permit provides that Members Clubs and Miners' Welfare Institutes (but not commercial clubs), subject to certain restrictions, 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.

#### **10.13 Club Gaming Permits – Miscellaneous**

10.13.1 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.

#### **10.14 Club Machine Permits - General**

10.14.1 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.

#### **10.15 Club Gaming Permits/Club Machine Permits - Decision Making**

10.15.1 The Licensing Authority cannot attach conditions to either of these permits.

10.15.2 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.

10.15.3 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.

10.15.4 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**

#### **10.16 Temporary Use Notices - General**

10.16.1 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.

#### **10.17 Temporary Use Notices - Miscellaneous**

10.17.1 A Temporary Use Notice may only be granted to a person or a company holding a relevant operating licence.

10.17.2 The same set of premises may not be the subject of a temporary use notice for more than twenty-one days in any twelve month period, but may be the subject of several notices provided the total does not exceed twenty-one days.

10.17.3 It is for the Licensing Authority to determine in each case what constitutes a set of premises.

#### **10.18 Temporary Use Notices – Decision Making**

10.18.1 Where an objection has been received in relation to a Temporary Use Notice, if the Licensing Authority considers that it should not have effect or should have effect only with modification, the Licensing Authority may give a counter-notice.

10.18.2 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.

10.18.3 The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.

10.18.4 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**

### 10.19 Occasional Use Notices - General

10.19.1 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.

### 10.20 Occasional Use Notices - Miscellaneous

10.20.1 Occasional Use Notices may not be relied upon for more than eight days in a calendar year.

10.20.2 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.

## **11. MISCELLANEOUS**

### 11.1 Rights of appeal and judicial review

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.

An appeal has to 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.

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.

### 11.2 Other matters

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 web site ([www.havant.gov.uk](http://www.havant.gov.uk)) or by contacting the Licensing Department at Havant Borough Council:

- Register of premises licenses 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

### 11.3 Havant Borough Council Delegations of Licensing Functions

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Three year licensing policy	x		
Policy not to permit casinos	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 transfer		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 A

