

# Licensing Committee

Tuesday, 8th April, 2014  
at 9.30 am

**PLEASE NOTE TIME OF MEETING**  
**Council Chamber - Civic Centre**

This meeting is open to the public

## **Members**

Councillor Cunio (Chair)  
Councillor Parnell  
Councillor Thomas  
Councillor Mrs Blatchford  
Councillor B Harris  
Councillor Vassiliou  
Councillor Lewzey (Vice-Chair)  
Councillor Lloyd  
Councillor Spicer  
Councillor L Harris  
Councillor Fitzhenry  
Councillor Pope  
Councillor Whitbread

## **Contacts**

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Head of Legal and Democratic Services  
Richard Ivory  
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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

### **Southampton City Council's Priorities:**

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones** – Please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2013/14:**

Meetings of the Committee are held as and when required.

## CONDUCT OF MEETING

### TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

### BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

### Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website

### 1 **APOLOGIES**

To receive any apologies.

### 2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### 3 **STATEMENT FROM THE CHAIR**

### 4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meetings held on 19 September 2013 and 26 September 2013 and to deal with any matters arising, attached.

### 5 **CAB CAMERAS - REVIEW OF SUBSIDY PROVISION**

Report of the Head of Legal and Democratic Services seeking to review subsidy for taxi cameras, attached.

### 6 **REQUEST TO AMEND THE CONDITION TO REDUCE THE LIFE OF LICENSED PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES**

Report of the Head of Legal and Democratic Services seeking to determine whether the policy and conditions in relation to the operational life of hackney carriages and private hire vehicles should be amended, attached.

Monday, 31 March 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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# Agenda Item 4

## MINUTES OF PREVIOUS MEETINGS

Appendix 1 – Minutes of 19 September 2013

Appendix 2 – Minutes of 26 September 2013

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2013

Present:

Members of the Council

Councillors Cunio (Chair), B Harris, Lewzey (Vice-Chair), Lloyd, Parnell, Pope, Spicer, Thomas and Vassiliou

Apologies

Councillors Mrs Blatchford, Fitzhenry, L Harris and Laming

1. **APOLOGIES**

The Committee noted that apologies had been received from Councillors Mrs Blatchford, Fitzhenry, L Harris and Laming.

2. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the minutes of the meeting held on 25 April 2013 be approved and signed as a correct record.

3. **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS AND POLICY - CAB CAMS**

The Committee considered the report of the Head of Legal, HR and Democratic Services seeking to determine whether the policy and conditions for Hackney Carriage and Private Hire Vehicles should continue to be enforced and / or should be amended to consider adoption of one of the options set out within the report. (Copy of the report circulated with the agenda and appended to the signed minutes)

Mr Athwal, The Trans Group, Mr Hall, Southampton Hackney Association, Mr Johnson, Chairman of STA, Mr May, STA, Mr McMillan, Unite, and Mr Rumsey were present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

- (i) that it would be mandatory for cameras to be fitted with permanent visual recording and audio recording, activated by the driver;
- (ii) that the Council would continue to subsidise the cost of the cameras; and
- (iii) to delegate to the Head of Legal, HR and Democratic Services the authority to:
  - a) adopt, and from time to time amend a formal policy clarifying the download procedure
  - b) adopt and approve a minimum specification for the cameras in Hackney Carriages and Private Hire vehicles
- (iv) that condition 23.4 of the Private Hire Vehicle Licence Policy and Conditions be amended to include reference to condition 25.

4. **TRADE REQUEST TO REMOVE THE CONDITIONS RELATING TO FIRE EXTINGUISHERS AND FIRST AID BOXES IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

The Committee considered the report of the Head of Legal, HR and Democratic Services seeking to determine whether the conditions relating to fire extinguishers and first aid boxes in Hackney Carriages and Private Hire Vehicles should remain or be amended or removed. (Copy of the report circulated with the agenda and appended to the signed minutes)

**RESOLVED** that conditions requiring licensed Hackney Carriages and Private Hire Vehicles to carry first aid kits and fire extinguishers be removed.

5. **TRADE REQUEST TO AMEND THE CONDITION TO LENGTHEN THE LIFE OF LICENSED PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES**

The Committee considered the report of the Head of Legal, HR and Democratic Services seeking to determine whether the policy and conditions in relation to the operational life of Hackney Carriages and Private Hire Vehicles should continue or be amended in line with one of the options set out within the report. (Copy of the report circulated with the agenda and appended to the signed minutes)

Mr McMillan, Unite, Mr Johnson, Chairman of Southampton Taxi Association, Mr Hall, Southampton Hackney Association were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to amend the policy and conditions to increase the operational life of Hackney Carriages and Private Hire Vehicles by two years.

6. **TRADE REQUEST TO AMEND REQUIREMENTS OF WHEEL CHAIR ACCESSIBLE HACKNEY CARRIAGES FOR PLATES 264 TO 283**

The Committee considered the report of the Head of Legal, HR and Democratic Services seeking to determine whether the requirement of wheel chair accessible Hackney Carriages imposed on the last 20 Hackney Carriages be relaxed to rear loading rather than side loading. (Copy of the report circulated with the agenda and appended to the signed minutes)

Mr Athwal, The Trans Group, Mr Johnson, Chairman of STA, Mr May, STA, Mr McMillan, Unite and Mr Semple were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that the requirement of wheel chair accessible Hackney Carriages imposed on the last 20 Hackney Carriages (Plates 264-283) be removed to allow rear loading rather than side loading.

SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 26 SEPTEMBER 2013

Present:

Members of the Council

Councillors Cunio (Chair), Thomas, B Harris, Lewzey (Vice-Chair) and Lloyd

Apologies

Councillors Parnell, Mrs Blatchford, Vassiliou, Laming, Spicer, L Harris, Fitzhenry and Pope

7. **APOLOGIES**

The Committee noted that apologies had been received from Councillors Mrs Blatchford, Fitzhenry, L Harris, Laming, Parnell, Pope, Spicer and Vassiliou.

8. **SCRAP METAL DEALER LICENSING**

The Committee considered the report of the Head of Legal, HR and Democratic Services, introducing a new licensing scheme from 1 October 2013, for The Scrap Metal Dealers Act 2013, replacing the previous simple registration requirements for scrap metal dealers and motor salvage operators. (Copy of the report circulated with the agenda and appended to the signed minutes).

**RESOLVED** that

- (i) the contents of the report be noted;
- (ii) the fees associated with the function determined under delegated powers by the Head of Legal, HR and Democratic Services be noted;
- (iii) the Licensing Committee recommends that Cabinet to delegates to the Head of Legal, HR and Democratic Services the following:
  - the administration and enforcement of the function and;
  - the power to request further information of applicants (paragraph 4, schedule 1);
  - to determine applications (including refusal), revoke licences or to impose conditions under section 3(8);
  - the power to issue or cancel a closure notice for unlicensed sites, and, where appropriate, to apply for closure orders (schedule 2) and take such other action in this respect as may be required.
- (iv) the Licensing Committee recommends that Council to delegates the functions set out at iii) to the Licensing Committee, when the power to do so is available.

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# Agenda Item 5

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE		
<b>SUBJECT:</b>	CAB CAMERAS – REVIEW OF SUBSIDY PROVISION		
<b>DATE OF DECISION:</b>	8 APRIL 2014		
<b>REPORT OF:</b>	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Phil Bates</b>	<b>Tel:</b> <b>023 8083 3002</b>
	<b>E-mail:</b>	<b>phil.bates@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel:</b> <b>023 803 2371</b>
	<b>E-mail:</b>	<b>mark.heath@southampton.gov.uk</b>	

## STATEMENT OF CONFIDENTIALITY

Not applicable.

## BRIEF SUMMARY

Since 26 August 2009 the Authority has required, by way of policy and conditions, that all new and replacement vehicles be fitted with Council approved cameras and those cameras be subsidised by the Authority to the effect that the cost to the driver be capped at £250 excluding VAT and fitting costs.

This requirement was reviewed by Licensing Committee on 19<sup>th</sup> September 2013 when it was resolved that the Authority would continue to pay the subsidy.

However, as the forecast financial position for the Authority continues to be extremely challenging it is considered timely that the application / funding of the subsidy be reviewed.

Although there is a fixed number of 283 licensed hackney carriages, there is no such limit on private hire vehicle licences so new licences are continually granted. Between 1<sup>st</sup> March 2013 and 14<sup>th</sup> February 2014 95 new licences have been issued. It is therefore difficult to accurately forecast the future level of subsidy required if the current funding requirement were to continue, however it is in the region of £64,000 to £79,000 per year. In addition, the new requirement to fit a panic button has increased the camera costs and will therefore increase the value of the subsidy.

## RECOMMENDATIONS:

- (i) To cease the current subsidy to proprietors of hackney carriages and private hire vehicles for the installation of an approved camera at renewal or initial application of a licence, with effect from 1<sup>st</sup> June 2014.
- (ii) To reaffirm the policy and condition of both hackney carriages and private hire vehicles as follows:  
“A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the council.

The above is effective on the grant of a new (other than by renewal) or on the replacement of a licensed vehicle”.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. On 26<sup>th</sup> August 2009 the Licensing Committee resolved “in line with Government and Council priorities on crime and disorder, public and driver safety all licensed vehicles will be fitted with Council approved digital cameras as soon as possible and in any case at the time a current licensed vehicle is replaced with the cost to the proprietor capped at £250 excluding VAT and fitting costs.”
2. In light of the forecast financial position for the Authority a review of any ongoing subsidy is considered to be necessary.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 3 None. All options are contained in this report.

## **DETAIL (Including consultation carried out)**

4. Of the 283 licensed hackney carriages on 14<sup>th</sup> February 2014 36 have not been fitted with an approved camera.
5. On the 14<sup>th</sup> February 2014 there were 70 licensed private hire vehicles that still had no approved camera to be fitted. Since 1<sup>st</sup> March 2013 to 14<sup>th</sup> February 2014 a total of 95 new private hire vehicle licences were issued.
6. The cost of a camera varies from approximately £650 to £700. Therefore the subsidy for each camera is between £350 and £400.
7. Letters have been sent to all the proprietors of hackney carriages and private hire vehicles and the drivers licensed by the council informing them of this report and inviting responses. A copy of this letter is shown at Appendix 1. This amounted to 1353 letters. 9 responses have been received 6 from individuals, one from a private hirer operator, Unite cab section and the Southampton Hackney Association. The responses raised the following points:
  - Cameras should be voluntary
  - When mandatory cameras voted in the belief subsidy would remain
  - The recovery of the cost of the camera through HMRC is only appropriate if the individual earns enough
  - The cost of the required camera is excessive
  - Should only apply to hackney carriages
  - Places Southampton licensed operators in a poor position with an additional cost compared to operators in neighbouring areas who can undercut prices as their overheads are lower.

One response felt the subsidy should cease as the trade has had plenty of time to fit a camera and claim the subsidy.

8. In response to the objections, the cost of the cameras is “high” due to the security required within the approved systems to meet the needs to present acceptable evidence in criminal proceedings before courts and civil hearings when necessary. Cheaper systems are available but do not provide this security rendering the evidence they offer as unreliable in court as well as council decisions and are therefore not considered to be acceptable. In light of the significant ongoing financial commitment under the current arrangements the committee is requested to reconsider its decision of 19th September 2013 when it resolved that the subsidy be continued.
9. There is some evidence to suggest proprietors of private hire vehicles have realised if they have a broken camera in a car they are better off surrendering that plate, applying for a new licence and being eligible for the subsidy for a new camera. Under the current system there is nothing to prevent this.

10. **Options**

**Option 1- to remove the subsidy with effect from 1<sup>st</sup> June 2014**

**Pros:** Removes an ongoing budget requirement within the General Fund of £79,000 in 2014/15 and £64,000 from 2015/16 and ongoing. Improves competition between the suppliers as their customers now pay the cost and this in turn could reduce the costs charged by the suppliers. A June implementation date would provide the trade with time to make appropriate arrangements.

**Cons:** Places the financial burden on proprietors although the cost is a recoverable business expense for tax purposes.

**Option 2 - to fix the level of subsidy paid by the Council**

**Pros:** To adjust the subsidy to fix the amount paid by the council will improve competition between the suppliers and provide an incentive to reduce costs.

**Cons:** The General Fund will be required to retain an ongoing budget provision, which would need to be recalculated to reflect the revised subsidy set. Could place an increased financial burden on proprietors dependent on the level of subsidy set.

**Option 3 - to retain the existing subsidy**

**Pros:** No change for the proprietors

**Cons:** The General Fund will be required to retain the ongoing budget provision to fund the subsidy.

11. It is proven that the cab cams are of benefit to both the drivers and customers in reducing crime and disorder. When giving evidence at the ICO hearing on the use of cameras in taxis Deputy Assistant Police Commissioner Martin Hewitt explained how the setting inside a taxi is a unique area bringing together a lot of the requirements for serious offences. The ICO and other parties were in agreement cameras were of a significant benefit, it was the degree of audio recording that was contentious. This has been partially resolved by a panic button being fitted. In addition, the ongoing financial burden of a subsidy is unreasonable in the current financial climate.

## **RESOURCE IMPLICATIONS**

### **Revenue**

12. The revenue subsidy for camera installation currently paid by the Authority was reviewed by Licensing Committee on 19<sup>th</sup> September 2013. The review was required in part due to the lack of any ongoing funding being available for the continuation of the subsidy. However at that time Licensing Committee agreed to continue with the subsidy and an ongoing revenue budget was subsequently approved as part of a list of budget pressures by Full Council on 12<sup>th</sup> February 2014. The approved budget comprised £79,000 in 2014/15 and £64,000 from 2015/16 and ongoing
13. The annual revenue budget required will need to be reviewed dependent on the option chosen. If the report recommendation to implement option 1 is agreed this would generate a saving to the General Fund of £79,000 in 2014/15 and £64,000 from 2015/16 and ongoing.

### **Property/Other**

14. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

15. Section 37 Town Police Clauses Act 1847
16. Section 47 Local Government (Miscellaneous provisions) Act 1976

### **Other Legal Implications:**

17. Section 17 Crime and Disorder Act 1998
18. European Convention on Human Rights

## **POLICY FRAMEWORK IMPLICATIONS**

19. None.



KEY DECISION? No

WARDS/COMMUNITIES AFFECTED: none	None
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Letter sent to owners and drivers informing of proposals
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**Documents In Members' Rooms**

1.	Consultation responses relevant to the camera subsidy
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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**Other Background Documents**

**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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LEGAL, DEMOCRATIC SERVICES

**RICHARD IVORY, Solicitor,**

**Head of Legal and Democratic Services**

**Southampton and Eastleigh Licensing Partnership**

Southampton City Council

Civic Centre,

Southampton SO14 7LY

Please address all correspondence to:

**Licensing – Southampton City Council,**

**PO Box 1767, Southampton SO18 9LA**

Direct dial: 023 8083 3002

Our ref:

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Please ask for: Mr. Bates

Name

24<sup>th</sup> February 2014

Dear Sir or Madam,

### ***Consultation on life of licensed vehicles and ending the subsidy for taxi cameras***

It is proposed to submit two separate reports to the Licensing Committee to consider reducing the life of licensed vehicles by two years ie back to the age limit that was in place before it was revised last year and to set in motion the structure to bring an end to the subsidy provided to proprietors of licensed vehicles for the cost of taxi cameras.

#### **Life of licensed vehicles:**

Private Hire Vehicles and Hackney Carriages fall into one of two categories. Category A vehicles are certified to 'M1' standard wheel chair accessibility and Category B are all other vehicles.

On the 19<sup>th</sup> September 2013 the Licensing Committee resolved category A vehicles can be licensed on application or renewal up to the age of 12 years and Category B up to the age of 9 years. This was an increase of 2 years from the previous condition. The argument presented was to ease the burden on proprietors at a time of recession.

Since that date the business community has expressed concern about the negative impact this change will have on the image of the city and business in general. In addition improved EU standards on newer vehicles making significant improvements to emissions and the Council's desire to reduce emissions generally are reasons to revert back to younger vehicles.

#### **Taxi Camera subsidy:**

Since 2009 when it became compulsory for licensed vehicles to have fitted an approved taxi camera the council has paid a subsidy so the cost to a proprietor for the first camera for that licence did not exceed £250 plus VAT plus the cost of fitting. At the time of introduction there were various funding streams available to finance this. These funding streams are no longer available. Owners have had since 2009 to fit cameras although there is no requirement to fit a camera until the vehicle is replaced or on a new application. There is an average of 100 new private hire vehicles being licensed each year. This would incur a significant ongoing cost to the council's general budget rather than falling on the licensing budget. In times of unprecedented financial cutbacks the Council can no longer afford to subsidise cameras but wish to continue with the need for them to be fitted..

The cameras required meet specifications recommended to ensure the data is of sufficient quality to meet the standards required to be presented as evidence in court. There is also substantial security attached to the data to ensure compliance with the relevant pieces of legislation. The council will look at any system recommended to them as long as it meets the specification required by the council.

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**If you require this letter or future correspondence from us in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.**

HMRC have advised the full costs of the camera and fitting can be recovered by the owners in the first year as legitimate costs.

The Licensing Committee will be considering the matter with a recommendation to end the subsidy for cameras fitted on or after the 1<sup>st</sup> June 2014.

**This letter has been sent to you as part of the consultation process. If you wish to respond to either or both of the above subject areas please write to or e-mail the licensing team at the above addresses by 23<sup>rd</sup> March 2014.** All responses will be put before the committee which will also be open to the public for you to address the committee if you wish.

Yours faithfully,

Phil Bates  
Licensing Manager  
for Head of Legal and Democratic Services

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**If you require this letter or future correspondence from us in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.**

# Agenda Item 6

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE		
<b>SUBJECT:</b>	REQUEST TO AMEND THE CONDITION TO REDUCE THE LIFE OF LICENSED PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES		
<b>DATE OF DECISION:</b>	8 APRIL 2014		
<b>REPORT OF:</b>	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Phil Bates</b>	<b>Tel:</b> 023 8083 3002
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<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel:</b> 023 803 2371
	<b>E-mail:</b>	mark.heath@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

Not applicable.

## BRIEF SUMMARY

Correspondence from sections of Southampton's Business Sector expressed concern at the decision to lengthen the life of Hackney Carriages and Private Hire vehicles. They believe presenting an aged fleet to their customers will not promote the right image of Southampton

The taxi trade considered the relaxation of the restrictions improved their options on how to run their business..

EU directives on vehicle emissions have recently changed and new standards are agreed to start in January 2015, improving the emissions of new vehicles.

## RECOMMENDATIONS:

- (i) To approve a change in the policy and conditions of hackney carriages and private hire vehicles to restrict the age (time period since first registration) of any such vehicle, at the time of application or renewal, to less than 10 years for category A vehicles and less than 7 years for category B vehicles.
- (ii) To approve the change as at (i) above to take effect from 1<sup>st</sup> April 2016.
- (iii) To approve the restriction in the age of hackney carriages or private hire vehicles that are either wholly electrical or use hybrid electrical engines, at the time of application or renewal, to be less than 10 years old from date of first registration.

## REASONS FOR REPORT RECOMMENDATIONS

1. At the Trade Representatives Consultation meeting with Licensing Committee Members on 18<sup>th</sup> April 2013 the life of vehicles was raised by the trade with a request to extend the life by 1 or 2 years.

2. The Licensing Committee Members present at the meeting requested a report be submitted for consideration
3. A report was submitted and the Licensing Committee met on 19<sup>th</sup> September 2013 to consider the report. It was agreed by the Licensing Committee to extend the life of vehicles by 2 years. There were no representations from other parties.
4. Southampton currently has 10 areas identified as having issues caused by traffic pollution. Implementation of the policy, it has now come to light, will significantly affect other strategies tackling this concern. Pollution within the city directly affects the health and wellbeing of the public; including taxi drivers and their passengers.
5. Since the vehicles lives were extended Associate British Ports, Southampton and Region Hoteliers Association and Destination Southampton have written to sections of Southampton City Council expressing their concern on how this change will effect their different organisations and the image of the city to potential investors or visitors. ( Appendix 1)

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

6. None. All options are contained in this report.

#### **DETAIL (Including consultation carried out)**

7. Licensed vehicles are either a Category A or B. Category A include vehicles made or adapted to 'M1' standards to allow wheel chair access for a person to remain seated in their wheelchair. Category B are all other types of vehicles
- 8.. Historically Category A vehicles will not be granted a new or renewed licence if it is more than 10 years since first registration and Category B is 7 years. On 19<sup>th</sup> September 2013 the Licensing Committee heard submissions from the taxi trade reps to increase the life of licensed vehicles by 2 years.
- 9.. At the consultation meeting the following points were raised:
  - the fact vehicles are tested twice in the year and that unacceptable vehicles should be suspended
  - at a time of recession a one year extension makes a difference and such a compromise will show the Council is listening.
  - owners will always have the choice to keep the car or not and may voluntarily change the vehicle before the age limit is reached.
  - Council records show at the end of their life the majority of licensed vehicles have recorded in excess of 150,000 miles
  - Evidence of one vehicle presented in a poor state for inspection, it had 10 failures and 15 advisory comments on the inspection report.
  - Lengthening the life of the vehicles reduces the new technologies in vehicles in the areas of emissions and safety.
10. The committee agreed to an extension of the life of the vehicles. Category A vehicles to 12 years and Category B to 9 years.

11. Since then business groups in Southampton have expressed their concern at the image portrayed of the city by increasing the age of licensed vehicles. They explain first impressions count and bookings or services provided to these groups reflect on them as well so an old uncomfortable taxi will reflect badly on them and the city in general. Their concerns are this is likely to have a negative impact on the city as whole.
12. EU directives on vehicle emissions have continued to change. Presently any new vehicles bought after 1<sup>st</sup> January 2011 have to comply with Euro 5 Standard, this is an 80% reduction in particles and 20% reduction in Nitrogen Oxides emissions compared to vehicles manufactured prior to 1<sup>st</sup> January 2011. From 1<sup>st</sup> January 2015 Euro 6 applies imposing a further reduction in Nitrogen Oxides of more than 50%. Retaining an older fleet will have a negative impact on emissions. A summary of these changes is attached as appendix 2.
13. Presently Southampton City Council has 10 Air Quality management Areas for air pollution caused by vehicles. A low emission strategy is being developed in Southampton, although the Euro 4 and 5 standards made little impact on reducing Nitrogen Oxide Euro 6 is predicted to make substantial reductions of Nitrogen Oxide.  
**By increasing the age of the taxi fleet in the City it would be difficult to argue that Southampton City Council is doing all it reasonably can to reduce pollution. Implementing the decision made on 19<sup>th</sup> September 2013, without amendment, would cause a delay to the adoption of Euro 6 standard emissions in taxis. This would be perverse, and may attract the attention of DEFRA's Air Quality Department.**
14. Electric or hybrid vehicles should be restricted to those vehicles that, from original manufacture, are powered by either a wholly electric engine or a hybrid engine (one of which power sources is an electric engine) and in any event whose emissions attract the zero rate of vehicle excise duty.
15. Southampton City Council is looking to introduce a Low Emission Strategy (LES) as part of its statutory duties concerning local air quality. The existing Air Quality Action has focused on private vehicle users and model shift. There is now a need to extend the scope of this work to incorporate business vehicle fleets, LGVs, buses and taxis. Over the next two years the LES will look at opportunities to encourage the use of low emission vehicles and a review of the taxi licensing process is proposed as part of this.
16. **Consultation**  
All hackney carriage and private hire vehicle proprietors and drivers listed on the authorities data base were written to on the 24<sup>th</sup> February 2014 seeking views on the proposals to end the subsidy for taxi cameras and reduce the age of private hire vehicles and hackney carriages to 7 and 10 years dependant on the type of vehicle. This amounted to 1353 letters. There were 23 responses, 22 of which related to the age of the vehicle. The majority were from individuals. There were also responses from Unite Cab Section, The Southampton Hackney Association and two managers of private hire companies. All of the responses were against the proposal to reduce the life of the taxis. It should be noted the letter did not contain the recommendation

to delay the reduction in ages until 1<sup>st</sup> April 2016.

17. The responses gave the following reasons for objecting to the proposal
- The council only recently agreed to increase the life of vehicles, changing makes it difficult for drivers
  - Times are hard for drivers with less jobs than previously
  - Vehicles are regularly tested and can be suspended if not meeting emission tests or road worthiness checks..
  - SCC is one of a few authorities requiring vehicles be changed after 7 years
  - Not enough time has passed to evaluate the effect of increasing the ages
  - Some younger cars are in a poor state when some older ones are in excellent condition.
  - The financial burden on the trade having to buy newer vehicles at a time of financial difficulty
  - Nearby areas have much less stringent age limits allowing reduced running costs allowing to put in reduced tenders for business.
  - The two year extension was a much needed financial life line for a number of drivers.
  - Is this sudden u-turn legal?
  - The council subsidises other public transport that has no such age restrictions
  - The emission argument is weak, engines already meet Euro standards
  - The second hand car market is presently strong increasing the costs of seeking newer vehicles at a time of recession.

A copy of the letters will be left in the members room prior to the meeting.

18. Since September 2013 when the licensing committee agreed to increase the ages owners and drivers of hackney carriages and private hire vehicles have made business decisions around replacement or repair of vehicles based on that decision. To protect those decisions and to allow proprietors to plan for the future it is sensible to give a date 2 years in the future when the ages will revert to the original policy ages of 7 years for category B vehicles and 10 years for category A

19. **Options**

**Option 1**

To retain the condition as it is, restricting the life of the vehicles to 9 and 12 years.

**Pros:** The taxi trade benefit from flexibility in the purchase and investment returns from vehicles.

**Cons:** Over a period of time the average age of the fleet will increase. Older vehicles are predominantly less safe, less efficient, more prone to serious break down, produce more harmful emissions and passenger comfort deteriorates. The council could attract attention/criticism for failing to tackle air



quality issues. The image of the city, particularly the views of business, cruise and leisure visitors may be damaged.

### **Option 2**

Revert to the previous age limits of 10 years for Category A vehicles and 7 years for Category B vehicles but delaying the implementation for two years to 1<sup>st</sup> April 2016 and allowing a longer life for electric or hybrid vehicles with immediate effect.

**Pros:** This was a proven policy that provided a balance between maintaining a high standard fleet that presented a positive image of the city and providing a degree of flexibility for the taxi trade to effectively manage their vehicles. By reinstating the policy Southampton City Council would acknowledge significant concerns relating to air quality caused by traffic pollution. By delaying the implementation by 2 years it supports those that have made business decisions based on increased life and gives a clear indication to the trade of what is expected in the future.

**Cons:** The taxi trade will have less options available to them when purchasing vehicles. The trade may feel aggrieved that an alternative policy decision is made so soon after the previous, but hopefully the impact can be reduced by delaying the start date.

20. In light of all the circumstances, on balance, the officers recommendation is option 2 as this provides a balance between maintaining a quality fleet of licensed vehicles that supports the trade to effectively maintain their vehicles and manage their business in a cost effective manner. In addition it is a step in the right direction to meet other policy requirements linked to emissions and air quality.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

21. There are no direct cost implications for the Authority.

### **Property/Other**

22. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

23. Section 37 Town Police Clauses Act 1847  
24. Section 47 Local Government (Miscellaneous provisions) Act 1976

### **Other Legal Implications:**

25. None.

## **POLICY FRAMEWORK IMPLICATIONS**

26. None.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:  
none

### SUPPORTING DOCUMENTATION

#### Appendices

1.	Letters from ABP, Southampton and Region Hoteliers Association and Destination Southampton.
2.	Letter sent to all proprietors and drivers of licensed hackney carriages and private hire vehicles.

#### Documents In Members' Rooms

1.	Report to the Committee on 19 <sup>th</sup> September 2013
2.	Summary of EU legislation concerning reduction of pollutant emissions from light vehicles <a href="http://europa.eu/legislation_summaries/transport/transport_energy_environment/l28186_en.htm">.http://europa.eu/legislation_summaries/transport/transport_energy_environment/l28186_en.htm</a>
3.	Copy of consultation letters received.

#### Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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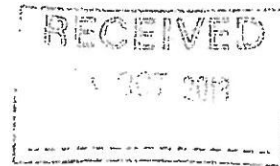
#### Other Background Documents

**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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11 October, 2013

RE: Age limit for Taxis and Private Hire Vehicles

Mr P Bates  
Licensing Manager  
Licensing Team  
PO Box 1767  
Southampton  
SO18 9LA

Dear Mr Bates,

It has come to the attention of the Southampton and Region Hoteliers Association that changes are taking place to extend the age policy for all Southampton licensed taxi and private hire vehicles from 7 to 9 years.

As Chairman of the Hotel Association which represents all of the major hotels in Southampton who naturally use taxis on a daily basis and in huge numbers I am disappointed that such a decision has been taken without any apparent input from a major user of such facilities in the City.

The Hotel Association is focused on delivering great service to everyone who visits Southampton and stays in one of our hotels, we are passionate about attracting more people to the City and giving those who do visit a memorable stay. Quite often first impressions count and equally the last impression is what people remember, in both cases the first and last impression may be that of a journey in a taxi or private hire vehicle. It is obvious that by extending the length of service of these vehicles their appearance, and more importantly their safety will deteriorate, is this really what we want to portray to the City's visitors?

I have spoken to some of my Hotelier colleagues within the region and this is what they have said:

*A further two years I believe would noticeably show in the condition of interior and exterior of a taxi by the very nature of the usage, the taxi would have had a tough seven years anyway. Therefore the perception, of the taxi firm, and I guess a link to first impressions of Southampton would diminish with the taxi's condition. In terms of safety I am not qualified to comment but if they pass their inspections then the council accepts that they are safe. Mark Sampson General Manager, De Vere New Place.*

*I have always believed that when we are booking taxis it is the continuation and reflection of the standards that we offer so this change can only be detrimental to that image let alone the first impressions people will*

October 11, 2013

- 2 -

*have of the city. Certainly from here usage peaks with cruise departures so again it could easily be the lasting image of the city!* Neil Brailsford General Manager, Mercure Dolphin Hotel.

*Given the high mileage of these 7 year+ old cars, you would question their safety on the roads I would have voted for option 1 : ie no change.*  
*Lots of our hotels are not in the city centre and visiting non car driving public are bound to use taxi transport by nature of the distances in this area. So safer and more pristine cars would create a positive and quality focussed image for the City and beyond.* Frank Postel General Manager, Potters Heron Hotel.

The Hotel Association will always strive to improve our visitor experience and to create a positive image of the City, we believe the action you are proposing conflicts with that experience; and is a backwards step, we would urge you to reconsider.

Gavin Elliott  
Chairman Southampton and Region Hoteliers Association  
Managing Director Chilworth Manor

Chilworth Manor, Chilworth, Southampton. SO16 7PT  
Tel: 023 8076 7333

★ tel: 0845 226 9944 fax: 0845 226 5484  
★ info@destinationsouthampton.com  
★ www.destinationsouthampton.com



9<sup>th</sup> October 2013

Phil Bates  
phil.bates@southampton.gov.uk  
Licensing Manager  
Southampton City Council  
PO Box 176  
Civic Centre  
Southampton  
SO18 9LA



Dear Mr Bates

I am writing to register my concerns with regards to the recent changes with regards to the age limit conditions for taxis and private hire cars operating in Southampton.

Destination Southampton is the cities conference bureau, and we proudly sell the city as a destination for conferences, to event and conference planners across the globe. In recent months we have welcomed new clients to the cities venues including some high profile organisations.

One thing we are always pleased to hear is that the delegates using the private hire and taxi facilities when arriving in the city are generally happy with their experience. I strongly believe this is because the city council and other organisations such as ours, Southampton Hoteliers Association, Tourism South East etc., has influenced the training of the drivers and also that the standard of the vehicles in the city is good.

With the new agreement in place allowing private hire cars and taxis to operate at 9 years old (12 years for accessible vehicle), I and my colleagues are concerned that this will have an impact on the experience visitors have to our city and an impact on the image of the city. I would urge the decision to be re-considered.

I would be happy to hear from you and whilst writing I would like to assure you of our commitment at Destination Southampton to the city and the good work that is being done to encourage business visitors.

Yours sincerely

Managing Director



twitter.com/destsouthampton  
twitter.com/cruiseandstay



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Phil Bates  
Licensing, Legal, HR and Democratic Services  
Licensing - Southampton City Council  
PO Box 1344,  
Southampton  
SO15 1WQ

Our Ref:  
HB/HLD

Your Ref:

Date:  
12 December 2013

Dear Phil

### **Age Limit for Taxis & Private Hire extended to 9 Years**

The Port Director has asked me to write to Southampton City Council in connection with the subject matter.

It has come to our attention that Southampton City Council have extended the age limit of vehicles which can be used as a taxi from the standard 7 years to a new maximum of 9 years old. The age limit has also increased for specially adapted vehicles to 12 years old.

Please be advised the Port has and continues to strive to attract the iconic cruise lines and ships to Southampton. The availability of sufficient numbers of modern and well maintained taxis to serve the passengers of the cruise ships to/from the Port is an inherent need.

In this respect it is felt that the increase in age limit of the taxis will not necessarily promote the right image for Southampton.

Passengers alight from a modern cruise ship to use a 10+ years old taxi, with all associated wear, does not sound good.

Please forward ABP's concerns about this change of taxi age policy to the relevant person in the council.

I am happy to discuss this matter if/when appropriate.

Yours sincerely

Hanif Brora  
Head of Port Operations and Safety

cc. Clive Thomas, Deputy Port Manager



LEGAL, DEMOCRATIC SERVICES  
**RICHARD IVORY, Solicitor,**  
**Head of Legal and Democratic Services**  
**Southampton and Eastleigh Licensing Partnership**

Southampton City Council  
Civic Centre,  
Southampton SO14 7LY

Please address all correspondence to:  
**Licensing – Southampton City Council,**  
**PO Box 1767, Southampton SO18 9LA**

Appendix 2



Direct dial: 023 8083 3002

Our ref:

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Please ask for: Mr. Bates

Name

24<sup>th</sup> February 2014

Dear Sir or Madam,

### ***Consultation on life of licensed vehicles and ending the subsidy for taxi cameras***

It is proposed to submit two separate reports to the Licensing Committee to consider reducing the life of licensed vehicles by two years ie back to the age limit that was in place before it was revised last year and to set in motion the structure to bring an end to the subsidy provided to proprietors of licensed vehicles for the cost of taxi cameras.

#### **Life of licensed vehicles:**

Private Hire Vehicles and Hackney Carriages fall into one of two categories. Category A vehicles are certified to 'M1' standard wheel chair accessibility and Category B are all other vehicles.

On the 19<sup>th</sup> September 2013 the Licensing Committee resolved category A vehicles can be licensed on application or renewal up to the age of 12 years and Category B up to the age of 9 years. This was an increase of 2 years from the previous condition. The argument presented was to ease the burden on proprietors at a time of recession.

Since that date the business community has expressed concern about the negative impact this change will have on the image of the city and business in general. In addition improved EU standards on newer vehicles making significant improvements to emissions and the Council's desire to reduce emissions generally are reasons to revert back to younger vehicles.

#### **Taxi Camera subsidy:**

Since 2009 when it became compulsory for licensed vehicles to have fitted an approved taxi camera the council has paid a subsidy so the cost to a proprietor for the first camera for that licence did not exceed £250 plus VAT plus the cost of fitting. At the time of introduction there were various funding streams available to finance this. These funding streams are no longer available. Owners have had since 2009 to fit cameras although there is no requirement to fit a camera until the vehicle is replaced or on a new application. There is an average of 100 new private hire vehicles being licensed each year. This would incur a significant ongoing cost to the council's general budget rather than falling on the licensing budget. In times of unprecedented financial cutbacks the Council can no longer afford to subsidise cameras but wish to continue with the need for them to be fitted..

The cameras required meet specifications recommended to ensure the data is of sufficient quality to meet the standards required to be presented as evidence in court. There is also substantial security attached to the data to ensure compliance with the relevant pieces of legislation. The council will look at any system recommended to them as long as it meets the specification required by the council.

HMRC have advised the full costs of the camera and fitting can be recovered by the owners in the first year as legitimate costs.

The Licensing Committee will be considering the matter with a recommendation to end the subsidy for cameras fitted on or after the 1<sup>st</sup> June 2014.

**This letter has been sent to you as part of the consultation process. If you wish to respond to either or both of the above subject areas please write to or e-mail the licensing team at the above addresses by 23<sup>rd</sup> March 2014.** All responses will be put before the committee which will also be open to the public for you to address the committee if you wish.

Yours faithfully,

Phil Bates  
Licensing Manager  
for Head of Legal and Democratic Services