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SOUTHEND-ON-SEA CITY COUNCIL

Licensing Committee

Date: Wednesday, 23rd March, 2022

Time: 10.00 am

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Monday, 16th August, 2021 (Pages 1 - 2)**
- 4 Age of Hackney Carriage and Private Hire Vehicle Licence Conditions
(Pages 3 - 8)**
- 5 Temporary Increase to Taxi Fares
Report to follow**

TO: The Chair & Members of Licensing Committee:

Cllr A Thompson (Chair), Cllr K Mitchell (Vice-Chair), Cllr M Berry, Cllr S Buckley, Cllr T Cowdrey, Cllr A Dear, Cllr K Evans, Cllr N Folkard, Cllr D Garne, Cllr T Harp, Cllr J Lamb, Cllr A Line, Cllr D McGlone, Cllr A Moring and Cllr I Shead

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Committee

Date: Monday, 16th August, 2021
Place: Council Chamber - Civic Suite

3

Present: Councillor K Mitchell (Vice-Chair in the Chair)
Councillors M Berry, S Buckley, A Dear, M Dent*, N Folkard,
D Garne, T Harp, J Lamb, A Line and D McGlone
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: A Penn, M Newton and T Row

Start/End Time: 10.00 am - 10.35 am

231 Apologies for Absence

Apologies for absence were received from Councillor Cowdrey (substitute: Councillor Dent), Councillor K Evans (no substitute) and Councillor Thompson (no substitute).

232 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Line – Minute No 233 (Consultation on The Council's Statement of Gambling Licensing Policy) – Non-pecuniary interest: Personal licence holder and has worked in a casino;

(ii) Councillor Harp – Minute No. 233 (Consultation on The Council's Statement of Gambling Licensing Policy) – Non-pecuniary interest: Has associations with SAVS which was mentioned in the report; and

(iii) Councillor Lamb – Minute No. 233 (Consultation on The Council's Statement of Gambling Licensing Policy) – Non-pecuniary interest: Trustee of SAVS which was mentioned in the report.

233 Consultation on The Council's Statement of Gambling Licensing Policy

The Committee received a report of the Executive Director (Neighbourhoods and the Environment) that provided information on the latest position of the formal consultation process in respect of the Gambling Licensing Policy. The report also sought the Committee's comments on the proposed revisions to the Policy, a copy of which was attached to the submitted report.

The Committee was informed that there were a couple of typographical errors in the report. These related to the dates in paragraphs 3.1 and 3.3 and were as follows:

- The date in line four of paragraph 3.1 should be 30th January 2022 not 2021;
- The date in line five of paragraph 3.1 should be 3rd January 2022 not 2019; and

- The date in the first line of paragraph 3.3 should be 23rd July 2021 not 2018.

The Committee noted that the changes to the statement of policy document (in comparison to the existing one) included some general updates and the following matters: -

- (i) the strengthening of the protection expected to be afforded to persons who do not use English as their first language (section 14.20);
- (ii) amendments to the wording of sections 21.5 and 21.6 reflecting the Government reduction of the maximum stake for B2 machines. In 2019 the Government announced that the maximum stake of these machines would be reduced from £100 to £2;
- (iii) the addition of the expectation that a plan will be provided by applicants for Gaming Machine permits in alcohol licensed premises (section 26.4). This will assist the Licensing Authority in determining such applications as it will highlight the proposed location of machines and allow an assessment by the Authority in respect of the protection of children and vulnerable adults; and
- (iv) the expansion of the list of consultees list in annex A.

Whilst noting the proposed revisions, the Committee felt that the wording of the first two bullet points under section 26.4 of the revised policy should be amalgamated and reworded to enable those premises unable to position the machines in sight of the bar an acceptable alternative.

Resolved:- That the Cabinet be recommended that the Revised Statement of Gambling Licensing Policy, as set out in Appendix 1 of the submitted report, be adopted subject to the following amendment:

- The first two bullet points under section 26.4 be amalgamated and reworded as follows:

“Adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18;”

Chair: _____

Southend-on-Sea City Council

**Report of Executive Director
(Neighbourhoods and Environment)**

To

Licensing Committee

On

23 March 2022

Report prepared by: Elizabeth Georgeou,
Head of Regulatory Services

**Agenda
Item No.**

4

Age of Hackney Carriage and Private Hire Vehicle Licence Conditions

Part 1

1. Purpose of Report

To recommend to the Committee that the licensing conditions relating to the age of Hackney Carriages (HC) Private Hire Vehicles (PHV) at the stage of first licensing be temporarily amended for one year (from the date of amendment), whereby the 5-year age limit (6-year age limit for wheelchair accessible vehicles) is disapplied, and, to permanently require the application of compliance with Euro 6 emission standards that reduces harmful emissions from vehicles within the conditions.

- 1.2 The intention of these changes is to increase the number of vehicles available to the public by enabling more vehicles to be licensable, and to protect air quality and assist to the climate change agenda.

2. Recommendation

The committee is asked to:

- 2.1 To adopt the amended age-related conditions as set out in para 3.17 for a 1-year period from the date of this decision, after which time the conditions will automatically revert to their former wording, or until adoption of any new conditions relating to vehicles are introduced, whichever is the sooner.
- 2.2 To permanently adopt the additional requirement relating to emission standards as set out in para 3.17

3. Background

- 3.1 The Council is responsible for the regulation of Hackney Carriage (HC) and Private Hire Vehicle (PHV) licensing within the City. HC and PHV regulation seeks to protect individuals, businesses, the environment and promote public safety.

- 3.2 The Authority attaches conditions to the issue of HC and PHV licences which are considered reasonable, necessary and proportionate, and may, at any time, vary, alter or impose new conditions to a higher or lower standard. The current conditions can be found here [Vehicle Licences – Southend-on-Sea Borough Council](#)
- 3.3 In addition to these licensing conditions, licence holders must comply with the associated legislation in respect of HC, including provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Southend on Sea Byelaws relating to hackney carriages and all other relevant legislation.

Age Related Conditions

- 3.4 Currently there are age related conditions applied for both HC and PHV, whereby it is stipulated that at the point of first licensing, these vehicles must not be above 5 years old, and not be above 6 years old where the vehicle is wheelchair accessible.
- 3.5 There has been a decrease in the number of HC and PHV available for residents to hire, as both the availability of drivers and age-appropriate vehicles has reduced.
- 3.6 With regards to the reduction of drivers, this has been attributed to the pandemic, whereby the COVID related restrictions impacted on the industry to the extent that many drivers left the industry to find alternative employment.
- 3.7 When considering the availability of age-appropriate suitable used vehicles, this area has been impacted by the UK exiting the European Union, as the supply chain for required parts has been affected. The scarcity issues also pertain to the availability of new vehicles, as well as for those currently in the market. Indeed, prices for the latter have increased by up to 30% in 2021.
- 3.8 The above has resulted in licensed drivers struggling to find new or replacement vehicles that meet the age requirements as given in the applied conditions. In addition, when currently licensed vehicles require repairs, drivers experience long delays due to the availability of parts, and vehicles are rendered out of service. As a result, the availability of HC and PHV within the City has decreased.

Euro 6

- 3.9 In September 2019 Southend-on-Sea City Council made a declaration of Climate Emergency, to deliver the commitments set out within the declaration it was recognised that the Council must work with public service transport providers -and regulated transport providers. This was to ensure that wherever possible vehicles used in Southend are low emission and/or compliant with at least Euro 6 emission standards.
- 3.10 In 1992 EU-wide standards on vehicle emissions were introduced. The first standard was known as Euro 1 with subsequent standards named with incrementally increasing numbers. Euro 6 was introduced for all vehicles that

were registered on or after 1st September 2015 and limits the amount of nitrogen oxides diesel vehicles can produce.

- 3.11 Nitrogen dioxide is one of the main pollutants of concern to the Council, due to its detrimental impact on air quality and health, The main source is from transport, and Southend has areas where levels of this pollutant exceed national limits and has declared air quality management areas at pollution hotspots.

Current Age-Related HC and PHV Licence Conditions

- 3.12 The current conditions for HC can be accessed via the link below:
<https://www.southend.gov.uk/downloads/file/6726/conditions-of-hackney-carriage-vehicle-licence>
- 3.13 Condition 2.1.1(a) relates to the age of the vehicle and requires that at the point of being first licensed HC must not be more than 5 years old (wheelchair accessible vehicles 6 years old).
- 3.14 The current conditions for PHV can be accessed via the link below:
<https://www.southend.gov.uk/downloads/file/6727/conditions-of-private-hire-vehicle-licence>,
- 3.15 Condition 1.1.2 relates to the age of the vehicle and requires that at the points of being first licensed, that PHV must not be more than 5 years old (wheelchair accessible vehicles 6 years old).

Proposed Amendments to HC and PHV Licence Conditions

- 3.16 The intention is to make a simple temporary amendment (for one year) that effectively disappplies the age limit for HC and PHV when they are first licensed, and it also includes the additional requirement that vehicles meet the Euro 6 emission rating, and/or can achieve zero emissions.
- 3.17 Whilst the proposed amendment regarding the age element will be temporary, applied for one year, the requirements to meet emissions standards will remain in place once the age restriction is reapplied following the year hiatus. As such, it is proposed that the amended conditions read as follows:

The Proposed Condition For HC

2.1.1(a) Where a vehicle is more than 5 years old when first licenced (Wheelchair Accessible Vehicles 6 years), the vehicle must be Euro 6 emission rating (petrol or diesel vehicles) or capable of achieving zero emissions (hybrid or electric vehicles). All vehicles should not be more than 10-years old when subsequently licenced (Wheelchair Accessible Vehicles 20 years). The 10-year maximum is based on the condition of the vehicle which is considered at 8 years and can be extended by 6-month intervals to a maximum of 10 years. Any limousine or specially approved vehicle shall have no specific age limit and will be reviewed annually.

The Proposed Condition For PHV

1.1.2 Where a vehicle is more than 5 years old when first licenced (Wheelchair Accessible Vehicles 6 years), the vehicle must be Euro 6 emission rating (petrol or diesel vehicles) or capable of achieving zero emissions (hybrid or electric vehicles). All vehicles should not be more than 10-years old when subsequently licenced (Wheelchair Accessible Vehicles 20 years). The 10-year maximum is based on the condition of the vehicle which is considered at 8 years and can be extended by 6-month intervals to a maximum of 10 years. Any limousine or specially approved vehicle shall have no specific age limit and will be reviewed annually.

3.18 These amendments will not impact on vehicle safety, as the conditions that pertain to this area will be maintained. All HC and PHV will still be required to undergo mechanical inspection at a dedicated testing station, and an authorised officer will still undertake condition and compliance inspections, prior to a licence being issued,

3.19 Any vehicle failing this inspection will not be issued with a licence.

4. Other Options

4.1 To not approve:

- The proposed temporary amendments to the licensing conditions pertaining to the relaxation of age of a vehicle for HC and PHV
- The proposed permanent amendments to the licensing conditions pertaining to the application of Euro 6 emissions standards
- The proposed temporary amendments to the licensing conditions pertaining to the relaxation of age of a vehicle for HC and PHV, and the proposed permanent to the licensing conditions pertaining to the application of Euro 6 emissions standards

4.2 It is anticipated that a decision to not to amend the temporary conditions pertaining to age, will likely result in the current difficulties remaining unattenuated.

4.3 Additionally, a decision not to approve the permanent amendment to apply emissions standards, will be a missed opportunity to improve air quality and deliver to the Climate Change Action Plan.

5. Reasons for Recommendation

5.1 The proposed temporary amendment regarding a relaxation on the age of a vehicle, would allow vehicles that are older to be licenced, provided they meet emission criteria and safety requirements. It is anticipated that the relaxation of the age requirements will assist the industry during this period where there are supply chain issues, support them in financially and increase the availability of HC and PHV for the resident and visitor use.

5.2 The aim of introducing the proposed permanent amendments to include meeting emission requirements, is to improve air quality, and assist in the delivery of the Councils Climate policy.

5.3 Increasing the number of vehicles that are available to licenced drivers provides sustainable transport to those who are unable to access public transport, and forms part of the Council's Transport Strategy.

5.4 Hackney Carriage and Private Hire services supports the commercial operation of the High Street and a thriving night-time economy.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map-

The provision of a well-regulated hackney carriage and private hire service contributes to the feeling of safety for individuals in the town, enabling a rapid service for exiting the town centre for those accessing the night-time economy. Hackney carriage and private hire services operate a 24-hour service and are trained in identifying and the reporting of safeguarding issues.

The hackney carriage and private hire service provides additional access to services for those who are unable to access the bus and train services supporting the Connected and Smart 2050 outcome.

6.2 Financial Implications

There are no financial implications for the Council.

6.3 Legal Implications

The Council can impose conditions for licenced vehicles through provisions contained in:

Section 68 of the Town Police Clauses Act 1847

Section 47(1) of the Local Government (Miscellaneous) Provisions Act 1976; and
Section 48(2) of the Local Government (Miscellaneous) Provisions Act 1976.

6.4 People Implications

None

6.5 Property Implications

None

6.6 Consultation

There is no requirement to consult on these changes, however, the request to allow flexibility in the age of the vehicle has been led by the trade and the impact of this has been considered with respect to air quality.

6.7 Equalities and Diversity Implications

There are no adverse equalities implications.

6.8 Risk Assessment

The risk of allowing older unsafe vehicles to be registered in Southend is mitigated through the application of the current controls for the safety and condition of the vehicle. The risk associated with contributing adversely to air quality through

allowing older vehicles to be registered with Southend is mitigated through the application of an emission standard for these vehicles.

6.9 Value for Money

The application of this condition will be cost neutral.

6.10 Community Safety Implications

The provision of a well-regulated hackney carriage and private hire service with sufficient vehicles contributed to the Safe and Well outcome, of people feeling safe and the speedy exiting of the town centre after the night-time clubs have closed.

6.11 Environmental Impact

The use of an emissions-based condition does not adversely affect air quality.

7. Background Papers

Town Police Clauses Act 1847

Local Government (Miscellaneous) Provisions Act 1976

Southend-on-Sea City Council Taxi licensing conditions

Air Pollution: Actions in a Changing Climate DEFRA March 2010