



**NOTICE OF MEETING**

**Meeting:** Licensing Committee  
**Date and Time:** Tuesday 1 June 2021 7.00 pm  
**Place:** Council Chamber  
**Telephone Enquiries to:** Committee Services  
Committeeservices@hart.gov.uk  
**Members:** Butler, Coburn, Davies, Delaney, Drage, Farmer,  
Forster, Lamb, Smith, Wildsmith (Chairman) and  
Wright

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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**AGENDA**

- 1 At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording - Please see our protocol on [Attending and Reporting Meetings](#).**

**1 ELECTION OF VICE CHAIRMAN**

To elect a Vice-Chairman from among the councillors.

**2 MINUTES OF THE PREVIOUS MEETING (Pages 4 - 5)**

The minutes of the meeting held on 2 March 2021 are attached for confirmation and signature as a current record.

**3 APOLOGIES FOR ABSENCE**

To receive any apologies for absence from Members\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

**4 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary, and any other, interests\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

**5 CHAIRMAN'S ANNOUNCEMENTS**

**6 AMENDMENT TAXI AND PRIVATE HIRE POLICY (Pages 6 - 11)**

The purpose of this report is to consider a draft amendment to the Taxi and Private Hire Policy.

**RECOMMENDATION**

Licensing Committee is recommended to approve the draft amendment to the Taxi and Private Hire Policy for consultation with the trade and interested parties.

**7 RENEWAL OF THE SHARED LICENSING SERVICE WITH BASINGSTOKE & DEANE BOROUGH COUNCIL (Pages 12 - 14)**

To consider the renewal of the Shared Licensing Service between Hart District Council and Basingstoke & Deane Borough Council.

### **RECOMMENDATION**

That Licensing Committee:

1. Considers the renewal of the Shared Licensing Service between Hart District Council and Basingstoke & Deane Borough Council;
2. Agrees any comments to Cabinet to take into account when they consider the renewal of the Shared Licensing Service.

**Date of Despatch: Monday, 24 May 2021**

## LICENSING COMMITTEE

**Date and Time:** Tuesday 2 March 2021 at 7.00 pm

**Place:** Council Chamber

**Present:**

Butler (Chairman), Clarke, Delaney, Drage, Farmer, Kennett, Lamb, Tomlinson, Wildsmith and Wright

**In attendance:**

**Officers:** Jaggard, Draper, Shared Legal Services, Brough and Sanders

### 8 MINUTES OF THE PREVIOUS MEETING

The minutes of 10 November 2020 were agreed and confirmed and signed as a correct record.

### 9 APOLOGIES FOR ABSENCE

Apologies received from Councillor Davies.

### 10 DECLARATIONS OF INTEREST

None declared.

### 11 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reiterated thanks to all Officers who have been working hard and now with the 'road map' out of Lockdown there will be more legislation and changes ahead.

### 12 APPROVAL OF UPDATED TAXI AND PRIVATE HIRE POLICY

The Committee considered the Council's updated Taxi and Private Hire Policy which sets out the approach to the administration of the Taxi and Private Hire licensing functions under the Town Centre Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Members discussed:

- Card payments in vehicles and the benefits to both customers and drivers.
- If agreed, a 12-week consultation will be required with drivers and vehicle proprietors to submit their comments on the proposed change to licensing vehicle conditions.
- What would happen if the technology fails and the Committee were assured the drivers will still be offering to take cash payments.
- The cost for joining the National Anti-Fraud Network (NAFN) and possible rises in that cost in the future.

- Potential for passing on the NAFN cost and how much that could be for each driver with the possibility of other services making use of the NR3 system thereby reducing that cost overall.
- Keeping a record of how many times the NR3 system is used, if agreed.

## **DECISION**

1. That the Taxi and Private Hire Policy be adopted.
2. To consult the relevant organisations on the proposal to make the ability to make card payment in vehicles mandatory.
3. That the Council joins the National Anti-Fraud Network (NAFN) and uses the NR3 system for Licensing Purposes.

That the Head of Place in consultation with the Portfolio Holder for Regulatory be authorised to make minor alterations and typographical corrections to the document before it is published.

## **13 APPROVAL OF GAMBLING POLICY**

To adopt the Council's Gambling Policy. Members asked for clarification that nothing has changed since the Consultation and were advised there have been no changes in the gambling policy since 2019.

## **DECISION**

1. That the Council's Gambling Policy (Statement of Principles Gambling Act 2005 Joint Statement of Licensing Policy) be adopted.

That the Head of Place in consultation with the Portfolio Holder for Regulation be authorised to make minor alternations and typographical corrections to the document before it is published.

The meeting closed at 7.27 pm

## LICENSING COMMITTEE

**DATE OF MEETING:** 1 June 2021

**TITLE OF REPORT:** Amendment Taxi and Private Hire Policy

**Report of:** Head of Place

**Cabinet member:** Cllr Sara Kinnell, Regulatory

### **1 PURPOSE OF REPORT**

- 1.1** The purpose of this report is to consider a draft amendment to the Taxi and Private Hire Policy.

### **2 OFFICER RECOMMENDATION**

- 2.1** Licensing Committee is recommended to approve the draft amendment to the Taxi and Private Hire Policy for consultation with the trade and interested parties.

### **3 BACKGROUND**

- 3.1** The Taxi and Private Hire Policy sets out the Council's approach to the administration of the Taxi and Private Hire licensing functions under the Town Centre Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2** The policy has recently been updated in line with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (hereafter referred to as DfT guidance) published in July 2020. The policy was approved by Licensing Committee on 2 March 2021 following a 12 week consultation period.
- 3.3** During consultation comments were received from members of the trade asking that card payments should be made mandatory in all licensed vehicles. This step has been taken by other licensing authorities, and it was noted that card payments had increased during the pandemic. As this was not in the original consultation it could not be included in the new policy in March without a separate consultation. Licensing Committee agreed that they wished this to be undertaken.

## **4 CONSIDERATIONS**

- 4.1** The expected benefit of mandating credit card payments would be to provide customers with a wide range of payment options. This will be in conjunction with signage in every licensed vehicle stating what payment types are accepted.
- 4.2** The report provided on 2 March 2021 incorrectly stated that the mandating of card payments would need to be a condition of the vehicle licence. Upon further review it is considered that it would be better to being part of the policy, to be included in the specifications and conditions of Hackney carriage and Private Hire vehicles, see Appendix 2.
- 4.3** The Council will provide guidelines for electronic payment devices, please see Appendix 3, but will not mandate what type must be used to take payments. This option will be left to the trade to determine in order to allow the trade to obtain the most cost effective device.
- 4.4** The following would be included in the consultation, the consultation letter is available at Appendix 1:
- All Licensed drivers, vehicle proprietors and Private Hire Operators
  - HDC councillors
  - HDC legal team
  - National Private Hire and Taxi Association
  - Guide Dogs campaign team

## **5 POLICY IMPLICATIONS**

- 5.1** The trade and responsible authorities will need to be consulted for 12 weeks. The rest of the policy in being implemented whilst the additional consultation is ongoing. The responses to the consultation will then be brought to the committee for their consideration at the next available committee meeting.

## **6 FINANCIAL IMPLICATIONS**

- 6.1** There will be an additional cost to drivers, vehicle proprietors or operators if every vehicle is conditioned to provide means of electronic/card payment. There are a number of options for electronic payment and these must be reviewed by the drivers.

**Contact Details:** Robert Draper: [Robert.draper@basingstoke.gov.uk](mailto:Robert.draper@basingstoke.gov.uk)  
Regulatory Services Manager

## **APPENDICES**

- 1) Consultation letter**
- 2) Proposed Policy wording**
- 3) Guideline for Electronic payment devices**

## **Appendix 1**

Our Ref: Taxi and Private Hire Policy Consultation

7 June 2021

Dear Licence Holder

**TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT CONSULTATION**

We write to give notice of Hart District Council's intention to amend the taxi and private hire policy to apply in exercising our Hackney Carriage and Private Hire Driver, Vehicle and Operator licensing function. This amendment is to include mandating card payment facilities in licensed vehicles.

The draft amendment is now subject to consultation which will run for a 12 week period until 23 August 2021.

A downloadable version of the document can be found on the Council website at <https://www.hart.gov.uk/taxis>.

Electronic versions can be emailed on request.

Any person wishing to make comment on the draft policy within the consultation period may do so by writing to the Licensing Team Leader or by emailing [licence@hart.gov.uk](mailto:licence@hart.gov.uk). Comments shall be considered and presented to the Council's Licensing Committee who are required to approve the draft policy with relevant revisions made following consultation.

I trust this clarifies the position. Should you require anything further, please contact the licensing team on 01252 622122 or by emailing [licence@hart.gov.uk](mailto:licence@hart.gov.uk).

Yours faithfully



## **Appendix 2**

Hackney carriage and private hire vehicles

### **Specifications and conditions**

23 All Licensed vehicles must have the facility to take card payments, and the facility to provide a receipt if requested by the customer. The card payment device must accord with the guidelines provided in this policy at appendix XX.

## **Appendix 3**

### **Guidelines for Electronic Payment Devices.**

#### **General Requirements**

All payment devices must:-

- comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA).
- be listed on UK Finance (formally the UK Cards Association) website as an approved device.
- comply with latest release of the UK Finance approved guidelines relating to organisational security policies.
- meet all requirements as regards safety, technical acceptability and operational/data integrity.
- be checked regularly and maintained to operational standards, including any repairs after damage.
- be designed, constructed, installed and/or carried in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision.
- be protected from the elements, secure from tampering and theft and located such as to have the minimum intrusion into any passenger area, including designated wheelchair space, or impact on the luggage carrying capacity of the vehicle.
- be free from obscuring or interfering with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- comply with any legislative requirements in respect of the Motor Vehicle (Construction and Use) Regulations, 1986, in particular with regard to equipment obscuring the view of the road through the windscreen.

## **Automotive Electromagnetic Compatibility Requirements (EMC)**

Any charging equipment used must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Information regarding type approval of the payment device or payment system will be required. The installed equipment should be clearly e-marked. If any electrical equipment is CE marked for EMC, a certificate will be required from an appropriate authority declaring that the equipment is non 'immunity-related' and suitable for automotive use, as part of the approval process.

## **Payment Device Functionality**

All payment devices must:-

- meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, Bluetooth or other connection methods to complete payment transactions.
- links between a taximeter, card payment applications and other electronic devices must be in 'read only' format.
- provide functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.
- allow card details to be stored for the minimum amount of time required to enable the payment transaction to complete, thereafter card details must be deleted / disposed of in a secure manner.
- have the facility to produce printed receipts which comply with the current banking standards.

## **Payment Device Approval/Certification**

The payment device/solution must comply with the following standards (as supplied in conjunction with UK Finance):-

- Transactional Smartcard Reader Protection Profile (TSRPP).
- Current Card Acceptor to Acquirer Interface, UK Finance Standard 70.
- Pass a security integrity evaluation process by a PCI Security Standards Council approved testing laboratory (PCI PTS Testing and Approval Programme).
- Payment Card Industry Data Security Standards (PCI DSS) - (This compliance may be provided through the services of a third party provider).
- Payment Card Industry Data Security Standards (PCI PA-DSS).
- Type approval specifications as set by EMVCo (level 1 Electromechanical, level 2 Kernel software).
- The UK Finance Common Criteria Evaluation (EAL4+). Evaluation completed against the **JIL** Terminal Evaluation Methodology Subgroup (JTEMS) POI Protection Profile or;
- Common SECC certification and registered on the Common SECC web site.

## **Payment Transactions**

All payment transactions processes must operate in accordance with UK Finance.

All payment transactions processes must operate in accordance with Payment Card Industry Data Security Standards (PCI DSS).

All Payment applications processes must meet Data Security Standard (PA-DSS).

All payment transactions processes must operate in accordance with the Acquirer Bank regulations and standards.

From 2<sup>nd</sup> April 2016 all card payment surcharges to passengers have been removed.

## **Data Protection**

You are legally obliged to comply with the requirements of privacy and data protection legislation in respect of all transaction processes, data management and storage. This includes the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. You can find out more about your obligations from the [Information Commissioner's Office \(ICO\)](#).

Note:-

Sending or handling personal data outside the European Economic Area (EEA) must comply with the specific principle(s) set out in GDPR to ensure an adequate level of protection is in place for the storage and processing of personal data. Compliance issues may be avoided by ensuring the any cloud data handling is restricted to servers domiciled within UK the countries that make up the EEA.

## **Documentation Required**

- PCI DSS certification (PCI-PTS and PCI PA-DSS where relevant to the solution configuration).
- EMC certification/documentation (where applicable).
- UK Finance Common Criteria Evaluation (EAL4+) certification/documentation, or; Common.SECC certification.
- EMVCo. Type Approval certification/documentation.
- Confirmation of registration on the public register of data controllers maintained by the Information Commissioner's Office (where applicable).

## **Signage**

Signage must be displayed identifying the payment cards/method accepted; these should be placed for view from the exterior and interior of the vehicle.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

## LICENSING COMMITTEE

**DATE OF MEETING:** 1 June 2021

**TITLE OF REPORT:** Renewal of the Shared Licensing Service with Basingstoke & Deane Borough Council

**Report of:** Head of Place

**Cabinet member:** Cllr Sara Kinnell, Regulatory

### 1 PURPOSE OF REPORT

1.1 To consider the renewal of the Shared Licensing Service between Hart District Council and Basingstoke & Deane Borough Council.

### 2 OFFICER RECOMMENDATION

2.1 That Licensing Committee:

1. Considers the renewal of the Shared Licensing Service between Hart District Council and Basingstoke & Deane Borough Council;
2. Agrees any comments to Cabinet to take into account when they consider the renewal of the Shared Licensing Service.

### 3 CONSIDERATION

3.1 Hart District Council and Basingstoke & Deane Borough Council entered into a Shared Licensing Service (SLS) on 1 July 2015. This arrangement was set out in a legal deed with an initial term of five years plus 1 year, ending in July 2021. Appendix 1 to this report sets out the licensing functions covered by the SLS, and those covered by Hart District Council.

3.2 The SLS provided greater resilience for both Councils who had comparatively small teams. Over the 6 years there have been improvements to the licensing functions to the benefit of public safety for both Councils. This has been achieved through updating relevant policies, creating efficiency in procedures, increasing use of the electronic case management system, and introducing effective compliance and enforcement checks.

3.3 In October 2019 the SLS moved to a single hub based in Basingstoke. This change has provided greater staff support and service reliance. This has been critical over the last 18 months in ensuring that residents and businesses have continued to receive high standards of service and support throughout the challenging periods of lockdown and reopening.

3.4 The last 15 months has seen the SLS focus on the delivery of key services and supporting the licensed trades all of which have been badly affected by the Covid restrictions.

**3.5** Our Corporate Plan states that as a Council we are committed to ensuring that we embed the following values in all that we do:

- Putting our residents first
- Providing real opportunities for engagement with residents and other stakeholders
- Being open to change
- Taking responsibility for our actions
- Being fair, open and transparent.

The Shared Licensing Service has these values at its heart as has been demonstrated over the past five years.

**3.6** It is also considered that the Shared Licensing Service accords with the Hart values of being helpful, approachable and responsive, and taking ownership in the delivery of the service to its customers in both Council areas.

**3.7** The alternative to the continuation of the Shared Licensing Service would be for each authority to revert to providing its own licensing team with the attendant costs, and the lack of critical mass. The continuation of the Shared Licensing Service with Basingstoke & Deane Borough Council seems the most logical and cost effective way forward, and gives the service the resilience needed in a competitive market.

#### **4 FINANCIAL IMPLICATIONS**

**4.1** There are no specific financial implications as the cost of the contract is not changing significantly in the short term.

**Contact Details: Robert Draper: Interim Regulatory Services Manager**  
**robert.draper@basingstoke.gov.uk**  
**Direct dial: 01256 845296**

### **Appendices**

#### **Appendix 1 – Licensing Functions**

## **Appendix 1**

### **Licensing functions included in the Shared Licensing Service:**

Alcohol and Entertainment Premises Licensing  
Hackney Carriage and Private Hire Vehicle Licensing  
Street Trading  
Gambling Act  
Door to Door and Charity Collections  
Temporary Events

### **Licensing functions covered by Hart District Council**

Animal Welfare Licensing - EH Team  
Special Treatment Registrations (skin piercing and tattooing) - EH Team  
Scrap Metal Dealer Licensing - EH Team  
Part B Processes - EH Team  
HMO Licensing - Private Sector Housing  
Camping and Caravan Licensing - Private Sector Housing  
Pavement Licensing - Highways Team