

# PLEASE NOTE VENUE

## LICENSING COMMITTEE AGENDA



**Wednesday 27 June 2007**

**at 10.00am**

**in the Conference Suite,  
Belle Vue Community, Sports and Youth Centre  
Kendal Road, Hartlepool**

### MEMBERS OF LICENSING COMMITTEE:

Councillors Atkinson, Brash, R W Cook, Fleming, Gibbon, Griffin, Hall, Jackson, Johnson, Kaiser, Laffey, London, Dr Morris, Richardson, Rogan

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 14 MARCH 2007.**
4. **ITEMS REQUIRING DECISION**
  - 4.1 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 – Prohibition of the Consumption of Alcohol in Designated Public Places – *Head of Community Safety and Prevention*
  - 4.2 Taxi Watch – *Head of Public Protection*
  - 4.3 Avenue Road/Victoria Road Taxi Ranks – *Head of Public Protection*
  - 4.4 Adoption of New Petrol Filling Station Licence Conditions – *Head of Public Protection*
  - 4.5 Quarterly Report on Licensing Act Sub Committees and Hackney Carriage and Private Hire Sub Committees Activity – *Assistant Chief Executive*
  - 4.6 Licensing Committee Sub Committee Memberships – *Assistant Chief Executive*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

14 March 2007

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

**Present:**

Councillor Stan Kaiser (In the Chair)

Councillors: Jonathan Brash, Rob Cook, Gerard Hall, Mick Johnson, Pauline Laffey, Geoff Lilley, George Morris, Pat Rayner, Carl Richardson, Trevor Rogan, Victor Tumilty and Gladys Worthy

Officers: Ralph Harrison, Head of Public Protection  
Ian Harrison, Principal Licensing Officer  
Tony MacNab, Solicitor  
Denise Wimpenny, Principal Democratic Services Officer

**Also Present:**

Inspector Tony Green and Sgt Dave Halliday, Cleveland Police

### **23 Apologies for Absence**

Apologies for absence were received on behalf of Councillors Sheila Griffin and Peter Jackson.

### **24 Declarations of interest by Members**

None.

### **25 Confirmation of the minutes of the meeting held on 13 December 2006**

Confirmed.

## **26 Gambling Act 2005** (Head of Public Protection )

### **Purpose of report**

1. To provide Members with an update on the forthcoming implementation of the Gambling Act 2005.
2. To determine a policy for the consideration of applications for gaming machine permits in premises licensed to sell alcohol.
3. To determine how the Licensing Committee may discharge its obligations as a responsible authority under the Gambling Act 2005.
4. To consider the delegation of certain licensing functions to Licensing Sub-Committees and officers.
5. To consider whether the Licensing Committee is the appropriate body to set premises licence fees for gambling premises.

### **Issue(s) for consideration by the Committee**

Members were advised that the Council would assume responsibility for the administration of premises licences whilst the newly established Gambling Commission would administer personal and operator's licences. Details of the types of premises licence that the Council may issue were included in the report together with details of the Gambling Act's licensing objectives. Following lobbying from a variety of interested parties, the Government had delayed the commencement date for receipt of applications for premises licences by local authorities to 21 May 2007. The Act introduced a transitional period whereby existing licence holders could apply for 'grandfather rights'. This would ensure that those who applied before an appointed day were guaranteed the same trading rights as provided under the previous Gaming Act. This transitional period was between 21 May and 31 July 2007.

All licences issued, must include a number of conditions relating to the operation of the premises, details of which were outlined in the report. The Head of Public Protection highlighted the responsible authorities for the Gambling Act and the extended powers of the licensing authority to make representation regarding an application or calling an existing licence in for review. The Council could also issue permits to premises where gambling was an incidental activity which had been categorised in Appendix 1 to the report.

In relation to applications for gaming machines from alcohol licensed premises and clubs, Members considered the suggestion that applications for three machines or less be approved by officers and applications for four or more machines be referred to a Licensing Sub-Committee. A lengthy discussion took place in which Members expressed concern that there should be a maximum limit on the number of machines as there was a possibility that

pubs could turn into amusement arcades. A Member queried if objections were received would that application be referred to Members. The Principal Licensing Officer advised that the procedure was the same as that of the Licensing Act. If someone applied for review of a licence it must be a formal application. Following clarification in relation to the proposed delegation of Licensing functions to the Consumer Services Manager as outlined in Appendix 2, Members expressed their agreement to this arrangement.

Discussion ensued in relation to the proposed level of fees relating to gambling premises licences, a copy of which was circulated at the meeting. In response to Member questions, the Head of Public Protection provided an explanation on how the figures had been determined.

### **Decision**

Agreed that:-

- (i) The contents of the report, be noted.
- (ii) Applications from alcohol licenses premises and clubs for fewer than four gaming machines be considered by officers and applications for four or more machines be referred to a Licensing Sub-Committee for consideration.
- (iii) The role of responsible authority be delegated to the Consumer Services Manager of the Public Protection Division.
- (iv) The scheme of delegations as detailed in Appendix 2, be approved.
- (v) An appropriate level of fees relating to gambling premises licences with effect from 21 May 2007 be recommended to Council for approval.
- (vi) A recommendation be made to Council that the Licensing Committee be delegated the function of setting premises licence fees for gambling premises in the future.

## **27 Licensing Act 2003** *(Head of Public Protection)*

### **Purpose of report**

To provide Members with an opportunity to discuss licensing issues with representatives from Cleveland Police.

### **Issue(s) for consideration by the Committee**

At the previous meeting on 13 December it was requested that the police be invited to attend a future meeting to discuss a range of licensing issues and to address any Members' concerns regarding the resolution of certain recent licensing matters.

The Chair welcomed Inspector Green and Sgt Halliday of Cleveland Police to the meeting. The Chair reported that following two licence reviews which

were discussed in great detail the general feeling was that the police had made strong statements which had led the Licensing Committee to believe it was in the Licensing Authority's interests to accept restriction. However, the police had withdrawn their objections before the Committee had met to discuss the circumstances.

In response to concerns raised by Members regarding the resolution of certain licensing matters, particularly relating to the sale of alcohol to minors in which the police reached an agreement and decided not to prosecute, the police representative provided detailed background information in relation to the reasons behind the decisions. Following a lengthy question and answer session, Members were advised that the police had taken a pragmatic approach to gain a solution and to save public money. In relation to one particular case, it was highlighted that the licensee had received a caution which would be placed on police record and taken into consideration in any future licensing applications. A formal caution was, in effect, a written admission of guilt.

Members raised concerns that some licensees were playing the law to their advantage to avoid prosecution. It was suggested that more effective partnership working was required between the Licensing Committee and the police to avoid these type of situations in future. The Chair thanked the police representatives for their attendance and the information provided.

### **The police representatives left the meeting**

The Head of Public Protection reported that questions had been raised relating to the reasons for review of licences by the Licensing Committee. Members discussed in what circumstances licences should be reviewed. Members were advised that if trading standards were satisfied that there was no criminal case against the licensee, in relation to under age sales, it could be argued there was no reason for review. Some Members felt that the Licensing Committee should be reviewing all such cases to ensure that no action was appropriate in relation to the licence. The Principal Licensing Officer added that provided licensees demonstrated that they had done everything reasonably expected of them liability lay with the person who made the sale. The Solicitor clarified that the law stated that the person who physically made the sale was liable and not the employer provided an effective system and training had been provided. He added that it was a matter for Trading Standards and not the Licensing Committee as to whether a licence should be reviewed. Some Members considered that the systems in place were inefficient and did not sufficiently protect the employee and previous evidence had revealed that some licensees did not keep refusal books. Concerns were also expressed that the unlawful sale of alcohol to minors contributed to under age drinking and anti-social behaviour problems in the town.

Following further discussion in relation to the responsibilities of licensees it was suggested that further information be provided to a future meeting of the Licensing Committee.

**Decision**

Agreed that the information given, be noted and the issues raised be discussed at a future meeting of this Committee.

**28 Hackney Carriage Tariffs – Annual Review** *(Head of Public Protection)***Purpose of report**

To consider a review of Hackney Carriage tariffs.

**Issue(s) for consideration by the Committee**

At the previous meeting on 11 December 2002, it was agreed that there would be an annual review of Hackney Carriage tariffs following the consideration and recommendations of the Hackney Carriage/Private Hire Vehicle Owners Working Group. At a meeting of the Working Group on 14 February 2007 a proposal to increase tariffs was agreed. Appendix 1 to the report outlined the present tariffs, Appendix 2 outlined the proposed tariffs and Appendix 3 highlighted the effects of the proposed increases.

Given that the current tariffs in Hartlepool were one of the lowest in the country and there was no increase in tariffs last year, Members were advised that the proposed increase appeared reasonable.

Following discussion in relation to the proposed tariffs, it was considered that Hackney Carriage/Private Vehicle owners be represented at future meetings of the Licensing Committee where the tariffs were to be considered.

**Decision**

- (i) Agreed that the suggested tariff amendments, be approved.
- (ii) Agreed that the Hackney Carriage/Private Vehicle owners be represented at future meetings of the Licensing Committee where the tariffs were to be considered.

**29 Any other items which the Chair considers are urgent**

The Chair ruled that the following items should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100 (B)(4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

**30 Alcohol Free Zones and Anti-Social Behaviour**

It was reported that it had recently been determined that the Licensing Committee would be responsible for drinking zones and the effects on anti-social behaviour. A report would shortly be provided by the Crime and

Disorder Co-ordinator for consideration at a future meeting of this Committee. Following discussion on the benefits of police representation at a future meeting to discuss this issue, to which the Solicitor provided advice, it was agreed that a representative from the police be invited to the meeting.

### **31 Inappropriate Parking of Taxis and Private Hire Vehicles**

A Member expressed concern in relation to inappropriate parking of taxis and private hire vehicles on double yellow lines, outside schools and on Avenue Road. The Principal Licensing Officer advised that as a Taxi Licensing Authority, a meeting had recently been called with Highways, Car Parking and the police as the problems extended beyond the areas highlighted. Car parking had indicated that more attendants would patrol the area and the problems of enforcement were explained. Members discussed the role of the police in enforcement and the possible measures to address the problem. Insufficient taxi ranks were highlighted as a contributory factor.

It was agreed that representatives from Highways, Enforcement and the police be invited to attend a future meeting of the Licensing Committee to discuss the matter further.

CHAIRMAN

## LICENSING COMMITTEE

27<sup>th</sup> June 2007



**Report of:** HEAD OF COMMUNITY SAFETY AND PREVENTION

**Subject:** THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2001 – PROHIBITION OF THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of consultation and publicity in respect of prohibiting consumption of alcohol in areas proposed to become designated public places.
- 1.2 To seek approval to designate areas in Hartlepool as Designated Public Places for the purposes of Sections 12-16 of the Criminal Justice and Police Act 2001.

### 2. BACKGROUND

- 2.1 The Home Office Action Plan on alcohol related crime, launched in August 2000 set out the key priorities for tackling alcohol related crime and disorder. The action plan contained several measures to address these problems including providing local authorities with adoptive legislation through the Police and Criminal Justice Act 2001.
- 2.2 Sections 12-16 of the Police and Criminal Justice Act 2001 allow local authorities to adopt powers contained in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 to designate areas, which have known anti-social drinking, and nuisance associated with them. In designated places the Police are provided with powers to enforce restrictions on public drinking.



- 2.3 At the Regeneration Liveability & Housing Portfolio meeting on 21<sup>st</sup> July 2006, the areas covered by the now obsolete 'Consumption of intoxicating Liquor in Designated Places Byelaws' were considered for consultation under the Local Authority (Alcohol Consumption in Designated Public Places) Regulations 2001.
- 2.4 The Regulations specify that making an Order is a 'non-Executive' function and therefore at Council on 14<sup>th</sup> December 2006, it was agreed proposals for making an Order to designate areas would be delegated to Licensing Committee.

### 3. PUBLIC CONSULTATION

- 3.1 In accordance with the requirements of the Regulations:
- 1) A letter was sent to all licensed premises in the town on the 1<sup>st</sup> September 2006 to inform the licensee of the Council's proposal to replace the existing Byelaws with Alcohol Consumption in Designated Public Places Orders. No replies were received.
  - 2) A letter was also sent to Parish Councils on 18<sup>th</sup> August 2006. No replies were received.
  - 3) A letter was sent to the District Commander for Hartlepool Police dated 18 August 2006, seeking his views regarding the replacement of the Byelaws with the Designated Public Places Orders. The District Commander's support was received in the form of a letter dated 30 August 2006.
- 3.2 A public notice was published in the Hartlepool Mail on 7 September, 2006 which asked members of the public for their views on the replacing of the Byelaws with Alcohol Consumption in Designated Public Places Orders. The areas to be covered were listed in the public notice (**Appendix 1**). Four replies were received with only one objection relating to the Heugh Battery, which is attached at **Appendix 2**.
- 3.3 Again, in accordance with the Regulation requirements, a Statutory Notice was placed in the same newspaper on January 29, 2007 (**Appendix 3**). A further statutory notice to include Parks, gardens and public leisure facilities in the Town Centre was placed in the Hartlepool Mail on 2 February 2007 (**Appendix 4**), as these three areas were omitted from the statutory notice on 29<sup>th</sup> January 2007.

- 3.4 A presentation on the proposals was requested by the North Neighbourhood Consultative Forum, and presentations were given to both the Consultative Forum in March 2007 and the North Police & Community Safety Forum in April 2007. A public meeting was subsequently held on 25 April 2007 for residents of the Headland to consider the replacing of the Byelaws. No objections were received however residents identified several areas, which immediately adjoin some of the areas covered by the obsolete Byelaws, which they requested be included within the areas to be designated. These are listed at **Appendix 5**. The Regulations allow areas which may suffer from displacement of the existing problem, to be included in a Designation Order, but first the statutory notification in the local newspaper is required. This will be carried out and a further report prepared for future Licensing Committee meeting.

#### 4. **ENFORCEMENT**

- 4.1 In public places covered by a Designation Order, the Police are provided with powers to enforce restrictions on public drinking:-

- (1) Subsection (2) below applies if a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place
- (2) The constable may require the person concerned-
  - a) not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol;
  - b) to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol ( Section 155 of the Licensing Act 2003 which came into force in September 2003, extended police powers relating to the confiscation of alcohol from people who are causing nuisance in public places, allowing for the confiscation of sealed containers).
- (3) A constable may dispose of anything surrendered to him under subsection (2) in such a manner as he considers appropriate.
- (4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding £500.

## 5 RECOMMENDATIONS

5.1 That Members consider the findings of the consultation and approve:

- 1) the Designation of the Public Places identified on the lists at **Appendices 1, and 3** attached to this report and agree that they are satisfied that –
  - a) nuisance or annoyance to members of the public or a section of the public; or
  - b) disorder

has been associated with the consumption of alcohol in those places.

- 2) that Members formally make the order as per the draft in **Appendix 6** and authorise the Chief Solicitor to seal and date and to insert the date of commencement of the Order on behalf of the Council.

Contact: Joe Hogan  
Crime & Disorder Co-ordinator

### Background Papers

Home Office Action Plan 2000.  
Police & Criminal Justice Act 2001.  
The Local Authority (Alcohol consumption in Designated Public Places)  
Regulations 2001.

## Appendix 1

### Public consultation notice 7<sup>th</sup> September 2006.

Existing areas covered by Consumption of Intoxicating Liquor in Designated Places Byelaws.

#### Part 1 - Hartlepool

##### Highways

##### **Avenue Road**

From its junction with Victoria Road southerly to the Middleton Grange Shopping Centre.

##### **Back Victoria Homes**

Adjacent to Burn Valley Gardens

##### **Baden Street**

That part which passes through Burn Valley Gardens

##### **Brinkburn Road**

That part which passes through Burn Valley Gardens

##### **Colwyn Road**

##### **Park Road**

From its junction with Osborne Road to its junction with Stockton Street

##### **Roker Street**

##### **South Road**

From its junction with Avenue Road to its junction with Back York Road

##### **Stockton Street**

From its junction with Hucklehoven Way/Park Road to its junction with Upper Church Street

##### **Swainson Street**

##### **Unnamed Road**

Adjacent to the north western edge of Burn Valley Gardens

##### **Victoria Road**

From its junction with Upper Church Street to its junction with York Road

##### **Villiers Street**

##### **York Road and Back York Road East**

From its junction with Victoria Road to its junction with Park Road

##### Car Parks

##### **Multi –story car park**

Junction of Park Road and Stockton Street

##### **Surface level car park**

West of Stockton Street

##### **Surface level car park**

East of Back York Road, including car park beneath the Market Hall

##### **Surface level car park**

North of Park Road

##### **Central Library car park and its precincts**

## Appendix 1

### Parks, Gardens and other Public Leisure Facilities

#### **Burn Valley Gardens**

Lying south of Colwyn Road and extending west as far as the unnamed Footpath which runs north west to the junction of Queensberry Avenue and Elwick Road

#### **Rossmere Park (south of Rossmere Way)**

**Serpentine Gardens**, (at the junction of Serpentine Road

**Victory Square** (Including the War Memorial)

**Ward Jackson Park** (between Park avenue and Elwick road)

### Open Amenity Areas

#### **Open space**

To the east of Burn Valley Gardens.

#### **Open space**

On south side of Colwyn Road adjacent to Burn Valley Gardens

#### **Open space**

Area bounded by Victoria Road/Raby Road and A179 adjacent Wesley Chapel

### Shopping Precincts

**Middleton Grange Shopping Centre**, including Queens Parade, all malls, squares, arcades, ramps, subways, approach roads, service roads, and all other service areas, amenities and adjacent landscaped areas.

## **Part 2 – Headland**

### Highways

#### **Albion Terrace**

#### **Bath Terrace**

#### **Cliff Terrace**

The southern footpath only from its junction with Radcliffe Terrace to its junction with Batch Terrace

#### **Croft Terrace**

#### **High Street**

The southern footpath only from its junction with Sandwell Chare to its junction with Croft Terrace Path

#### **Radcliffe Terrace**

#### **Sandwell Chare**

#### **South Crescent**

#### **The Headland Promenade**

#### **The Promenade**

## Appendix 1

Between Headland Promenade and York Place.

### **Town Wall**

From the western boundary of number 30 Town Wall to its junction with Croft Terrace.

### **Unnamed Path**

From Moor Terrace to the site of the former gun placement

### **Unnamed Path**

Between High Street and Croft Terrace

### **York Place**

## Parks, Gardens and other Public Leisure Facilities

**Croft Garden, (east of Sandwell Chare)**

**Band Stand, the Promenade**

**Redheugh Close Gardens, including the War Memorial (between Radcliffe Terrace and Cliff Terrace)**

## Open Amenity Areas

### **Open Space**

Between Harbour Public House and Croft Gardens

## Fronts and the Foreshore

### **Front at Headland**

i) All that area of the front and foreshore including the paddling pool and all steps, ramps, paths, platforms and bankside from time to time situated between the low water mark of medium tides and Town Wall and the Promenade and between:

- a) an imaginary line running south from a point on the western boundary of number 30 Town Wall; and
- b) an imaginary line running from number 14 south Crescent along the south western elevation of the Heugh Breakwater.

ii) Pilot Pier, also known as the Old Pier, is excluded from this area.

## Other Areas

**Area around the Heugh Lighthouse between Bath Terrace and the Promenade Car Park which forms the eastern extension of Moor Terrace**  
**Heugh Battery**

**Old Gun Placement**

## **Part 3 – Seaton Carew**

## Highways

**Ashburn Street**

**Charles Street**

## Appendix 1

### **Church Street**

From its junction with The Front to the holy Trinity church

### **Coronation Drive**

From the Swimming Baths Car Park to its junction with The Cliff

### **Green Terrace**

### **Major Cooper Court, (Charles Street)**

### **The Cliff**

### **The Esplanade**

### **The Green**

### **The Front**

### **Unnamed Road**

Leading from The Front to and alongside the Amusement Park

### **Unnamed Road**

From The Front adjacent to Café royal to The Esplanade

### **West View Terrace**

## Car Parks and Bus Terminus

### **Bus Terminus**

East of The Front, including the verges, benches and shelters

### **Rocket House Car Park**

South of Longscar Hall, The Front

### **Seaton Carew Car Park**

Within Seaton Carew Park

### **Wainwright Walk Car Park**

East of Coronation Drive

## Parks, Gardens and Other Public Leisure Facilities

### **Crazy Golf Course**

East of The Front

### **Lawns and Gardens and Paved Areas**

East of The Front, The Green and The Cliff

### **North Shelter and Public Toilets**

East of The Front

### **Paddling Pool**

East of The Front

### **Putting Green**

East of The Front

### **Seaton Carew Park**

South of Station Lane

### **South Shelter, Clock and Public Toilets**

East of the Bus Terminus

## Open Amenity Areas

### **Open Space**

East of The Front and The Cliff

## Appendix 1

### Open Space

On south side of Station Lane at its junction with The Front

### Open Space

East of Ashburn Street

### Open Space

West of Ashburn Street

### Open Space

East of Wainwright Walk

### Open Space

The Green (including the War Memorial)

## Fronts and the Foreshore

### Front at Seaton Carew

All that area of the front and foreshore, including all steps, ramps, paths, platforms and banksides from time to time situated between the low water mark of medium times and the Esplanade and between:

- a) an imaginary straight line running in a generally easterly direction from a point on the Esplanade at its junction with the unnamed slipway road which runs between the Putting Green and the Amusement Park; and
- b) an imaginary straight line running in a generally easterly direction from a point on Coronation Drive at its junction with the Northern boundary of number 20 Wainwright Walk.



## **Appendix 2 – the objection received after public consultation**

We wish to object to this proposed byelaw in respect to the Headland area of Hartlepool with special reference to

- 1) The Heugh Battery which is now undergoing restoration as a living museum. The volunteers doing this work within the boundaries of the Battery should be allowed, without any let or hinderance, to have a drink whether they are working or having a social event there.
- 2) The proliferation of no drinking signs which were erected in many areas of the Headland, in the past, gives the impression that this is a hot spot for drunken behaviour. Yes we have had a few problems in the past with teenage drinkers but with the removal of the old Swimming Pool shelter and the reinstatement of the walling at the Battery this problem has virtually ceased.

In promoting the Headland as a tourist area the high number of such signs leads to many of our visitors believing that the Headland has a serious public drinking problem which is not the case. This could also have a serious effect on house prices within this area.

We agree that if there is a problem the Police should have the power to confiscate and dispose of any alcohol where there is reason to believe that its drinking will create a public order offence but we do not believe that there should be a blanket ban on the Headland.

**HARTLEPOOL BOROUGH COUNCIL****CRIMINAL JUSTICE AND POLICE ACT 2001****Proposed Alcohol Consumption in Designated Public Places Order 2007**

Notice is hereby given that the Hartlepool Borough Council (hereinafter called “the Council”) in accordance with its powers under Section 13(2) of the Criminal Justice and Police Act 2001, intends to make the following Order:

1. “Alcohol Consumption in Designated Public Places for the area of the Hartlepool Borough Order 2007” (Hereinafter referred to as “the Proposed Order”)
2. This Proposed Order provides for the designation of areas of Hartlepool, described in the Schedule below, previously covered by the Consumption of Intoxicating Liquor in Designated Places Borough of Hartlepool Byelaws 1995.

The effect of the proposed Order is that in the designated areas it will become an offence for any person to consume alcohol after being required by a Constable not to do so. The proposed Order also enables a Constable to require that a person surrenders to him anything in that person’s possession which the Constable reasonably believes to be alcohol or a container for alcohol. A Constable may also dispose of anything surrendered to him. Failure to comply, without reasonable excuse with a Constable’s request under the Order will be an arrestable offence punishable upon conviction by a fine, not exceeding level 2 (currently £500) on the standard scale.

3. **Notice** is also given that for a period of 28 days after the publication of this Notice representations are invited as to whether or not an Order should be made. Any representations should be made in writing and addressed to Joe Hogan, Crime and Disorder Co-ordinator, 8 Church Street, Hartlepool TS24 7DJ or by e-mail to [joe.hogan@hartlepool.gov.uk](mailto:joe.hogan@hartlepool.gov.uk).
4. **Notice** is further given that any representations received during that period will be considered by the Council’s Licensing Committee before it makes a final decision on the formal making of the Order.

**SCHEDULE****Part 1 - Hartlepool****Highways**

Avenue Road

From its junction with Victoria Road southerly to the Middleton Grange Shopping Centre.

Back Victoria Homes

Adjacent to Burn Valley Gardens

Baden Street

That part which passes through Burn Valley Gardens

Brinkburn Road

That part which passes through Burn Valley Gardens

Colwyn Road

Park Road

From its junction with Osborne Road to its junction with Stockton Street

Roker Street

South Road

From its junction with Avenue Road to its junction with Back York Road

Stockton Street

From its junction with Hucklehoven Way/Park Road to its junction with

Upper Church Street

Swainson Street

Unnamed Road

Adjacent to the north western edge of Burn Valley Gardens

Victoria Road

From its junction with Upper Church Street to its junction with York Road

Villiers Street

York Road and Back York Road East

From its junction with Victoria Road to its junction with Park Road

**Car Parks**

Multi –story car park

Junction of Park Road and Stockton Street

Surface level car park

West of Stockton Street

Surface level car park

East of Back York Road, including car park beneath the Market Hall

Surface level car park

North of Park Road

Central Library car park and its precincts

**Parks, Gardens and other Public Leisure Facilities**

Burn Valley Gardens

Lying south of Colwyn Road and extending west as far as the unnamed Footpath which runs north west to the junction of Queensberry Avenue

and Elwick Road  
Rossmere Park (south of Rossmere Way)

**Open Amenity Areas**

Open space  
To the east of Burn Valley Gardens.  
Open space  
On south side of Colwyn Road adjacent to Burn Valley Gardens  
Open space  
Area bounded by Victoria Road/Raby Road and A179 adjacent Wesley Chapel

**Part 2 – Headland****Highways**

Albion Terrace  
Bath Terrace  
Cliff Terrace  
The southern footpath only from its junction with Radcliffe Terrace to its junction with Bath Terrace

Croft Terrace  
High Street  
The southern footpath only from its junction with Sandwell Chare to its junction with Croft Terrace Path  
Radcliffe Terrace  
Sandwell Chare  
South Crescent  
The Headland Promenade  
The Promenade  
Between Headland Promenade and York Place.  
Town Wall  
From the western boundary of number 30 Town Wall to its junction with Croft Terrace.  
Unnamed Path  
From Moor Terrace to the site of the former gun placement  
Unnamed Path  
Between High Street and Croft Terrace  
York Place

**Parks, Gardens and other Public Leisure Facilities**

Croft Garden, (east of Sandwell Chare)  
Band Stand, the Promenade  
Redheugh Close Gardens, including the War Memorial (between Radcliffe Terrace and Cliff Terrace)

**Open Amenity Areas**

Open Space

Between Harbour Public House and Croft Gardens

**Fronts and the Foreshore**

Front at Headland

- i) All that area of the front and foreshore including the paddling pool and all steps, ramps, paths, platforms and bankside from time to time situated between the low water mark of medium tides and Town Wall and the Promenade and between:
  - a) an imaginary line running south from a point on the western boundary of number 30 Town Wall; and
  - b) an imaginary line running from number 14 south Crescent along the south western elevation of the Heugh Breakwater.
- ii) Pilot Pier, also known as the Old Pier, is excluded from this area.

**Other Areas**

Area around the Heugh Lighthouse between Bath Terrace and the Promenade Car Park which forms the eastern extension of Moor Terrace

Heugh Battery

Old Gun Placement

**Part 3 – Seaton Carew****Highways**

Ashburn Street

Charles Street

Church Street

From its junction with The Front to the holy Trinity church

Coronation Drive

From the Swimming Baths Car Park to its junction with The Cliff

Green Terrace

Major Cooper Court, (Charles Street)

The Cliff

The Esplanade

The Green

The Front

Unnamed Road

Leading from The Front to and alongside the Amusement Park

Unnamed Road

From The Front adjacent to Café royal to The Esplanade

West View Terrace

**Car Parks and Bus Terminus**

Bus Terminus

East of The Front, including the verges, benches and shelters

Rocket House Car Park

South of Longscar Hall, The Front

Seaton Carew Car Park

Within Seaton Carew Park

Wainwright Walk Car Park

East of Coronation Drive

**Parks, Gardens and Other Public Leisure Facilities**

Crazy Golf Course

East of The Front

Lawns and Gardens and Paved Areas

East of The Front, The Green and The Cliff

North Shelter and Public Toilets

East of The Front

Paddling Pool

East of The Front

Putting Green

East of The Front

Seaton Carew Park

South of Station Lane

South Shelter, Clock and Public Toilets

East of the Bus Terminus

**Open Amenity Areas**

Open Space

East of The Front and The Cliff

Open Space

On south side of Station Lane at its junction with The Front

Open Space

East of Ashburn Street

Open Space

West of Ashburn Street

Open Space

East of Wainwright Walk

Open Space

The Green (including the War Memorial)

**Fronts and the Foreshore**

Front at Seaton Carew

All that area of the front and foreshore, including all steps, ramps, paths, platforms and banksides from time to time situated between the low water mark of medium times and the Esplanade and between:

- a) an imaginary straight line running in a generally easterly direction from a point on the Esplanade at its junction with the unnamed slipway road which runs between the Putting Green and the Amusement Park; and
- b) an imaginary straight line running in a generally easterly direction from a point on Coronation Drive at its junction with the Northern boundary of number 20 Wainwright Walk.

J A Brown  
Chief Solicitor  
Civic Centre  
Victoria Road  
Hartlepool

29 January 2007

## Appendix 4

## HARTLEPOOL BOROUGH COUNCIL

## CRIMINAL JUSTICE AND POLICE ACT 2001

## Proposed Alcohol Consumption in Designated Public Places Order 2007

Notice is hereby given that the Hartlepool Borough Council (hereinafter called “the Council”) in accordance with its powers under Section 13(2) of the Criminal Justice and Police Act 2001, intends to make the following Order:

1. “Alcohol Consumption in Designated Public Places for the area of the Hartlepool Borough Order 2007” (Hereinafter referred to as “the Proposed Order”)
2. This Proposed Order provides for the designation of areas of Hartlepool, described in the Schedule below which is in addition to those areas published by Notice in the Hartlepool Mail on 29<sup>th</sup> January 2007 and also previously covered by the Consumption of Intoxicating Liquor in Designated Places Borough of Hartlepool Byelaws 1995.

The effect of the proposed Order is that in the designated areas it will become an offence for any person to consume alcohol after being required by a Constable not to do so. The proposed Order also enables a Constable to require that a person surrenders to him anything in that person’s possession which the Constable reasonably believes to be alcohol or a container for alcohol. A Constable may also dispose of anything surrendered to him. Failure to comply, without reasonable excuse with a Constable’s request under the Order will be an arrestable offence punishable upon conviction by a fine, not exceeding level 2 (currently £500) on the standard scale.

3. **Notice** is also given that for a period of 28 days after the publication of this Notice representations are invited as to whether or not an Order should be made. Any representations should be made in writing and addressed to Joe Hogan, Crime and Disorder Co-ordinator, 8 Church Street, Hartlepool TS24 7DJ or by e-mail to [joe.hogan@hartlepool.gov.uk](mailto:joe.hogan@hartlepool.gov.uk).
4. **Notice** is further given that any representations received during that period will be considered by the Council’s Licensing Committee before it makes a final decision on the formal making of the Order.



## **SCHEDULE**

### **Part 1 - Hartlepool**

#### **Parks, Gardens and other Public Leisure Facilities**

Serpentine Gardens, (at the junction of Serpentine Road/Hart Lane)  
Victory Square (including the War Memorial)  
Ward Jackson Park, (between Park Avenue and Elwick Road)

J A Brown  
Chief Solicitor  
Civic Centre  
Victoria Road  
Hartlepool

2 February 2007

**Appendix 5**

Areas taking into account displacement suggested at Headland Meeting 25<sup>th</sup> April.

Winston Court area

Bowling Green, Tennis Court/Children's Play areas

Town Square

Town Moor

Headland Front no's 2 - 29

Shopping parades: Northgate, Abbey Street area

**Appendix 6****CRIMINAL JUSTICE AND POLICE ACT 2001****Alcohol Consumption in Designated Public Places Order 2007**

The Hartlepool Borough Council (in this Order called “the council”) hereby make the following Order under Section 13(2) of the said Act:

1. The land described in the Schedule below and shown on the map attached to this Order, being land in the area of the Council which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.
2. This Order may be cited as the Alcohol Consumption in Designated Public Places for the area of Hartlepool Borough Order 2007 and shall come into force on xx xxxxxx 2007.

**SCHEDULE****Part 1 - Hartlepool****Highways****Avenue Road**

From its junction with Victoria Road southerly to the Middleton Grange Shopping Centre.

**Back Victoria Homes**

Adjacent to Burn Valley Gardens

**Baden Street**

That part which passes through Burn Valley Gardens

**Brinkburn Road**

That part which passes through Burn Valley Gardens

**Colwyn Road****Park Road**

From its junction with Osborne Road to its junction with Stockton Street

**Roker Street****South Road**

From its junction with Avenue Road to its junction with Back York Road

**Stockton Street**

From its junction with Hucklehoven Way/Park Road to its junction with

**Upper Church Street****Swainson Street****Unnamed Road**

Adjacent to the north western edge of Burn Valley Gardens

**Victoria Road**

**Appendix 6**

From its junction with Upper Church Street to its junction with York Road

Villiers Street

York Road and Back York Road East

From its junction with Victoria Road to its junction with Park Road

**Car Parks**

Multi –story car park

Junction of Park Road and Stockton Street

Surface level car park

West of Stockton Street

Surface level car park

East of Back York Road, including car park beneath the Market Hall

Surface level car park

North of Park Road

Central Library car park and its precincts

**Parks, Gardens and other Public Leisure Facilities**

Burn Valley Gardens

Lying south of Colwyn Road and extending west as far as the unnamed Footpath which runs north west to the junction of Queensberry Avenue and Elwick Road

Rossmere Park (south of Rossmere Way)

Serpentine Gardens, (at the junction of Serpentine Road/Hart Lane)

Victory Square (including the War Memorial)

Ward Jackson Park, (between Park Avenue and Elwick Road)

**Open Amenity Areas**

Open space

To the east of Burn Valley Gardens.

Open space

On south side of Colwyn Road adjacent to Burn Valley Gardens

Open space

Area bounded by Victoria Road/Raby Road and A179 adjacent Wesley Chapel

**Appendix 6****Part 2 – Headland****Highways****Albion Terrace****Bath Terrace****Cliff Terrace****The southern footpath only from its junction with Radcliffe Terrace to its junction with Bath Terrace****Croft Terrace****High Street****The southern footpath only from its junction with Sandwell Chare to its junction with Croft Terrace Path****Radcliffe Terrace****Sandwell Chare****South Crescent****The Headland Promenade****The Promenade****Between Headland Promenade and York Place.****Town Wall****From the western boundary of number 30 Town Wall to its junction with Croft Terrace.****Unnamed Path****From Moor Terrace to the site of the former gun placement****Unnamed Path****Between High Street and Croft Terrace****York Place****Parks, Gardens and other Public Leisure Facilities****Croft Garden, (east of Sandwell Chare)****Band Stand, the Promenade****Redheugh Close Gardens, including the War Memorial (between Radcliffe Terrace and Cliff Terrace)****Open Amenity Areas****Open Space****Between Harbour Public House and Croft Gardens****Fronts and the Foreshore****Front at Headland****i) All that area of the front and foreshore including the paddling pool**

**Appendix 6**

and all steps, ramps, paths, platforms and bankside from time to time situated

between the low water mark of medium tides and Town Wall and the Promenade and between:

- a) an imaginary line running south from a point on the western boundary of number 30 Town Wall; and
  - b) an imaginary line running from number 14 south Crescent along the south western elevation of the Heugh Breakwater.
- ii) Pilot Pier, also known as the Old Pier, is excluded from this area.

**Other Areas**

Area around the Heugh Lighthouse between Bath Terrace and the Promenade Car Park which forms the eastern extension of Moor Terrace  
Heugh Battery  
Old Gun Placement

**Appendix 6****Part 3 – Seaton Carew****Highways**

Ashburn Street  
 Charles Street  
 Church Street  
 From its junction with The Front to the holy Trinity church  
 Coronation Drive  
 From the Swimming Baths Car Park to its junction with The Cliff  
 Green Terrace  
 Major Cooper Court, (Charles Street)  
 The Cliff  
 The Espanlade  
 The Green  
 The Front  
 Unnamed Road  
 Leading from The Front to and alongside the Amusement Park  
 Unnamed Road  
 From The Front adjacent to Café royal to The Espanlade  
 West View Terrace

**Car Parks and Bus Terminus**

Bus Terminus  
 East of The Front, including the verges, benches and shelters  
 Rocket House Car Park  
 South of Longscar Hall, The Front  
 Seaton Carew Car Park  
 Within Seaton Carew Park  
 Wainwright Walk Car Park  
 East of Coronation Drive

**Parks, Gardens and Other Public Leisure Facilities**

Crazy Golf Course  
 East of The Front  
 Lawns and Gardens and Paved Areas  
 East of The Front, The Green and The Cliff  
 North Shelter and Public Toilets  
 East of The Front  
 Paddling Pool  
 East of The Front  
 Putting Green  
 East of The Front  
 Seaton Carew Park

**Appendix 6**

**South of Station Lane  
South Shelter, Clock and Public Toilets  
East of the Bus Terminus**

**Open Amenity Areas**

**Open Space  
East of The Front and The Cliff  
Open Space  
On south side of Station Lane at its junction with The Front  
Open Space  
East of Ashburn Street  
Open Space  
West of Ashburn Street  
Open Space  
East of Wainwright Walk  
Open Space  
The Green (including the War Memorial)**

**Fronts and the Foreshore**

**Front at Seaton Carew**

**All that area of the front and foreshore, including all steps, ramps, paths, platforms and banksides from time to time situated between the low water mark of medium times and the Espanlade and between:**

- a) an imaginary straight line running in a generally easterly direction from a point on the Espanlade at its junction with the unnamed slipway road which runs between the Putting Green and the Amusement Park: and**
- b) an imaginary straight line running in a generally easterly direction from a point on Coronation Drive at its junction with the Northern boundary of number 20 Wainwright Walk.**

**Dated xx xxxxxxxxx 2007**

The Common Seal of the Hartlepool Borough Council  
was hereunto affixed in the presence of

Solicitor



**Report of:** Head of Public Protection

**Subject:** TAXI WATCH

---

**1. PURPOSE OF REPORT**

- 1.1 To consider a request by the Safer Hartlepool Partnership for an amendment to the current hackney carriage/private hire licensing policy in order to allow the advertisement of a 'Taxi Watch' logo.

**2. BACKGROUND**

- 2.1 The current hackney carriage/private hire licensing policy came into effect on 1<sup>st</sup> January 1998.
- 2.2 The policy details a number of requirements, relating to both licensed drivers and vehicles that are aimed at protecting the public.
- 2.3 One such requirement is that hackney carriages must be painted yellow in order to assist members of the public with their identification and to help ensure they do not flag down unlicensed vehicles that would be driven by unlicensed, and unchecked, drivers.
- 2.4 In order to maintain this protection, Members have only permitted a small amount of external signage to be placed on hackney carriages, so as to ensure that their overall colour and appearance remains predominantly yellow.
- 2.5 At present, the only external signage permitted is the Council 'roundel' that displays the Council's logo and vehicle licence number that must be located on both front doors, and a permission for the vehicle owner's name and phone number to be located on the upper panel of rear doors.
- 2.6 The Safer Hartlepool Partnership has submitted a request that the policy be amended so as to permit further signage to be added to the exterior of both hackney carriages and private hire vehicles.
- 2.7 The proposed signage, attached as Appendix I, promotes the 'Taxi Watch' scheme which is a new initiative with the following principles: -
- To promote community safety
  - To promote driver safety
  - To promote passenger safety
  - To encourage the free flow of information and good liaison between all relevant members.

- To provide a forum through regular liaison/meetings for relevant issues to be discussed.
- To provide one key contact point.

2.8 The logo would be 5 ¾ " x 6 ¾ " and produced in either black or black with a white background.

2.9 Membership of the 'Taxi Watch' scheme, and display of the 'Taxi Watch' logo are entirely voluntary.

### 3. ISSUES

3.1 As detailed above, Members have previously restricted the amount of external signage permitted on hackney carriages to ensure that they remain easily identifiable to members of the public.

3.2 Over recent years a number of enquiries have been made by members of the taxi trade requesting a relaxation of the current signage restrictions in order to carry advertising of goods and services as a means of increasing revenue.

3.3 With the exception of London style cabs that may carry external advertising due to their globally recognisable appearance, all other requests have been denied in favour of retaining the current high level of public protection through the retention and maintenance of a highly visible colour scheme.

3.4 Members may wish to consider whether giving approval for a 'Taxi Watch' logo would undermine the Council's current approach and whether it may make it more difficult for it to deny requests to make available advertising space to advertise goods and services.

3.5 Further consideration should be given to the wording 'Taxi Watch' itself. There is a legal prohibition on private hire vehicles using the words 'taxi' or 'cab' on a roof sign.

3.6 Private hire vehicles are not taxis, must be pre-booked and cannot be 'flagged down' from the street. It is likely that any private hire vehicle that carried passengers that had not pre-booked would be uninsured. It is also likely that the legal prohibition on the use of 'taxi' or 'cab' is to ensure the public are not confused as to whether a vehicle is a taxi or not.

3.7 Whilst the proposal presented for consideration will not be in the form of a roof sign Members may wish to consider whether use of the word 'taxi' in the context of a 'Taxi Watch' logo on a private hire vehicle is appropriate.

3.8 The Taxi and Private Hire Owners Working Group, an elected body representing the taxi trade, was consulted on the proposal in May 2007 but the majority of representatives were not in favour of carrying logos although they were happy to pass information and intelligence onto the Police whenever it became available.

- 3.9 Streamline Taxis, Twenty Three Taxis and Hudsons' Taxis have all indicated that they would be interested in the scheme although many vehicles operated by Twenty Three and Hudsons are privately owned and there would be no obligation on such owners to carry the logo.
- 3.10 To help measure attitudes across the trade as a whole, a letter has been sent on behalf of the Safer Hartlepool Partnership to all vehicle owners. Representatives of the Partnership will be attending the hearing and will be able to advise Members of the responses received.

#### **4. RECOMMENDATIONS**

- 4.1 That Members express their support for the 'Taxi Watch' scheme and consider whether the current hackney carriage and private hire licensing policy be amended.

**Report of:** Head of Public Protection

**Subject:** AVENUE ROAD/VICTORIA ROAD TAXI RANKS

---

**1. PURPOSE OF REPORT**

- 1.1 To provide Members with an opportunity to discuss a number of issues concerning taxi ranks in Avenue Road and Victoria Road.

**2. BACKGROUND**

- 2.1 At your meeting of 14<sup>th</sup> March 2007 officers were instructed to invite representatives of the Highways Section, Parking Enforcement and Cleveland Police to a future meeting to discuss matters of concern relating to the taxi rank on Avenue Road and the use of bus stops by taxis on Victoria Road.

**2.2 Avenue Road**

- 2.3 Members have expressed concern about the congestion in and around Avenue Road, particularly around the vehicular exit from the rear of the Civic Centre onto Avenue Road and in front of the Partco building.
- 2.4 At your meeting of 14<sup>th</sup> March 2007 the Head of Public Protection advised that the Avenue Road taxi rank is the busiest and most popular rank in the town and that the current rank could not accommodate demand.
- 2.5 The current rank can accommodate eight vehicles but as the rank is well used by members of the public it is not uncommon for a number of other taxis to be parked in the immediate area waiting to join the rank as soon as a space appears. It is this waiting that causes the congestion in this confined area.
- 2.6 It is likely that any enforcement action taken against taxis waiting in this area would result in their continual driving in the immediate area as they wait for a rank space to appear. Such actions would have a diverse impact on traffic flow in the area and would have a detrimental environmental impact.
- 2.7 Provisional enquiries have highlighted that Cleveland Police may object to any extension of the rank to include the front of the Police station.
- 2.8 The Taxi Owners Working Group has indicated that there would be no benefit in considering the utilisation of the disabled car parking bays that are immediately opposite the existing rank on Avenue Road. This is because the rear of the rank, and vehicles wishing to join the rank, would be too close to the junction with Victoria Road.

2.9 Victoria Road

- 2.10 The area on Victoria Road, directly outside Loons, Bar Paris and Yates' was also identified by Members as a concern with taxis using the bus stops as an unofficial rank during busy evenings.
- 2.11 As part of a broader examination of town centre violence and disorder, the Safer Hartlepool Partnership had endeavoured to have these bus stops designated as taxi ranks after 9.00 p.m. on weekends.
- 2.12 Protracted negotiations, including representations from the Safer Hartlepool Partnership, Cleveland Police and Public Protection have proved unsuccessful and no agreement has been reached.
- 2.13 A failure to have this area designated as a taxi rank after 9.00 p.m. will result in the current situation continuing with a large number of taxis using the bus stops as an unofficial waiting area. Any enforcement activity is likely to have a short term preventative effect as drivers will not stop if there is an official in sight. However it is also likely that as soon as the official moves, the problem will reappear. Previous enforcement initiatives by Cleveland Police have proved ineffective for this reason.
- 2.14 As taxi drivers park in this area because it is very popular with members of the public it may be considered that a more sustainable approach would be to allow taxis to park in this area legally rather than adopt expensive, unsustainable and ineffective enforcement measures.

3. **RECOMMENDATIONS**

- 3.1 That Members discuss any matters of concern.

**Report of:** Head of Public Protection

**Subject:** ADOPTION OF NEW PETROL FILLING STATION  
LICENCE CONDITIONS

---

## **1. PURPOSE OF REPORT**

- 1.1 To approve the adoption of new model conditions to be attached to all petrol filling station licences.

## **2. BACKGROUND**

- 2.1 Under the Petroleum (Consolidation) Act 1928, Hartlepool Borough Council are the Petroleum Licensing Authority (PLA), responsible for issuing petroleum storage licences to petrol filling stations within the Borough.
- 2.2 Each petroleum storage licence has attached to it a number of 'standard conditions of licence' (see Appendix I).
- 2.3 Some of these conditions are duplicated in other relevant current legislation.
- 2.4 As a result of a Government report produced in February 2005 to review regulation and reduce the burden on business, PLA's were advised to remove the current 'conditions of licence' that are replicated in existing legislation and replace them with a new set of appropriate conditions.
- 2.5 In order to achieve consistency throughout Great Britain advice from the government is that PLA's adopt the new model conditions (see Appendix II), at the earliest opportunity.
- 2.6 The new model conditions have been approved by the Health & Safety Executive/Local Authorities Enforcement Liaison Committee (HELA).

## **3. ISSUES**

- 3.1 It should be noted that the new model conditions reduce burden on operators and will supersede and replace the old standard conditions of licence but in no way absolve any responsibility or statutory duty of the operator, under relevant current legislation.
- 3.2 Failure to adopt the new model conditions could subject the PLA to appeals from national operators.
- 3.3 It should be noted that failure to adopt the new model conditions would be contrary to the Governments recommendations and direction to achieve consistency of enforcement.

**5. RECOMMENDATIONS**

- 5.1 That Members approve the adoption of the new model conditions (Appendix II), with immediate effect.

**STANDARD CONDITIONS OF LICENCE**

<b>PART A</b>	-	1	Definitions
		2	Limitations, Variations and Amendments
		3	General
<b>PART B</b>	-	1	Petrol/L N G Filling Stations
		2	Attendant Operated Filling Stations
		3	Attended Self-Service Filling Stations
		4	Unattended Self-Service Filling Stations
<b>PART C</b>	-		Petroleum Container Stores
<b>PART D</b>	-		Carbide of Calcium
<b>APPENDIX 1</b>	-		Site Register
<b>APPENDIX 2</b>	-		Electrical Certificate
<b>APPENDIX 3</b>	-		Notice to Employees

**Note:** Only those sections applicable to the Licence are contained in this set of Licence Conditions.



## **PART A1 DEFINITIONS**

In the Licence and for the purpose of these Conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them:

**Approved** means the acceptance in writing by the Licensing Authority of the standard of installation and the methods of construction and operation as suitable for licensing.

**Approved Arrangements** mean those arrangements on the licensed premises which accord with those shown on the deposited plans and related correspondence which will be considered to form part of the licence and includes buildings, installations, equipment and operation of the licensed premises.

**Approved Container** means a metal container of a capacity not exceeding 23 litres permanently labelled 'Petroleum Spirit - Highly Flammable' with a secure leak proof cap, or a plastic container not exceeding 5 litres which complies with the requirements of the Petroleum Spirit (Plastic Containers) Regulations 1982 or any amending legislation.

**Authorised Officer** means a person duly authorised in writing by or on behalf of the Licensing Authority under the Act or Acts for the time being in force relating to the keeping of petroleum spirit.

**Competent Person** means a person with enough practical and theoretical training, knowledge and actual experience to carry out a particular task safely and effectively. The person shall have the necessary ability in the particular operation of the type of plant and equipment with which he or she is concerned, and understanding of relevant statutory requirements and an appreciation of the hazards involved. The person shall also be able to recognise the need for specialist advice or assistance when necessary and to assess the importance of the results of examinations and tests in the light of their purpose. A 'person' can be taken to mean more than one or a body corporate or incorporate. It is, therefore, possible to appoint appropriate organisations (e.g. insurance companies or inspection bodies) to carry out tasks designated for competent persons.

**Control Point** means a position in a kiosk or other building at an attended self-service filling station from which an attendant can adequately view and supervise activities at the dispensing equipment and activate and shut off the equipment in an emergency.

**Convenience Store** means a building or that part of a building forming part of the licensed premises which is used for the sale of consumer goods and other services, the said building having a retail/trade selling area in excess of 60 sq. metres.

**Deposited Plan** means the plan or plans deposited with and approved by the Licensing Authority showing the arrangement of the licensed premises and the methods specified thereon for keeping and handling of petroleum spirit and shall include any petroleum spirit store as defined, and these plans shall form part of any Licence to keep petroleum spirit.

## **Part A1**

**Driver Controlled Delivery** means a delivery in which the road tanker driver may offload a tanker containing petroleum spirit at a filling station without being monitored by the Licensee's representative. This is subject to prior agreement having been obtained from the Licensing Authority and a Licence issued in accordance with Regulation 25 and Part III of Schedule 4 of The Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992 or any amending legislation.

**Filling Station** means the premises at which petrol is dispensed into the fuel tanks of motor vehicles or into containers and which may be operated in one of the following modes:

- a.           Attendant Operated means a filling station where an attendant directly operates and controls the dispensing equipment and the discharge nozzle.
- b.           Attended Self-Service means a filling station where a user operates the dispensing equipment which is activated, supervised and may be shut off in an emergency by an attendant at a control point.
- c.           Unattended Self-Service means a filling station where dispensing equipment is activated and operated by the user without supervision by an attendant.

**Hazardous Area** means an area where flammable or explosive gas or vapour-air mixtures (often referred to as a explosive gas-air mixtures) are, or may be expected to be, present in quantities which require special precautions to be taken against the risk of ignition. British Standard 5345 defines the following hazard zones:

- a.           Zone 0: in which an explosive gas-air mixture is continuously present, or present for long period.
- b.           Zone 1: in which an explosive gas-air mixture is likely to occur in normal operation.
- c.           Zone 2: in which an explosive gas-air mixture is not likely to occur in normal operation and , if it occurs, it will exist only for a short time.

British Standard 5345 also defines the areas outside these zones as non-hazardous.

**Licence** means a licence authorising the keeping of petroleum spirit issued by a Licensing Authority pursuant to the Petroleum (Regulation) Acts 1928 and 1936 or any legislation amending or modifying the same or by the Secretary of State and includes the License Conditions, deposited plans and approved arrangements.

**Licensed Premises** means the premises in respect of which the Licence is approved or subsequently amended (and shall include all buildings, tanks, fittings, pumps, dispensers, drains, petroleum separators, and catchment areas) within the areas marked on the deposited plans relevant to the licensed premises.

**Part A1**

**Licensee** means the person or body, whether corporate or otherwise, whose name appears as the Licensee on the Licence and includes any person acting on, or purporting to act on, behalf of the Licensee.

**Licensing Authority** means:- Hartlepool Borough Council

**Motor Vehicle** includes any vehicle, boat or craft powered by an engine using petroleum spirit as a fuel.

**Petroleum Spirit** means petroleum spirit as defined by Section 23 of the Petroleum (Consolidation) Act 1928 or any Act or Acts amending or replacing the same, which expression shall include petroleum mixtures as defined by the Petroleum (Mixtures) Order 1929, or any other legislation which amends or extends that definition.

**Petroleum Spirit Store** includes any building or place used for or in connection with the keeping or dispensing of petroleum spirit on the licensed premises but does not include, unless otherwise specifically stated, petroleum spirit contained in the fuel tanks of motor vehicles kept on the licensed premises.

**Safe Working Capacity** is equal to 97% of the actual capacity expressed in litres.

**Site Register** means the permanent record kept at the licensed premises identifying the various activities which affect the safety of those premises.

**Liquefied Natural Gas - L.N.G.** is natural gas or methane that has been converted to a liquid state by cooling and is maintained in this state by storage in a cryogenic vessel.

**PART A2 LIMITATIONS, VARIATIONS AND AMENDMENTS****2.1 LIMITATIONS**

Nothing in the Licence or Conditions attached thereto is in any way intended or deemed to absolve the Licensee or any other person or persons from liability to observe, comply with or carry out any requirement or provision of any statute, regulation or bye-law or other legal requirement for the time being in force.

**2.2 VARIATIONS AND AMENDMENTS**

Any special condition, exemption or variation allowed in any particular case shall be read together with, and taken as, part of these conditions, unless otherwise specified. Any general or special condition may be amended or varied at the discretion of the Licensing Authority.

**PART A3 GENERAL CONDITIONS****The Licence**

- 3.1 The Licensee and all persons employed on the premises shall act in accordance with and observe the Conditions attached to the Licence.
- 3.2 The licence or copy shall be kept intact on the licensed premises and shall be produced to an authorised officer upon demand. When required the Licence shall be sent to the Licensing Authority, with written application for amendment or transfer.
- 3.3 The Licensee shall, at least 28 days before transferring all or any part of his/her interest in the licensed premises to any other person, give notice in writing to the Licensing Authority of his intention to do so and of the name and address of the person to whom he proposes to transfer that interest in those premises.
- 3.4 A transfer of Licence shall not be complete until an application has been received and approved by the Licensing Authority.
- 3.5 The Licensee shall, at least 28 days before discontinuing or changing the use of any petroleum spirit storage tank(s) or petroleum store(s) on the licensed premises, give the Licensing Authority notice in writing of his/her intention to do so and shall immediately take such steps as may be required by the Licensing Authority to render them safe from fire and/or explosion. This condition shall not apply where the use of the storage tank(s) or receptacle(s) is discontinued temporarily for the purpose of cleaning but the Licensee shall notify the Licensing Authority in writing of the temporary disuse. Repairs or cleaning to any tank(s) on site shall not be carried out without written consent of the Licensing Authority.
- 3.6 No alterations may be made to the licensed premises that effect the approved arrangements (including the demolition of any tank on site) unless written consent of the Licensing Authority has been given. The approval of plans by the local authority under the Building or Planning Regulations shall not be deemed or construed as being approval under this Licence condition. The licensed premises shall be maintained such that all approved arrangements, including all safety related features, function properly.
- 3.7 The Licensee shall notify the Licensing Authority, as soon as is practicable in writing, of any information about developments or alterations adjacent to the licensed premises which might affect the safety of operations on the licensed premises.

#### **Permitted Quantities**

- 3.8 **The quantity of petroleum spirit kept at any one time on the licensed premises shall not exceed the amount specified in the Licence**, exclusive of the petroleum spirit in the tanks of motor vehicles which may be present on the licensed premises.

#### **Powers of Entry for Authorised Officers**

- 3.9 Every duly authorised officer of the Licensing Authority shall at all reasonable times be allowed unrestricted access to the premises for the purpose of ascertaining whether the Conditions attached to this Licence are being duly observed. The Licensee shall give every reasonable assistance which such officer may require for that purpose and shall supply samples of any substances which an authorised officer may have reasonable cause to believe to be subject to the provisions of the Petroleum (Consolidation) Act 1928 or any Act or Regulations replacing, amending or modifying the same.

### **Containers**

- 3.10 Any container in which petroleum spirit is or has been kept shall be maintained securely closed and whilst on the licensed premises shall be kept only in a petroleum store or at such position as may be approved.

### **Precautions Against Fires, Explosions, Leaks and Spills**

- 3.11 The Licensee shall take all practicable steps necessary to prevent:
- a. accident by fire or explosion.
  - b. persons under the age of 16 years having access to petroleum spirit on the licensed premises or any equipment associated with such spirit or L.N.G.
  - c. the escape of petroleum spirit or L.N.G.
  - d. any petroleum spirit or L.N.G., entering any drain, sewer or waterway.
  - e. any naked light, fire, flame or any other source liable to ignite flammable vapour occurring or present within a hazardous area.
  - f. smoking taking place in any hazardous area where petroleum spirit is kept, handled or exposed.
  - g. the operation of radio transmitting equipment, including Citizens Band radios and mobile telephones in any hazardous area, except for radio transmitting equipment not capable of inducing a current or charge which could ignite a flammable atmosphere as defined in British Standard 6656.
  - h. the dispensing of petroleum spirit or L.N.G. unless the safe operation of the licensed premises can be ensured.
- 3.12 The Licensee shall immediately take all practicable steps necessary to remedy any defect or condition likely to cause accident, fire, explosion or leak and to investigate any suspected leak, and thereafter carry out at his own expense such tests and works of demolition, alteration, extraction, retrieval or construction as may be required by the Licensing Authority.

- 3.13 The Licensee shall immediately notify the Licensing Authority and confirm in writing the details of any fire, spillage, accident or explosion and of any leak or loss involving petroleum spirit, or indicated leak or loss as a result of inventory checking or for any other reason, at or from the licensed premises.
- 3.14 Appropriate steps shall be taken to prevent leaks and spills and to detect the sources of any leaks, including leaks indicated as a result of monitoring petroleum spirit stocks or excessive petroleum spirit odours at or in the vicinity of the licensed premises. Any leaks or spills shall be prevented from escaping from the licensed premises. Small leaks or spills shall be cleared up promptly by the application of dry sand or other absorbent material. All sand or other material used for clearing or containing leaks or spills shall not be exposed to a source of ignition and shall be disposed of safely.
- 3.15 Any leaks or spills shall be removed promptly from separating chambers and drainage channels.
- 3.16 No electric light, electrical apparatus or appliance likely to ignite surrounding flammable vapour shall be used in any hazardous area where petroleum spirit is kept, handled or exposed.
- 3.17 Adequate and unobstructed means of escape from all parts of the licensed premises shall be provided and maintained to the satisfaction of the Licensing authority. The parking of vehicles shall not be permitted in such manner as to impede the safety of the licensed premises.
- 3.18 Adequate and efficient fire-fighting equipment together with means for summoning the Fire Brigade as the Licensing Authority may approve or require, shall be provided at all times by the Licensee. All such equipment shall be situated in a position approved by the Licensing Authority and shall remain at all times, when the premises are open for business, both accessible and unobstructed. The equipment shall be maintained and tested in accordance with the relevant British Standard code of practice and be capable of efficient operation at all times and in all weather conditions.

#### **Site Register, Maintenance, Repairs and Modifications**

- 3.19 The Licensee shall maintain a site register for the keeping of records relating to the installation, maintenance, repair, inventory checking, electrical requirements and details of all persons carrying out relevant activities in a form similar to that in Appendix 1 to these Licence Conditions.
- 3.20 At least 24 hours before the transfer or cessation of a licence both the Licence and site register or a copy thereof shall be deposited with the Licensing Authority by the outgoing Licensee.
- 3.21 All relevant persons working at the licensed premises shall be given adequate theoretical training and practical instruction to ensure that they fully understand the hazardous characteristics of petroleum spirit, the operational

and emergency procedures at the licensed premises and relevant licensing and other legal requirements. Records of such training shall be maintained in a form similar to that in Appendix 1 to these Licence Conditions.

- 3.22 A maintenance scheme to ensure the integrity of plant and equipment, the presence and effectiveness of safety and emergency provisions and the maintenance of the site in a condition free from fire hazards shall be in operation on the licensed premises. Records shall be kept to monitor the various elements of the scheme, to show any significant faults detected and to reflect significant repairs and modifications in a form similar to that in Appendix 1 to these Licence Conditions.
- 3.23 No work, involving the disconnection of pipelines within a tank access chamber, removal of the tank lid, or work involving drilling or excavation of the ground adjacent to any underground tank or pipeline, shall take place without the prior written approval of the Licensing Authority.
- 3.24 Any modifications, repairs, removals or abandonment's of tanks, tank compartments, pipelines, metering pumps, dispensers and associated equipment shall be under the control of a competent persons. (See A3 3.6).
- 3.25 The location of any storage tank that has been permanently taken out of use shall be recorded on the site register by the Licensee and brought to the attention of any person who subsequently becomes responsible for those premises.
- 3.26 The Licensee shall ensure that petroleum separating chambers and all drainage channels and gullies connected thereto are efficiently maintained and cleaned out when necessary and in any event shall be inspected at least once in any period of six months.
- 3.27 Storage tanks, delivery, supply, and vent lines shall be subject to testing for leaks in accordance with the methods and intervals agreed by the Licensing Authority, and in accordance with the general principles of the document HJ(G) 146 "Dispensing Petrol, Assessing and controlling the risk of fire and explosion at sites where petrol is stored and dispensed as a fuel" published by the Health and Safety Executive and any other relevant guidance.
- 3.28 An inspection and test shall be carried out and certified by a competent person at intervals not exceeding 12 months ensure that the electrical equipment and installation in hazardous areas and associated equipment in non-hazardous areas continues to be in a satisfactory condition.  
  
A current satisfactory electrical certificate (or copy) shall be kept on the licensed premises and shall be provided to an authorised officer on demand.
- 3.29 Combustible material and rubbish shall only be kept in the areas approved by the Licensing Authority.

#### **Operating and Emergency Procedures**

- 3.30 The Licensee shall make available to persons working at the licensed premises, written procedures for normal and emergency operations. The procedures shall set out clearly the actions necessary for compliance with the Licence Conditions and other legal requirements, safe operation, effective maintenance and appropriate emergency response at the licensed premises.
- 3.31 All operational and emergency procedures shall be reviewed regularly by the Licensee. They shall be amended to take into account any changes in local circumstances, any alterations or modifications to the plant or equipment at the licensed premises and any practical experience arising from suspected or actual leaks, spills or other incidents.

#### **Storage of Other Flammable Liquids**

- 3.32 Save as otherwise approved by the Licensing Authority, no substance of a flammable, corrosive or explosive nature shall be in or near a place where petroleum spirit is kept, handled or exposed. Goods incompatible with the need to avoid fires and explosions from petroleum spirit e.g. fireworks and other explosive substances shall not be stored or offered for sale at licensed premises.
- 3.33 Compartmented tanks shall not be used for storing both petroleum spirit and fuel oils for use in heaters.
- 3.34 Fuel oil, paraffin, other flammable liquid or gas shall only be kept on the licensed premises at the position shown on the deposited plan. Where required by the Licensing authority provision shall be maintained to prevent the outflow of such fuel oil, paraffin, other flammable liquids or gas from the place of storage. Where such products are authorised to be kept on the licensed premises, the tank in the case of an above ground tank, the manhole chamber and/or the fill pipe in the case of an underground tank, shall be clearly marked to readily identify its contents.

#### **Draining Motor Vehicle Fuel Tanks**

- 3.35 Where work is required to be done on any petroleum fuel tank of any vehicle, petroleum spirit shall be drawn off from the fuel tank of a motor vehicle only in the open air or other safe, well ventilated place. This shall only be into a metal container large enough to contain the total contents of the fuel tank and conspicuously labelled 'Petroleum Spirit - Highly Flammable'. The container shall forthwith be securely closed. Petroleum spirit shall not be placed in or kept in an open vessel.

#### **Repair of Vessels**

- 3.36 The Licensee and any other person employed in or about the premises shall not repair or cause or permit to be repaired any vessel in which petroleum spirit is or has been kept, until all reasonable precautions have been taken to



ensure that the vessel has been rendered free from petroleum spirit and flammable vapour.

### **Notices**

- 3.37 Notices shall be in accordance with the Safety Signs & Signals Regulations 1996 or British Standard 5499 or as approved by the Licensing Authority. All warning and information notices or signs shall be on unobscured display.

## **PART B1 PETROL FILLING STATIONS**

### **General**

- 1.1 Any dispensing areas of the forecourt and any road tanker delivery areas shall be adequately lit for safety purposes at all times of use to a level or not less than 100 lux at ground level in the working area.

### **Road Tanker Deliveries**

- 1.2 The Licensee shall bring to the notice of all concerned the provisions of the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992 or any amending legislation which relates to the precautions to be observed in delivering and receiving petroleum spirit from a road tanker into a storage tank.
- 1.3 The road tanker, while petroleum spirit is being discharged therefrom into a storage tank, shall stand at the approved position as shown on the deposited plan.
- 1.4 At any filling station with a vapour balancing system care shall be taken to prevent release of petroleum vapour at ground level. When connecting hoses prior to delivery of petroleum spirit, the vapour hose shall be connected before the delivery hose. On completion of the delivery operation, the vapour hose shall not be disconnected until the delivery hose has been discharged and disconnected. At such sites the dipping of a road tanker compartment during delivery is not permitted whilst the transfer of petroleum spirit is actually taking place from any compartment of the road tanker, unless approved by the Licensing Authority.
- 1.5 Simultaneous road tanker deliveries of petroleum spirit and liquefied petroleum gas shall not be made.
- 1.6 The Licensee and or the road tanker driver (in the case of Driver Controlled Delivery) shall, by appropriate means ensure that whilst deliveries are taking place the road tanker has a clear escape route in the case of an emergency.

### **Dispensing Activities**

- 1.7 The Licensee shall take all steps reasonable to ensure that:-

- a. When the licensed premises are closed for business all electrical power to the dispensing equipment shall be switched off and the dispensing equipment shall be securely locked to prevent nozzles being removed from their housings.
- b. The means to switch on power and to release locking devices shall be inaccessible to the general public.
- c. Except when they are needed for immediate use, tank filling and dipping pipes, and access to them, shall be kept securely locked.

1.8 The Licensee shall take all reasonable steps to ensure that:-

- a. The engine of any vehicle shall be switched off before the dispensing of fuel to that vehicle.
- b. All dispensing equipment shall be operated in accordance with the manufacturer's instructions and equipment designed for operation by an attendance must only be operated by a trained attendant.
- c. Following dispensing, nozzles are firmly stored in their housings, thereby switching off metering pumps and dispensers, or in the case of centralised pumping systems to isolate hoses from sources of pressure.
- d. Where appropriate, hoses should be draped to avoid damage by moving vehicles.
- e. The person in charge of a control point does not permit dispensing activities to be undertaken where any person is seen to be smoking in a hazardous area.

1.9 Except where a pump used to dispense petroleum spirit is being tested for accuracy or during the course of repairs to the installation or any part thereof, petroleum spirit shall be dispensed only by means of approved equipment into the fuel tanks of motor vehicles or into an approved container. Any container shall immediately be securely closed and removed from the licensed premises or placed in a store approved for the purpose.

1.10 Approved containers shall only be filled when the dispensing nozzle operating levers are held open manually.

1.11 Unless an emergency switch is provided at an approved position, a power driven dispenser used for filling the fuel tanks of motor vehicles shall be fitted with an approved device maintained to limit continuous outflow of petroleum spirit from a dispenser.

#### **Monitoring and Testing for Leaks**

- 1.12 Consistent, accurate monitoring of petroleum spirit delivered, stored and dispensed shall be carried out by the Licensee in order to detect leaks from each licensed underground tank and connected pipeline system.

Unless otherwise authorised in writing by the Licensing Authority, at least once during each working day an inventory check and record shall be made as follows:

- a. measure the contents of each tank or compartment: and  
  
before any petroleum spirit is delivered or dispensed, take a reading of the meter totaliser of each connected metering pump or dispenser.
- b. maintain a running record of the measurements and readings for each separate tank or compartment and connected system, together with a record of associated deliveries.

The record shall be maintained daily in a form which shows clearly all gains and losses for each tank or compartment and connected pipeline system. It shall be retained at the licensed premises for at least 12 months and shall be available for examination by an authorised officer at all reasonable times. In any event any gains or losses which vary from the normal operating pattern shall be notified forthwith to the Licensing Authority.

- 1.3 Periodic checks shall be made for the presence of water in each tank or compartment.

- 1.14 Where diesel fuel is stored in a compartment of a multi-compartment petrol tank, all the precautions and standards necessary for the storage of petroleum spirit shall be followed. Distinctive marking and identification shall be in place, adequate steps to detect leaks shall be taken and regular monitoring to detect any contamination shall be carried out. In the event of failure of a compartment, the whole tank shall be regarded as failed.

#### **Storage of Fuel in Tanks of Motor Vehicles**

- 1.15 Petroleum spirit may be kept in the fuel tanks of motor vehicles standing in such parts of the licensed premises as have been approved for motor vehicle sales, servicing or repairs.

#### **Marking and Identification of Tanks, Fill Pipes and Measuring Devices**

- 1.16 A clear and durable indication shall be maintained at each tank, tank fill point, and measuring device of:
- a. the identification number;
  - b. the safe working capacity;
  - c. the grade of fuel.

- 1.17 Where vapour balancing is installed at the site a clear and durable notice shall be displayed which reads “connect vapour return line before off-loading” adjacent to the vapour return line and tank fill points.

### **Assessing and Controlling the Risks**

- 1.18 Every Licensee must carry out an assessment of the risk of fire and explosion involved with the dispensing and storage of petroleum spirit using the principles set out in the document HS(G) 146 “Dispensing Petrol, Assessing and controlling the risk of fire and explosion at sites where petrol is stored and dispensed as a fuel” published by the Health and Safety Executive. A record of the assessment shall be kept on the licensed premises and provided to an authorised officer on demand. The Licensee shall take appropriate measures to control risk where necessary, as identified by the assessment.
- 1.19 The risk assessment should be reviewed from time to time (generally at least every 3 years), particularly if changes are made to the petroleum installation or to neighbouring properties. In addition to the Licensee shall review a risk assessment if requested by the Licensing Authority.

### **PART B2 ATTENDANT OPERATED FILLING STATIONS**

- 2.1 Whenever an attendant operated filling station is open for business, a trained attendant shall be available to operate the dispensing equipment. The attendant shall not allow customers to operate the equipment. No operating attendant shall be under the age of 16 years and no one under the age of 18 years shall be left in sole charge of the filling station.
- 2.2 If the attendant, for any reason leaves the forecourt so that the forecourt is no longer under the attendant’s immediate supervision, all systems shall be de-activated.

### **PART B3 ATTENDED SELF-SERVICE FILLING STATIONS**

- 3.1 Adequate supervision of all dispensing activities at an attended self-service filling station shall be exercised by a trained attendant or attendants at a suitably located and equipped control point or points. No operating attendant shall be under the age of 16 years and no one under the age of 18 years shall be left in sole charge of a filling station. The control equipment shall not allow any activation of dispensing equipment unless the attendant, only on demand, releases a specific dispenser identified by its dispenser number. there shall be no facility for dispensing equipment to be activated automatically. At a self service filling station with a convenience store or additional other services the Licensee shall have specific contingency plans for ensuring that adequate supervision of dispensing activities can be maintained at all times.
- 3.2 An attendant shall not activate any dispensing point unless satisfied that no smoking or other sources of ignition are present; that the engine of the vehicle

to be filled is switched off; that adequate supervision can be continued; and that any necessary action in the event of an emergency or deviation from dispensing can be taken. Irrespective of the configuration of dispensers at the filling station, an attendant shall not activate any more than eight dispenser points for simultaneous delivery of fuel into the tanks of motor vehicles or approved containers.

- 3.3 When open for business, the licensed premises shall be supervised by a competent person who shall not be under the age of 18 years.

**Absence of Attendant from Control Point**

- 3.4 If the attendant, for any reason leaves the control point so that the remote control devices are no longer under the attendant's immediate supervision, all dispensing systems shall be de-activated. The only exception to this condition shall be if the attendant makes a delivery from any dispenser then that dispenser only may remain activated during any absence from the control point.

**PART B4 UNATTENDED SELF-SERVICE FILLING STATIONS**

- 4.1 The Licensee or a representative shall be on call whenever the filling station is open for business.
- 4.2 A notice showing the action to be taken in the event of an emergency shall be clearly displayed adjacent to a clearly marked emergency telephone.

**PART C - PETROLEUM CONTAINER STORES**

- 1.1 The petroleum spirit store shall be kept closed and locked except when containers are being removed or placed in the store, or whilst the store is being cleaned or repaired.
- 1.2 Petroleum spirit shall be in containers designed and constructed to standards suitable for their purpose.
- 1.3 Flammable liquids other than petroleum spirit may, with the written approval of the Licensing Authority, also be kept in the petroleum spirit store in securely closed containers. The total quantity of all liquids in the store shall not exceed the licensed quantity.
- 1.4 Petroleum spirit delivered to the licensed premises shall be taken immediately into the petroleum spirit store.
- 1.5 All containers in the petroleum spirit store shall be properly stacked so as not to obstruct any passage or ventilating opening and empty containers shall be so stacked as not to reduce the capacity of the retaining well. 200 litre drums and similar containers should not be stacked more than 4 high. Drums stored on their sides must be securely choked to prevent movement.
- 1.6 Containers of petroleum spirit shall be kept securely closed except during the transfer of petroleum spirit. The dispensing of petroleum spirit shall take place only in the open air or in a place approved by the Licensing Authority.
- 1.7 All containers shall be inspected at least monthly by the Licensee to ensure that the packaging is in good condition. Any leaking containers shall be made safe immediately.
- 1.8 Empty containers shall be securely closed and returned to the petroleum spirit store or freed from vapour in a safe manner.
- 1.9 The area around ventilation openings to the petroleum spirit store shall be kept clear of any obstruction that might reduce the flow of air.
- 1.10 A record of the contents of the store shall be maintained by the Licensee.
- 1.11 At all times of use the storage area shall be adequately lit and in any event the average illuminance at ground level within the petroleum spirit store shall be maintained at least 100 lux.

**PART D CARBIDE OF CALCIUM**

- 1.1 Carbide of Calcium shall be calculated as if five kilograms weight of a substance being either per carbide of calcium or a mixture containing it were equivalent to five litres of petroleum spirit.

- 1.2 The general Licence Conditions provided for the storage of petroleum spirit shall be applied to the storage of carbide of calcium, excepting those Conditions relating to containers, other flammable liquids, and the provisos to permitted quantities.
- 1.3 Only carbide of calcium which is commercially pure, or in such combination with other products as may be approved by the Licensing Authority shall be kept on the premises for which this Licence is granted. It shall be stored in hermetically closed receptacles so as to prevent moisture coming into contact with it at any time.
- 1.4 The Licensee shall take all due precautions for preventing access of water to the licensed store.
- 1.5 No fire or artificial light capable of igniting acetylene shall be used inside or in the vicinity of the store.
- 1.6 All store ventilation openings shall be kept free from dirt and any obstructions that might reduce the flow of air.
- 1.7 The store shall be kept closed and locked except when carbide of calcium is being put in or withdrawn and when a competent person is in attendance.
- 1.8 All carbide of calcium received upon the premises shall be at once taken to the place of storage.
- 1.9 Only one vessel containing carbide of calcium shall be opened at any one time, and then only for the time necessary for the removal of any required quantity of carbide of calcium, or for the re-filling of any vessel.
- 1.10 No articles or substance of any kind other than carbide of calcium and any apparatus for generating acetylene gas may be kept in the store.
- 1.11 No apparatus for generating acetylene gas shall be used in connection with the store unless it has been approved by the Licensing Authority. Clear instructions as supplied by the maker on the care and operation of the generator shall be kept conspicuously posted in such a place on the licensed premises and in such form and position as can be conveniently referred to by the generator attendant, and such apparatus shall only be entrusted to the charge of a competent person.
- 1.12 The residue of carbide of calcium on being removed from a gas making apparatus shall be at once mixed with at least ten times its bulk in water and shall be kept in the open air for not less than ten hours and the said residue shall not be discharged into any drain or sewer, or otherwise disposed of until it has been thoroughly diluted and all the gas taken from it.
- 1.13 Copper and alloys containing more than 60% of copper shall not be used in the construction of vessels, receptacles or apparatus used for, or with, carbide of calcium.

### Appendix 1 - Suggested register for petrol filling stations

This Appendix sets out pages (e.g. one page or group of pages numbered section) for use in a loose-leaf register for retention at the filling station. The suggestion may be adopted to suit particular circumstances, equipment and methods of work.

Licensee..... Licensing Authority.....

Site Address..... Address.....

Tel No..... Tel No.....

### 2 - Record of underground storage tanks: installation and maintenance

Tank No..... Compartment No.....

Item	Date	Type of Test, examination, service or repair	Result	Competent Person	Recommendation for periodic exam	Any other comments or action
Installation and test						
Periodic examination						
Leak Testing						
Repairs or modifications						



**3 - Record of pipelines: installation and maintenance**

Pipeline identification..... Material (e.g. steel, plastic) .....

<b>Item</b>	<b>Date</b>	<b>Type of Test, examination, service or repair</b>	<b>Result</b>	<b>Competent Person</b>	<b>Recommendation for periodic exam</b>	<b>Any other comments or action</b>
Installation and test						
Periodic examination						
Leak Testing						
Repairs or modifications						

**4 - Recording of metering pump/s dispensers and pump controllers: installation and maintenance**

(a) Pump dispenser make and model..... serial no ..... BASEEFA approval no .....

(b) Pump controller make and model ..... serial no .....

<b>Item</b>	<b>Date</b>	<b>Type of Test, examination, service or repair</b>	<b>Result</b>	<b>Competent Person</b>	<b>Recommendation for periodic exam</b>	<b>Any other comments or action</b>
Installation and test						
Periodic examination						
Repairs or modifications						

## Model licensing conditions

### **Part 1. Definitions**

In the licence and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them:

**1.1 Approved** means the acceptance in writing by the Petroleum Licensing Authority.

**1.2 Approved arrangements** means those arrangements relating to the design, construction and mode of operation of the licensed premises, which accord with the plans and specifications approved by the Petroleum Licensing Authority.

**1.3 Inspector** means a person duly appointed in writing by the Petroleum Licensing Authority, under Section 19 of the Health & Safety at Work etc. Act 1974.

**1.4 Competent person** means a person with enough practical and theoretical knowledge, training and actual experience to carry out a particular task safely and effectively. The person should have the necessary ability in the particular operation of the type of plant and equipment with which they are concerned, an understanding of relevant statutory requirements and an appreciation of the hazards involved. That person should also be able to recognise the need for specialist advice or assistance when necessary and to assess the importance of the results of examinations and tests. A 'person' can be taken to mean more than one, or a body corporate or unincorporate. It is therefore possible to appoint appropriate organisations (e.g. insurance companies or inspection bodies) to carry out tasks designated for competent persons.

**1.5 Dangerous substance** means the same as that defined in the Dangerous Substances and Explosive Atmospheres Regulations 2002.

**1.6 Licence** means a licence authorising the keeping of petroleum-spirit issued by a Petroleum Licensing Authority pursuant to the Petroleum (Regulation) Acts 1928 and 1936.

**1.7 Licensed premises** means the premises in respect of which the licence is in force and shall include all buildings or parts of a building, tanks, pipework, pumps, dispensers, drainage, ancillary equipment, and forecourt area within that part of the premises relevant to the storage, delivery and dispensing of petroleum-spirit.

**1.8 Material alterations** means any alteration, which could affect the risks from fire and explosion at the Licensed Premises and will include: -

- the change of or cessation of use of the licensed premises;
- the removal, temporary or permanent decommissioning, repair, replacement, modification or installation of any tank used for the storage of petroleum-spirit and any, pipeline or vapour pipeline associated with the storage and dispensing of petroleum-spirit;

- the change in use of a tank used to store petroleum-spirit;
- the removal without replacement of any petroleum-spirit pumps/dispensers;
- the installation of any pump/dispenser in a new location.
- the removal or installation of any part of the site's leak detection, spillage or delivery control system;
- a change in the Mode of Operation of the dispensing equipment;
- the removal or installation of any electrical equipment within the hazardous areas of the licensed premises;
- the construction of any buildings or works within the hazardous areas or elsewhere on the licensed premises; and
- the storage or cessation of storage of any other dangerous substances on the licensed premises

**1.9 Petroleum Licensing Authority** means Hartlepool Borough Council.

**1.10 Petroleum-spirit** means the same as that defined in section 23 of the Petroleum (Consolidation) Act 1928

**1.11 Mode of operation** means: -

- 'attended service' where a trained attendant operates the dispensing equipment;
- 'attended self-service' where the customers operate the dispensing equipment under the supervision of a trained attendant; and
- 'unattended self-service' or unmanned sites' where the customers operate the dispensing equipment without the supervision of a trained attendant.

**1.12 Suitable container** means: -

- a metal container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Motor Vehicles etc) Regulations 1929; or
- a plastic container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Plastic Containers) Regulations 1982; or
- a demountable fuel tank of a motor boat or similar vessel; or
- a United Nations approved container for the carriage of petrol.

**1.13 Supply** means sell or provide.

## ***Part 2. General conditions***

**2.1** The licence and any licence conditions issued, or copies of these documents, shall be kept on the licensed premises.

**2.2** Where the licensee wishes to have the licence transferred to some other person or body, he shall notify the Petroleum Licensing Authority of the name and address of the proposed transferee at least 28 days before the occupation or ownership of the licensed premises is transferred to that other person or body.

**2.3** The Licensee shall not undertake or permit to be undertaken any material alterations to the approved arrangements, unless the written consent of the Petroleum Licensing Authority has been obtained.

**2.4** The Licensee shall as soon as is reasonably practicable, notify the Petroleum Licensing Authority and confirm in writing the details of any: -

- fire or explosion at the licensed premises;
- significant spillage of petroleum-spirit or other dangerous substance at the licensed premises ;
- actual or suspected leak of petroleum-spirit or other dangerous substance from the storage tanks, dispensers and the pipework installation at the licensed premises; and
- other significant incident, which could affect the safe operation of the licensed premises.

### ***Part 3. Dispensing and supply of petroleum-spirit***

**3.1** No operating attendant shall be under the age of 16 years and when open for business the licensed premises shall be supervised by a competent person who shall not be under the age of 18 years.

**3.2** The licensee shall not supply petroleum-spirit or any other dangerous substance to any person under the age of 16 years

**3.3** Except where a petroleum-spirit dispenser is being tested for accuracy or during the course of repairs to the installation or any part thereof, petroleum-spirit shall only be dispensed into the fuel tank of an internal combustion engine, or into a suitable container. Any container used for this purpose shall immediately be securely closed and removed from the licensed premises or kept in a safe place.

### ***Part 4. Record keeping***

**4.1** The Licensee shall ensure that adequate records are kept of the petroleum-spirit monitoring and reconciliation system or the operation of any other suitable leak detection system or leak prevention system such that any leak of petroleum-spirit from the storage tanks or associated pipework is detected before a hazardous situation can arise.

Such records and documents should be retained for a minimum of 12 months and if requested be made available to the Petroleum Licensing Authority as soon as is reasonably practicable.

**4.2** The licensee shall ensure that adequate records are kept of the maintenance regime and repairs carried out to the: -

- petrol installation; including the storage tanks, pipework, pumps and dispensers;
- the spillage containment system; including drainage gullies and oil separators; and
- any other plant or equipment located in areas classified as 'hazardous' within the meaning of regulation 7 of the Dangerous Substances and Explosives Atmospheres Regulations 2002.

### ***Part 5. Additional information***

**5.1** As the licensee, you are reminded that compliance with Parts 1 to 4 of these Conditions of Petroleum Licence does not, in any way, absolve you from your statutory duties under the: -

- Electricity at Work Regulations 1989
- Health and Safety at Work etc Act 1974
- Management of Health & Safety at Work Regulations 1999; and
- Dangerous Substances & Explosive Atmospheres Regulations 2002 (DSEAR)

to control the risks of fires or explosives arising from the unloading (from road tankers), storage and dispensing of petroleum-spirit or any other dangerous substance.

**5.2** Practical advice on how to comply with the requirements of the above Regulations and in particular DSEAR can found in the following documents: -

- ‘Petrol Filling Stations – Guidance on Managing the Risks of Fire & Explosions’  
<http://www.hse.gov.uk/LAU/LACS/65-58.htm>
- L138 ‘Dangerous Substances & Explosive Atmospheres - Approved Code of Practice & Guidance’ 1. ISBN 0-7176-2203-7.
- L133 ‘Unloading Petrol from Road Tankers – Approved Code of Practice & Guidance’ 1. ISBN 0-7176-2197-9.
- HS(R)25 ‘Memorandum of Guidance on the Electricity at Work Regulations 1989 1. ISBN 0-11-883963-2.
- Design, Construction, Modification, Maintenance & Decommissioning of Filling Stations (2 nd edition). ISBN 0-85293-419X. Available from the Energy Institute, 61 New Cavendish Street, London, W1G 7AR. 020 7467 7157.
- L21 ‘Management of Health and Safety at Work’ – Management of Health and Safety at Work Regulations 1999 Approved Code of Practice and Guidance (2 nd Edition) 1. ISBN 0 7176 2488 9.

Health & Safety Executive publications are available from [HSE Books](#), PO Box 1999, Sudbury, Suffolk, CO10 2WA. Tel: 01787 881165.

## LICENSING COMMITTEE

27 June 2007



**Report of:** Assistant Chief Executive

**Subject:** QUARTERLY REPORT ON LICENSING ACT SUB COMMITTEES AND HACKNEY CARRIAGE AND PRIVATE HIRE SUB COMMITTEES ACTIVITY

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### 1. PURPOSE OF REPORT

To update Members on the work undertaken by the five Licensing Act Sub Committees and the three Hackney Carriage and Private Hire Licensing Sub Committees.

### 2. BACKGROUND

The Licensing Committee at its meeting on 15 March 2006 (Minute No. 61 refers) agreed to receive regular reports on the work of the sub committees when establishing the new Hackney Carriage and Private Hire Licensing Sub-Committees.

Attached as appendices to the report are tables setting out briefly the work undertaken by the sub committees since last reported to the Committee on 13 December 2006. From the tables Members will see that the Licensing Act Sub Committees have considered four (4) matters, while the Hackney Carriage and Private Hire Licensing Sub-Committees have considered twelve (12) driver applications in the same period.

As this report is for Members information only, there are no specific risk implications or financial or legal considerations to report.

### 3. RECOMMENDATIONS

That Members note the report and the information set out in the two appendices.

**6. REASONS FOR RECOMMENDATIONS**

The report is for Members information only in compliance with the decision of the committee on 15 March 2006

**7. BACKGROUND PAPERS**

Minutes of Licensing Committee held on 15 March 2006

Published minutes of the Licensing Act Sub Committees and the Hackney Carriage and Private Hire Licensing Sub-Committees held in 2007.

**8. CONTACT OFFICER**

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## Appendix 1

**Licensing Act Sub Committees**

<b>Premises</b>	<b>Date</b>	<b>Application Type</b>	<b>Application</b>	<b>Members</b>	<b>Objectors Present</b>	<b>Decision</b>	<b>Latest Operational Hour Granted</b>
39/41 Chatham Road	5 January and 18 January 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors Tumilty, Hall and Kaiser.	Head of Public Protection & Housing	No action. Informal warning issued	N/A
Bungalow Stores, Stratford Road	12 March 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors Brash, Morris and Richardson.	Head of Public Protection and Housing; Head of Safeguarding and Review Unit	No action. Informal warning issued	N/A
197 Raby Road	15 March 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors R Cook, Rayner and Rogan	Head of Public Protection; Head of Safeguarding and Review Unit	No action. Informal warning issued	N/A



Premises	Date	Application Type	Application	Members	Objectors Present	Decision	Latest Operational Hour Granted
Netto	16 March 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors G Lilley, Laffey and Worthy	Head of Public Protection; Head of Safeguarding and Review Unit	No action. Informal warning issued	N/A
One Stop Stores Ltd.	2 April 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors Morris, Rayner and Rogan	Head of Public Protection; Head of Safeguarding and Review Unit	Additional conditions applied to licence.	N/A
The Local, 129 Elwick Road	20 April 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors Tumilty, Hall and Kaiser.	Head of Public Protection; Head of Safeguarding and Review Unit	Additional conditions applied to licence.	N/A

Premises	Date	Application Type	Application	Members	Objectors Present	Decision	Latest Operational Hour Granted
Orchard End	9 May 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors Jackson, Morris and Richardson.	Head of Public Protection; Head of Safeguarding and Review Unit	Additional conditions applied to licence.	N/A
Bells Stores, 43-45 Murray Street	2 April and 14 May 2007	Review	Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors R Cook, Morris and Richardson.	Head of Public Protection; Head of Safeguarding and Review Unit	No Action.	N/A
Booze Buster, 129 Oxford Road	23 May 2007		Review following conviction for sale of alcohol to an individual aged under 18 years.	Councillors Tumilty, Hall and Kaiser.	Head of Public Protection; Head of Safeguarding and Review Unit	Additional conditions applied to licence.	N/A

## Appendix 2

## Hackney Carriage and Private Hire Licensing Sub Committees

Date	Members	Application Type (Driver's Licence)	Applicant	Applicant Present	Decision
21 December 2006	Councillors Morris, Brash, Griffin, Richardson and Tumilty.	Hackney Carriage	PRO	No	Approved
		Hackney Carriage/Private Hire	MWMc	Yes	Approved
		Private Hire	GP	Yes	Approved
		Private Hire	RLT	Yes	Approved
		Hackney Carriage	MAP	Yes	Approved
		Private Hire	ATC	No	Refused
30 January 2007	Councillors R Cook, Johnson, G Lilley and Rayner.	Private Hire	DC	Yes	No Action – warning issued as to future conduct.
		Private Hire	CCO	Yes	Approved – warning issued as to future conduct.
		Private Hire	MD	Yes	No Action – warning issued as to future conduct.
		Private Hire	SF	Yes	No Action

Date	Members	Application Type (Driver's Licence)	Applicant	Applicant Present	Decision
19 March 2007	Councillors R Cook, G Lilley and Rayner.	Private Hire	JC	Yes	Approved – warning issued as to future conduct.
		Hackney Carriage	IC	Yes	Approved – warning issued as to future conduct.
		Private Hire	AW	Yes	Refused
		Private Hire	HRR	Yes	No Action – warning issued as to future conduct.
		Hackney Carriage	MOG	No	Refused
11 May 2007	Councillors Morris, Brash, Griffin and Richardson.	Private Hire	SAW	Yes	No Action
		Private Hire	LVC	Yes	Approved
		Hackney Carriage	PNH	Yes	Approved
		Private Hire	IR	Yes	Approved

**Report of:** Assistant Chief Executive

**Subject:** LICENSING COMMITTEE SUB COMMITTEE  
MEMBERSHIPS

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**1. PURPOSE OF REPORT**

- 1.1 To re-appoint and fill vacancies in the Licensing Act Sub Committees and Hackney Carriage and Private Hire Sub Committees.

**2. BACKGROUND**

- 2.1 Following the recent elections and changes to the membership of the Licensing Committee some amendments to the sub committee memberships are required.

- 2.2 There are five Licensing Act Sub Committees each consisting of three members and three Hackney Carriage and Private Hire Sub Committees each of five members.

- 2.3 Following the elections and the annual meeting the current sub committee memberships are as follows:

Licensing Act Sub Committee 1 – Councillors Vacancy<sup>①</sup> (Ch.), Laffey and Vacancy<sup>②</sup>

Licensing Act Sub Committee 2 – Councillors R. Cook (Ch.), Rogan and Vacancy<sup>③</sup>.

Licensing Act Sub Committee 3 – Councillors Griffin (Ch.), Jackson and Johnson.

Licensing Act Sub Committee 4 – Councillors Vacancy<sup>④</sup> (Ch.), Hall and Kaiser

Licensing Act Sub Committee 5 – Councillors Brash (Ch.), Morris, and Richardson

While it is accepted that political balance is difficult to maintain on sub committees of three, there should at least be two parties represented on each sub committee.

Hackney Carriage and Private Hire Licensing Sub Committee 1 –  
Councillors Kaiser (Ch.), Hall, Jackson, Laffey and Rogan.

Hackney Carriage and Private Hire Licensing Sub Committee 2 –  
Councillors Morris (Ch.), Brash, Griffin, Richardson and Vacancy<sup>①</sup>

Hackney Carriage and Private Hire Licensing Sub Committee 3 –  
Councillors R. Cook (Ch.), Johnson, Vacancy<sup>②</sup>, Vacancy<sup>③</sup>, Vacancy<sup>④</sup>

### **3. LEGAL CONSIDERATIONS**

- 3.1 There are four newly appointed members to the Licensing Committee, Councillors Atkinson, London, Fleming and Gibson. As new members to the Licensing Committee, the Councillors are required to undergo appropriate training before they can be involved in the Licensing Act Sub Committees. This training has been recently undertaken.

### **4. RECOMMENDATION**

The Committee is requested to nominate Councillors from the overall Committee membership to fill the existing vacancies in the sub committee memberships.

### **5. REASONS FOR RECOMMENDATIONS**

Without the vacancies being filled the Licensing Sub Committees cannot operate properly as three members need to be present for a Licensing Act hearing to proceed. The situation is similar for Hackney Carriage Sub Committees where a quorum of three is required.

### **6. BACKGROUND PAPERS**

Licensing Act Committee Minutes 7 January 2005  
Licensing Act Committee Minutes 27 July 2005  
Licensing Committee Minutes 15 March 2006

### **7. CONTACT OFFICER**

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