

# PLEASE NOTE VENUE

## LICENSING COMMITTEE AGENDA



Friday 16<sup>th</sup> May 2008

at 10.00am

in Committee Room B,  
Civic Centre, Hartlepool

MEMBERS: LICENSING COMMITTEE:

Councillors Atkinson, Brash, R W Cook, Fleet, Fleming, Griffin, Hall, Jackson, Kaiser, Laffey, G Lilley, London, Dr Morris, Richardson, Rogan

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 12<sup>th</sup> March 2008 (*attached*)
4. **ITEMS FOR DECISION**
  - 4.1 Hackney Carriage Tariffs – *Head of Procurement, Property and Public Protection*
5. **ITEMS FOR INFORMATION**

No items
6. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# LICENSING COMMITTEE

## MINUTES AND DECISION RECORD

12<sup>th</sup> March 2008

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

### **Present:**

Councillor Dr Morris (In the Chair)

Councillors: Reuben Atkinson, Jonathan Brash, Rob Cook, Sheila Griffin, Gerard Hall, Peter Jackson, Pauline Laffey, Geoff Lilley, Frances London and Carl Richardson

Officers: Alison Mawson, Head of Community Safety and Prevention  
Ralph Harrison, Head of Public Protection  
Ian Harrison, Principal Licensing Officer  
Tony Macnab, Solicitor  
Jo Wilson, Democratic Services Officer

Also present:

Councillor John Marshall  
Representatives from Hartlepool Police Force  
Representatives from local taxi firms

### **24. Apologies for Absence**

Apologies were received from Councillors Mary Fleet, Timothy Fleming and Stan Kaiser.

### **25. Declarations of interest by members**

None.

### **26. Minutes**

The minutes of the meeting held on 12<sup>th</sup> December 2007 were confirmed as a true record.

## 27. Hackney Carriage/Private Hire Policy and Hackney Carriage Fares *(Head of Public Protection)*

### Purpose of report

- i. To consider the adoption of a new hackney carriage and private hire licensing policy
- ii. To consider a change to hackney carriage tariffs for 2008/9

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

#### Licensing Policy

The current hackney carriage/private hire policy was last comprehensively reviewed by Licensing Committee in 1996. In September 2007 the Committee approved a process of consultation with a view to the preparation and adoption of a new updated policy. The consultation was based around issues raised at the September 2007 Licensing Committee meeting, details of which were attached to the report as an appendice. In October 2007 a consultation letter was sent to all licensed hackney carriage and private hire vehicle drivers and operators and other bodies with an interest in the licensing and operation of such vehicles. Five responses were received, attached as appendices to the report. As a result of this a proposed new policy had been prepared.

The proposed substantive changes to the policy were as follows:

- a) A requirement for driver applicants not resident in the UK for at least five years to produce an authoritative document proving their good conduct from any country where they were resident during the past five years – The Principal Licensing Officer advised that so far there had only been a requirement for this provision twice. The proposal was that the embassy of the country where the applicant had previously been resident would be approached by officers for a Good Conduct Certificate. Any related costs would be covered by the applicant. Members asked what could be done in the case of refugees with no documentation and were advised that every case would be judged on its own merits. These proposals were the same as those followed in neighbouring authorities
- b) No longer a requirement for all vehicles to have at least four doors – Members felt limiting cars to only picking up one passenger would not be viable for taxi companies. Female passengers in particular might also be reluctant to use a vehicle with only two seats. The Head of Public Protection advised that he felt this was a rather minor matter. Taxi owners would be under no obligation to provide 2-seater transport but this would provide an opportunity for those who wanted to.
- c) No longer a requirement for cars to have a minimum engine size of

1600cc

- d) A prohibition on the licensing of rear loading wheelchair accessible vehicles
- e) No longer a requirement for a large amount of luggage space (with the exception of mini buses) – concerns were raised by members that taxi companies might send the wrong size of vehicle for the required amount of luggage. An example was given whereby a member and his family had recently been forced to travel to the airport with their luggage on their knees as the vehicle sent had been of an insufficient size. However other members felt that a requirement for enough space to carry luggage for a family of four was unnecessary providing indications were given of requirements at the time of booking. If despite this the wrong size vehicle was despatched members would probably not be inclined to book that company again. The vast majority of taxi journeys did not require large amounts of luggage.
- f) Requirement for vehicles to undertake two mechanical inspections per year plus an MOT test be replaced with a requirement for two mechanical inspections, one of which may be an MOT test carried out by the Council's Transport Depot – members asked how much these tests would cost. The Principal Licensing Officer advised that the cost would be included in the licence fee. An MOT would be available from the Council Transport Depot at an additional cost of £10. This would be in contrast to the potential cost of an MOT from a private garage. Some taxi drivers present expressed concern that this discount could adversely affect private garage owners while others felt that the Council would be doing them a favour with this decreased optional rate.

The proposed policy also retained a prohibition on the advertising of anything other than the name and telephone number of the vehicle owner/operator on the upper part of the rear passenger doors. Members of the taxi trade had previously made representations requesting additional advertising of any product or service be permitted on vehicles as a means of generating revenue. It was suggested therefore that the policy could be reworded to allow advertising within the area of the rear doors currently reserved for the name and telephone number. This would permit advertising without detracting from the overall yellow colour scheme of hackney carriages and could reduce pressure on increasing fares. The majority of members indicated they would be in favour of advertising of this type, providing the content was suitable. Some members expressed concern that advertising on the rear doors would inevitably lead to advertising on other parts of the vehicle but officers advised there were no plans in this direction. The possible necessity of resprays was also mentioned but officers advised that these type of advertisements were usually of the stick-on variety. Representative taxi drivers/owners were similarly divided on this issue with some feeling that the yellow colour of their vehicles distinguished them. Everyone present wished to see the practice of the name and number of the taxi firm retained on the vehicle.

### Hackney Carriage Tariffs

In 2002 Members of the Licensing Committee agreed that there would be an annual review of hackney carriage tariffs. Accordingly in December 2007 a letter was forwarded to all hackney carriage owners requesting proposals for any increase to hackney carriage fares for 2008. No proposals for an increase were submitted. However a proposal had been received requesting the introduction of an extra charge for journeys where wheelchair accessible vehicles carried five or more passengers. The figure proposed was £1.50. As the initial charge of hiring a hackney carriage was £2 this would still represent a saving for a fifth passenger who would otherwise have to hire an additional vehicle. This would be a way of subsidising the extra purchase and maintenance cost of such vehicles without charging disabled passengers higher fares. The current taxi licensing policy requires all new licensed vehicles (not replacement vehicles) to be wheelchair accessible. There are currently 23 vehicles of this kind in a fleet of 170.

Members felt that this was a rather complicated idea which could lead to problems, particularly with late night journeys. Concerns were raised regarding the public reaction and possible confusion, however representative taxi drivers/owners commented that even with the inclusion of this subsidy passengers would still be paying less than they would have to hire two separate vehicles. Some members commented that there were too many extra tariffs to introduce one more whereas others felt the proposed amount was not a lot and would help cover the extra fuel needed for the extra passenger. A taxi driver indicated that disabled people were paid a mobility allowance and this should be used to cover the increased cost of these adapted vehicles rather than other passengers being charged increased rates. Another taxi driver commented that charging less for one mini bus type vehicle than two taxis would take work away from 4 person vehicles. However members commented that this happened anyway and should not be a consideration. Members also felt it would be discriminatory to expect disabled people to pay more for the service.

### **Decision**

- i. That paragraph 2.9 e) of the proposed policy be amended to allow the advertising of any goods or services on the space on the rear passenger doors currently allocated on a vehicle for the name and telephone number of the vehicle owner/operator
- ii. That the proposed new hackney carriage/private hire licensing policy be approved.
- iii. That in relation to wheelchair accessible vehicles carrying five or more passengers a surcharge of £1.50 be approved and additional signage be required in order to inform prospective passengers of the surcharge.

## **28. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 – Shopping Parades, Play Areas, Cemeteries and Residential Streets** *(Head of Community Safety and Prevention)*

### **Purpose of report**

To advise members of the Licensing Committee on the outcome of the statutory notice inviting representation on the proposal to make a second Designated Public Places Order (DPPO) within the town, under the Local Authority (Alcohol consumption in Designated Public Places) Regulations 2007.

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

On 12<sup>th</sup> December 2007 Members were informed that in accordance with the Regulations evidence had been gathered on locations affected by anti-social behaviour as a result of alcohol consumption. Members subsequently authorised the publication, in the Hartlepool Mail, of the statutory notice inviting representation on the proposed locations to be included in the DPPO. This was published on 21<sup>st</sup> December 2007, no representations were received.

Members queried a number of discrepancies in the final list and asked if additions could be made. The Head of Community Safety and Prevention advised that at this late stage it would not be possible to add areas without beginning the whole consultation process afresh. This would lead to more delay and increased costs. However evidence gathering for a third order will be commenced and any missed areas could be included on this. Discussion arose as to the possibility of a town wide ban as it was felt this might alleviate displacement problems. Police representatives advised they were in favour of a town-wide ban but legally this would be a problem. However it was also felt that a town-wide ban was based on the erroneous assumption that everyone in Hartlepool was a heavy drinker. The Chair requested that officers investigate the possibility of a town-wide ban which he was aware had been used in other towns.

Members further referred to the need for proof of incidents of alcohol-fuelled anti-social behaviour. The Head of Community Safety and Prevention confirmed that evidence of incidents had been gathered from the Police and others on every area included in the list. Members asked if it would be possible for them to receive an early list of areas before the start of the next consultation process. The Head of Community Safety and Prevention indicated that they had already received a draft list as part of the consultation of ward councillors. A breakdown of areas by individual wards would be provided to each member of the Committee.

**Decision**

- i. That the Designation of the public places identified on the list attached to the report be approved as Members were satisfied that there had been nuisance or annoyance to members of the public and/or a section of the public or disorder had been associated with the consumption of alcohol in those areas
- ii. That the formal order be made and the Chief Solicitor authorised to seal, date and insert the date of commencement of the Order on behalf of the Council

**29. Delegated Powers** (*Chief Solicitor and Head of Public Protection*)**Purpose of report**

To invite the Committee, upon referral from the Constitution Working Group, to consider the operation of Officer's delegated powers relating to ss 61 & 77 Local Government (Miscellaneous Provisions) Act 1976

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

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 gives the licensing authority the power to suspend or revoke a taxi or private hire vehicle driver's licence. However under section 77 the driver may continue to drive the vehicle until any appeal has been determined. As a result Section 52 of the 2006 Act amended sections 61 and 77 to provide licensing authorities with the power to suspend or revoke a licence with immediate effect where it is felt public safety requires this course of action. In this case the driver may no longer drive a taxi or private hire vehicle from the time he is given notice of the suspension or revocation. Part 3 of the Constitution provides delegated powers to the Director of Neighbourhood Services (exercised through the Head of Public Protection) to refuse, revoke or suspend any licence where eligibility criteria are not met or there is judged to be a clear risk to the public which should be addressed as a matter of urgency.

At the meeting of Licensing Committee on 14<sup>th</sup> December 2007 a member expressed concern that the power of immediate suspension had not been exercised by the Head of Public Protection in a particular case and asked that the matter be referred to Constitution Working Group. During their discussion it was recognised that it was a matter for the Licensing Committee to clarify the circumstances in which an officer would exercise their delegated powers. The Head of Public Protection indicated that a comprehensive report on delegated powers would be coming before the Committee later in the year and suggested the matter could be discussed at that time. However there was concern by existing members that there could be a new Committee in place at that time.

Members of the Constitution Working Group had suggested that the Head of

Public Protection could liaise with the Chair and Vice-Chair of the Licensing Committee when deciding whether or not to use delegated powers. This was supported by members of the Licensing Committee although the Head of Public Protection felt this could lead to potential problems if they were not contactable within 24 hours. Also if the matter was referred to sub-committee neither the Chair nor Vice-Chair would be able to take part. Members recognised that it would be difficult to discuss this matter in any depth without going into confidential matters. For this reason the decision was made to defer the matter to a time when a more detailed report would be available.

### **Decision**

That consideration whether any change to the officer's delegated powers would be necessary be deferred

## **30. Any Other Items Which The Chair Considers Are Urgent**

### Update on appeal against decision by the Hackney Carriage and Private Hire Licensing Sub-Committee

The Solicitor referred to the decision made by a Hackney Carriage and Private Hire Licensing Sub-Committee on 14<sup>th</sup> December 2007 to revoke the licence of Mr Neil Handisides. An appeal against this revocation was lodged and heard by Hartlepool Magistrates Court on 11<sup>th</sup> March 2008. The Magistrates overturned the original decision as they felt Mr Handisides was a fit and proper person to continue as a licensed Hackney Carriage Driver. Although Mr Handisides had shown a serious lack of judgement the events in question were entirely consensual and had not been in lieu of payment. The decision was made to suspend Mr Handisides' licence for a period of 3 months.

### Street Trading

Councillor John Marshall, in attendance at the meeting, requested that a review of the rules relating to street trading and the amount charged for licences be undertaken. Currently the fees relating to mobile street traders and static street traders were identical regardless of their place of business. Councillor Marshall felt this was to the detriment of mobile traders where fuel costs could vary substantially. He also referred to the 6pm cut-off point whereby fees doubled after this time, commenting that this seemed early particularly in the Summer months in regard to ice cream vans. Members expressed their support for a review and asked that a report on this matter be brought to a future meeting.

### Retirement of the Head of Public Protection

The Chair of the Committee, Councillor Kaiser, had been unable to attend due to medical problems. However he had submitted a letter to be read to members in which he referred to the imminent retirement of the Head of Public



Protection and thanked him for all his help and support over the years. Members echoed these sentiments, making their own personal tributes with particular reference to help given to members during the introduction of the Licensing Act 2003. The Head of Public Protection thanked members for their kind comments.

CHAIRMAN

**Report of:** Head of Procurement, Property and Public Protection

**Subject:** HACKNEY CARRIAGE TARIFFS

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**1. PURPOSE OF REPORT**

1.1 To consider an increase in Hackney Carriage tariffs.

**2. BACKGROUND**

2.1 At your meeting held on 11<sup>th</sup> December 2002, it was agreed that there would be an annual review of Hackney Carriage tariffs taking into account any proposals made at the Vehicle Owners Annual General Meeting.

2.2 Following a consultation exercise in December 2007, no tariff proposals were submitted by the Hackney Carriage trade and at their AGM on 22<sup>nd</sup> January 2008 it was formally agreed that there would be no request for a general tariff increase in 2008.

2.3 On 29<sup>th</sup> April 2008 a letter, signed by 12 Hackney Carriage owners was presented to the Council requesting an increase of 30p on the 'flag fall' (the initial cost of hiring the vehicle plus the first few hundred yards) 'due to the rapid rise in fuel costs'.

2.4 Officers have made further enquiries of the Hackney Carriage trade and at the time of writing this report it was found that 17 vehicle owners were in favour of the proposed rise whilst two were against. As some owners own multiple vehicles this figure represents approximately 25% of all Hackney Carriages in favour and 25% against.

**3. ISSUES**

3.1 The cost of diesel has risen from 95.3p per litre in May 2007 to 115.5p per litre in April 2008 representing an increase of 21%. Unleaded petrol has risen by 12.6% from 94.8p per litre to 106.8p per litre during the same period (*Source: The AA*).

3.2 The proposed increase of 30p on the flag fall from £2.00 to £2.30 represents an increase of 15%.

3.3 Members may wish to consider whether the current increase in fuel costs is significant enough to justify a tariff rise now when a rise was not considered

necessary in January 2008. (Diesel has increased by 7% since January 2008 and petrol has increased by 3.5% during the same period).

- 3.4 Members may also wish to consider the significance of 17 vehicle owners who are in favour of a tariff rise against two who are not but one of these owns approximately 40 vehicles.
- 3.5 Should Members approve a tariff increase a Public Notice will be placed in the Hartlepool Mail to inform the general public. Should any objections be received within 14 days of the Notice being published, the matter will be referred back to Licensing Committee before any increase is implemented. Assuming there are no public objections, any increase approved by Members will not therefore take effect for approximately 3 weeks.
- 3.6 Members should consider that Hackney Carriage drivers are prevented by law from charging more than the maximum approved tariff. Any increase in their operating costs must therefore be absorbed by them until any tariff increase is approved by the Council.
- 3.7 According to the taxi trade magazine *Private Hire Monthly* Hartlepool's Hackney Carriage tariffs (for a two mile journey) are the fourth cheapest in the country.
- 3.8 Any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income whilst representing value for money for the travelling public.

#### **4. RECOMMENDATIONS**

- 4.1 That Members consider the proposed increase to the current tariffs.

CURRENT TARIFFS 2007/8**Appendix I**HACKNEY CARRIAGE FARES

Local Government (Miscellaneous Provisions) Act 1976 Section 65

**FARES FOR DISTANCE****MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2), (3) and [4]: -
- |   |      |
|---|------|
| If the distance does not exceed 440 yards or 402.3 metres                 | 200p |
| If the distance exceeds 440 yards or 402.3 metres:-                       |      |
| For the first 440 yards or 402.3 metres                                   | 200p |
| For each subsequent 250 yards or 228.6 metres or uncompleted part thereof | 10p  |
- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3) or [4]: -
- |   |      |
|---|------|
| If the distance does not exceed 380 yards or 347.5 metres                 | 200p |
| If the distance exceeds 380 yards or 347.5 metres:-                       |      |
| For the first 380 yards or 347.5 metres                                   | 200p |
| For each subsequent 160 yards or 146.3 metres or uncompleted part thereof | 10p  |
- [3] For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December other than those shown at (4): -
- |   |      |
|---|------|
| If the distance does not exceed 300 yards or 274.3 metres                 | 200p |
| If the distance exceeds 300 yards or 274.3 metres:-                       |      |
| For the first 300 yards or 274.3 metres                                   | 200p |
| For each subsequent 130 yards or 118.9 metres or uncompleted part thereof | 10p  |
- [4] For all hirings begun between 7pm on 24<sup>th</sup> December and 0630 am on 27<sup>th</sup> December and between 7 pm on 31<sup>st</sup> December and 0630 am on 2<sup>nd</sup> January: -
- |   |      |
|---|------|
| If the distance does not exceed 300 yards or 274.3 metres                 | 400p |
| If the distance exceeds 300 yards or 274.3 metres:-                       |      |
| For the first 300 yards or 274.3 metres                                   | 400p |
| For each subsequent 130 yards or 118.9 metres or uncompleted part thereof | 10p  |

**WAITING TIME**

- (a) For all hirings shown at (1) and (2) under MILEAGE  
For each period of one minute or uncompleted part thereof 10p
- (b) For all hirings shown at (3) and [4] under MILEAGE  
For each period of up to 40 seconds or uncompleted part thereof 10p

**FARES FOR TIME** - Provided that when a Hackney Carriage is hired by time, such fares shall be agreed with the hirer at the commencement of the hire.

**SOILING CHARGE** - £20.00

## PROPOSED TARIFFS 2008/9      **Appendix II**

### HACKNEY CARRIAGE FARES Local Government (Miscellaneous Provisions) Act 1976 Section 65

#### **FARES FOR DISTANCE**

##### **MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2), (3) and [4]: -
- |   |      |
|---|------|
| If the distance does not exceed 440 yards or 402.3 metres                 | 230p |
| If the distance exceeds 440 yards or 402.3 metres:-                       |      |
| For the first 440 yards or 402.3 metres                                   | 230p |
| For each subsequent 250 yards or 228.6 metres or uncompleted part thereof | 10p  |
- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3) or [4]: -
- |   |      |
|---|------|
| If the distance does not exceed 380 yards or 347.5 metres                 | 230p |
| If the distance exceeds 380 yards or 347.5 metres:-                       |      |
| For the first 380 yards or 347.5 metres                                   | 230p |
| For each subsequent 160 yards or 146.3 metres or uncompleted part thereof | 10p  |
- [3] For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December other than those shown at (4): -
- |   |      |
|---|------|
| If the distance does not exceed 300 yards or 274.3 metres                 | 230p |
| If the distance exceeds 300 yards or 274.3 metres:-                       |      |
| For the first 300 yards or 274.3 metres                                   | 230p |
| For each subsequent 130 yards or 118.9 metres or uncompleted part thereof | 10p  |
- [4] For all hirings begun between 7pm on 24<sup>th</sup> December and 0630 am on 27<sup>th</sup> December and between 7 pm on 31<sup>st</sup> December and 0630 am on 2<sup>nd</sup> January: -
- |   |      |
|---|------|
| If the distance does not exceed 300 yards or 274.3 metres                 | 430p |
| If the distance exceeds 300 yards or 274.3 metres:-                       |      |
| For the first 300 yards or 274.3 metres                                   | 430p |
| For each subsequent 130 yards or 118.9 metres or uncompleted part thereof | 10p  |

##### **WAITING TIME**

- (a) For all hirings shown at (1) and (2) under MILEAGE  
For each period of one minute or uncompleted part thereof      10p
- (b) For all hirings shown at (3) and [4] under MILEAGE  
For each period of up to 40 seconds or uncompleted part thereof      10p

**FARES FOR TIME** - Provided that when a Hackney Carriage is hired by time, such fares shall be agreed with the hirer at the commencement of the hire.

**SOILING CHARGE** - £20.00