

# LICENSING COMMITTEE AGENDA



**Wednesday, 4 August 2010**

**at 10.00 am**

**in Committee Room B, Civic Centre, Hartlepool**

MEMBERS: LICENSING COMMITTEE:

Councillors Aiken, Atkinson, Barclay, Brash, Fleet, Griffin, Hall, Jackson, Laffey, Lawton, G Lilley, London, Morris, Rogan and Sutheran.

**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 14 April 2010

**4. ITEMS REQUIRING DECISION**

4.1 Hartlepool Town Centre At Night - *Assistant Director (Community Safety & Protection)*

4.2 Review of Hartlepool Borough Council's Approach to Hackney Carriage and Private Hire Licensing – *Assistant Director (Community Safety and Protection)*

**6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **LICENSING COMMITTEE**

### **MINUTES AND DECISION RECORD**

14 April 2010

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

**Present:**

Councillor: George Morris (In the Chair)

Councillors: Martin Aiken, Rob W Cook, Tim Fleming, Sheila Griffin, Pauline Laffey, Frances London and Victor Tumilty.

Officers: Sylvia Pinkney, Public Protection Manager  
Ian Harrison, Principal Trading Standards and Licensing Officer  
Tony Macnab, Solicitor  
Angela Hunter, Principal Democratic Services Officer

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

Apologies for absence were received from Councillor Ged Hall, Mary Fleet and Peter Jackson.

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

None.

#### **26. Confirmation of the minutes of the meeting held on 20 January 2010**

Confirmed.

#### **27. Matters arising**

A Member sought clarification on when Designated Public Places would be next reported to Committee. The Public Protection Manager confirmed that this would be reported by the Assistant Director (Community Safety and Protection) and Members would be informed under separate cover of the likely timescale for this.

## **28. Recent Amendments to the Licensing Act 2003** (Assistant Director, Community Safety and Protection)

The Public Protection Manager presented a report which outlined the recent amendments to the Licensing Act 2003 and sought approval for the delegation of some minor licensing functions to officers.

Members sought clarification on a number of issues as follows:

- (i) Paragraph 2.4(i)(a)(i) – The Principal Licensing Officer explained that a promotion used in some establishments involved announcements throughout the evening introducing drinks at very low cost for short periods of time. This could result in people purchasing lots of drinks within a short time period. There was no schedule for the announcements of this promotion and it could occur several times within one evening, with everyone waiting to purchase drinks at a reduced price.
- (ii) Paragraph 2.13 – The Principal Licensing Officer confirmed that minor variations to licences could not be used to increase the number of hours alcohol was sold. However, the times could be varied, for example if a premises was open 12noon-5pm this could be changed to 2pm-7pm but not extended from 12noon-7pm. Any increase in the number of hours trading would be a full minor variation and involve the appropriate procedures.
- (iii) When a licensed premises was sold, did the license go with the premises or would the new owners need to apply for a license? The Principal Licensing Officer confirmed that the license was for the premises or building and a transfer request from one license holder to another would be required. License holders can surrender a licence and if no-one requests the transfer of this license within a prescribed period, it would lapse and a new license would be required. Members were informed that officers were constantly checking whether the name on the license and the person running the business were the same.
- (iv) A Member referred establishments that only served double measures of spirits and asked if there was any control over this. The Principal Licensing Officer confirmed that the Act now required licensees to sell half pint measures and this was issue of choice for the public and an element of education so that they know they can ask for smaller measures, although it was acknowledged that there was an element of value for money for consumers. It was also noted that it was also a new requirement that tap water should be available for consumers if requested.

**Decision**

- (i) Members noted the content of the report.
- (ii) The delegation of all functions relating to minor license variations to the Public Protection Manager was approved.

**29. Sex Establishments** (*Assistant Director, Community Safety and Protection*)

The Principal Licensing Officer presented a report which informed Members of recent changes to the licensing of premises that offer live adult entertainment. A sexual entertainment venue was defined as a premises that offered the live display of nudity, directly or indirectly for the financial gain of the organiser, and solely or principally for the purpose of sexually stimulating any member of the audience. Members' approval was sought for officers to draft a licensing policy for sex establishment venues.

A discussion ensued in which Members raised the following issues.

- (i) Would a license cover all the categories of entertainment as detailed in paragraph 2.7 or would specific categories of entertainment be licensed. The Principal Licensing Officer indicated that categories were not licensed specifically but the application form would request a full explanation of which categories of entertainment were to be operated within the premises.
- (ii) In addition to the above, the Principal Licensing Officer confirmed that restrictions on the type of activities to be undertaken under a sexual entertainment license could be included within the Council policy.
- (iii) In response to requests by Members, the Principal Licensing Officer clarified the type of activities undertaken in lap-dancing clubs and how the income from these activities was managed.

The Principal Licensing Officer clarified that a draft policy would be created with consultation undertaken with all interested parties. This would then be submitted to the Licensing Committee for consideration and comment prior to submission to Council for adoption.

**Decision**

- (i) Members noted the report.
- (ii) The preparation of a draft licensing policy for sex establishment venues was approved.

### **30. Any Other Business – Late Licences**

The Principal Licensing Officer informed Members that a further change to the Licensing Act had been approved by parliament in relation to licenses for premises to remain open until 4am. This change empowers local authorities to adopt a policy forcing all licensed premises to close at 3am.

Although there was no implementation date yet agreed, it was thought that it would be in the next 6 months or so.

#### **Decision**

Members noted the change.

### **31. Any Other Business – Night Time Economy Visit**

A Member sought clarification on when Members would be invited on another night time economy visit by the Police. The Principal Licensing Officer confirmed he would contact the relevant representative at the Police Authority and pass on Members' comments.

#### **Decision**

The Principal Licensing Officer to pass Members' comments on to the relevant representative at the Police Authority.

### **32. Any Other Business – Last meeting in municipal year**

As this was the last meeting of the municipal year, the Chair thanked Members and officers for their attendance at the Licensing Committee and appropriate sub-committees during this municipal year and all the associated work undertaken.

#### **Decision**

The Chair's comments were noted.

The meeting concluded at 2.49 pm.

CHAIR

## LICENSING COMMITTEE

4 August 2010



**Report of:** Assistant Director (Community Safety & Protection)

**Subject:** HARTLEPOOL TOWN CENTRE AT NIGHT

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### 1. PURPOSE OF REPORT

- 1.1 To outline the content of a joint presentation to be given to Members of the Licensing Committee by Hartlepool Council and Cleveland Police on issues affecting Hartlepool town centre at night.

### 2. BACKGROUND

- 2.1 Members may be aware that Cleveland Police have just strengthened their licensing team in Hartlepool. This will enable a more focussed approach by the Police and Partners to tackling problem premises and individuals who drink to excess.

### 3. PRESENTATION PURPOSE

- 3.1 The overall purpose of presentation is to increase the Licensing Committee members awareness of the problems associated with the night-time economy, specifically in Church Street and Victoria Road. This will be achieved using visual footage of the town centre, statistical information and findings from local research.
- 3.2 Information will also be presented on the developing response to tackle these problems.

### 4. RECOMMENDATIONS

- 4.1 Members are invited to comment and discuss the local response to the problems highlighted.

### 5. CONTACT OFFICER

Alison Mawson, Assistant Director Community Safety & Protection

## LICENSING COMMITTEE

4 August 2010



**Report of:** Assistant Director (Community Safety & Protection)

**Subject:** REVIEW OF HARTLEPOOL BOROUGH COUNCIL'S  
APPROACH TO HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING

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### 1. PURPOSE OF REPORT

- 1.1 To seek Members approval for the commencement of a review of Hartlepool Borough Council's approach to hackney carriage and private hire licensing with a view to establishing a level of standardisation and harmonisation with other Tees Valley authorities.

### 2. BACKGROUND

- 2.1 The licensing of hackney carriage and private hire drivers, vehicles and operators is regulated via the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 Both Acts require local licensing authorities to regulate the general 'taxi' trade with a specific aim of protecting the public but, to a large degree, the way that this is achieved is left to each licensing authority – and this is usually done by means of a licensing policy that stipulates the rules and requirements that the 'taxi' trade must follow. Each authority's licensing policy is likely to have developed over many decades in response to changes in both local and national influences.
- 2.3 Whilst licensing policies must comply with general principles of fairness and proportionality, the extent that a policy can regulate the taxi trade is, to a very large degree, a matter for each licensing authority.

This discretion has resulted in a wide variation in the approach taken to taxi licensing by licensing authorities.

- 2.4 There have been some attempts to introduce an element of consistency in recent years, notably the publication of best practice guidance by the Department for Transport, but licensing authorities have been under no obligation to consider or adopt it.

2.5 Whereas the law relating to hackney carriages was adopted in 1847 – before motor vehicles had been invented – and has remained unchanged ever since, licensing policies have developed to reflect changes in technology, greater consumer expectations and to provide higher levels of public protection.

2.6 Whilst licensing authorities are relatively free to adopt policies that they feel will best protect the public, there is also a practical requirement that such policies do not place unrealistic or unaffordable burdens on the taxi trade to such an extent that the trade is stifled – leading to fewer vehicles than the public demands.

It must also be accepted that the cost of complying with expensive policy requirements will ultimately be borne by the general travelling public through higher fares.

Licensing policies must therefore reflect the needs and demands of the local travelling public whilst remaining reasonable, necessary, proportionate and affordable for the taxi trade.

2.7 The movement of vehicles and drivers is not of course restricted to within a licensing authority's boundary – vehicles are regularly required to carry passengers to and from another town or city and vehicles licensed by other authorities can regularly be seen operating, quite legally, in Hartlepool.

This general movement of vehicles between one area and another raises the question as to how effective a licensing policy can be if it only applies to a proportion of the vehicles and drivers working within that area.

For example, vehicles licensed by Middlesbrough or Stockton may be found picking up or dropping off in Hartlepool but the requirements of Hartlepool's licensing policy do not apply to them. Similarly other licensing authorities must accept that, on occasion, a vehicle and driver licensed by Hartlepool may be found operating within its boundary but its own licensing policy will not apply to them.

Remembering that licensing policies often create restrictions or requirements for the taxi trade it may be considered unfair that such obligations will only apply to those licensed by the 'home' authority and not to those visiting the area. Similarly members of the public may be collected by drivers or vehicles that have not had to undergo the same tests of fitness that a 'home' authority driver or vehicle has had to.

2.8 In order to address this inequality an exercise has been carried out to establish the licensing approach adopted by each of the Tees Valley licensing authorities with a view to establishing whether a standardised approach to public protection could be achieved.



### 3. ISSUES FOR CONSIDERATION

- 3.1 A framework document is attached as **Appendix I** that details how each Tees Valley licensing authority currently approaches a range of licensing or procedural issues.
- 3.2 The framework categorises current policy requirements, and service delivery standards, into Levels 1, 2 and 3 with Level 1 being considered to be a minimum standard and Level 3 being the most comprehensive standard currently being delivered by one or more Tees Valley authorities. The Level 2 standard represents what is considered to be a balance between achieving a high level of public protection without creating a disproportionate burden for the taxi trade.
- 3.3 It is proposed that Hartlepool commit to achieving a Level 2 standard in all areas within a time scale to be agreed by committee.
- 3.4 A commitment to achieve a Level 2 standard in all areas will require a significant change to some areas of Hartlepool's licensing policy. Specifically Members attention is drawn to the following: -

- (i) Compulsory disability awareness training. A requirement for drivers of wheelchair accessible vehicles to undertake specific disability awareness training would improve the customer experience for those using such vehicles, however, due to funding limitations the cost of such training would have to be borne by the taxi driver.

Hartlepool's current licensing policy requires all *new* hackney carriages (not replacement vehicles) to be wheelchair accessible but with vehicles typically costing more than double that of a standard saloon, the policy has had the effect of limiting the growth in Hartlepool's taxi fleet.

The number of wheelchair accessible vehicles currently licensed in Hartlepool represents only a small percentage of the total number of taxis (less than 10%) and this figure has actually fallen in the last 18 months. Higher purchase and maintenance costs combined with a belief that such vehicles are not popular with the able-bodied public and generate less income, are cited as the main factors for this stagnation.

Introducing compulsory training for the drivers of such vehicles may create a further disincentive and thereby restrict the growth in wheelchair accessible vehicles still further.

- (ii) Driving Standards Agency Taxi Test - Hartlepool is the only authority in the Tees Valley Region that does not require new driver applicants to pass the Driving Standards Agency Taxi Test. The test, which currently costs £56, is administered and delivered by the Driving Standards

Agency covers issues such as general driving ability, road awareness, passenger safety and comfort and, if required, disability awareness. If adopted, the cost of such a test would be borne by the applicant. This will undoubtedly be an unwelcome additional expense for new applicants who currently have to pay £67 for a drivers licence, £36 for a Criminal Records Bureau check and around £100 for a medical certificate from their doctor.

Whilst cost is undoubtedly an important issue, the licensing team still receives approximately 100 new applications per year – many funded through Government schemes to get people back into work.

Although the total number of licensed drivers has risen significantly over the past decade this number appears to have plateaued at approximately 600 with many drivers not renewing their badges. This is perhaps inevitable due to the limited number of customers available and the price competition that exists resulting in Hartlepool having some of the cheapest taxi fares in the country.

- (iii) Driver qualifications. For a number of years there has been a national NVQ qualification in taxi driving that has been available free of charge to qualifying applicants. Hartlepool has previously chosen not to make this qualification compulsory although a number of local drivers have voluntarily chosen to study. National funding pressures have placed the future of free NVQ's in doubt and, with the full cost being many hundreds of pounds, it is recognised by all Tees Valley licensing authorities that it may not be possible to continue with such a requirement if funding subsidies are withdrawn.
- (iii) DVLA penalty points. Hartlepool does not currently enforce a requirement for taxi drivers to report every DVLA driving licence endorsement to the council. A change to this approach would place an additional burden on the licensing team who would be required to record each notification and take appropriate action where required. The adoption of a requirement to bring drivers to a licensing sub-committee when they reach 9 points would undoubtedly increase the workload of such sub-committees.

- 3.5 Licensing policies are detailed and comprehensive technical documents and **Appendix I** does not represent their entire scope. Achieving a harmonised standard will require additional amendments to the policy that have not yet been discussed or identified.

Committing to a harmonised standard will require, in some areas, a significant change in approach and, on occasion, a higher expense or greater endeavour by the taxi trade.

However, as stated above, taxi drivers, and their vehicles, regularly travel from one licensed area to another and a drive towards a harmonised standard across the Tees Valley area will improve overall standards for the general

public and, in some cases, may improve the opportunities for the Hartlepool taxi trade itself.

#### **4. RECOMMENDATIONS**

- 4.1 That Members agree to the commencement of a process for the review of the current hackney carriage and private hire licensing policy, and procedures, with the aim of achieving a level of standardisation with other Tees Valley licensing authorities.
- 4.2 That, as part of this process, Members instruct officers to begin a programme of consultation with relevant stakeholders.

#### **5. CONTACT OFFICER**

Ian Harrison, Principal Trading Standards & Licensing Officer

Table Of Suggested Transport Licensing Standards For The Tees Valley Area

		Minimum Standard (Level 1)	Good Practice (Level 2)	Best Practice (Level 3)	COMMENTS	PROCESS FOR CHANGE
<b>Service Standards</b>						
Service Request response times (i.e. complaint about trade)	Time taken for first response following receipt of service request	7 working days R & C - No standard STOCKTON - 5 days	2 working days HARTLEPOOL M'BRO	1 working day DARLINGTON		Procedural
Hearing Turnaround times	Time taken to hear an application that requires consideration by licensing committee	Ad-hoc hearings as and when 4 drivers to consider. No maximum waiting time HARTLEPOOL R & C	Hearing every 6 weeks as standard. More frequently if required STOCKTON	Hearing every 4 weeks as standard. More frequently if required M'BRO DARLINGTON		<i>Dependant on local democratic process</i>
Licence Turnaround times	Time taken to approve and issue standard licence application	Maximum 3 working days as soon as all criteria satisfied STOCKTON HARTLEPOOL	Maximum 2 working days as soon as all criteria satisfied R & C	Maximum 1 working day as soon as all criteria satisfied DARLINGTON M'BRO		Procedural
Complaint handling (i.e. complaint about the licensing service)	Time taken for first response following receipt of service request	First response within 3 working days of receipt R & C	First response within 2 working days of receipt HARTLEPOOL M'BRO	First response within 1 working day of receipt DARLINGTON STOCKTON		Procedural
E-licensing	Opportunity for applications to be made on-line, pay on-line etc	Application forms are not available for printing. No on-line applications No on-line payment facility	Application forms are available for printing at home. No online applications No online payment facilities DARLINGTON M'BRO, STOCKTON	Application forms available for printing at home Online payment service available R & C HARTLEPOOL	<i>On line applications are an aspiration but there are potential cost implications of processing payments. On line applications would still require the provision of hard copies of some documents such as CRB checks</i>	<i>Legislative change</i>
Access to information	Guidance provided to all stakeholders	Online and printed material available for trade Printed material only for general public	Online and printed material available for trade Online and printed material available general public R & C, M'BRO	Online and printed material available for trade Online and printed material available general public Online licensing policy STOCKTON HARTLEPOOL DARLINGTON		<i>Procedural</i>

Table Of Suggested Transport Licensing Standards For The Tees Valley Area

		<b>Minimum Standard (Level 1)</b>	<b>Good Practice (Level 2)</b>	<b>Best Practice (Level 3)</b>	<b>COMMENTS</b>	<b>PROCESS FOR CHANGE</b>
Liaison arrangements with trade	Type and frequency of contact with representatives of trade	No trade newsletter. No regular trade forum	Quarterly newsletter or regular trade forum R & C HARTLEPOOL	Quarterly newsletter and Quarterly trade forum STOCKTON M'BRO DARLINGTON		<i>Procedural</i>
Programmed enforcement	Process for planning enforcement initiatives	Ad Hoc when resources allow	Planned events	Enforcement events are determined through service planning – taking into account trade consultation, complaints, intelligence and other data		<i>Enforcement exercises determined locally and affected by resources and budgets. Some Local Authorities do not pay for Police enforcement.</i>
Staff Training	Relevant training undertaken by staff	In house training on legislation, policies and conditions	Level 1 plus some external specialist courses i.e. PACE, taxi legislation R & C HARTLEPOOL	Level 1 & 2 plus Vehicle Examiners Course plus CPD STOCKTON M'BRO DARLINGTON		<i>Service Planning</i>
<b>Driver Approval Process</b>						
Criminal History Check	Process for consideration of previous criminal convictions	Enhanced CRB check every 3 years	Enhanced CRB check every 3 years plus condition/byelaw to report convictions during licence period	Enhanced CRB check every 3 years plus condition/byelaw to report convictions during licence period plus declaration at renewal ALL		<i>Process may change. Currently subject of review by Independent Safeguarding Authority</i>
Medical Fitness Check	Process for consideration of applicant's medical fitness	Class II medical required	Class II medical	Class II medical plus annual declaration on renewal ALL	R & C ask for medicals at greater frequency than those required by DVLA  STOCKTON carry out planned random drug testing of drivers	<i>No change required. Best Practice equates to national standard.  Drivers are required to pay for drug testing unless randomly selected</i>

Table Of Suggested Transport Licensing Standards For The Tees Valley Area

		Minimum Standard (Level 1)	Good Practice (Level 2)	Best Practice (Level 3)	COMMENTS	PROCESS FOR CHANGE
Applicant has lived outside UK 5 yrs prior to application	Process for consideration of applicants who have not lived in UK for last 5 years	Enhanced CRB only R & C, M'BRO	Enhanced CRB and translated certificate of good conduct from originating country where available HARTLEPOOL	Enhanced CRB and translated certificate of good conduct from originating country where available plus D9 from DVLA for European drivers DARLINGTON & STOCKTON	<i>Stockton perform checks on any existing driver who has been out of country for more than 6 months</i>	<i>Policy change</i>
Drivers with previous criminal history	Process for consideration of applicant who has previous criminal convictions, reprimands, cautions, warnings or 'soft' information	Policy on relevance of previous convictions. Consideration is limited to licensing staff or licensing committee	Policy on relevance of previous convictions. Child Protection (LADO) are invited to become involved if child protection concerns.	Policy on relevance of previous convictions. Child Protection (LADO) are invited to become involved if child protection concerns. Social Services are invited to become involved if vulnerable adult concerns ALL	<i>Work underway at Tees Valley Level with LADOs to improve consistency in their approach</i>	<i>Procedural</i>
Knowledge Test	Applicant's knowledge of relevant information. (e.g. legislation, topography, policies and conditions, highway code, literacy and numeracy)	Test without literacy and numeracy	Test with either literacy or numeracy DARLINGTON R & C	Test with both literacy and numeracy. HARTLEPOOL M'BRO STOCKTON	<i>Some carry out verbal, written or both. Computerised knowledge test currently being considered by some LAs</i>	<i>Policy Change</i>
Disability Awareness	Process for assessing applicant's awareness of issues concerning disability	No specific training. Awareness is covered in main 'knowledge test'. DARLINGTON HARTLEPOOL R & C	Half day accredited disability awareness course (level 1) for w/c accessible vehicles M'BRO	Half day accredited disability awareness course (level 1) for all drivers STOCKTON	<i>Cost implication for drivers (approx. £60). Overlap with NVQ/VRQ qualifications could lead to exemptions</i>	<i>Policy Change</i>
Driving Standards (Initial Driver assessment)	Process for assessing applicant's driving ability	None HARTLEPOOL	DSA test for new drivers M'BRO R & C STOCKTON	DSA test for all drivers DARLINGTON	<i>Cost of tests must be funded by taxi trade</i>	<i>Policy change</i>

Table Of Suggested Transport Licensing Standards For The Tees Valley Area

		Minimum Standard (Level 1)	Good Practice (Level 2)	Best Practice (Level 3)	COMMENTS	PROCESS FOR CHANGE
Driver Qualifications		None HARTLEPOOL R & C	Promotion of relevant NVQ/VRQ but NOT mandatory DARLINGTON M'BRO	NVQ and VRQ within 12 months of receiving licence STOCKTON – currently under review due to national funding implications	<i>Funding implications. National funding for NVQ/VRQ is likely to be withdrawn/restricted. Cost could be around £600 per driver</i>	<i>Policy change</i>
<b>Ongoing Driver Management</b>						
Motoring offences (During period of licence)	Process adopted when licensed driver is convicted of motoring offence	No specific action unless DVLA licence revoked then considered by committee HARTLEPOOL R & C	Officer discretion up to 8/9 DVLA points then automatic referral to committee.	Officer warning up to 8/9 DVLA points then automatic referral to committee with recommendation for Driver Improvement Scheme STOCKTON M'BRO DARLINGTON		<i>Policy change but governed by local politics</i>
Justified Complaints	Action in relation to justified complaints against a licensed driver	Complaints dealt with on case by case basis	Complaints dealt with on case by case basis in accordance with the enforcement concordat R & C HARTLEPOOL STOCKTON	Specific enforcement policy in line with the Regulators Compliance Code M'BRO DARLINGTON	Note – Stockton also use a disciplinary points system and refer drivers onto appropriate self courses i.e. anger management. Alternative Dispute Resolution also being considered	Policy change
<b>Vehicle Approval Process</b>						
Vehicle Type – Wheelchair Accessibility	Minimum vehicle specification for hackney carriages	No policy on vehicle accessibility R & C DARLINGTON – currently under review	Policy for the provision of a mixed fleet HARTLEPOOL STOCKTON	Policy that meets government requirements on the provision of a mixed fleet M'BRO	Percentage of fleet to be determined by central government tailored to local demand. Unwise to progress this at present due to advice awaited from Government.	Policy change

**Table Of Suggested Transport Licensing Standards For The Tees Valley Area**

		<b>Minimum Standard (Level 1)</b>	<b>Good Practice (Level 2)</b>	<b>Best Practice (Level 3)</b>	<b>COMMENTS</b>	<b>PROCESS FOR CHANGE</b>
Initial Fitness	Procedure for establishing mechanical fitness prior to first licence	Vehicle test at Council testing facility or VOSA	Vehicle test at Council testing facility or VOSA against a written standard above an MOT.  DARLINGTON – VOSA OTHERS – COUNCIL FACILITY	Vehicle test at Council testing facility/VOSA against a common written vehicle specification/standard.	Tees Valley authorities will be required to work towards a common standard. May be scope for trade to 'shop around' between different authority's depots if all working to common standard. Cross border authorisations would be required.	Policy change
Ongoing mechanical fitness	Procedure for ensuring ongoing mechanical fitness	Vehicle test at Council testing station/VOSA every 6 months	Vehicle test at Council testing station/VOSA every 6 months against a written standard  ALL	Vehicle test at Council testing station/VOSA every 6 months against a common written vehicle standard.	Tees Valley authorities will be required to work towards a common standard.	Policy Change
Minimum/Maximum Age of Vehicle	Minimum/maximum age that vehicle is eligible for licensing	Must be under 3 years on first licence. Off at 6/10 years unless 'exceptionally well maintained' – authorised officer decision	Must be under 3 years on first licence. Off at 6/10 years unless 'exceptionally well maintained' – authorised officer decision ALL – except STOCKTON	Life of vehicles controlled by emission standards plus exceptionally well maintained requirement STOCKTON		Policy change
Stretched Limos	Procedure for the licensing of stretched limousines	Licensed as PHV with some exemptions from and additions to standard conditions	Licensed as PHV with some exemptions from and additions to standard conditions	Licensed as PHV with some exemptions from and additions to standard conditions ALL	Subject to local conditions. Work towards consistent policy across Tees Valley. HARTLEPOOL requires greater frequency of testing of such vehicles.	Policy change
Executive Status Vehicles	Procedure for the licensing of executive type vehicles	Licensed as PHV with some exemptions from and additions to standard conditions	Licensed as PHV with some exemptions from and additions to standard conditions	Licensed as PHV with some exemptions from and additions to standard conditions ALL	Work towards consistent policy across Tees Valley.	Policy change



**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 Annual Council and changes to the membership of the Licensing Committee the memberships of the sub committee need to be reappointed. There are five newly appointed members to the Licensing Committee, Councillors Barclay, Brash, Lawton, G Lilley and Sutheran.
- 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 a discussion with the Chair, the following proposed sub committee memberships are set out for Members consideration / discussion.

Licensing Act Sub Committees: -

- 1 – Councillors Morris (Ch.), Aiken and Lawton
- 2 – Councillors Laffey (Ch.), Fleet and G Lilley
- 3 – Councillors Brash (Ch.), Atkinson and Griffin
- 4 – Councillors Hall (Ch.), Barclay and Sutheran
- 5 – Councillors Rogan (Ch.), Jackson and London

Hackney Carriage and Private Hire Licensing Sub Committees: -

- 1 – Councillors Morris (Ch.), Aiken, Jackson, Lawton and Rogan.
- 2 – Councillors Laffey (Ch.), Fleet, Hall, G Lilley and Sutheran.
- 3 – Councillors Brash (Ch.), Atkinson, Barclay, Griffin and London.

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. The proposals set out do meet that requirement.

**3. LEGAL CONSIDERATIONS**

- 3.1 As new members to the Licensing Committee, Councillors Barclay, Brash, Lawton, G Lilley and Sutheran are required to undergo appropriate training before they can be involved in the Licensing Act Sub Committees. I am advised that this has taken place.

**4. RECOMMENDATION**

The Committee is requested to consider the Sub Committee memberships set out above.

**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  
Licensing Committee Minutes 2 July 2008  
Licensing Committee Minutes 29 July 2009

**7. CONTACT OFFICER**

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