

# LICENSING COMMITTEE AGENDA



**Wednesday, 19 January 2011**

**at 2.00 pm**

**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 13 October 2011
- 4. ITEMS REQUIRING DECISION**
- 5. ITEMS FOR INFORMATION**
  - 5.1 Hackney Carriage & Private Hire Licensing Policy - *Assistant Director, Community Safety & Protection*
  - 5.2 Licensing of Sex Entertainment Venues - *Assistant Director, Community Safety & Protection*
- 6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

13 October 2010

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor: George Morris (In the Chair)

Councillors: Martyn Aiken, Allan Barclay, Jonathan Brash, Mary Fleet, Sheila Griffin, Gerard Hall, Pauline Laffey, Trisha Lawton, Geoff Lilley, Frances London and Trevor Rogan.

Officers: Alison Mawson, Assistant Director, Community Safety and Protection  
Sylvia Pinkney, Public Protection Manager  
Ian Harrison, Principal Trading Standards and Licensing Officer  
Tony MacNab, Solicitor  
Angela Hunter, Principal Democratic Services Officer

Also Present:

Chief Inspector Kathy Prudom, Cleveland Police

### **9. Apologies for Absence**

Apologies for absence were received from Councillor Lilian Sutheran.

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

None.

### **11. Confirmation of the minutes of the meeting held on 4 August 2010**

Confirmed.

### **12. Matters arising**

The Principal Trading Standards and Licensing Officer provided an update on minute 6 in relation to the review of Hartlepool Borough Council's approach to Hackney Carriage and Private Hire Licensing. The consultation exercise had commenced and the closing date for responses was the end of October 2010. The result of this consultation would be reported to the next meeting of the Licensing Committee along with

proposed recommendations on how to proceed.

In relation to minute 8, the Principal Trading Standards and Licensing Officer informed Members that the views expressed at the meeting of the Licensing Committee on 4 August 2010 by Members had been collated and forwarded as the Council's response to the consultation being undertaken by Central Government. It was noted that there had been over 1000 responses to the consultation which may result in a slight delay of the process due to the strength of views submitted by local authorities and the licensing trade.

A Member commented that there had been two meetings of the Licensing Act Sub-Committees, whose membership had been agreed at the last meeting of the Licensing Committee, that had both been adjourned. One adjournment was due to a Member of the sub-committee being previously involved in the application and the other due to the police introducing new evidence at the meeting. It was suggested that instances such as these should be avoided as it was not a productive use of Members', Officers' and the Police's time. The Principal Democratic Services Officer confirmed that measures had been put in place to ensure that Members would not be invited to participate in the consideration of an application that they had previous involvement with.

It was noted that Members of the Licensing Committee had been invited by the Police to observe the night time economy in the town centre and this had taken place on a Saturday night during September. Three Members had attended and found the visit extremely interesting and worthwhile. During the visit it was noted that the alleyway between Lucan Street and Victoria Road was potentially a problem area and in view of this Members suggested that further exploration be undertaken of the installation of alley gates for this area as a preventative measure. The Assistant Director, Community Safety and Protection confirmed that an application had been submitted for the installation of alley gates in this area to the Community Safety Capital Grant Committee and would be considered in early November. The results of this application would be reported to the next meeting of this Committee.

Members noted that the scheme to close the lower half of Church Street and introduce a marshalled queuing system for taxis near the railway station on an evening worked very well. Members were also informed that the police had introduced a 'Direction to Leave' for anyone causing problems in the area and this instructed them to leave the area and prohibited return within 48 hours. The Police had suggested that people hanging around at takeaways after the pubs had closed was a particular problem.

A Member sought an update on the proposed introduction of a street pastor scheme. The Chief Inspector confirmed that discussions were ongoing in this regard with church ministers, the Hartlepool Safer Partnership and the Night Time Economy Group. It was envisaged that unless any significant

barriers were identified, the street pastor scheme could be introduced in Hartlepool within 6-8 months. The Principal Trading Standards and Licensing Officer clarified that the street pastor scheme had been trialled in other areas and involved fully trained volunteers usually from church groups working in pairs offering free bottles of water, flip flops, in particular for ladies unable to walk in high heels at the end of the night, and general support to people in the area. It had proven successful in the areas where it had been trialled and had helped towards improving the general atmosphere in the area. A Member questioned if this scheme could be introduced any earlier with trained street pastors from other areas. The Chief Inspector acknowledged the urgency of the implementation of this scheme but commented that the street pastor scheme worked better using local people and added that integration with the other services and key workers would be required to ensure a consistent approach.

### Decision

That the following be reported to the next meeting of the Licensing Committee:

- (i) The results of the Government's recent consultation document.
- (ii) The result of the application to the Community Safety Capital Grant Committee for the installation of alley gates between Lucan Street and Victoria Road.
- (iii) An update on the proposed introduction of a street pastor scheme.

## 13. Licensing Policy – Licensing Act 2003 *(Assistant Director, Community Safety and Protection)*

The Principal Trading Standards and Licensing Officer presented a detailed and comprehensive report which provided Members with an opportunity to consider the adoption of a revised Licensing Policy as required by the Licensing Act 2003. The report examined in detail the following areas:

- Cumulative Impact Policy (Special Policy)
- Opening and Closing Times in Residential Areas
- Late Night Closing

The proposed licensing policy was attached at Appendix II and contained reference to the results of the consultation exercise undertaken earlier this year and incorporated details about the opening and closing times as well as an extension to the 'Special Policy' area.

A discussion ensued which included the following issues:

- (i) In relation to the Cumulative Impact Policy does the boundary of the area include both sides of the street? The Principal Trading Standards and Licensing Officer confirmed the boundary line covered both sides of the street.

- (ii) In response to a query from a Member the Principal Trading Standards and Licensing Officer confirmed that any changes to the policy could not be implemented retrospectively and would only apply to applications for new licences. Any changes to the policy to allow retrospective action to be taken would need to be instigated by Central Government through a change to the licensing legislation. However, Members considered that any review of a licence would need to be undertaken in line with the revised Policy.
- (iii) A Member questioned whether the Magistrates had been consulted on the amendments to the policy. It was confirmed that it was not appropriate to invite the Magistrates to participate in the consultation on the Council's Licensing Policy due to their role in the appeals process however, it was noted that they would be bound by the Council's Licensing Policy whilst considering any appeals.
- (iv) A Member sought clarification on whether the delay in the implementation of expected Government proposals was due to concerns by local authorities or the licensing trade expressed during its consultation process? The Principal Trading Standards and Licensing Officer confirmed that as part of the consultation, it appeared that strong views had been submitted from both local authorities and the licensing trade.
- (v) In relation to the opening and closing times of off-licensed premises in residential areas Members proposed that they be restricted to opening from 9am to 10pm.
- (vi) The recent Health Scrutiny Forum investigation into alcohol abuse was referred to as the final report included some strong recommendations and in view of this it would be useful for Members of the Licensing Committee to examine at this report. The information contained within the report was based on evidence provided by Balance North East an organisation which seeks to inspire changes in the way people think about and drink alcohol in order to encourage people to enjoy a good time but reduce their consumption.
- (vii) It was noted that a more holistic approach to the issue of alcohol was needed to ensure that the Licensing Policy was linked to the wider Council objectives in relation to the health and well-being and protection of the public.
- (viii) Members were concerned that the problems associated with later closing times of pubs in the town centre area were exacerbated by people drinking cheaper alcohol at home and being drunk before arriving in the town late into the evening.
- (ix) It was suggested that a key issue that should be examined was the introduction of a minimum pricing strategy. The Principal Trading Standards and Licensing Officer confirmed that this issue was being examined in Manchester as a public health issue with a view to introducing a local by-law to enforce a minimum pricing of alcohol strategy. However, there were some concerns with the boundary of the area associated with this type of by-law and whether people would go outside the boundary to purchase cheaper alcohol along with the possibility of increased importing of cheap alcohol. As this was such a key issue, it was suggested that a motion be submitted to full

Council to stimulate debate with a view to exploring the introduction of such a by-law in conjunction with the involvement of appropriate agencies and groups.

- (x) In relation to on-licensed premises, Members considered that within residential areas an 11.30pm closing time would be appropriate.
- (xi) In view of the concerns of Members noted above, it was proposed that 2am would be an appropriate time for the sales of alcohol and late night refreshments to cease within non residential areas.
- (xii) It was also proposed that the Cumulative Impact Policy be extended as outlined on the plan of the town centre area at Appendix II and applied to premises that were intending to operate after midnight.

### **Decision**

- (1) That the Licensing Policy as attached at Appendix II be agreed and submitted to Council for adoption with the following amendments:
  - (i) Off-licensed premises within residential areas to have opening times restricted to 9.00 am to 10.00 pm.
  - (ii) That on-licensed premises within residential areas to have opening times restricted to 9.00 am to 11.30 pm.
  - (iii) That the cumulative impact policy area be extended in line with the plan attached at Appendix II.
  - (iv) That the alcohol sales and late night refreshments in non residential areas cease at 2.00 am.
- (2) That Members submit a motion to Council to stimulate debate to explore the possibility of introducing a by-law to enforce a minimum pricing strategy.

## **14. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business 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.

None.

The meeting concluded at 3.48 pm

CHAIR

**Report of:** ASSISTANT DIRECTOR, COMMUNITY  
SAFETY & PROTECTION

**Subject:** Hackney Carriage & Private Hire Licensing  
Policy

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## 1. PURPOSE OF REPORT

- 1.1 To inform Members of the results of a consultation exercise carried out with the hackney carriage and private hire trade.
- 1.2 To seek Members approval for the amendment of the current hackney carriage and private hire licensing policy.

## 2. BACKGROUND

- 2.1 At a meeting of this committee in August 2010 Members were asked to consider the merits of standardising Hartlepool's hackney carriage and private hire licensing policy with those of other Tees Valley authorities.
- 2.2 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.
- 2.3 Members were advised that the primary responsibility of a licensing authority is to protect the public and that licensing policies serve to detail the rules and requirements that licensees must follow in order to obtain and retain a hackney carriage or private hire licence. The current hackney carriage and private hire licensing policy is attached as **Appendix I**.
- 2.4 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.
- 2.5 Licensing authorities must ensure however that policies do not place unrealistic or unaffordable burdens on the taxi trade to such an extent that the trade itself is stifled – leading to fewer vehicles than the public demands.
- 2.6 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.

- 2.7 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.
- 2.8 A framework document is attached as **Appendix II** that details how each Tees Valley licensing authority currently approaches a range of licensing and procedural issues.
- 2.9 Members recognised the financial pressures currently being experienced by the taxi trade and were mindful that any additional controls may add to their current burden.
- 2.10 As such, a questionnaire seeking the trade's views on possible policy changes was sent to all licensed hackney carriage and private hire drivers, vehicle owners and operators – some 650 in all. A total of 54 responses were received.
- 2.11 A full record of all responses and comments has been placed in the Members library for information.
- 2.12 The results of the consultation are summarised below: -
- a) 36 respondents believed the current licensing policy, and the way it was being enforced, was either very good or good. Eight thought it was 'about right' and seven thought it did not do enough.
  - b) 33 respondents thought there were currently too many licensed hackney carriage vehicles. Only one thought there were too few with 17 feeling the number was 'about right'.
  - c) When asked what the impact would be if there were fewer licensed drivers, 38 thought it would result in a better wage for existing drivers whilst 14 thought it would mean there would not be enough drivers to meet public demand.
  - d) 33 respondents believe that new drivers should be required to pass the Driving Standards Agency Taxi Test. 18 thought they should not.

### 3. ISSUES FOR CONSIDERATION

- 3.1 The framework attached as **Appendix II** 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.

- 3.2 A commitment to achieve a Level 2 standard in all areas will require a significant change to some areas of Hartlepool's licensing policy. As some of the issues listed in **Appendix II** have not yet been resolved at a Regional level it is proposed that Members consider the following items only on this occasion: -
- 3.3 Driving Standards Agency Taxi Test
- 3.4 Hartlepool is the only authority in the Tees Valley Region that does not currently require new driver applicants to pass the Driving Standards Agency Taxi Test. The test, which currently costs £78, is administered and delivered by the Driving Standards Agency and covers issues such as general driving ability, road awareness, passenger safety and comfort.
- 3.5 If adopted, the cost of such a test would be borne by the applicant. This will inevitably 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.
- 3.6 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.
- 3.7 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.
- 3.8 During the consultation exercise, 33 respondents believed that new drivers should be required to pass the Driving Standards Agency Taxi Test. 18 thought they should not.
- 3.9 It is possible that requiring new drivers to undertake the test may result in fewer driving applying. If the current attrition rate for existing drivers continues this may lead to a reduction in the total number of licensed drivers.
- 3.10 However, the majority of the feedback from the consultation exercise indicated that a reduction in drivers would lead to a better wage for those remaining which may, in turn, may result in fewer drivers leaving the trade. Only 14 respondents believed it would lead to a reduction in customer service.

- 3.11 At present, the nearest Driving Standards Agency testing centres that offer the taxi test are in Stockton and Middlesbrough. However, discussions with the Agency have taken place and they have indicated that they would be prepared to offer the facility in Hartlepool if there was a demand for it.
- 3.12 Overall demand for hackney carriage and private hire vehicles has been affected by several factors – most notably the recession and a downturn in the night time economy. This has led to a shortage of work for most drivers and, for hackney carriages, long queues of vehicles at taxi ranks during the day.
- 3.13 Members must consider whether implementing a requirement for all new drivers to pass the DSA taxi test is a positive and proportionate step to improve driving standards or whether it may have a detrimental impact on customer service by contributing towards a longer term reduction in the number of licensed drivers.
- 3.14 If Members were minded to adopt the taxi test as a requirement for all new drivers it is recommended that it be introduced with effect from 1<sup>st</sup> April 2011. This would both allow time for the Driving Standards Agency to put testing facilities in place in Hartlepool and also to give prospective drivers sufficient notice to allow them to make an informed decision about their ability to meet the requirements of becoming a licensed driver.
- 3.15 DVLA penalty points
- 3.16 The approach adopted by other Tees Valley licensing authorities is that any driver who attracts 9 points or more on their DVLA licence must be referred to a licensing sub-committee with a recommendation that the driver undertake a Driver Improvement Scheme.
- 3.17 Whilst Hartlepool does not currently have such a standardised referral system in place, two drivers have been referred onto the Improvement Scheme by sub-committees over the past year. Once for a driver who had been found driving at over 100 mph on a motorway and another who had reached 12 points on his DVLA licence.
- 3.18 The cost of attending the Scheme is approximately £150 which would be paid for by the driver. For both of the referrals detailed above, the drivers in question considered the course had been beneficial.
- 3.19 If Members were minded to adopt such an approach it would be possible to amend the licensing policy so as to make it a formal requirement for any driver who attained 9 points or more to notify the Council immediately and that, in such circumstances, drivers would be brought before a licensing sub-committee for consideration. The ultimate decision about whether a driver should be referred onto a

Driving Improvement Scheme would be a matter for the sub-committee and each case would be taken on its merits.

### 3.20 Advertising on Vehicles

- 3.21 Hartlepool currently has the most restrictive controls on external advertising on vehicles in the Tees Valley Region.
- 3.22 At present, vehicle owners are only permitted to place advertisements on the upper half of rear passenger doors and on a small area on the bonnet. Larger vehicles with back doors are also permitted to advertise on those doors.
- 3.23 Other Tees Valley authorities permit advertising anywhere on a vehicle other than those locations where official Council branding is required - such as a licence number or public message such as '*This vehicle must be pre booked*'.
- 3.24 Removing or relaxing the restriction on advertising could allow vehicle owners to generate additional revenue thus reducing the pressure on passenger fares. However, it could also be argued that the current restrictions allow vehicles to be identified more easily and that permitting additional advertising may make them more difficult to recognise.
- 3.25 As stated earlier, taxis and private hire vehicles regularly travel from one authority area to another. Hartlepool's advertising restrictions only apply to Hartlepool's licensed vehicles and do not apply to other vehicles visiting the town. It could therefore be argued that this places Hartlepool vehicle owners at a disadvantage in both terms of raising their own business profile but also in the ability to generate income from additional sources such as advertising.
- 3.26 If Members were minded to remove the current restrictions it is recommended that some safeguards remain in place so as to ensure that advertisements do not offend public decency and that licensed vehicles remain easily identifiable for the travelling public.
- 3.27 This could be done by the addition of the following paragraphs in the licensing policy: -

'Signs, notices or advertisements must not be of a content that an authorised officer deems to be offensive or abusive. Further guidance as to the content of an advertisement may be found by visiting the Advertising Standards Authority website on [www.asa.org.uk](http://www.asa.org.uk).

No advertisements on vehicles shall be affixed to any door or panel on which the Council issued roundel or sign is located.

Advertisements in vehicle windows are prohibited.

With respect to hackney carriage vehicles, reasonable steps must be taken to ensure that the vehicle remains predominantly yellow in colour.'

#### **4. RECOMMENDATIONS**

- 4.1 That Members approve the amendment of the hackney carriage and private hire licensing policy so as to require, as of 1<sup>st</sup> April 2011, all new hackney carriage and private hire drivers to produce a DSA Taxi Test pass certificate before a licence may be issued.
- 4.2 That Members agree to the amendment of the aforementioned policy so as to require all drivers to inform the licensing office whenever they attain 9 points or more on their DVLA licence and that such drivers be referred to a licensing sub-committee for consideration.
- 4.3 That Members agree to the insertion of new paragraphs into the aforementioned policy as detailed in paragraph 3.27 above so as to permit a greater degree of flexibility in the use of external advertisements on licensed vehicles.

Effective from 1<sup>st</sup> April 2008

## Policy for Hackney Carriage and Private Hire Vehicles, Drivers and Operators

The following policy is intended to be used when dealing with hackney carriage and private hire licensing matters, however, each application will be considered on an individual basis and decided on its merits.

### 1. Licensed Drivers

#### 1.1 Making an Application - Essential Requirements

1.2 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 state that a licensing authority must be satisfied that a person is 'fit and proper' before a hackney carriage or private hire vehicle drivers licence may be issued.

#### 1.3 **Hartlepool Borough Council has determined that in order to satisfy this legal obligation any applicant shall: -**

- a) Complete and submit to the Council an application on a form prescribed by the Council;
- b) Pay to the Council such fee as required;
- c) Demonstrate good communication skills commensurate with the Council's and public's expectations of such a driver;
- d) Be a person who has, for a minimum of 12 months prior to the date of the issue of the hackney carriage or private hire drivers licence, been the holder of a full drivers licence issued by the Driver and Vehicle Licensing Agency (DVLA) or other equivalent agency from within the European Community and produce for examination such licence (including counterpart);
- e) Produce a certificate, on a form approved by the Council, that is signed by their own GP or alternative GP who has access to his/her medical history to the effect that s/he is medically fit to be the driver of a hackney carriage/private hire vehicle to a standard as required by the Council and under the following circumstances: -
  - i. If a driver is under 45 years of age, one medical certificate is required until they reach the age of 45;

- ii. If a driver is over 45 years of age but under 65 years of age a medical certificate is required every 5 years; and
- iii. If a driver is over 65 years of age a medical certificate is required annually.

The medical certificate shall confirm the satisfactory attainment of the current standards set by the DVLA as being appropriate for hackney carriage/private hire vehicle drivers, or in the absence of such, Class II LGV/PCV.

The medical certificate will be valid for the period stipulated by the Council or Medical Practitioner where different. The cost of obtaining a completed medical certificate shall be borne by the applicant.

Regardless of whether such a certificate has been produced, the Council may, at any time, require the applicant to undergo a medical examination by a Registered Medical Practitioner as to his/her fitness to be a driver of a hackney carriage or private hire vehicle. In such a case the Council will be responsible for the payment of any such fee for the examination

- f) Request an Enhanced Disclosure from the Criminal Records Bureau. Such a disclosure must be obtained for the exclusive purpose of assisting the Council with its licensing decision, unless indicated otherwise by the Council, and have been obtained through an authorised officer of the Council.

On those occasions where an applicant has not been permanently resident in the United Kingdom for at least 5 years prior to the date of application it shall be the responsibility of the applicant to provide satisfactory evidence of their good conduct from an authoritative body representing the country(ies) where the applicant has previously been resident. The Council shall determine the acceptable authoritative body capable of producing the required evidence and the applicant shall be responsible for any fees incurred in obtaining and, if necessary translating, such evidence.

- g) Satisfactorily complete and pass an examination prepared and administered by the Council that will cover areas including, but not necessarily limited to: -
  - i. Relevant legislation
  - ii. Locations
  - iii. Routes
  - iv. Disability awareness

Such an examination must be undertaken by each applicant without assistance from any other party.

- h) Provide such information as may be required by the Council and comply with such other conditions as the Council may from time to time consider necessary; and

- i) Irrespective of the above, a licence to drive hackney carriage or private hire vehicles will not be issued until the applicant can demonstrate that they are/will be employed for that purpose. Any licensed driver must not accept employment as a driver in some other capacity if any hours spent as a hackney carriage/private hire vehicle driver conflict with any statutory rest periods required by other transport or employment legislation.

#### 1.4 Ongoing Requirements

1.5 **Once a licence has been issued it is the responsibility of the licence holder to ensure that they remain a 'fit and proper' person.**

1.6 For private hire vehicle drivers a number of requirements and responsibilities are detailed in the 'Conditions of Licence' listed below. Failure to comply with these Conditions of Licence could result in a licence being suspended or revoked.

1.7 For hackney carriage drivers their responsibilities are listed in local government by-laws and 'Minimum Standards' as listed below. Failure to comply with by-laws is a criminal offence that may lead to prosecution and failure to comply with the 'Minimum Standards' may result in a licence being suspended or revoked.

1.8 Unless the subject or context otherwise requires, "driver" means a person holding and acting in accordance with a hackney carriage or private hire driver's licence issued by Hartlepool Borough Council and 'vehicle' means a licensed hackney carriage or private hire vehicle.

#### 1.9 Private Hire Vehicle Drivers – Conditions of Licence

1.10 The following conditions apply to private hire vehicle drivers only and any breach may result in the suspension or revocation of the drivers licence.

1.11 **The driver whilst driving or in charge of a private hire vehicle shall;**

- a) Have a good standard of personal hygiene and be reasonably dressed in appropriate clean clothing;
- b) Keep a true and proper record of every booking of a private hire vehicle during such time as the driver is driving or in charge of that vehicle. The record shall be kept in a book in such form as approved by the Council in which the driver shall, before the relevant journey commences, record in the appropriate spaces particulars of:
  - i. Date and place of hiring;
  - ii. Destination;

- iii. Name of hirer;
- iv. Name of private hire vehicle operator;
- v. Name of driver.

The record book shall be retained by the driver for a period of no less than one calendar month and produced on demand to any Authorised Officer of the Council or Police Officer;

- c) Shall use best endeavours to ensure all bookings are attended promptly, at any appropriate time and place, unless delayed or prevented by some reasonably unexpected or unforeseen cause;
- d) Convey a reasonable quantity of luggage;
- e) Afford reasonable assistance in loading and unloading luggage etc, including assistance in removing it to and from the entrance of any house or other place where passengers are set down or collected;
- f) After the termination of every hiring, carefully search the vehicle for any property that may have been accidentally left therein and where such property is found take it to any Police station within the Council borough within 48 hours;
- g) Immediately notify the Council of any change in personal or employment details that may be relevant to a licensed driver i.e. change of address.

**1.12 The driver whilst driving or in charge of a private hire vehicle shall not: -**

- a) Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle;
- b) Without the express consent of the first hirer, permit any other person to be conveyed at the same time;
- c) Eat, engage in private mobile telephone conversations or carry out any other activities that may impact on comfort, safety or wellbeing of any passenger;
- d) Without the express consent of the hirer, play any radio or other in-car sound equipment other than for the purpose of radio communication in connection with the operation of the business of the vehicle and this is to be in such a manner as not to cause annoyance to any passenger;
- e) Use the vehicle horn to attract passengers to indicate his arrival;
- f) Cause, suffer or permit to be conveyed in a private hire vehicle a greater number of persons exclusive of the driver than the number of persons



specified in the licence and plate issued in respect of that private hire vehicle;

- g) Tamper with or allow any person to tamper with any taximeter with which the vehicle is provided, with the fitting thereof, or with the seals affixed thereto; and
- h) Use any private hire vehicle which is equipped with a taximeter for any journey unless:
  - i. When the vehicle is hired by destination, before commencing the journey specified by the hirer, the machinery is brought into action by moving the key or any other device fitted for the purpose so that the word "HIRED" is legible on the face of the meter;
  - ii. During the continuance of such a hiring, the dial of the taximeter is not concealed in any manner by any means and that such dial is distinctly and plainly visible and legible to any person being conveyed in the vehicle;
  - iii. The dial of the taximeter is kept properly illuminated throughout any part of the hiring which takes place during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer; and
  - iv. Shall report immediately to the Council any failure of the taximeter.

### 1.13 Hackney Carriage Drivers – Minimum Standards

1.14 The following conditions apply to hackney carriage drivers only and any breach may result in the suspension or revocation of the drivers licence.

1.15 Hartlepool Borough Council expects licensed hackney carriage drivers to satisfy all of the following standards as proof of their continuing fitness to hold a licence.

#### 1.16 **The driver of a hackney carriage shall: -**

- a) After the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein and if such property is found, take the same within 48 hours, or sooner if the property is not claimed by or on behalf of its owner, to any Police Station within the Council's borough;
- b) Report the loss of any licence or badge to the Head of Public Protection as soon as the loss becomes known.

#### 1.17 **The driver of a hackney carriage shall not: -**

- a) Eat, engage in mobile telephone conversations or carry out any other activities that may impact on comfort, safety or wellbeing of any passenger;
- b) Without the express consent of the hirer play any radio, in car sound equipment other than for the purpose of radio communication in connection with the operation of the business of the vehicle and this is to be in such a manner as not to cause annoyance to anyone;
- c) Use the vehicle horn to attract passengers to indicate his arrival.

## 1.18 Carrying Disabled Passengers – All Drivers

### 1.19 **The driver of a vehicle carrying disabled persons shall:**

- a) When they approach their initial destination pull up as close to the kerb as possible and enquire of their passenger as to how they may be of assistance. If a purpose built vehicle is used any wheelchair should be secured according to the manufacturers or conversion company's recommendations ensuring that the brakes of the wheelchair are in a locked position;
- b) Ensure that a passenger is secured into the wheelchair where applicable;
- c) Ensure that if a saloon type vehicle is used with a swivel seat, the passenger be offered assistance in using it, and ensure it locked in position before the journey commences;
- d) If a passenger is possibly blind or partially sighted:
  - i. Approach the pre-booked location on foot and knock at the door.
  - ii. Inform the passenger of what type of car they are entering i.e. saloon type or purpose built and which way it faces;
  - iii. Demonstrate which way the doors open;
  - iv. Ensure that the passenger is seated and has secured the seat belt before moving off. Passengers approval should be sought before providing assistance.
  - v. Inform the passenger if they are taking a different route from the one expected or if there is a diversion or hold-up;
  - vi. Announce the fare before money is tendered and verbally count out any change;
  - vii. Set the passenger down in a safe place ensuring that the passenger is aware their location and the direction to his/her location. If the passenger would like to be accompanied to their destination, the driver shall offer them his arm to allow the driver to guide the passenger more easily;

viii. Allow guide dog(s) to be carried in the vehicle. Refusal to carry a guide dog in a licensed vehicle is a contravention of these conditions.

e) If a passenger possibly has a hearing impairment: -

- i. Wherever possible, face the passenger whilst speaking clearly;
- ii. Always have a pad of paper and pen available to allow for written communication.

## 2. Licensed Vehicles

2.1 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 permit local authorities to attach conditions to the grant of Hackney Carriage and Private Hire Vehicle licences as it considers reasonably necessary.

2.2 Failure to comply with these conditions may result in a Hackney Carriage or Private Hire Vehicle licence being refused, suspended or revoked.

2.3 In these conditions 'the Proprietor' includes part proprietor and means the holder of a hackney carriage or private hire vehicle licence.

### 2.4 Making an Application - Essential Requirements

2.5 **Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall: -**

- a) Complete and submit to the Council an application on the prescribed form together with the required licence fee no later than three working days prior to the licence being required.
- b) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.
- c) Produce evidence of (and maintain throughout the lifetime of the licence) the following: -
  - i. Road fund tax;
  - ii. Appropriate Vehicle Insurance Certificate;
  - iii. Public Liability Insurance Certificate;
  - iv. Pass sheet issued by Hartlepool Borough Council's Transport Depot (not required if MOT certificate has been issued by the same). Such a Pass sheet must relate to an inspection carried out immediately prior to the licence being granted;
  - v. MOT certificate;
  - vi. V5 registration document (in the case of a new vehicle a sales invoice will suffice but the registration document must be produced within 6 weeks of licence issue); and
  - vii. Present the vehicle for visual inspection by an authorised officer immediately prior to the licence being issued.

2.6 **A vehicle submitted for licensing must: -**

- a) Be a car fitted with at least four road wheels;
- b) Have at least two fully operational doors or four fully operational doors where the vehicle is licensed to carry two or more passengers (with the

exception of minibus type vehicles which should have a minimum of two doors provided for the exclusive use of passengers)

- c) Be right hand drive (see exception for stretched limousines)
- d) Be below the age of 3 years from the date of first registration and the vehicle will normally be required to be replaced when it reaches six years of age unless the proprietor can demonstrate that it has been, during the course of its lifetime, exceptionally well-maintained. (see exception for stretched limousines)
- e) A hackney carriage that is purpose built and described as a 'taxi' or 'hackney carriage' on its vehicle registration document shall be below the age of 5 years from the date of the first registration and the vehicle will normally be required to be replaced when it is 13 years old, unless the proprietor can demonstrate that it has been, during the course of its lifetime, exceptionally well-maintained.
- f) Vehicles that are over 25 years of age may be licensed as a 'classic' car but only if they meet all other licensing requirements;
- g) Be so constructed as to be safe and comfortable and the doors open sufficiently wide so as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers;

2.7 Any new (not replacement) Hackney Carriage Vehicle must be fully wheelchair accessible and will only be considered suitable for licensing if it conforms with all other licensing requirements.

## 2.8 Conditions of Licence

2.9 **The proprietor of any licensed vehicle shall ensure that the following conditions are complied with: -**

### External Construction and Markings

- a) (With the exception of those vehicles that have obtained an exemption) Vehicle licence plates shall be fixed to the front and rear of the vehicle in a clear and conspicuous location in a vertical plane at right angles to the longitudinal axis of the vehicle;
- b) (With the exception of those vehicles that have obtained an exemption) A sticker incorporating the official Council crest and vehicle licence number (to be supplied by the Council) must be permanently adhered directly to the paintwork on the near and off-side front doors where it is clearly visible. No magnetic signs or other similar temporary fixings shall be permitted.
- c) Equipment to facilitate use by disabled passengers must be maintained in good condition and readily available for use. Vehicles designed to load wheelchair passengers from the rear of the vehicle by means of a ramp shall not be permitted.
- d) Licensed vehicles must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for

reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a vehicle is in a good condition: -

- i. Bodyshell/paintwork – free from rust, broken metal and other visible damage;
  - ii. Seats, seat covers, floor coverings and interior trims – free from tears, damage, grease and other contamination;
  - iii. Door hinges – shall be in good working order and to be seated correctly when closed;
  - iv. Windscreen and Windows – to be in good clean workable condition and free from damage; and
  - v. Oil leaks – engine to be free from oil leaks
- e) No external markings shall be permitted on the vehicle with the exception of: -
- i. In the case of saloon and estate vehicles, advertisements of goods or services, including but not restricted to, the name and contact number of the owner/operator, may be displayed in the upper half of both rear passenger doors. Such advertisements must, in the opinion of an authorised officer, be tasteful and decent. In addition, the name of the operator/owner and/or contact telephone number may be advertised within an area of 40 cm x 5 cm or 200 cm<sup>2</sup> on the bonnet.
  - ii. In the case of any other vehicle, advertisements of goods or services, including but not restricted to, the name and contact number of the owner/operator, may be displayed in the upper half of both rear passenger doors (or in the absence of a door, in a corresponding position). In addition the name of the operator/owner and/or contact telephone number may be advertised on the upper half of the boot or back door and within an area of 40 cm x 5 cm or 200 cm<sup>2</sup> on the bonnet.
  - iii. For purpose built hackney carriages, please see the 'Additional Advertising Allowance' as detailed in Appendix I.

#### Internal construction and markings

- f) Height (inside) – From the top of any part of the seat cushions to the roof at the lowest part must not be less than 810 mm and, in every other respect must not be so constructed as to present any risk of injury or discomfort to any passenger. The definition of roof includes any parcel shelf, entertainment console or other fixing.
- g) Knee space – The measurement between the rear of the front seats at mid position and the back rest of the back seat must not be less than 760 mm.
- h) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
- i) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between

the back rest of the seat and any facing obstruction must not be less than 760mm.

- j) Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages.
- k) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- l) An illuminated luggage compartment, which in the case of mini bus type vehicles must be a segregated internal space with a minimum capacity of 0.566 cubic metres.
- m) A working and suitably tested fire extinguisher that must be a minimum of 0.9 Kg Aqueous Film form Foam or 1Kg dry powder for saloon type vehicles. Mini bus type vehicles must have a minimum of 1.5 Kg of dry powder and all extinguishers must be indelibly marked with the vehicle licence number.
- n) An internal plate (as provided by the Council) shall be fixed and displayed inside the licensed vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers.
- o) No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council

## 2.10 **General**

- 2.11 If the vehicle is an estate car, or does not have a fully segregated luggage compartment, it must be fitted with a grille or similar guard sufficient to prevent luggage carried in the rear compartment from coming into contact with passengers in the rear seats.
- 2.12 Advertising in the interior of a vehicle is permitted but only where such advertising does not detrimentally affect the safety or comfort of passengers and is not designed or intended to be viewed from the exterior of the vehicle.
- 2.13 With respect to vehicles fitted with CCTV cameras, prominent signage must be displayed at each passenger door stating to the effect that such a camera system is in operation in that vehicle.

## 2.14 **Hackney Carriages Only**

- 2.15 **In addition to the above, the following conditions also apply to Hackney Carriages: -**

- a) All hackney carriages must be professionally painted to a non-standard production shade of yellow detailed below including all previously colour coded external trims, boot, door edges and frames

Landrover AA yellow, Octoral No RO1000 FMB/LRC559  
Fiat Giallo Ginestra 2C, Octoral No F1258:93

- b) A sign bearing the word 'taxi', that is a minimum of 1 metre in length, shall be permanently affixed to the roof of the vehicle. Magnetic signs or other similar temporary fixings shall not be permitted.

- 2.16 When carrying out pre-booked work, Hackney Carriages must predominantly be used for journeys where either the pick up or drop off point is within the boundary of Hartlepool.

Predominantly means 90% of all pre-booked work over any continuous 7 day period.

- 2.17 All Hackney Carriage owners shall ensure that records are maintained for all pre-booked work carried both within and outside the boundary of Hartlepool. Such records shall be made as soon as a booking is received and be made available to an authorised officer immediately upon request. Records shall be retained for one year after the booking was made.

The details to be recorded are as follows: -

Date and Time of Booking  
Name of Client  
Details of Booking – Pick up and Drop off point  
Drivers Name

- 2.18 Hackney Carriage owners shall hold the Hackney Carriage drivers licence (blue card) for every driver driving their vehicle(s). Such licences must be made immediately available for inspection by an authorised officer at any reasonable time.

2.19 **Additional Conditions – All Vehicles**

- 2.20 A vehicle licence applies solely to the vehicle specified on the licence.

- 2.21 The licence and associated plates shall remain the property of the Council at all times.

- 2.22 The proprietor of a licensed vehicle shall: -

- a) Produce the licensed vehicle for inspection at the request of any authorised officer or police constable;



- b) Return the licence to an appropriate Council Officer within 7 days of the surrender, expiry, revocation or suspension of such licence or upon the proprietor transferring his/her interest in the vehicle;
- c) Report the loss of any plates or the vehicle licence to an appropriate Council Officer as soon as the loss becomes known;
- d) Notify the Council of any transfer of interest or ownership within 7 days of that transfer. This must include the date of the transfer, plate number and name and address of the new owner;
- e) Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle; and
- f) Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.

2.23 A vehicle that has failed a vehicle inspection test must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test otherwise a further full vehicle inspection test fee will be liable to be paid.

2.24 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.

2.25 All licensed vehicles must pass a mechanical inspection to be undertaken by the Council's Transport Depot at six monthly intervals during the lifetime of the vehicle licence (four monthly intervals for stretched limousines). Such an inspection may be either an MOT test or an alternative test as stipulated by the Council. Failure to attend a pre-arranged inspection without giving at least 24 hours notice may result in an additional charge being levied.

### 3. Licensed Private Hire Operators

#### 3.1 In these Conditions

“Operator” means the holder of an Operator’s Licence granted by the Council,

“Vehicle” means a Private Hire Vehicle licensed by the Council,

The “Council” means the Council of the Borough of Hartlepool.

- 3.2 The licence shall remain the property of the Council at all times and is not transferable to another person nor does it authorise the Operator to operate from any other address than that specified.
- 3.3 The Operator shall inform the Council of any change of address or material change in circumstances within 7 days of the occurrence.
- 3.4 The Operator shall return the licence to an authorised officer of the Council on the expiry, revocation or suspension of such licence or upon the holder ceasing to be an Operator.
- 3.5 An Operator shall report the loss of a licence to an authorised officer of the Council as soon as such loss becomes known.
- 3.6 An Operator shall not advertise by signs, printed words, broadcasts or by any other media the words “Hackney Carriage” or “Taxi”, or any derivative, to describe the Private Hire services offered.
- 3.7 An Operator who has agreed or undertaken to have such a vehicle in attendance at an appointed time and place shall, unless prevented by some unavoidable reason, cause such a vehicle to be in attendance at the appointed time and place.
- 3.8 An Operator shall keep a record of all bookings accepted by him or on his behalf by his servants or agents. Such records to be made prior to commencement of the journey to which such booking relates, in the following form.

<u>Booking</u> <u>Made</u> <u>Date</u> <u>Time</u>	<u>Name of</u> <u>Client</u>	<u>Details of</u> <u>Booking</u> <u>From</u> <u>To</u>	<u>Accepted</u> <u>By</u>	<u>Private</u> <u>Hire</u> <u>Licence No</u> <u>of Vehicle</u>	<u>Drivers</u> <u>Name</u>
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- 3.9 Such record shall be kept for one year after the booking was made.
- 3.10 An Operator shall keep a record of the following particulars of all vehicles operated by him:
  - (a) Vehicle Registration Number

- (b) Make and type and colour of vehicle
- (c) Name and Address of Vehicle Licence Holder
- (d) Vehicle Licence Number

3.11 The premises from which the licensee operates his business shall have planning permission for office and/or commercial use and the Operator must comply in every respect with the requirements of current Town Planning Legislation.

The premises shall be kept clean and kept fit for all their licensed purposes providing safe and proper access to the public for the purpose of booking and waiting.

3.12 Every contract for the hire of a Private Hire Vehicle shall be deemed to be made with the Operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.

3.13 An Operator shall produce his/her Operator's licence on request to any authorised officer or Police Officer.

3.14 The Operator shall within seven days disclose to the Council, in writing, details of any conviction imposed on him/her (or if the Operator is a Company or Partnership, of any of the Directors or Partners) during the period of licence.

3.15 Failure by the Operator, for any reason, to pay all sums due renders the licence invalid.

3.16 The Operator record required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which shall be numbered consecutively. The Operator shall enter or cause to be entered therein, before the commencement of each journey, particulars (in a legible and comprehensive manner) of every booking of a Private Hire Vehicle invited or accepted by him.

3.17 The Operator shall ensure that telephone or radio facilities provided are maintained in a sound condition, defects being remedied promptly.

3.18 The Operator shall not engage any driver to drive a Private Hire Vehicle unless and until he has ensured that a current and valid private hire driver and vehicle licence is held, as legally required by the Council.

3.19 The Operator shall deal fairly, courteously and quickly with complaints reported by any hirer against his services, driver or vehicles, and in the event that he fails to do so shall be directly answerable to the Council to give satisfactory replies to any question or reasonable demand for satisfaction made by the Council on behalf of the hirer.

3.20 Private Hire Operators shall hold the Private Hire Drivers licence (blue card) for every driver driving a vehicle operated by them. Such licences must be made immediately available for inspection by an authorised officer at any reasonable time.

## **APPENDIX I**

### ***Additional Advertising Allowance***

**Foreword.** Hartlepool Borough Council wishes to encourage and promote the use of purpose built hackney carriages in Hartlepool. To achieve this it has made provision for those vehicles that satisfy certain construction criteria to generate, if required, additional income through advertising. This is a discretionary allowance made by Hartlepool Borough Council to promote the purchase and use of purpose built vehicles and any person who wishes to apply for such an allowance does so in the full understanding of this. The Council retains the right to refuse approval for any advertisement or to require the removal of any advertisement if it is found to be contrary to the intention of this allowance.

Hackney Carriage Vehicles that comply with all of the Council's standard vehicle conditions and the following additional conditions may apply to the Council for approval to advertise in accordance with the Council's 'Additional Advertising Allowance'.

1. The vehicle must be a purpose built hackney carriage capable of carrying at least 4 passengers (plus driver) in compliance with Hartlepool Borough Council's Taxi Policy.
2. Adequate interior lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.
3. There must be a partially glazed partition separating the passengers from the driver.
4. The vehicle must be equipped to approved standards in order that wheelchair passengers may be carried.
5. Approved anchorages must be provided for the wheelchair and chairbound person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
6. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 750mm. The minimum angle of the door when opened must be 90 degrees.
7. The clear height of the doorway must be not less than 1.2 metres.
8. Grab handles must be placed at door entrances to assist the elderly and disabled.
9. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locking

device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. Every vehicle must be provided with a means of communication between the driver and passenger. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 115mm.

### ***Additional Advertising***

In those instances where a hackney carriage vehicle complies with all of the above criteria, application may be made to the council for an 'Additional Advertising Allowance'. If granted, all advertisements must comply with the following conditions: -

1. For all advertisements covered by this Additional Advertising Allowance, the Council must approve advertisements before use.
2. No advertisement will be approved which promotes tobacco products or which is indecent or could cause public offence.
3. Approval may be given to the advertisement of alcohol, subject to an appropriate public information message being displayed on all elevations upon which the advertisement is visible. Examples would be: -  
  
"Don't drink and drive – use a taxi"
4. The Council's 'roundals' must continue to be displayed on both front doors.
5. At any one time, external advertising on the vehicle will be restricted to one product, service or company.
6. Advertisements shall be constructed of such robust design and materials, and fitted professionally, as to be capable of retaining a high quality of appearance. Any vehicles displaying advertisements considered by Council officers to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.
7. Approved advertisements may be 'all-over livery' or 'partial livery'.
8. For all-over livery advertisements, approval must be gained in advance from the Council's taxi licensing section. This must be preceded by providing the section with a full colour photograph or computer graphic of the vehicle, with the proposed advertisement upon it. The photograph/graphic must clearly depict each and every elevation of the vehicle, including the roof.
9. Reasonable steps must be taken to allow the colour of the vehicle to remain predominantly yellow in colour. For example, if the proposed advertisement is not dependent upon a particular background colour, the colour adopted should be yellow. If necessary, the burden will be on the applicant to demonstrate to the Council that yellow could not be retained as the predominant colour of the vehicle.

10. No 'all-over livery' vehicle will be permitted to operate until it has been inspected and approved by a taxi licensing officer.
11. Upon removal of the all-over livery advertisement, the vehicle must be returned to the Council's current approved colour scheme.
12. For vehicles with partial livery advertisements, such advertisements may be displayed on any two of the following panel categories: -
  - a) Bonnet
  - b) Boot
  - c) Front Doors
  - d) Rear Doors
  - e) Roof

For example, both front doors and the bonnet, both front doors and both rear doors or the bonnet and the boot.

## ***APPENDIX II***

**In addition to the requirements set out for private hire vehicles detailed elsewhere in this policy, stretched limousines shall comply with the following additional requirements.**

### ***INTERPRETATION***

For the purpose of licensing of a limousine by the Council a stretched limousine is described as a luxurious vehicle, that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.

### TYPE OF VEHICLE

- ❖ The proprietor shall ensure that the limousine is of a type approved by the Council.
- ❖ The maximum length of the vehicle “stretch” shall not exceed 120 inches [3048 millimetres]

### TYRES AND ROAD WHEELS

- ❖ The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced) or equivalent.

### WINDOWS

- ❖ Any tinted glass shall conform to the legal requirements as laid down by the Vehicle Operator Services Agency (VOSA).

### SEAT BELTS

- ❖ In accordance with Construction and Use Regulations, where seat belts are fitted they must be worn by passengers at all times whilst the vehicle is in motion.

### FIRE EXTINGUISHER

- ❖ A fully charged and functional 2 LITRE FOAM Ref EN3/4 – 1996 Fire extinguisher must be provided, securely fitted, easily accessible and ready for use at all times.

### ADVERTISEMENTS

- ❖ No other signs, notices, adverts or any other markings will be displayed on or in the vehicle without the written permission of the Council.

### PASSENGERS

- ❖ The proprietor shall not permit the limousine vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.

- N.B.** A babe in arms is classed as a person whatever age.
- ❖ Passengers will not be carried in the front of the vehicle.

### COUNCIL NOTICES

- ❖ The proprietor shall when directed by the Council cause to be affixed and maintained in a conspicuous position any sign or notices.

### DOCUMENTATION

The following documentation in original form (no photocopies) shall be produced prior to licensing

- ❖ Completed importation documentation – Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA)
- ❖ **or** a Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
- ❖ DVLA registration document (V5)

### IDENTIFICATION PLATE

- ❖ The vehicle shall be exempt from the requirement to affix a licence plate to the front of the vehicle and from the requirement to display Council 'roundels' on the side doors.

### **VEHICLE FITNESS**

- The vehicle will be required to undergo a mechanical inspection every 4 months to ascertain it's fitness to drive. This must be carried out at the Council's Lynn Street depot.

### **ALCOHOLIC DRINKS**

- Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- Alcohol shall only be served whilst the vehicle is stationary and after serving, the bottle shall be placed in a secure receptacle.
- If the occupants of the vehicle are under the age of 18 then there should be no alcohol at all in the vehicle for consumption or otherwise.

### **ENTERTAINMENT**

- The driver of the vehicle shall not play or knowingly permit to be played, any video, DVD or other recorded image that is unsuitable, having regard to the age of the passengers conveyed. In deciding what is suitable, regard shall be had to the classification of the video, DVD etc by the British Board of Film Classification or the Video Standards Council.



## APPENDIX III

### **CONDITIONS RELATING TO THE LICENSING OF HORSE DRAWN CARRIAGES (LANDAUS) AND THEIR DRIVERS**

#### 1. Making an Application - Essential Requirements

- 1.1 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall: -
- a) Complete and submit to the Council an application on the prescribed form together with the required licence fee no later than three working days prior to the licence being required.
  - b) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

#### 2. Conditions of Licence

- 2.1 The proprietor of any licensed carriage shall ensure that the following conditions are complied with: -
- 2.2 The Vehicle - External Construction and Markings
- 2.3 The vehicle shall be purpose built and suitable for the carriage of passengers.
- 2.4 The vehicle shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing.
- a) Carriage licence plates shall be fixed to the rear of the vehicle in a clear and conspicuous location in a vertical plane at right angles to the longitudinal axis of the vehicle;
  - b) Licensed carriages must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a vehicle is in a good condition: -
    - i. Bodysell/paintwork – free from rust, broken metal and other visible damage;
    - ii. Door hinges – shall be in good working order and to be seated correctly when closed;
  - c) No external markings shall be permitted on the vehicle with the exception of the name and contact number of the owner/operator which may be displayed in the

upper half of both passenger doors. Such advertisements must, in the opinion of an authorised officer, be tasteful and decent.

- d) The carriage must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.
- e) All tack and fixtures must be kept in good order and be available for inspection by authorised officers.

## **2.5 The Vehicle - Internal construction and markings**

2.6 The carriage shall meet the following minimum measurements:-

- i. Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
- ii. In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.
- iii. Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable).

2.7 Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.

2.8 Blankets shall be provided for the comfort of passengers.

2.9 No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council.

2.10 Advertising in the interior of a vehicle is permitted but only where such advertising does not detrimentally affect the safety or comfort of passengers and is not designed or intended to be viewed from the exterior of the vehicle.

## **2.11 The Vehicle - Additional Conditions**

2.12 A vehicle licence applies solely to the vehicle specified on the licence.

2.13 The licence and associated plates shall remain the property of the Council at all times.

2.14 The proprietor of a licensed vehicle shall: -

- i. Produce the licensed vehicle for inspection at the request of any authorised officer or police constable;
  - ii. Return the licence to an appropriate Council Officer within 7 days of the surrender, expiry, revocation or suspension of such licence or upon the proprietor transferring his/her interest in the vehicle;
  - iii. Report the loss of any plates or the vehicle licence to an appropriate Council Officer as soon as the loss becomes known;
  - iv. Notify the Council of any transfer of interest or ownership within 7 days of that transfer. This must include the date of the transfer, plate number and name and address of the new owner;
  - v. Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle; and
  - vi. Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.
- 2.15 A vehicle that has failed a vehicle inspection test must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test otherwise a further full vehicle inspection test fee will be liable to be paid.
- 2.16 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.
- 2.17 The carriage must have a valid policy of insurance in respect of third party risks and a minimum of £5,000,000 public liability insurance.
- 2.18 The carriage may only be used on previously approved routes.
- 2.19 The Horse
- 2.20 The horse must be a minimum of three years old.
- 2.21 Horses must be appropriately shod at all times.
- 2.22 If a horse is considered to be lame, or in any other way unwell, it shall be removed from service immediately.
- 2.23 Horses must be provided with regular access to drinking water.
- 2.24 The horse, and its associated tack, must be examined and passed as fit for the task involved, by a qualified veterinary surgeon who may also advise the authority on the maximum number of hours that a horse may work.

- 2.25 The local authority shall require the horse(s) to be examined by a qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder's expense.
- 2.26 Certified horses should be easily identified by means of microchip or permanent marking.
- 2.27 The horse must have a current passport.
- 2.28 The horse should be stabled in appropriate accommodation with access for inspection at all reasonable times.
- 2.29 Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
- 2.30 No horse shall be used for drawing a carriage during the hours of darkness.
- 2.31 Sufficient horses must be provided to power the licensed vehicle.
- 2.32 The Driver
- 2.33 The driver of the carriage must be a licensed hackney carriage driver and produce the following certificates:
- i. Suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses general needs/requirements.
  - ii. Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.
- 2.34 The driver of a carriage is exempted from the requirement to hold a full drivers licence issued by the Driver and Vehicle Licensing Agency (DVLA).
- 2.35 The driver of a carriage is exempted from the requirement to pass the locations element of the driver's examination.
- 2.36 Fares
- 2.37 It shall be the responsibility of the carriage driver to advise any prospective passenger of the cost of the agreed journey prior to the commencement of that journey. In addition, the driver must ensure that a notice is prominently displayed stating that fares must be negotiated and agreed prior to the commencement of a journey.
- 2.38 The Council must be notified of the fares to be charged for each approved route which shall not be varied without prior approval of the Council.

## **EXEMPTION FROM THE REQUIREMENT TO DISPLAY IDENTIFICATION PLATES**

Vehicles that satisfy all requirements for the licensing of a private hire vehicle may apply for an exemption from the requirement to display identification plates if the following additional conditions are met: -

1. Exemptions from the requirement to display identification plates (vehicle licence plates and roundals) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles are not permitted.
2. Each application will be assessed on its own merits and each vehicle will be inspected by an authorised council officer to ensure it is fit for purpose.
3. Applications for exemption from the requirement to display external identification plates will be considered where all of the following conditions are met: -
  - i. Vehicle models must be four door saloons
  - ii. Vehicles must be under three years old when first licensed
  - iii. Vehicles must be of a standard comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' class Mercedes, 7 series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Rolls Royce and Bentley saloons. (The highest specification executive type vehicles from other manufacturers will also be considered)
  - iv. The vehicle must be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
  - v. The vehicle must be used exclusively to provide transport under a written contract lasting not less than 7 consecutive days.
4. Applications may only be made by a person holding a private hire operators licence issued by Hartlepool Borough Council.
5. Where a proprietor wishes to make an application for a vehicle to be exempt from the requirement to display identification plates an appropriate application form must be completed and supported by the required documentation as detailed elsewhere in Hartlepool Borough Council's Hackney Carriage and Private Hire Licensing Policy.
6. The council may require applicants to provide any additional documentation, such as evidence of a written contract, as reasonably necessary to allow the council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.
7. Where an application is granted and a vehicle is exempted from the requirement to display identification plates an exemption notice will be issued as soon as practicable after the decision is made.

8. Vehicles exempted from the requirement to display identification plates are required to display a licence plate, issued by Hartlepool Borough Council, on the underside of the boot lid. The plate when so affixed must be readily visible when the boot lid is raised.
9. Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
10. Exemption notices may be renewed annually subject to the vehicle undergoing, and passing, a re-inspection by an authorised officer to ensure it continues to be fit for purpose.
11. Whilst working, drivers of exempted vehicles must, at all times, be of smart appearance i.e. a uniform, collar and tie etc.
12. In the event of an applicant being dissatisfied with the decision of an officer, the applicant may make a written application for a review of the decision by the Council's Licensing Committee.

## 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		<i>Procedural</i>
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		<i>Procedural</i>
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		<i>Procedural</i>
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

		Minimum Standard (Level 1)	Good Practice (Level 2)	Best Practice (Level 3)	COMMENTS	PROCESS FOR CHANGE
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	<i>Policy change</i>
<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.	<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
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.	<i>Policy change</i>
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		<i>Policy change</i>
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.	<i>Policy change</i>
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.	<i>Policy change</i>

**Report of:** ASSISTANT DIRECTOR, COMMUNITY  
SAFETY & PROTECTION

**Subject:** Licensing of Sex Entertainment Venues

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## **1. PURPOSE OF REPORT**

- 1.1 To inform Members of the results of a consultation exercise relating to the licensing of sex entertainment venues.
- 1.2 To seek Members views on the future licensing of sex entertainment venues.

## **2. BACKGROUND**

- 2.1 The provision of live adult entertainment from venues such as lap dancing and strip clubs is classified by the Licensing Act 2003 as a 'performance of dance' and, as such, must be licensed via that Act.
- 2.2 As a result, the extent to which local authorities can control the operation of such premises is limited to the imposition of licence conditions requested by Responsible Authorities such as the Police and Environmental Health. All licence conditions must relate to one or more of the Act's licensing objectives.
- 2.3 Similarly, local authorities cannot impose blanket policy requirements on licence holders and cannot unilaterally impose licence conditions without representations having first been received.
- 2.4 New legislative powers have now been introduced via the Policing and Crime Act 2009 that will allow local licensing authorities to control the provision of sexual entertainment by virtue of a Sexual Entertainment Venue (SEV) licence.
- 2.5 This will be in addition to the premises licence required to sell or supply alcohol and provide other regulated entertainment and will provide the opportunity for conditions to be placed on SEVs to address such issues as the proximity of the performer to the audience, the type of entertainment permissible, restrictions on advertising etc.
- 2.6 A SEV is defined as a premises that offers 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.

2.7 The following categories of entertainment are covered by the new controls: -

- a) Lap Dancing
- b) Pole Dancing
- c) Table Dancing
- d) Strip Shows
- e) Peep Shows
- f) Live Sex Shows
- g) Anything similar to above

2.8 The legislation defines that the display of nudity will mean, in the case of a woman, exposure of her nipples, pubic area, genitals or anus, and in the case of a man, exposure of his pubic area, genitals or anus. The display of nudity alone does not mean that a sex entertainment venue licence will automatically be required. Performances including nudity as part of a drama or dance in a theatre may be unlikely to be provided solely or principally for the purpose of sexually stimulating the audience.

2.9 A venue will be exempt from the requirement to obtain a SEV licence if entertainment of a sexual nature is provided on no more than 11 occasions in any 12 month period; if such occasions last less than 24 hours and are at least one month apart.

2.10 SEV licences have a maximum duration of 12 months and, as such, any licensed premises must re-apply each year. There is no general obligation for a licence to be renewed.

2.11 To be able to licence SEVs the Council must first adopt the legislation and at its meeting in April 2010 this committee was of the view that it would be appropriate to do so and that a policy should be prepared that would detail how the Council would control the number, location and operation of SEVs in the town. The process of adoption of the legislation is a matter for full Council.

2.12 Between June and September 2010 a consultation exercise was carried out to establish local views on the issues surrounding Sex Entertainment Venues.

2.13 A total of 15 responses were received, the results of which are attached as Appendix I are summarised as follows.

- a) 13 respondents believed that the Council should adopt legislation allowing it to control SEVs whilst 2 felt it should not.
- b) 11 believed that the number of SEVs in Hartlepool should be restricted. 2 did not.

- c) 6 respondents felt that there should be a blanket ban on SEVs in Hartlepool.
- d) All respondents agreed that SEVs should be restricted to certain localities only. 7 suggested Church Street or the town centre would be appropriate whilst 7 others stated that they should not be in residential areas.
- e) At this committee's meeting in April 2010 Members indicated that they would not agree to the licensing of activities that incorporated peep shows or live sex shows. 10 respondents agreed with this view whilst 2 did not – however one of those who disagreed with committee did so because they wanted a blanket ban on *all* sexual performances.
- f) 12 respondents believed the Council should require licence applicants to demonstrate that they were fit and proper people.

### 3. ISSUES FOR CONSIDERATION

- 3.1 If Committee were minded to recommend to full Council that the new legislation be adopted, it will also be necessary to determine whether a policy should also be prepared that details how the Council will discharge its licensing functions.
- 3.2 Whilst a policy may stipulate the Council's view on issues such as the preferred location of premises or their terms of operation it is not possible to have a policy that results in the automatic rejection of an application. Case law has determined that Council's cannot 'refuse to listen' to applications but it is possible to state that policies will only be deviated from in exceptional circumstances.
- 3.3 There is no statutory requirement for a licensing authority to publish a policy on this issue and it may determine that every application simply be considered on its merits. One advantage to this is that there is no requirement to ensure the constant updating of a policy on a subject matter that is still relatively new to Hartlepool (*there is currently only one lap dancing club in the town that has operated for approximately 2 years*)
- 3.4 Adopting a licensing policy has the following benefits: -
  - a) Sets out the Council's approach, for the benefit of operators
  - b) Guides and re-assures the public and other public authorities
  - c) Ensures transparency
  - d) Ensures consistency
  - e) Serves as a guide and focus for committees
- 3.5 If Members determined that a licensing policy was appropriate the following issues should be considered: -
  - a) What, if any, is the appropriate number of SEVs to be licensed;

- b) Where should SEVs be permitted to operate;
- c) Should there be a ban on certain activities; and
- d) What conditions should be applied to SEV licences
- e) What matters should be taken into account when considering the fitness of an applicant

### 3.6 Appropriate Number

- 3.7 It is possible for a licensing policy to stipulate a maximum number of SEVs that would be permitted in the town. This may be any number including zero.
- 3.8 The consultation exercise resulted in six respondents believing that no SEVs should be licensed whilst seven others suggested between one and four as an appropriate number.
- 3.9 As mentioned above, Hartlepool currently has one lap dancing club (*The Little Black Book*) that, if the legislation was adopted, would require a SEV licence. If Members determined that the appropriate number was zero this would result in this premises having to close – subject to due consideration and any appeal.
- 3.10 In the two years that *The Little Black Book* has been operating there have been no significant incidents of crime and disorder at the premises and they appear to be well run.
- 3.11 In addition to *The Little Black Book* Members may wish to note that other premises such as Working Men's Clubs do, on occasion, offer sexual entertainment – usually in the form of strip tease. Initial investigations with these premises suggest that there would not, at present, be a requirement for these clubs to obtain a SEV licence (due to the infrequency of the events) but it is possible that this could change at any time. A limit on the maximum number of SEVs in the town would apply to working mens clubs that wished to offer frequent sexual entertainment to its members.

### 3.12 Location

- 3.13 If Members were minded to permit the licensing of one or more SEVs it is possible to stipulate areas of the town that would be considered unsuitable. This may be in general terms such as 'Not within 200 yds of a school' or specifically 'Licences will only be permitted in the Church Street area'.
- 3.14 Whilst all consultation respondents believed that the location for SEVs should be restricted, this was split between advocating Church Street as being most appropriate and others who suggested anywhere other than residential areas.

- 3.15 As mentioned above, private members clubs and working mens clubs do, on occasion, offer sexual entertainment to their members and these clubs are located throughout the town. A general restriction on the location of SEV premises to, for example, the town centre, may impact on one or more private or working mens clubs should they wish to apply for a licence.
- 3.16 Remembering that a SEV licence is only required for frequent events and that each application must continue to be considered on its merits, Members may decide that it is appropriate to state which areas of Hartlepool are suitable and then deviate from this policy if a specific application warrants it.
- 3.17 Nature of Sexual Entertainment
- 3.18 At a meeting of this committee in April 2010 Members indicated that certain activities, such as Live Sex Shows and Peep Shows, should not be permitted in Hartlepool.
- 3.19 This view was supported by respondents to the consultation exercise.
- 3.20 Members may wish to consider whether a policy, if adopted, should place a prohibition on any live entertainment that depicts non-simulated sexual acts between two or more people.
- 3.21 Licence Conditions
- 3.22 It is recommended that any SEV licences granted contain relevant, appropriate and proportionate conditions to ensure that premises operate in a safe manner and that do not determinately impact on their neighbourhoods.
- 3.23 A pool of standard conditions and guidance notes has been produced at Appendix II to this report. When determining an application Members will be able to place any or all of these conditions on a SEV subject to them being relevant to the type of premises and also that it is necessary and proportionate to do so. In addition Members may add further conditions when they believe it is necessary to do so.
- 3.24 Fit and Proper Applicants
- 3.25 Licensing authorities can stipulate the issues that will be taken into account when considering the fitness of an applicant.
- 3.26 Appendix III details a range of issues that it is proposed would form part of the consideration process.



3.27 General and Administrative Issues

- 3.28 The Council must pass a resolution to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, as authorised by Section 2 of The 1982 Act to apply within the borough of Hartlepool. The date that this shall come into force must be specified and this date must be more than one month after the day on which the resolution was passed. NB this is not an executive function and therefore requires the decision to be made by full Council.
- 3.29 The Council must publish a notice stating that such a resolution has been passed. This notice must appear in two consecutive weeks in a local newspaper, circulated in the Council area. The first notice must appear not later than 28 days before the day specified for the resolution to come into force.
- 3.30 The notice must also state the general effect of the resolution.
- 3.31 Should the new legislation be adopted, fees will have to be set in respect of such venues. It is recommended that this function be added to the responsibilities of the adult and public health portfolio holder who currently determines most other licence fees and has budgetary responsibility for this area of service. However, Members may wish to consider fee levels and make recommendations to the portfolio holder if considered necessary.
- 3.32 A decision is required by full Council in respect of the adoption of the legislation and associated matters but the general consideration of individual applications is best dealt with by Members who have in depth training and knowledge in respect of such matters.
- 3.33 It is therefore recommended that the functions of the new legislation be delegated to the Council's Licensing Committee who will in turn be invited to delegate non contentious applications to officers. A non contentious application would be one where no objections had been received and the application was in full compliance with the requirements of the licensing policy. This is similar to the current arrangements for the approval of most Licensing Act and Gambling Act applications.
- 3.34 It is further recommended that contentious applications be determined by those sub-committees currently constituted to consider Licensing Act matters.

**4. RECOMMENDATIONS**

- 4.1 That Members recommend to full Council the adoption of legislation to control Sex Entertainment Venues and that responsibility for the

administration of the new controls be delegated to the Licensing Committee.

- 4.2 That Members consider whether a licensing policy should be adopted and, if so, specifically what the policy should contain in relation to: -
- a) The number of SEVs to be permitted;
  - b) The location of SEVs;
  - c) The pool of conditions to be included in the policy; and
  - d) The types of sexual activity that will be permitted or prohibited
  - e) Matters to be taken into account when considering the fitness of an applicant
- 4.3 That Members agree that the determination of licence fees be a matter for the Adult and Public Health Portfolio holder.

Appendix I

## **Consultation on Statement of Licensing Policy**

### **Question 5.1**

**Do you believe Hartlepool Borough Council should adopt legislation allowing it to licence Sex Entertainment Venues?**

13 agree  
2 disagree

#### **Comments:**

- I believe that HBC should adopt legislation allowing it to licence Sex Entertainment Venues as it will give HBC greater powers in the regulation of Sex Entertainment Venues and will give local people a greater say in the licensing process.
- "A Sex Entertainment Venue is a premises that offers the live performance or live display of nudity for the purpose of sexually stimulating an audience". Surely videos now fill this purpose in most ways.

### **Question 5.2**

**If you do not, please provide reasons**

No answers given

### **Question 6.1**

**Do you agree that the number of licensed Sex Entertainment Venues should be limited?**

11 agree  
2 disagree

### **Question 6.2**

**If you believe the number should be limited, please state what you think would be an appropriate number.**

6 believe that no Sex Entertainment Venues should be allowed  
3 believe that there should be a limit of 1  
3 believe that there should be a limit of 2  
1 believes that there should be a limit of 4

**Question 7.1**

**Do you agree that Sex Entertainment Venues should be restricted to designated areas of Hartlepool only?**

15 agree  
0 disagree

**Question 7.2**

**If so, where do you believe would be an appropriate area?**

5 believe that Church Street area would be appropriate  
2 believe that the Town Centre would be appropriate  
7 believe that away from residential areas would be appropriate

**Question 7.3**

**If you have suggested an appropriate area, please explain reasons.**

- Within nightclub areas
- [Referring to Church Street] It is the least populated area and surrounded by late night venues and in other towns it is proven that customers using this type of venue tend to leave clubs etc. early to visit such types of establishment on their way home. Also taxis and transport home are often booked to pick up from this type of quieter place to avoid congestion. This type of low key venue is unlikely to offend any puritans in our community.
- Far from residential areas and also areas frequented by children and young people.
- [Referring to Church Street] These areas are surrounded by other late night venues away from children, family entertainment or anyone likely to be offended by the type of entertainment provided.
- I believe that it is entirely appropriate to adopt a policy that would refuse licence applications for activities that include live sex shows and peep shows.

**Question 8.1**

**Do you agree that it is appropriate to adopt a policy that would refuse licence applications for activities that included live sex shows and peep shows?**

10 agree  
2 disagree

**Comments:**

- No- why discriminate? You could ban all of them.
- Yes- It would be inappropriate for the image and character of Hartlepool to allow the town to be reduced to a sleazy centre for the denigration and objectification of women which accompanies live sex and peep shows.

**Question 9.1**

Do you believe that it is appropriate for the Council to require licence applicants to demonstrate to the Council that they are fit and proper persons before a licence is granted?

12 agree

0 disagree

**Comments:**

- These state conditions on which any license is granted must be thoroughly investigated, stringently and strictly applied to prevent an applicant for a licence being a cover for an unacceptable owner. It is important that the terms are monitored and female workers are protected. If the conditions are not met consistently the Council must move quickly to revoke the licence.
- It is right and proper that licence applicants should demonstrate that they are fit and proper persons before being granted a licence and this should also be extended to those working in the venues.

**Question 10.1**

**Are there any other comments you would like to make concerning the licensing policy for Sex Entertainment Venues?**

- Does Hartlepool really need another problem? More money will be needed to police and enforce. Why create situations which we will not be able to control, people are not killjoys but there are other avenues open for this entertainment.
- I can't see the point of allowing some and refusing others when they all serve the same purpose.
- I would also like to state that the current lap dancing venue in Hartlepool is one of the better run venues in the town and the majority of our members do not see the place as drinks led competition, more of a chill-out venue for customers on their way home or somewhere to get served easily with no trouble for a relaxing drink or a coffee. These establishments are in most towns and cities across the UK and are

considered to be a growth area within the trade. It is surprising how many couples and females use this type of venue for a quiet drink away from other rowdy and busy establishments.

- Lap-dancing clubs are not harmless and are part of the sex industry and should be treated as such. The Council must resist the spread of sexual entertainment which denigrated females and treats its female workers like pieces of meat.
- Although lap dancing is not to everyone's tastes it is increasing in popularity. There is a bar of this nature in most major town or cities and for many it represents an integral part of their night out. Properly run lap dancing bars represent little risk to the licensing objectives and are generally trouble free. They do not lend themselves to cheap drinks promotions and by making an admission charge we tend only to get genuine customers. Our bar is out of the way and does not advertise what type of entertainment is on offer and is generally inoffensive. I have not had any complaints about the venue brought to my attention and we have a loyal group of customers who know that they can come from a quiet drink in a trouble free environment. Our venue has cameras in every dance booth and we can demonstrate that nothing untoward takes place here. We are hoping that the introduction of this policy will give any critics we might have the assurance that the venue is run in an appropriate and responsible manner.
- For me at the heart of any policy that the Council has should be question of what kind of town do we want Hartlepool to be and what kind of legacy do we want to leave to our children and our children's children? In the days in which we live we have seen marked changes taking place in a whole host of areas which impact upon the lives of our children. Over the years we have seen the devaluation of sex from something that is precious within a stable relationship to an entertainment side show. This has an impact upon our view of sex and these things are picked up by our children and impacts upon our view of sex and these things are picked up by our children and impacts upon the way that they view sex0 could this not be some of the truth behind our high rate of teenage pregnancies? If we as a town go down the road of encouraging the establishment of various sex establishments then, it is my view that we will see a continuance in the devaluing of sex and reap the problems associated with that.
- I believe that it is socially wrong and destructive to offer performance or display of nudity for the purpose of sexually stimulating an audience. I am concerned for those women who are employed in such a way: it is not something that I would wish for my own daughters or for the young women that I work with at a local school.

I have concern for those who make up the audience, that it affects their attitude and respect towards women in a negative manner, that it

reinforces sexist attitudes and runs counter to efforts to promote gender equality.

I am concerned for the families of those who visit such venues that it would be a cause of stress and mistrust and damaging to relationships of families within the town. I am concerned for the safety of those who live in the Church Street area. This is becoming more of a residential area with new housing being built in Whitby Street, Lynn Street and Huckelhoven Way. There is also the consideration of the proximity of housing for various vulnerable groups in the Church Street area and in Huckelhoven Court.

I am concerned for the welfare of those who need to use the Church Street area, who are no part of the night-time economy group, e.g. those using late night National Express coaches to and from the travel interchange, the railway station, local buses, needing to walk through the area as part of their normal lives. Many women would feel unsafe in the vicinity of Sex Establishments.

I am also concerned for the impact of women who work in and visit the other licensed premises in the area and for an increase in sexual harassment and violence. There should also be consideration for those men and women who would be involved in secondary and tertiary ways in the Sex Entertainment Venues, e.g. security staff, bar staff, police, enforcement officers, etc. that they too are exposed to such 'entertainment' whilst carrying out their duties.

Appendix II

**GENERAL CONDITIONS**

- (a) The licence and conditions (or a clear copy) shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises, and also the police, the fire authority and authorised officers of the Council.
- (b) A copy of the "House Rules" shall be prominently displayed on the premises.
- (c) A notice shall be displayed at the main entrance(s) warning patrons that the performance includes unclothed male and/or female dancers and that no person under the age of 18 years shall be admitted.
- (d) No other words or signs, photographs, displays or advertisements, shall be displayed on the outside or in the vicinity of the premises (NB this shall not apply to proper press advertisements). The issue of leaflets or flyers is not permitted.
- (e) External doors and windows shall be closed at all times other than for access and egress.
- (f) A CCTV system of a type and specification approved by Cleveland Police shall be operational during all trading hours. Images recorded by the system shall be retained for a minimum of 28 days and shall be made immediately available to police officers or other authorised officers on request.
- (g) The licensee, or a named responsible person, shall be nominated in writing, by the licensee for the purpose of managing the sexual entertainment venue ('the Manager') and shall be present on the premises at all times whilst relevant entertainment is taking place.
- (h) Except with the written consent of the Council, the premises shall not remain open to the public outside the licensed hours.
- (i) All performers, patrons and staff must be over 18 years or over.
- (j) Photography or recording of any kind within the premises (excluding CCTV recording required by condition on licence) shall be prohibited.
- (k) Any activity that by definition requires to be licensed by this licence shall not be visible from outside of the premises.
- (l) Relevant entertainment shall only be provided by the performer. There must be no audience participation.



- (m) Performers shall only perform on the stage area, to seated and segregated customers or in such other areas of the licensed premises as may be agreed with the Licensing Authority.
- (n) Performers may only dance for seated patrons.
- (o) Patrons must remain fully clothed at all times.
- (p) There shall be no physical contact between performers and patrons before, during and after the performance except for the transfer of money or token to the hand of the performer either immediately before or after the performance. Notices to this effect shall be clearly displayed at each booth/table and at each entrance.
- (q) There shall be a minimum distance of one metre between the performer and any patron during any performance.
- (r) Sex toys must not be used and penetration of the genital area or any other orifice by any means shall not be permitted.
- (s) Any performance shall be restricted to dancing and removal of clothing. There must not be any other form of sexual activity.
- (t) At the end of a performance the performer must be provided with access to a changing room without the need to pass unclothed through an audience.

### Appendix III

#### Matters to be taken into account when considering the suitability of an applicant

1. Evidence that the applicant is honest
2. That the operator is qualified by experience to run the type of sex establishment in question
3. That the operator understands the general conditions
4. That the operator is proposing a management structure which will deliver compliance with operating conditions e.g. through: -
  - a) Managerial competence
  - b) Presence
  - c) A credible management structure
  - d) Enforcement of rules internally eg. through training and monitoring
  - e) A viable business plan e.g. sufficient to employ door staff and install CCTV
  - f) Policies for welfare of performers
5. That the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored.
6. That the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
7. That the operator can show a track record of management of compliant premises or s/he will employ individuals who have such a track record.
8. Any other matter that the licensing authority considers relevant.