

LICENSING COMMITTEE

AGENDA



Friday 24 October 2025

at 10:00 am

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

MEMBERS: LICENSING COMMITTEE:

Councillors Allen, Bailey-Fleet, Clayton, Dodds, Dunbar (C), Feeney, Jorgeson, Little, Napper, Nelson (VC), Reeve and Thompson.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To approve the minutes of the Licensing Committee meeting held on 25th July 2025
 - 3.2 To confirm the minutes of the Licensing Sub-Committee held on 26th March 2025.
 - 3.3 To confirm the minutes of the Licensing Sub-Committee held on 23rd June 2025.
 - 3.4 To confirm the minutes of the Licensing Sub-Committee held on 5th August 2025.
 - 3.5 To confirm the minutes of the Licensing Sub-Committee held on 18th August 2025.
 - 3.6 To confirm the minutes of the Licensing Sub-Committee held on 19th August 2025.
 - 3.7 To confirm the minutes of the Licensing Sub-Committee held on 20th August 2025.

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

- 3.8 To confirm the minutes of the Regulatory Sub-Committee held on 16th July 2025.

4. ITEMS REQUIRING DECISION

- 4.1 Licensing Act 2003 – Statement of Licensing Principles – *Assistant Director (Regulatory Services)*
- 4.2 Private Hire and Hackney Carriage Licensing Policy – Hackney Carriage Colour – *Assistant Director (Regulatory Services)*

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

Date of next meeting – 12 December 2025 at 10:00 am in the Civic Centre, Hartlepool.



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

25 July 2025

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Nelson (In the Chair)

Councillors: Dodds, Little, Napper and Thompson.

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)
Rachael Readman, Trading Standards and Licensing Manager
Gemma Redfern, Solicitor
Joan Stevens, Democratic Services and Statutory Scrutiny Manager

5. Apologies for Absence

Councillors Allen, Bailey-Fleet, Clayton, Dunbar and Young.

6. Declarations of interest by Members

Councillor Napper declared an interest as she is personally acquainted with some of the taxi drivers present.

7. Confirmation of the minutes of the Licensing Committee meeting held 20 May 2025

Minutes confirmed

8. Receipt of the minutes of the Licensing Sub Committee meetings held on 14 February 2025, 5 March 2025, 11 March 2025 and 13 March 2025

Minutes received

9. Receipt of the minutes of the Regulatory Sub-Committee meetings held on 14 March 2025 and 2 May 2025

Minutes received

10. Private Hire and Hackney Carriage Licensing Policy – Assistant Director (Regulatory Services)

The Trading Standards and Licensing Manager confirmed that Hartlepool Borough Council, as the statutory licensing authority, has in place a Private Hire and Hackney Carriage Licensing Policy that details the standards expected of drivers, vehicles and operators to ensure the safety and comfort of the travelling public.

The Licensing Committee on the 13 December 2024 considered a petition, signed from members of the trade, requesting an amendment to the current policy regarding Euro 6 vehicle compliance by the 1 April 2025. Following consideration of the petition, and trade representatives, the Committee agreed that it would consider a revised policy at its meeting on the 13th March 2025. The revised policy to include several key changes, including an extension of the deadline for Euro 6 compliance to the 1st September 2025.

The revised policy, and commencement of a public consultation exercise, was approved by the Committee. Details of both consultations undertaken as part of the development and review of the policy were discussed and details of responses provided. In addition to the responses provided as part of the consultation, members of the trade were given the opportunity to express their concerns to the Committee in relation to the impact on their personal circumstances, the potential reduction in taxi numbers that might result and the need for a further extension of the deadline for compliance.

Following consideration of the concerns raised, and request for the further extension of the compliance deadline, it was noted that the current emission standards had been introduced into the policy in 2019, providing vehicle owners with five years to financially prepare for the change. In addition to this, only 29 of the private hire and hackney carriage vehicles licenced by Hartlepool Borough Council were currently non-compliant and any further delay in the deadline would not be possible without putting the safety of the public at risk.

Decision

The Private Hire and Hackney Carriage Licensing Policy 2025 was unanimously approved.

11. Licensing Act 2003 – Statement of Licensing Principles – Assistant Director, Regulatory Services)

The Assistant Director, Regulatory Services, reported that, under Section 5 of the Licensing Act 2003, each licensing authority must determine and publish a licensing policy every five years that details how it:

- Intends to discharge its licensing functions; and

- Expects licence holders to contribute towards the promotion of the Act's four licensing objectives.

The licensing policy does not create new obligations for existing licence holders but can be referred to when considering new applications or variations to existing licences.

The current licensing policy came into effective on the 1st January 2021 and a new or revised policy was now required by no later than 1st January 2026. Revisions to the policy being the inclusion of reference to "Martyn's Law" and identification of Public Health as a Responsible Body, whilst the Authorities stance on Cumulative Impact remains unchanged from the 2021 Policy.

The process for determination of the policy requires consultations with the persons listed in section 5(3) of the 2003 Act and whilst it was recognised that it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, it was recognised that all reasonable efforts must be made to do so. Approval for the commencement of the consultation was sought.

Decision

- i) The report was noted and the draft Statement of Licensing Policy, required by the Licensing Act, unanimously approved.
- ii) The commencement of consultation on the draft Statement of Licensing Policy was unanimously approved.

12. Any Other Items which the Chairman Considers are Urgent

Licensing Policy Workshop – The Committee considered the merits of holding of a workshop to allow Members to discuss the Licensing Policy in greater detail. Members were also given the opportunity to identify any other areas / issues that they may wish to be included as part of the workshop.

Decision

That a Licensing Policy Workshop be held before the next meeting of the Licensing Committee.

The meeting concluded at 10.40am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

26 March 2025

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

Present:

Councillor: Ben Clayton (In the Chair)

Councillor: John Nelson

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Martin Dunbar was in attendance as substitute for Councillor Matthew Dodds

Officers: Rachael Readman, Trading Standards and Licensing Manager
Garry Hutchison, Building Control Manager
Gemma Redfern, Solicitor
Jo Stubbs, Democratic Services Officer

Also Present:

Mark Morley and Sarah Slimings (Ha'Way Inn)
Sandy Gall, Phil Jukes and Matty Staithes (Cleveland Fire Brigade)

44. Apologies for Absence

Apologies were submitted by Councillor Matthew Dodds.

45. Declarations of interest by Members

Councillor Ben Clayton declared an interest due to his position as vice-Chair of the Fire Authority.

46. Application for a new premises licence – Ha'Way Inn, The Grange, Waldon Street, Hartlepool *(Assistant Director (Regulatory Services))*

Members were asked to consider a new premises licence for the Ha'Way Inn for a number of activities including music (live and recorded) and on premises supply of alcohol 7 days a week 11am-11pm. A representation had been received from the fire brigade under the licensing objective of public safety.

Mr Morley advised members that this was a particularly complex application in light of the building being in a conservation area and locally listed. He had sent numerous emails to the planning and licensing departments giving details of the various assessments that required completion and noting that he would need a minimum 3 weeks to lodge the application. The current issue was around building control but he was confident the planning application would be successful. The client was using his own money to upgrade the premises. Following concerns from the Fire Brigade work had stopped on the premises but it would continue if today's application was successful. If it was not the owner would not continue leading to job losses. In terms of the representation from Cleveland Fire Brigade this was the result of an anonymous call to the fire brigade. Since then all work had stopped on the premises and work was ongoing to improve fire safety on the premises. It was expected that this would be validated in 2 weeks. It had been suggested that this meeting be cancelled but Mr Morley had been keen to engage in discussions with Fire representatives.

The Building Control Manager advised that standard practice was to not commence any building work until the relevant application had been received and checked by his department. Part of this included consultation with the Fire Brigade. In this case due to changes to the means of escape which had not been properly checked the building was currently not classed as being safe for use. The planning permission application should have been made 6 months ago however Mr Morley felt the building application and licence were intertwined and there was no point submitting one without the other. He estimated that final information on both could be supplied within 2 weeks.

Cleveland Fire Brigade Station Manager Matty Staithes detailed the reasons for their representation. A complaint had been received relating to the provision of a suitable means of escape from the premises. Upon attending the premises it had become clear that refurbishment works were taking place but building regulations approval processes had not been adhered to. The Council had subsequently confirmed that the works were unauthorised and required a regularisation application. The local Fire Authority are statutory consultees when any premises, that falls under the Regulatory Reform (Fire Safety) Order 2005 (when occupied), is altered to an extent that requires Building Regulations approval. This ensures that the Fire Authority is satisfied that the Functional Requirements of Approved Document B (Fire Safety), and the requirements of the Regulatory Reform (Fire Safety) Order 2005 are met by the proposed building works. As no application has been made for building control approval the Fire Authority were unable to provide any assurance that the premises meets these requirements. At the time of Building Controls site visit they had identified numerous contraventions from a Building Control perspective (including fire safety issues) and had advised that all works should cease until a regularisation application was made.

In order to resolve this a regularisation application must be submitted and Cleveland Fire Brigade consulted to agree that the proposed works meet

the requirements of Building Control (Part B – Fire Safety) & the Regulatory Reform (Fire Safety) Order. Plans had been submitted following the anonymous complaint but these had not been representative of the building at the time. Mr Morley acknowledged the plan had been wrong but the owner did not have a current plan at the time of submission.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

Decision

That consideration of this application be adjourned for 28 days to allow time for discussions between the applicant and Fire Authority. Members felt that they needed more information before making a decision to approve or refuse this application. They made particular reference to part M (public safety) of the application which they felt needed more information. The meeting to be reconvened on 23rd April 2025.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

23 JUNE 2025

The meeting commenced at 11.00am in the Civic Centre, Hartlepool.

Present:

Councillor: Martin Dunbar (In the Chair)

Councillors: Quewone Bailey-Fleet and Mike Young

Officers: Rachael Readman, Trading Standards and Licensing Manager
Claire McPartlin, Democratic Services and Legal Support Officer
Jo Stubbs, Principal Democratic Services and Legal Support Officer

1. Apologies for Absence

None

2. Declarations of interest by Members

None.

3. To approve the minutes of the meetings held on 14 February 2025, 5 March 2025, 11 March 2025 and 13 March 2025

Minutes approved

4. Application for the review of a premises licence – Headland Local Shop, 31 Northgate, Hartlepool – (Assistant Director, Regulatory Services)

Members were advised that the appellant had requested an adjournment of this hearing for personal reasons. A revised date of 31st July at 10am was suggested and members were happy to approve this. It was noted that should any member be unable to attend on that date they should appoint a substitute.

Decision

That the meeting be adjourned and reconvened on Thursday 31st July at 10am

The meeting commenced at 10.00am on Thursday 31st July in the Civic Centre, Hartlepool.

Present:

Councillor: Martin Dunbar (In the Chair)

Also Present: in accordance with Council Procedure Rule 4.2.
Councillor John Nelson as substitute for Councillor Quewone Bailey-Fleet and Councillor Amanda Napper as substitute for Councillor Mike Young

Officers: Craig Blundred, Director of Public Health
Rachael Readman, Trading Standards and Licensing Manager
Josh Maitland, Senior Trading Standards Officer
Gemma Redfern, Solicitor
Jo Stubbs, Principal Democratic Services and Legal Support Officer

Also Present: Sivatheeson Sivasubramaniam – Headland Local Shop
Sureshkumar Kanapathipillai – Legal Representative for Headland Local Shop
PC Claire Lawton – Cleveland Police

5. Apologies for Absence

Councillors Quewone Bailey-Fleet and Mike Young

6. Declarations of interest by Members

None.

7. Application for the review of a premises licence: Headland Local Shop, 31 Northgate, Hartlepool (Assistant Director, Regulatory Services)

A copy of the log book showing refusals and incidents relating to the premises had been provided and was distributed to members prior to the start of the meeting.

Trading Standards had requested a review of this premises licence. This was on the grounds of the premises licence holder supplying illegal vapes, allowing underage sales and failure to comply with the CCTV condition attached to the premises licence. In December 2024 an underage sales

operation had resulted in the successful sale of cigarettes and cigarette papers to 2 underage volunteers. At the time the volunteers had been asked for identification but had been sold the items despite confirming they did not have identification. In December 2024 officers had entered the premises to obtain a copy of the CCTV showing this sale. At that time they had identified 270 illegal vapes on open display behind the counter which had been seized. At that time the member of staff present had been told that the CCTV footage of the illegal sale would need to be provided. However this had never happened despite numerous requests within the 31 day period after the sale (the length of time the footage is legally required to be retained for). It was also clear that the staff member had not been trained in how to obtain the CCTV.

The review was supported by Cleveland Police and Hartlepool Borough Council's Public Health Department. Both had provided statements of support.

Consideration of this application had been deferred from 23rd June at the request of the appellant. The Trading Standards and Licensing Manager informed Members that in the interim an application had been submitted to amend the name of the premises licence holder to Mr Sivatheeson Sivasubramaniyam. Mr Sangarapillai Nagenthiran had been removed from this post but remained as the Designated Premises Supervisor.

The Senior Trading Standards Officer advised members that at the time the vapes had been seized they had been illegal due to their nicotine content rather than due to their disposable nature (something which had been brought into law after December 2024). This had been the case for 9 years and a letter detailing this had previously been sent to the premises. He also noted that officers had attended the premises 3 times requesting a copy of the footage but nobody in attendance at any time had been able to supply it. It had also been unsuccessfully requested via email.

PC Lawton spoke in support of the review. Home office guidance is that using a premises for sale and storage of illegal alcohol, tobacco or vapes has links to drug dealing, money laundering and human trafficking. It also raised serious concerns around the owner's ability to uphold all 4 of the licensing objectives. This was a deliberate breach of the law and a prioritisation of profit over public safety. Cleveland Police were fully supportive of robust enforcement in this matter.

The Director of Public Health indicated his support for the review highlighting concerns around the rates of smoking in Hartlepool and the need to prevent people from ever starting.

Mr Kanapathipillai spoke on behalf of Mr Sivasubramaniyam. This was the first time any issues had ever been raised regarding these premises despite them being in the ownership of Mr Nagenthiran since 2017. In terms of the underage sales he accepted that a mistake had been but it had been

rectified and the staff involved no longer work at the Headland Local Shop. Mr Nagenthiran was 68-years-old and in poor health therefore it had been deemed that he was no longer able to manage the premises and he had been removed as premises licence holder. An application to remove him as Designated Premises Supervisor and replace him with Mr Sivasubramaniyam was pending. These events had taken place more than 6 months ago and in that time a Challenge 25 policy had been introduced and new staff had been employed and fully trained.

In terms of the CCTV the only issue had been the failure to provide the downloaded evidence. It had been available for police to view at the premises and had been supplied previously on over 100 occasions but at this time staff had been unaware of how to download it. Since then staff had been fully trained in how to do this.

In terms of the illegal vapes Mr Nagenthiran had not been aware that these were illegal products. If he had been they would not have been on public display. To conclude Mr Kanapathipillai noted that running a business was very challenging but Mr Nagenthiran had always been co-operative with the police and local authority. It was 6 months since these events had taken place and since then new staff had been employed and trained and Mr Sivasubramaniyam had taken over as premises licence holder meaning Mr Nagenthiran would have no involvement in the day to day running of the premises. Mr Sivasubramaniyam would be happy to fulfil any other conditions deemed necessary by the sub-committee as his family rely on the business. He was aware of the licensing objectives and would fulfil them all.

The Trading Standards and Licensing Officer highlighted that Mr Kanapathipillai had indicated that Mr Nagenthiran had been premises licence holder since 2017 whereas official documentation suggested this was 2019.

PC Lawton referred to Mr Kanapathipillai's assertion that CCTV footage had been supplied to officers over 100 times. Mr Kanapathipillai advised this was an estimate and had been footage from outside the premises to assist with police investigations. PC Lawton commented that this was not something that the premises licence holder could get into trouble for.

The Senior Trading Standards Officer noted that as part of the investigation the premises licence holder had given contradictory information as to where the vapes had been purchased. They had initially said they had purchased them from a supplier who had delivered them but not given their name and address despite being asked for this. Any delivery of goods should have documentary evidence and receipts attached to it. Mr Kanapathipillai confirmed that the premises holder at the time was responsible for these purchases and had been unable to provide information on the identity of the supplier. Mr Sivasubramaniyam was not aware of their identity. The

Trading Standards and Licensing Manager noted that Mr Nagenthiran was still the official Designated Premises Supervisor.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision.

Decision

That the premises licence be revoked. This was a unanimous decision.

The Applicant, Trading Standards, sought a review of the Premise Licence of Headland Local Shop on the basis that the Licence Holder was selling illicit tobacco products, has made underage tobacco sales and has failed to comply with the conditions as attached to the Premise Licence.

The previously scheduled sub-committee meeting in this matter was adjourned on 23 June 2025 when the then Premise Licence Holder and Designated Licence Supervisor, Mr Sangarapilli Nagenthiran, sought an administrative adjournment. At the time the matter was returned to the sub-committee the Premise Licence holder in respect of the Headland Local Shop had been changed to Mr Sivatheesan Sivasubramaniyam and the Designated Supervisor remained as Mr Sangarapilli Nagenthiran.

Representations were heard regarding the ownership and management of the Local Headland Shop via a representative on behalf of Mr Sivatheesan Sivasubramaniyam .It was indicated that Mr Nagenthiran was the manager of the shop and that the new Premises Licence Holder was the legal owner of the same and that he had been the legal owner of the shop for the duration of the Premises Licence currently in place. Mr Sangarapilli intended to retire due to health issues and an application to change the Designated Supervisor would be forthcoming.

The committee accepts that the sale of illicit tobacco items presents a danger to the public and the underage sales of cigarettes is criminal and presents a danger to children. The previous Licence Holder and current Designated Supervisor had allowed the sale of illicit items and cigarettes to children. Further breaches of the Premise Licence conditions have been observed pertaining to the operation of CCTV systems within the premises. The present Licence Holder and legal owner of the Headland Shop had been the legal owner throughout the period of the Premise Licence, despite the change to the named Premises Licence Holder.

Unanimous decision to revoke the Premise Licence of The Headland Local Shop.

The Licence Holder has sold illicit tobacco products and cigarettes to children and has operated contrary to the Premise Licence conditions. Despite the

change in the named Premise Licence Holder, given the historical ownership of the business, the sub-committee has concerns over a systematic problem in management generally and could not be satisfied that a change of the named Premise Licence Holder would address the licence breaches to date. A short suspension of the Premises Licence would be insufficient to ensure that the Licensing Objectives were not undermined. A revocation of the licence was proportionate and necessary to uphold the licensing objectives. To allow the Licence Holder to retain the Premise Licence would undermine Licensing Objectives, namely

- the prevention of crime and disorder,
- Protection of children from Harm, and
- public safety.

The meeting concluded at 11:36am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

5 August 2025

The meeting commenced at 10:00 am in the Civic Centre, Hartlepool.

Present:

Councillor: Gary Allen (In the Chair)

Councillors: Tom Feeney

Also Present: Councillor Amanda Napper as substitute for Councillor Sue Little in accordance with Council Procedure Rule 4.2.

Officers: Sylvia Pinkney, Assistant Director, Regulatory Services
Rachael Readman, Trading Standards and Licensing Manager
Zoe Craig, Environmental Health Manager
Abigail Reay, Advanced Public Health Practitioner
Gemma Redfern, Solicitor Litigation
Angela Armstrong, Principal Democratic Services and Legal Support Officer
Claire Mcpartlin, Democratic Services and Legal Support Officer

Also Present: PC Clare Lawton, Cleveland Police
Jonathan Tomlinson, Solicitor, Cleveland Police
Stuart Epsin, Applicant
Linda Baker, Business Partner of Applicant

8. Apologies for Absence

Councillor Sue Little.

9. Declarations of interest by Members

None.

10. Application for a new premises – Topsy Doorman, 56 Church Street, Hartlepool *(Assistant Director, Regulatory Services)*

Members were asked to consider an application for a new premises licence in respect of the Topsy Doorman, 56 Church Street, Hartlepool.

A Limited Liability Company had previously held a premises licence for the Topsy Doorman however the company had since dissolved. Under the Licensing Act 2003, licences held by any limited liability company that becomes insolvent or dissolved are immediately lapsed. An application could be received within 28 days of the company's dissolution to transfer the licence to a new entity however the licence holders failed to transfer the licence within the permitted timeframe therefore the premises licence had lapsed.

A new premises licence application had been received in February 2025 to the Licensing Sub Committee with representatives from the Licensing Authority, Cleveland Police and Environmental Health (Environmental Protection) in attendance. Concerns had been raised around the 4 am terminal hour within the application. Following due consideration Members granted the licence for a fixed term of six months. The licence was due to expire on 14 August 2025 therefore a new application was to be considered.

Representations had been received from Cleveland Police, Environmental Health and the Licensing Authority. The representations made reference to Licensing Objectives including;

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety

The Advanced Public Health Practitioner provided a supporting letter with Licensing Objectives around the prevention of crime and disorder and public safety.

Hartlepool Borough Council's Licensing Policy which had been last updated in 2021 stated in non-residential areas applications for licences to allow the sale of alcohol or supply of late-night refreshments beyond 2 am would normally be refused subject to relevant representations being received.

The Applicant gave a detailed statement in support of the new premises application. It included the following:

- Security staff had been doubled in February 2025.
- One incident had taken place involving drug dealers, this was not linked to the Topsy Doorman. Security staff did not become involved until one male produced CS Gas. The CCTV Team had been informed and they had contacted the Police.
- The Topsy Doorman always aided and worked closely with emergency services.

- Reference was made to a point raised within the Committee in February 2025 that the door supervisors for the Topsy Doorman regularly provided assistance should there be accidents and emergencies in the general area. They have first aid qualifications, access to a trauma first aid pack and often wear body CCTV. They also have handheld metal detectors onsite. Closing the premises at 2 am would take this provision away from the area as a whole and remove a safe haven from people wanting to get away from external conflict.
- The 2 am closure requirement would create financial difficulties for the business.

In response to questions received from Committee Members, the Applicant provided the below clarification:

- Topsy Doorman staff had become reliant on the CCTV radio to report incidents, the Applicant had raised this issue and discussed with Police.
- The only bars / clubs currently open on Church Street between 2 am and 4 am are the Topsy Doorman, Club H and the Hillcarter.
- The Applicant advised as the Licensee and Head of Door Staff it could be a hard balance in particular when dealing with conflict. However the aim is the same, to provide a safe and enjoyable environment for staff and customers. The Applicant had a personal relationship with some members of the door staff however had previously dismissed and suspended staff in the past when required.

The Licensing and Trading Standards Manager indicated that this hearing was about the four licensing objectives. Hartlepool Borough Council's Licensing Policy advises longer opening hours would not be a benefit to Hartlepool. The 2 am closure had been incorporated into the policy in 2011; any premises granted a licence prior to this may have had a 4 am licence granted. Since that time the policy had been reviewed every five years and the closure hour of 2 am had been deemed appropriate. The policy is due for consultation and a new Policy will be adopted 1st January 2026.

The Licensing and Trading Standards Manager provided details regarding venues in Church Street, Hartlepool with a 4 am licence;

- Hillcarter, 4 am licence issued in 2005
- Club H, 4 am licence issued in 2005

The Environmental Health Manager (Environmental Protection) expressed to not object to the licence, but to the 4 am closure and would strongly recommend closing no later than 2 am. The 4 am licence had been granted at the last Committee for a six-month period; however, a number of

conditions had been proposed including the installation of a noise limiter. No confirmation had been received that the conditions had been met. No noise complaints had been received in the last six months however this does not provide a reliable indicator. Premises could maintain limitations for noise over a short period. The 4 am closure would not be granted under the new policy. It is important to apply opening hours consistently and appropriately to everyone. To grant this 4 am licence would set a precedent to other businesses. The Environmental Health Manager (Environmental Protection) recommended the closure time at 2 am in wider interest to community wellbeing.

The Applicant advised that the noise limiter had been put in place by an external company. The Environmental Health Manager (Environmental Protection) noted the noise limiter had been put into place however advised this needed to be set by the Local Authority.

The Advanced Public Health Practitioner provided a letter of support and advised Hartlepool are in the top 10 in the United Kingdom for increased hospital admission for injury or assault as a result of alcohol usage. Three out of four people are not accessing support for alcohol related issues. Public Health would support alcohol sales up until 2 am.

CCTV footage had been supplied and was presented to the Committee. PC Lawton provided a description of the events within the footage. The footage showed two separate incidents of violence outside the Topsy Doorman.

In addition to all of the information provided by Cleveland Police, the Police Solicitor elaborated on the reasons they had objected to the new licence. In the Church Street area there are a number of pubs, clubs and late-night venues, if sales of alcohol were allowed up until 4 am this would lead to a rise in alcohol related disorder. A list of incidents at the Topsy Doorman had been provided. 71.4% of calls to Police in this area are related to violence, although not all are linked to the Topsy Doorman, this area showed a repeat of offences including drunkenness and aggressive behaviour.

PC Lawton advised the Police had worked with the Local Authority and introduced several initiatives including free APEX Radios, strengthening of the Church Street Forum and Church Street Pub Watch. PC Lawton was not aware of any venues which had incidents as frequently as the Topsy Doorman. Reviewing CCTV footage showed revelers outside of the venue frequently.

The Applicant further explained the incidents which had been shown on the CCTV footage which he advised had resulted in one member of door staff being dismissed and another being suspended.

A Member asked if any further training would be available for door staff to undertake. The Applicant advised training around restraint could be sought which was used by the Police and Prison Service. Conflict Management

Training could also be available for staff to obtain a Level 2 and Level 3 qualification.

Decision

The Applicant (Stuart John Mark Espin of The Tipsy Doorman) previously benefitted from a Premise Licence which was held by a Limited Liability Company, which lapsed when the Limited Liability Company was dissolved prior to February 2025. No application to transfer the Premise Licence to a new entity was made within the 28 date period as set out in the Licensing Act 2003 and accordingly a fresh application for new Premise Licence was required.

The Applicant, in making a fresh Premise Licence Application, sought to replicate the timings for Licensable Hours of 10am-4am for Licensable Activities, as had been permitted under the previous Premise Licence. The Application included a revised Operating Schedule.

A new Premise Licence Application was brought before the Licensing Sub Committee on 14 February 2025. The Application had been advertised in the prescribed manner and three representations had been received from Cleveland Police, Public Protection, Environmental Health (Environmental Protection) and the Licencing Authority expressing concerns over the terminal hour of 4am within the application. Additional licence conditions had been agreed in advance of the Sub Committee Meeting.

The representations received had not objected to the granting of the Premise Licence in principle, but instead sought the Licensable Hours of 10am-4am for Licensable Activities be limited to 10am-2am in line with the Licencing Policy and in order to further the Licencing Objective.

The Premise Licence was granted to the Applicant with the following modifications to the Operating Schedule, as was felt proportionate and necessary to the promotion the Licencing Objectives as set out in the Hartlepool Borough Council Licensing Policy 2021.

Having considered the strong submissions of Cleveland Police it was acknowledged that these premises had been blighted by a number of incidents of crime and disorder, both in and outside of the premises. Such are the issues in this location that Cleveland Police have put in place a Public Space Protection Order to enable them to deal with incidents that have been occurring. Upon consideration of the evidence put forward by the Applicant the sub committee remained gravely concerned that incidents would continue to arise in and around these premises. It was emphasised that it was imperative that the Applicant worked closely with both the Local Authority and Cleveland Police to address these concerns. The Sub Committee, upon hearing the Premise Licence Application on 25 February 2025 felt it necessary to further the licensing objectives, that there be an enhanced period of monitoring to encourage compliance and reassure the public. The Operating Schedule was therefore modified to grant the Premise Licence, on

the condition that it was for a fixed period of 6 months by virtue of sections 17(4)(d), 18(3)(b), 18(4)(a)(i) and 18(5) and s26 of the Licensing Act 2003. The same enabling the effects of the Premise Licence to be monitored in advance of a fresh Premise Licence Application, with any further representations to be made with regards to the period in which the Premise is in effect, whereby Licence Reviews can be sought in the ordinary manner should the same become necessary. The same was considered to be a proportionate response to the Application rather than an outright rejection.

The new Premise Licence Application in July 2025, again sought to carry out Licensable Activities between the hours of 10am-4am. Again representations were received from the relevant authorities, namely from Cleveland Police, the Licensing Authority and Public Protection, Environmental Health. They had not objected to the granting of the Premise Licence in principle, but instead sought the Licensable Hours of 10am-4am for Licensable Activities be limited to 10am-2am in line with the Licensing Policy and in order to further the Licensing Objectives. Additional Licence Conditions were agreed with the Applicant and relevant authorities in advance of the meeting.

In consideration of the fresh application for a premise licence (to take effect shortly prior to the lapse of the Premise Licence granted for a fixed duration), the Sub Committee heard evidence regarding further incidents in or around the Premises which had taken place during the period of the fixed term Premise Licence and historically. Evidence was also heard in respect of changes made by the Applicant in order to better address on-going and historical issues.

The Sub Committee carefully considered all evidence heard and Licensing Policy of Hartlepool Borough Council. It was felt that in order to uphold and promote the Licensing Objectives namely; the prevention of crime and disorder, public safety and to prevent public nuisance, it was necessary and proportionate to grant the licence but restrict the Licensable hours for Licensable Activities to between the hours of 10am-2am. The Licensing Policy of Hartlepool Borough Council is clear on Licensable hours for Licensable Activities and the incidents in or around the Premise were on-going, despite the enhanced period of supervision during the fixed term Premise Licence period.

The Premise Licence is granted unanimously with an amended operating schedule to reflect the licensing hours of 10am-2am, restricting all licensable activities to between the hours of 10am -2am. The agreed licensing conditions are to be included within the Premise Licence.

The meeting concluded at 12:05 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

18th August 2025

The meeting commenced at 10:00 am in the Civic Centre, Hartlepool.

Present:

Councillor: John Nelson (In the Chair)

Councillor: Not present

Also Present: Councillor Martin Dunbar as substitute for Councillor Carole Thompson in accordance with Council Procedure Rule 4.2.
Councillor Tom Feeney as substitute for Vacancy in accordance with Council Procedure Rule 4.2.

Officers: Rachael Readman, Trading Standards and Licensing Manager
Gemma Redfern, Solicitor Litigation
Claire Mcpartlin, Democratic Services and Legal Support Officer

Also Present: PC Clare Lawton (Cleveland Police)
Janet Sturrock (The Applicant)

11. Apologies for Absence

Apologies for absence were submitted by Councillor Carole Thompson.

12. Declarations of interest by Members

None.

13. Application for a new premises licence – High Throston Golf Course, Worset Lane, Hartlepool (Assistant Director, Regulatory Services)

Members were asked to consider an application for a new premises licence in respect of Throston Golf Club, Worset Lane, Hartlepool. The Applicant had been seeking a licence for supply of alcohol on the premises Monday – Sunday 11:00 until 22:00 and opening hours of Monday – Sunday 11:00 – 22:30.

A number of public representations had been received and they were attached at Appendix 4, 5, 6 and 7. The representations made reference to the following licensing objectives:

- The Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

The Applicant had agreed conditions for the Premises Licence with Cleveland Police and they were attached at Appendix 8.

The Applicant's Solicitor made reference to the previous manager of the golf club who had been the main objector of the application and provided background history of the arrangements that had previously been in place around the management of the site.

Several allegations had been made against the Applicant as part of the objections including the employment of known criminals and excessive noise. The Applicant was able to provide proof of employment for all current employees.

The Trading Standards and Licensing Manager had contacted the Local Authority's Anti-Social Behaviour Unit prior to the meeting who advised there had been no reported incidents of excessive noise in that area.

Prior to the meeting, PC Clare Lawton had attended the golf club and met with the Applicant to discuss the new premises licence application. PC Lawton reported that the bar area of the golf club had been calm and gentle. The bar area is small with alcoholic refreshments being available only by cans and bottles. No complaints of noise had been received regarding the premises.

Decision

The Applicant, Janet Sturrock, along with her legal representative appeared on behalf of High Throston Golf Course, Worset Lane, Hartlepool, in respect of the application for a new Premise Licence.

In advance of the hearing, conditions for the Premise Licence were agreed with Cleveland Police.

Representations were received from 4 local residents the same made a number of allegations surrounding criminal activity, nuisance and connections to the same and citing 3 of Licensing Objectives as reasons for objections, namely:

- The Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

The Relevant Authorities had no objections to the Premise Licence.

The subcommittee heard representations regarding the allegations as set out in the objections from the Applicant, which included a complicated back history connecting the main objector to the Premise itself (former manager and husband of the previous Premise Licence Holder) and connected legal disputes with the Applicant. The objectors did not attend the subcommittee meeting.

Cleveland Police and the Local Authority indicated that no reports of such incidents as set out in the objections could be corroborated as no reports had been made in respect of the same.

After careful consideration, the subcommittee found that the allegations as set out in the objections were unsubstantiated.

Unanimous decision to grant the Premise Licence with conditions as agreed with the Relevant Authorities and the Applicant. The agreed Licence conditions are sufficient to ensure that the Licensing Objectives are not undermined.

The meeting concluded at 10:30 am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

19 August 2025

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

Present:

Councillor: Matthew Dodds (In the Chair)

Councillors: Ben Clayton and Amanda Napper

Officers: Rachael Readman, Trading Standards and Licensing Manager
Gemma Redfern, Solicitor Litigation
Angela Armstrong, Principal Democratic Services and Legal Support Officer

15. Apologies for Absence

None.

16. Declarations of interest by Members

None.

17. Application for a New Premises Licence – 77 Church Street *(Assistant Director, Regulatory Services)*

Members were informed that the applicant was unable to attend this meeting and had requested the meeting be adjourned and reconvened at a later date.

Decision

Members' agreed to adjourn the meeting and reconvene on 11 September 2025 at 2.00 pm.

The meeting was adjourned at 10.20am

The meeting commenced at 2:10 pm on Thursday 11th September in the Civic Centre, Hartlepool.

Present:

Councillor: Matthew Dodds (In the Chair)

Councillors: Amanda Napper and Ben Clayton

Officers: Rachael Readman, Trading Standards and Licensing Manager
Gemma Redfern, Solicitor Litigation
Claire McPartlin, Democratic Services and Legal Support Officer

Also present: Sureshkumar Kanapathipillai – Legal Representative for 77 Church Street
Quinton Benette – Applicant, 77 Church Street

18. Apologies for Absence

None.

19. Declarations of Interest by Members

None.

20. Application for the review of a premises licence – 77 Church Street, Hartlepool *(Assistant Director, Regulatory Services)*

Members were asked to consider an application for a new premises licence in respect of 77 Church Street, Hartlepool. The Applicant had initially been seeking a licence for supply of alcohol on the premises Monday – Sunday 08:00 am until 11:00 pm and late-night refreshment Monday – Sunday 11:00 pm until 01:00 am.

A representation had been received from 14 local businesses which was attached at Appendix 4. The representations made reference to the following licensing objectives:

- The Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

The Applicant had agreed conditions for the Premises Licence with Cleveland Police and they were attached at Appendix 5.

In response to a question raised by a Member, the Applicants Legal Representative advised late night refreshments had been withdrawn from the application. The Premises Licence and opening times would therefore operate simultaneously Monday – Sunday 08:00 am until 11:00 pm.

Following a question from a Member, the Applicants Legal Representative advised a delivery service would be available from the store via third-party services. The Solicitor Litigation assured Members the sales of alcohol via a third-party APP requires proof of ID.

The Trading Standards and Licensing Manager read a statement received from the objectors to the Committee. The statement raised several concerns including the potential increase in Anti-Social Behaviour with an additional venue which supplied alcohol on Church Street with limited Police resources.

A Member questioned whether any procedures had been put in place to protect members of the public and staff within the store regarding the sale of alcohol. The Applicants Legal Representative advised the store would not sell single cans of alcohol or high strength beer. In terms of security, this had not been looked into due to the financial implications however, the Legal Representative advised if this was felt necessary by Police it would be considered.

The Applicants Legal Representative addressed the Committee to advise the objection received referred to the initial operating schedule which had been amended. There was reference to the potential increase in Anti-Social Behaviour which the Legal Representative felt was unreasonable and unfair. It was expressed that the new hours on the application (Monday – Sunday 08:00 am until 11:00 pm) would be generally expected of a convenience store and are proportionate.

Decision

The Applicant, Quinton George Benette, along with his legal representative appeared on behalf of 77 Church Street, Hartlepool, in respect of the application for a new Premise Licence. The original application sought including an operating hours of 6am - 1am Monday to Sunday and included sales of late-night refreshments.

In advance of the hearing, conditions for the Premise Licence were agreed with Cleveland Police, who had not attended due to withdrawing any previously held objections in light of the additional agreed conditions.

The Applicant indicated that the licence application had been amended and no longer included sales of late-night refreshments and the operating schedule had been amended to include operating hours and opening hours of 8am-11pm Monday to Sunday.

Representations were received via correspondence signed by 14 local businesses, the same raised a number of concerns around late night off licence-sales and stating that the same should be refused or

strictly curtailed, citing concerns over anti-social behaviour and indicating that their main concerns surrounded public safety. The objections related to 3 of the Licensing Objectives, namely:

- The Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

The Relevant Authorities had no objections to the Premise Licence.

Unanimous decision to grant the Premise Licence with conditions as agreed with the Relevant Authorities and the Applicant.

The subcommittee carefully considered the representations made by the objectors, received both via letter and email (and read in their absence). The sub-committee concluded that the new operating schedule and additional licencing conditions as agreed upon with the Applicant and Cleveland Police were sufficient to ensure that the Licensing Objectives were not undermined.

The meeting concluded at 2:45 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

20th August 2025

The meeting commenced at 2:00 pm in the Civic Centre, Hartlepool.

Present:

Officers: Claire Mcpartlin, Democratic Services and Legal Support Officer

21. Meeting Abandoned

Following the withdrawal of the application, the meeting was abandoned. The Chair and his colleagues had been advised of the situation prior to the meeting.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

16th July 2025

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

Present:

Councillor: Matthew Dodds (In the Chair)

Councillor: Sue Little, Amanda Napper

Also Present: Councillor John Nelson as substitute for Councillor Gary Allen in accordance with Council Procedure Rule 4.2.

Officers: Rachael Readman, Trading Standards and Licensing Manager
Gemma Redfern, Solicitor Litigation
Sophie Kerrigan, Observer
Angela Armstrong, Principal Democratic Services and Legal Support Officer
Claire Mcpartlin, Democratic Services and Legal Support Officer

1. Apologies for Absence

Apologies for absence were submitted by Councillor Gary Allen.

2. Declarations of interest by Members

None.

3. Minutes of the meeting held on 2nd May 2025

Confirmed.

4. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of

the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 38 – Private Hire Driver Licence LC – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

Minute 39 – Private Hire Driver Licence RN – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

- 5. Private Hire Driver Licence LC** (*Assistant Director (Regulatory Services)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information).

Members were asked to determine whether an applicant was a fit and proper person to hold a private hire drivers' licence. Further details in the closed minutes.

Decision

Detailed in the closed minutes.

- 6. Private Hire Driver Licence RN** (*Assistant Director (Regulatory Services)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information).

Members were asked to determine whether an applicant was a fit and proper person to hold a private hire drivers' licence. Further details in the closed minutes.

Decision

That the meeting be adjourned and reconvened to a future date.

CHAIR

LICENSING COMMITTEE

24th OCTOBER 2025



Report of: Assistant Director (Regulatory Services)

Subject: LICENSING ACT 2003 – STATEMENT OF
LICENSING PRINCIPLES

1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
- where people will be safe and protected from harm.
- that is connected, sustainable, clean and green.
- that has an inclusive and growing economy.

2. PURPOSE OF REPORT

- 2.1 To provide feedback following the formal consultation exercise relating to the proposed draft Statement of Licensing Policy, attached as **Appendix 1**.
- 2.2 To seek approval of the proposed draft Statement of Licensing Policy as required by the Licensing Act 2003.
- 2.3 To seek a formal recommendation for adoption of the Statement of Licensing Policy made by the Licensing Committee, to full council, at its meeting in November 2025.

3. BACKGROUND

- 3.1 Section 5 of the Licensing Act 2003 states that each licensing authority must determine and publish a licensing policy every five years
- 3.2 The current licensing policy became effective as of 1st January 2021 and, as such, a new or revised policy must be published no later than 1st January 2026.

- 3.3 A licensing policy details how the licensing authority intends to discharge its licensing functions and also details how it expects licence holders to contribute towards the promotion of the Act's four licensing objectives which are: -
- Prevention of public nuisance
 - Public safety
 - Prevention of crime and disorder
 - Protection of children from harm
- 3.4 A licensing policy does not create new obligations for existing licence holders but can be referred to when considering new applications or variations to existing licences.

4. PROPOSALS

- 4.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 4.2 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police;
 - the fire and rescue authority;
 - the local authority's Director of Public Health in England (DPH)
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.
- 4.3 The draft statement of Licensing Policy was published for public consultation between 11th August 2025 to 29th September 2025. This was publicised on the Licensing Authorities website and was promoted through Hartlepool Borough Council Social Media accounts. The social media approach to consultation is aimed at those who may be affected by the Policy but are not licence holders, for example patrons.
- 4.4 Individuals, agencies and organisations listed in section 5(3) of the Licensing Act 2003 were consulted with directly. The below is a breakdown of the individuals/ organisations that were consulted with directly:

- 17 Club Premises Certificate Holders

- 256 Premises Licence Holders
- 294 Personal Licence Holders
- The Chair of Hartlepool Licensee Association / Pubwatch

- 4.5 One formal response to the consultation was received, this response was from Cleveland Police positively stating:

Cleveland Police fully support Hartlepool Borough Councils Licensing Policy and continue to do so. Cleveland Police believe that the policy is realistic and provides a frame work for managing the local nighttime economy and upholding the licensing objectives.

- 4.6 A couple of phone calls were received by the Licensing Authority requesting clarification of the Policy and if it would have retrospective impact on licenses already granted clarity was provided in these circumstances.
- 4.7 A new paragraph has been introduced to the Policy referencing “Martyn’s Law”. Martyn’s Law has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would expect all licensees to comply with any requirements set out within the Act as and when it comes into force.
- 4.8 A new section has been introduced to the Policy referencing Public Health as a Responsible Body. There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 4.9 The Authorities stance on Cumulative Impact remains the same as the 2021 Policy. The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and has determined not to publish any Cumulative Impact Assessments.

5. OTHER CONSIDERATIONS/ IMPLICATIONS

Risk Implications	None
Financial Considerations	None
Legal Considerations	It is a legal obligation for Hartlepool Borough Council to publish a Licensing Act 2003 Policy every five years and, as such. A new

	statement must be published no later than January 2026.
Equality and Diversity Considerations	None
Staff Considerations	None
Asset Management Considerations	None
Environmental, Sustainability and Climate Change Considerations	None

6. RECOMMENDATIONS

- 6.1 That Members note the contents of this report and approve the Statement of Licensing Policy as required by the Licensing Act 2003 as detailed in **Appendix 1**.
- 6.2 That members make a formal recommendation for adoption of Licensing Act 2003 Policy as contained in **Appendix 1** to Full Council at its meeting November 2025.

7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a legal obligation for Hartlepool Borough Council to publish a Statement of Licensing Policy every five years and, as such, a new policy must be published no later than January 2026.

8. BACKGROUND PAPERS

- 8.1 Revised guidance issued under Section 182 of Licensing Act 2003

[Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

9. CONTACT OFFICERS

Sylvia Pinkney
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HARTLEPOOL BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

2026

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APPENDIX ONE

1. INTRODUCTION

- 1.1 This policy statement is based on the provisions of the Licensing Act 2003 and has taken full account of the guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport (DCMS).
- 1.2 This policy will apply for a period of five years from 1st January 2026. It will be kept under review and revised/amended if considered appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation.

The Borough of Hartlepool

- 1.3 Hartlepool Borough Council, acting as the licensing authority for the Licensing Act, recognises the benefits to Hartlepool of a thriving service economy and wishes to promote, wherever possible, a town that meets and exceeds the requirements of its residents and visitors. However, the licensing authority recognises that certain types of licensed premises, particularly those offering alcohol and/or music, may have a detrimental impact on those who live nearby through the escape of noise or the actions of patrons both on and off the premises.
- 1.4 The licensing authority intends to seek a balance between the needs of residents and local businesses by using this Licensing Policy, and other strategies, to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in Hartlepool.

Legal Background to this Policy Statement

- 1.5 Hartlepool Borough Council, acting as the licensing authority, is able to grant or reject applications for the sale of alcohol, the provision of regulated entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime, disorder and public nuisance will be attached to licences where appropriate. However, the ability of licensing authorities to grant licences and attach conditions is limited by provisions in the Act, Regulations made under the Act and by guidance from the Secretary of State. The licensing authority must have regard to the guidance and will deviate only where there are justifiable reasons for doing so.
- 1.6 In formulating this policy document the licensing authority has had regard to the provisions of the European Convention on Human Rights, recognising that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions.

- 1.7 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which will be incompatible with a convention right. The licensing authority will endeavour to ensure that any licensing decision does not cause a breach of a convention right.
- 1.8 The licensing authority in taking into account the provisions of the Crime & Disorder Act 1998 will also have regard to the likely effect of the exercise of their functions on crime and disorder in their area.

2. PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose

- 2.1 The licensing policy has four main purposes:
- To reinforce to elected Members on the Licensing Committee, the boundaries and powers of the local authority, and to provide them with parameters under which to make their decisions.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within the area. (Note however that each case will be examined on an individual basis.)
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs and concerns will be addressed.
 - To support decisions made by the licensing authority when these decisions are challenged in a court of law.

Scope

- 2.2 The Act is concerned about the supply and sale of alcohol, the provision of certain entertainment and late night refreshment.
- 2.3 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:
- Retail sale of alcohol
 - Supply of hot food or drink from a premises from 23.00 to 05.00 hours
 - Supply of alcohol or provision of regulated entertainment to club members or guests
 - Provision of regulated entertainment listed below to the public or section of the public, or club members or with a view to profit:

- Performances of a play
- Exhibition of a film
- Indoor sporting events
- A boxing or wrestling entertainment
- Live music performances
- Playing of recorded music
- Dance performances

- 2.4 The scope of the policy covers new applications, renewals, transfers, variations and reviews of both premises licences, personal licences and club premises certificates. The policy also applies to temporary events notices (TEN's).

3. TYPES OF LICENCES

Personal Licences

- 3.1 A personal licence will be granted where an applicant:
- a) is aged 18 or over
 - b) possesses an accredited licensing qualification
 - c) has not forfeited a personal licence in the last 5 years
 - d) has not been convicted of a relevant offence
- 3.2 The licensing authority will, however, reject any application where the applicant fails to meet a), b) or c) above.
- 3.3 Where an applicant has an “unspent” relevant conviction, the police may oppose the application. If such an objection is lodged a licensing hearing will be held. Where no such objection is received from the police, the licensing authority will grant the licence.
- 3.4 At a hearing the licensing authority will consider carefully whether the granting of a licence will be in keeping with the promotion of the crime and disorder objective. Considerations will include the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The licensing authority will only grant the application if it is satisfied that doing so will promote this objective.
- 3.5 Reason(s): Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. The holder of a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will, in many cases, undermine rather than promote the crime and disorder objective.

Premises Licences and Club Premises Certificates

- 3.6 An application for a premises licence or club premises certificate must consist of: -
- an application form, in the prescribed format, detailing the licensable activities and proposed operating hours
 - an operating schedule
 - a plan of the premises to which the application relates
 - the appropriate fee
- 3.7 If the licensable activities include the sale of alcohol, a consent form from the individual agreeing to be the designated premises supervisor (DPS) will also be required (not required for club premises certificates).
- 3.8 The application must be advertised in the prescribed manner.

4. LICENSING PRINCIPLES

General

- 4.1 In carrying out its licensing functions the authority will promote the licensing objectives set out in the Act. These are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm
- 4.2 To achieve these objectives the authority will use its full range of powers and consider all relevant responsibilities including its planning controls, transport controls and crime and disorder policies. The authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 4.3 In determining a licence application the overriding principle adopted by the licensing authority will be that each application will be determined on its individual merits.
- 4.4 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment and late night refreshment (premises licences), the supply of alcohol and/or the provision of regulated entertainment and late night refreshment from certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

- 4.5 In general a reference in this policy to a licence will include a club premises certificate.

Duplication

- 4.6 So far as is possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that are already placed on employers and operators, e.g. Health and Safety at Work etc. Act 1974. Conditions in respect of public safety will be attached to licences only if they are considered necessary for the promotion of the licensing objectives.
- 4.7 It is accepted that licensing and planning regimes are separate and distinct and it is therefore possible that duplicate, or similar, conditions may be applied to a premises under both regimes. It is also possible that contrary decisions about the granting or refusal of a licence/planning permission may occur as such decisions must take into account differing legislative matters.

Licence Conditions

- 4.8 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations.
- 4.9 Conditions will be specifically tailored to the premises and activities to be undertaken, with a view to ensuring the licensing objectives are achieved.
- 4.10 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 4.11 The licensing authority will not impose blanket standard conditions. Where there are outstanding representations regarding a licence application, licence conditions will be tailored to the individual application to help promote the licensing objectives. They will not be imposed where it is considered that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 4.12 In the spirit of openness, transparency and reasonableness, the licensing authority encourages all parties to a licence application to discuss concerns during the statutory consultation period so that any necessary conditions can be agreed without the need for the intervention of the licensing authority.
- 4.13 To assist applicants, the licensing authority has published a range of model conditions that applicants are encouraged to consider as part of their risk assessment process. These model conditions can be found at www.hartlepool.gov.uk/licensing.

Alcohol Harm Reduction

- 4.14 The licensing authority recognises that for most people alcohol represents an enjoyable addition to well-balanced social activities. However, there is increasing concern that, for some people, alcohol misuse is leading to self harm and social nuisance.
- 4.15 In determining licence applications, the licensing authority will have regard to any relevant Government guidance relating to alcohol consumption, alcohol misuse and alcohol harm.

Protection of Children

- 4.16 Whilst the protection of children from harm is a licensing objective, the licensing authority will not normally impose conditions restricting or prohibiting the admission of children to licensed premises. However, conditions designed to protect children will be imposed where necessary if relevant representations have been received.
- 4.17 The licensing authority will not impose any licence conditions requiring the admission of children to licensed premises.
- 4.18 Examples of premises where the introduction of additional controls are likely to be necessary are:
- Where entertainment or services of an adult or sexual nature are provided.
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
 - Where there is a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - Where entertaining or providing facilities for the entertainment of children is a significant part of the premises' operation.
- 4.19 In such circumstances, additional conditions may be expected where considered necessary for the prevention of harm to children. These may include: -
- Limitations on the hours when children may be present
 - Age limitations
 - Limitations on the parts of premises to which children will be given access
 - Requirements for accompanying adults
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place

- 4.20 Where the exhibition of films is permitted, the licensing authority will impose a condition requiring the exhibition of films to be limited to only those age groups recommended by either the British Board of Film Classification or the licensing authority. For such films, licensees must indicate in their operating schedules how such action will be assured. Only in exceptional cases will variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.
- 4.21 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the licensing authority will, provided adequate notice has been given, classify the films concerned. Information regarding such classifications will be available for inspection at the Civic Centre, Victoria Road, Hartlepool. To achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.
- 4.22 In connection with the protection of children from harm, the licensing authority will provide details of which body is responsible for such matters. Details of licence applications, where relevant, should be forwarded to this nominated body for examination.
- 4.23 Where there is provision of entertainment specifically for children (e.g. a children's disco) the licensing authority will expect the presence of sufficient appropriate adults to control the entertainment and the access and egress of the children to ensure their safety.
- 4.24 Where it is the intention of the licensee to offer responsibility for the supervision of children as part of a licensable activity, the licensing authority will expect licensees to take appropriate measures to ensure the suitability of employees for such purposes – this may involve employees providing a Criminal Records Bureau Disclosure.

Designated Premises Supervisors

- 4.25 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 4.26 Because of this the licensing authority expects that the designated premises supervisor (DPS) for a licensed premises will be able to demonstrate that they are in day to day control of the premises, playing an active role in its operation through a regular personal presence.

Licensing Hours

- 4.27 The licensing authority does not accept that longer opening hours for licensed premises have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 4.28 Whilst zoning will not be adopted, the licensing authority will impose stricter conditions with regard to noise control in areas which have denser residential accommodation.

Live Music, Dancing & Theatre

- 4.29 The licensing authority recognises that traditional cultural activities such as music and dancing should be encouraged as part of a wider cultural strategy. Account should be taken of the need to encourage and promote entertainment such as live music, dancing and theatre for the wider cultural benefits of communities generally.
- 4.30 Only conditions considered necessary, proportionate and reasonable for the promotion of the licensing objectives will be attached to licences for activities of this nature. The authority will avoid measures that may deter live music, dancing and theatre by imposing unjustified indirect substantial costs. The licensing authority will closely monitor the impact of licensing on such activities and, where a negative impact can be identified, will re-visit the Licensing Policy with a view to investigating how the situation might be reversed.

Enforcement

- 4.31 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Code and the Council's Enforcement Policy.
- 4.32 In particular, regard will be had to the following principles:

- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
 - Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
 - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
 - Proportionality - i.e. action taken should be proportional to the risk presented.
- 4.33 The authority will establish protocols with the local police and the fire brigade on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, police and fire officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 4.34 Furthermore the policy of the Council will be a light touch inspection regime for well managed and maintained premises with a targeted and increased inspection and enforcement regime for “high-risk” premises and those suspected of not being operated within the terms and conditions of the licence.

Integration of Strategies and Other Policies

- 4.35 Hartlepool Borough Council fully recognises and endorses the value of good relations between persons of different racial groups. The licensing authority recognises the obligations placed upon it by the Equality Act 2010 and will ensure that this Policy promotes race equality and the elimination of unlawful discrimination.
- 4.36 The Council will integrate its various strategies to achieve consistency and transparency in the achievement of the licensing objectives.
- 4.37 Arrangements for reporting to local authority transport committees will be made to ensure transport strategies take account of the need to quickly disperse people from busy town centre areas to reduce the potential for nuisance and disturbance.
- 4.38 Arrangements will be made for the reporting of Hartlepool’s employment situation and the needs of the local tourist economy to the licensing committee to ensure that these issues are taken into account when licensing matters are being considered.

5. CONSIDERATIONS

General Requirements

- 5.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, (as required under the Act). The operating schedule will have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, the times during which it is proposed that relevant licensable activities are to take place and details of other times during which it is proposed that the premises are to be open to the public.
- 5.2 In many cases it may be helpful to all concerned for council officers to discuss with applicants and/or their advisers a draft operating schedule before it is formally submitted. This will help ensure it properly addresses all the issues of concern to the council. Where licensable activities include the supply of alcohol, specified information on the individual identified as premises supervisor shall be supplied as well as whether the supply of alcohol is proposed for consumption on and/or off the premises and operational procedures.

Nuisance

- 5.3 The licensing authority will expect the operating schedule to clearly demonstrate actions intended to ensure the operation will be “neighbour friendly”. In particular, the applicant shall propose adequate practical steps to prevent disturbance to local residents.
- 5.4 The licensing authority does not accept that longer opening hours for licensed premises have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.
- 5.5 Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.
- 5.6 In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.
- 5.7 In relation to noise from within the building the licensing authority will expect the applicant to have carried out acoustic tests to ascertain whether there is sound leakage. This noise could relate not only to entertainment but also from

air handling equipment or patrons. The licensing authority will expect potential noise breakout to have been addressed in practical ways such as:

- Keeping doors and windows closed and providing suitable mechanical ventilation
- Installing soundproofing measures to control noise breakout and vibration to an acceptable level.

5.8 The licensing authority will expect venues that attract queues to formulate a scheme to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

5.9 However, possible excessive noise generated by customers and/or disorder requires more rigorous action. It is important that queues formed later in the evening or in early morning are adequately supervised to keep noise/disorder to a minimum. Such action can also help stop drug dealing during the queuing process but the prime purpose will be to prevent noise and disturbance. Door supervisors will generally be expected to carry out this role, but they must be adequately trained and given clear instructions as to their duties and responsibilities – where necessary they should be adequately supervised by a suitably nominated person or persons.

5.10 In terms of patrons leaving the premises, particularly late at night or early in the morning, the licensing authority will expect the applicant to indicate in their operating schedule that consideration has been given to, and included where appropriate, such practical steps as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, etc
- At appropriate times making announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
- The availability of licensed taxis or private hire vehicles to take patrons from the premises
- In appropriate cases door supervisors or a premises manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels
- Where there is a private forecourt, yard, etc, preventing patrons from using it for eating and drinking etc after a certain time. Planning conditions are usually imposed to restrict use after 8.00 pm or at sunset where adjacent to residential properties.

5.11 There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being

disturbed particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.

- 5.12 A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to above to prevent such nuisance.

Prevention of Crime and Disorder

- 5.13 The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 5.14 The licensing authority will expect an applicant to indicate in their operating schedule the steps proposed to prevent crime and disorder such as:
- Use of CCTV both within and outside the premises
 - Procedures to prevent the supply of alcohol to those already drunk
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of licensed door supervisors and other appropriately trained staff
 - Participation in an appropriate scheme designed to ensure effective liaison with the local community
- 5.15 Reason(s): Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the licensing authority the practical steps that will be taken to further this objective.

- 5.16 Premises that are supplying alcohol for consumption on the premises after midnight and whose operation, at that time, is primarily or significantly of the 'vertical drinking' format, will be expected to provide all drinks in plastic glasses.
- 5.17 Reason: Standard drinking glasses are made of annealed glass that, when broken, can create long shards which can be used as a stabbing weapon. Toughened glass will shatter completely when broken but, due to its manufacturing process, is extremely hard and may cause blunt force injuries if thrown or used as a weapon.
- 5.18 Rigid or flexible plastic glasses will not shatter when broken and will not cause blunt force injuries. As such, the licensing authority believes such a condition is a reasonable and proportionate requirement that will prevent those serious injuries that occur when drinking glasses are used as weapons.

Construction/Maintenance and Safety

- 5.19 The licensing authority will expect licensed premises to meet all legal safety requirements, but in addition wishes to promote the highest possible standards of safety for patrons and others who may be affected by a licensed premises. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, other technical standards that may be appropriate for the premises concerned.
- 5.20 The licensing authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 5.21 The licensing authority expects licensed premises to be a safe environment and applicants will be expected to consider how customers can be kept safe from foreseeable risks.

Pricing of Alcohol

- 5.22 The Licensing Authority encourages all licensed premises to apply a minimum price of 50p per unit of alcohol to all products sold under their premises licence. (The unit pricing will be reviewed in line with national Guidance.)
- 5.23 Where licensed premises are found to be selling alcohol below this price, and problems associated with that premises are in breach of the licensing objectives, a responsible authority or interested party may bring a licence review. Following the review, the Licensing Committee may impose a condition in relation to the pricing of alcohol, in order to uphold the licensing objectives.

- 5.24 The Licensing Authority will expect applicants to demonstrate in their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.
- 5.25 **Reason:** The licensing authority believes the price of a product influences its demand and, where alcohol is sold cheaply, consumers may be encouraged to buy, and consume, more of it.
- 5.26 The expectation that licensees will not sell alcohol below the stated minimum unit price does not create a legally binding obligation but it does place a duty on licensees to take into account the price of the alcohol they sell and the effect that price may have on levels of alcohol consumption.
- 5.27 If a licence is reviewed and the Licensing Authority believes that one or more of the licensing objectives has been undermined because of the price that alcohol has been sold at, it may impose a condition on the licence to prevent irresponsible pricing in future.

Access for Persons with Disabilities

- 5.28 All premises are expected to provide adequate facilities and access for people with disabilities. The needs of disabled people must therefore be addressed in the operating schedule.
- 5.29 Reason(s): Wherever practicable, persons with disabilities should not be treated in a less advantageous way. In addition, responsibilities under the Disability Discrimination Act 1995 will need to be considered and adequate facilities provided in premises where necessary.

Publicity

- 5.30 All those affected by an application should be made aware of its existence and of the opportunity to make representations. In an attempt to ensure this is achieved, applications for a premises licence must be advertised in accordance with statutory requirements.
- 5.31 Reason(s): The grant of a licence can have a significant impact on the lives or businesses of those living or working in the vicinity of premises for which a licence is sought. Therefore, all those likely to be affected by an application have the right to be made aware of it and of the opportunity to make representations.

Other Policies, Objectives and Guidance

- 5.32 Applicants for licences will be expected to have taken into account new legislation, relevant strategies and policies such as the local crime prevention

strategies, planning and transportation policies, tourism and cultural strategies in determining their operating schedules.

- 5.33 In addition to the above, applicants will also be expected to address the impact of their premises on the local community and demonstrate that matters such as the prevention and clearance of litter and other waste materials arising from the use of their premises have been considered.
- 5.34 The Terrorism (Protection of Premises) Act 2025 also known as 'Martyn's Law' has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would expect all licensees to comply with any requirements set out within the Act as and when it comes into force.

Planning

- 5.35 Premises for which a licence is required must have a suitable, appropriate authorised use under planning legislation.
- 5.36 The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises has either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.
- 5.37 Reason(s): Licensing applications should not be a re-run of a planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that Committee. Proper integration will be assured by the Licensing Committee, where appropriate, by providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

Drug Awareness

- 5.38 The licensing authority recognises that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed on certain venues where drug use is, or has been, taking place in order to reduce the sale and consumption of drugs and to create a safer environment for all.

- 5.39 The licensing authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into their premises; to take appropriate steps to prevent drugs changing hands within the premises; and to otherwise adopt precautionary measures to address the consequences of drug misuse.

Door Supervisors

- 5.40 Whenever any persons are employed at licensed premises to carry out any regulated security activity, all such persons must be licensed with the Security Industry Authority.
- 5.41 The licensing authority may consider that certain premises require stricter supervision for the purpose of promoting the reduction of crime and disorder or other licensing objectives. In such cases, the licensing authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 5.42 Reason: Door supervisors, and others placed in a similar position, are often those first called upon to respond to issues of safety and disorder on licensed premises. The licensing authority intends to ensure that such people are equipped with the skills necessary for the discharge of this important role.

Public Health as a Responsible Authority

- 5.43 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.

6. CUMULATIVE IMPACT

- 6.1 The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and has determined not to publish any Cumulative Impact Assessments.

7. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS

- 7.1 The licensing authority has delegated its decision-making functions to the Licensing Committee, Sub-Committees and officers in accordance with the guidance issued by the Secretary of State.

- 7.2 Many decisions and functions are purely administrative in nature and these will be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
- 7.3 Detailed information regarding the delegation of functions can be found in Appendix One.

8. CONTACT DETAILS

- 8.1 Further details regarding the licensing application process, including application forms can be obtained from:

The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk

APPENDIX ONE

Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for premises licence/club certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decisions regarding personal licence holder following conviction of offences		All cases	
Decision on whether a complaint is relevant frivolous vexatious etc.			All cases
Decision to make representations on behalf of the licensing authority acting as a Responsible Authority			All cases
Determination of a police objection to a temporary event notice		All cases	

LICENSING COMMITTEE

24th OCTOBER 2025



Report of: Assistant Director (Regulatory Services)

Subject: PRIVATE HIRE AND HACKNEY CARRIAGE
LICENSING POLICY – HACKNEY CARRIAGE
COLOUR

1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
- where people will be safe and protected from harm.
- that is connected, sustainable, clean and green.
- that has an inclusive and growing economy.

2. PURPOSE OF REPORT

- 2.1 To consider the request for the Licensing Authority to review our Private Hire and Hackney Carriage Licensing Policy requirements in relation to Hackney Carriage colour.
- 2.2 To consider a formal consultation on the colour of Hackney Carriage vehicles in Hartlepool.

3. BACKGROUND

- 3.1 Hartlepool Borough Council is the statutory licensing authority for hackney carriage and private hire vehicles, drivers and operators that work within the borough.
- 3.2 The Council has a Private Hire and Hackney Carriage Licensing Policy that details the standards that are expected of drivers, vehicles and operators in order to ensure the safety and comfort of the travelling public.

- 3.3 A request was made to the Licensing Authority on the 1st September 2025 requesting an amendment to our current Policy in regards to our Hackney Carriage Colour. A copy of the letter requesting the Policy amendments can be viewed at **Appendix 1**.

4. PROPOSALS

- 4.1 Hartlepool Borough Council will use its role as licensing authority to protect the public. This will be achieved by, amongst other things:

Maintaining public confidence in the hackney carriage and private hire trade so that it remains, safe, reliable and sustainable transport option for the travelling public.

- 4.2 Creating a single, unified policy that is reviewed on a regular basis provides clarity for drivers and operators. The Department for Transport Taxi and Private Hire vehicle licensing best practice guidance for Licensing Authorities recommends policies should be reviewed every five years but that interim reviews should also be considered where significant issues arise. It is important to take account of the views of the trade, customers, and other stakeholders when establishing the policy.

- 4.3 The Hackney Carriage and Private Hire Licensing Policy was recently subject to formal consultation and republished in July 2025. A copy of the Private Hire and Hackney Carriage Licensing Policy can be viewed at **Appendix 2**.

- 4.4 The Private Hire and Hackney Carriage Policy currently states:

Colour

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

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

- 4.5 The Hackney Carriage and Private Hire Working group have been consulted on the prospect of a change in relation to our Policy requirements for the colour of Hackney Carriage vehicles and the responses can be viewed at **Appendix 3**.

5. OTHER CONSIDERATIONS/ IMPLICATIONS

Risk Implications	None
Financial Considerations	None

Legal Considerations	Legal challenge if request not appropriately considered
Equality and Diversity Considerations	None
Staff Considerations	None
Asset Management Considerations	None
Environmental, Sustainability and Climate Change Considerations	None

6. RECOMMENDATIONS

- 6.1 That Members note the contents of this report and representations made at the Licensing Committee.
- 6.2 It is recommended that the commencement of a consultation exercise takes place focusing on the Private Hire and Hackney Carriage Licensing Policy and the Hackney Carriage Colour requirements.
- 6.3 It is recommended that the Consultation responses are to be fed back to Licensing Committee for further consideration.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Hartlepool Borough Council's Private Hire and Hackney Carriage Licensing Policy is formally approved by the Licensing Committee; it is imperative that this Policy remains relevant, fit for purpose and without unnecessary burden to the trade.

8. BACKGROUND PAPERS

- 8.1 Department for Transport Taxi and Private Hire vehicle licensing best practice guidance for Licensing Authorities
- <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england>
- 8.2 Hartlepool Borough Council Private Hire and Hackney carriage Licensing Policy
- [Taxi licensing policy | Hartlepool Borough Council](#)

9. CONTACT OFFICERS

Sylvia Pinkney
 Assistant Director (Regulatory Services)
Sylvia.pinkney@hartlepool.gov.uk

Rachael Readman
Trading Standards and Licensing Manager
Rachael.readman@hartlepool.gov.uk



Rachael Readman
Trading Standards & Licensing Manager
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

1 September 2025

Dear Ms Readman,

Hackney Carriage Colour Policy

As you may be aware or recall, in 2019 we asked the Council to consider changing its hackney carriage colour policy from yellow to a different colour and one that was widely available as a standard colour from most, if not all, vehicle manufacturers. Despite initial trade support, following public consultation and a change of trade attitude, the Licensing Committee resolved to retain the policy requirement for hackney carriages to be yellow.

According to the official Department for Transport Taxi & PHV Statistics for 2013 (the oldest data available), 2019 (the position when we last made a request) and 2024 (the most recent data available), the Council licensed 164 hackney carriages in 2013, 132 in 2019, and only 119 in 2024, a reduction in numbers of 28%.

The demand for and use of hackney carriages is in decline all over the country because of the customer convenience of using a smartphone app to book a taxi, usually a private hire vehicle, which comes to their location, avoiding the need to walk to a taxi rank and to queue in the rain for a hackney carriage. The global ride-hailing apps did not introduce smartphone apps to the UK taxi industry, but they did a great job at educating the public as to their use and convenience, transforming the taxi industry.

The decline in the hackney carriage trade is, despite its long and distinguished history, only going to continue, becoming less and less economically viable for owners and drivers.

While the Council's intention to create a distinctive fleet using a non-standard colour like yellow is understood, the reality is that wrapping or spraying vehicles to an acceptable industry standard now costs over £2,000 - on top of the vehicle price.

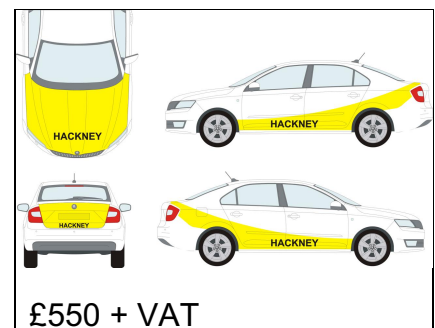
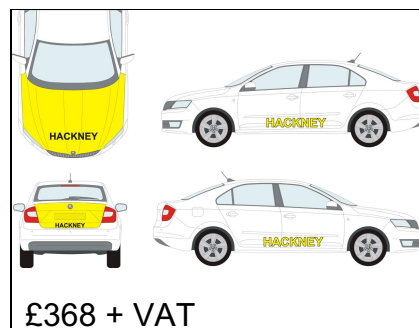
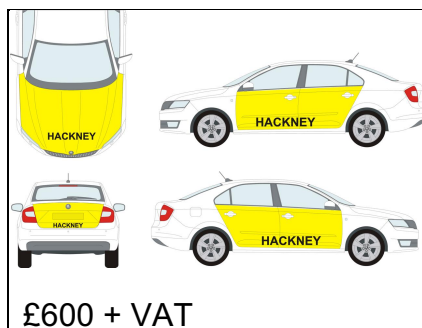
Due to the age policy, many owner-drivers cut corners with cheap spray jobs that leave door checks, pillars, and other areas unsprayed, which the Council allows, even though this is a breach of the policy requirements.

These poor finishes quickly fade, and the use of low-grade paint further devalues the vehicles - making them nearly worthless at trade-in.

The financial burden is unsustainable, especially with falling trade. We urge the Council to allow the use of a standard, off-the-shelf colour - chosen by the Council - that avoids these unnecessary costs.

At Blueline, we are ready to invest in newer vehicles (in particular, we are looking to introduce Tesla electric vehicles to our Hartlepool hackney carriage fleet, but such vehicles are only available in red, blue, black, white and grey), but only if this unnecessary financial barrier is removed. With top signs, plates, and other hackney markings in place, public confusion is not, and would not be, a concern.

We have taken the liberty of asking a local sign and graphics company to produce some images of partially wrapped or liveried vehicles, retaining the distinctive yellow colour already associated with Hartlepool hackney carriages to show that a distinctive look could be achieved at a much lower cost – the prices stated are for supply and fitting.



We do not specifically advocate for any of these designs, which are intended only to show that vehicles could be made to be highly distinctive for much less than a professional re-spray. We appreciate the Council might want to consider other design options and we would encourage the Council to do so.

We respectfully ask the Council to review the current hackney carriage colour policy and the impact of this policy on the dwindling hackney carriage trade. Supporting a more practical and cost effective colour / livery choice will help to preserve the remaining hackney carriage trade for the public.

I look forward to hearing from you.

Yours sincerely,

Ian Shanks
Managing Director, Blueline Group
for on behalf of
Taxi Cab Services (Hartlepool) Ltd



PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

APPROVED BY HARTLEPOOL BOROUGH COUNCIL

Date 26th July 2025

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INTRODUCTION

- 1.1 Hackney carriages and private hire vehicles play an important role in the provision of local public transport in Hartlepool.
- 1.2 The purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public. As licensing authority, Hartlepool Borough Council ("The Council") believes that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles.

Licensing Objectives

- 1.3 **Hartlepool Borough Council will use its role as licensing authority to protect the public. This will be achieved by, amongst other things:**
 - i) **Administering the licensing process in a fair and reasonable way;**
 - ii) **Taking proportionate enforcement action where it is necessary and appropriate to do so;**
 - iii) **Maintaining public confidence in the hackney carriage and private hire trade so that it remains as a safe, reliable and sustainable transport option for the travelling public.**
- 1.4 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may wait at designated taxi stands or be hailed in the street, in the Borough of Hartlepool, by members of the public in addition to being pre-booked.
- 1.5 Private hire vehicles must also have no more than 8 passenger seats but they must be booked in advance through a private hire operator and may not "ply for hire" in the street.

Powers and Duties

- 1.6 The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976. This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

1.7 This Policy shall apply in respect of applications, renewals, transfers and any other related matters connected to the following licences:

- Hackney carriage driver
- Hackney carriage vehicle
- Private hire driver
- Private hire vehicle
- Private hire operator

Licensing Methods

1.8 The methods the Council shall use are as follows:

- i) Setting the standards for the licensing of drivers, vehicles and operators.
- ii) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
- iii) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
- iv) Checks of driver's medical health, criminal record, driving ability and knowledge of the Borough.
- v) Investigation of complaints with appropriate follow up action.
- vi) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- vii) Liaison with the hackney carriage and private hire trade by way of open meetings.
- viii) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation, conditions or this policy.
- ix) Conditions added to licences.
- x) The issue of guidance notes.

1.9 When formulating and applying this Policy, the Council will take into consideration the Regulator's Code, the Code for Crown Prosecutors, and any appropriate best practice guidance including the DFT Statutory Taxi and Private Hire Vehicles Standards (published July 2020).

Status

1.10 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.

- 1.11 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where the Council considers it necessary or appropriate to deviate from the Policy, clear and compelling reasons will be given for doing so.

Implementation and Review

- 1.12 This Policy will take effect from 26th July 2025. From this date, this Policy will override and supersede all existing policies in relation to the licensing of private hire vehicles and hackney carriages, their drivers and operators.
- 1.13 The Council will keep this Policy under review and will consult where appropriate on proposed revisions.
- 1.14 When this Policy is implemented, the Council will require licence holders to comply with its terms immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the Policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
- 1.15 Vehicles licensed under any previous licensing policy may have their licences renewed without having to comply with any new requirements imposed by this policy where to do so would be uneconomic or impractical.
- 1.16 After the introduction of this Policy, the Council may make decisions which change it. The changes may either have immediate effect or come into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Office and via the internet.

Consultation

- 1.17 In preparing this Policy, the Council has consulted with:
- Licensees; Cleveland Police; Planning authority; Adult and Children's Safeguarding Board; Disability Groups; School Transport; Service Users; Tees Valley Licensing Group; North East Strategic Licensing Group and any other parties/organisations considered necessary.

Partnership Working

- 1.18 The Council will work in partnership with the following agencies and individuals to promote the policy objectives:
- Local hackney carriage and private hire trade; Cleveland Police; Local Transport Authorities; Planning authority; Local residents; Disability groups;

Service Users; Tees Valley Licensing Group; North East Strategic Licensing Group and other Council departments.

Related Policies and Strategies

- 1.19 This policy will be integrated with local planning, transport, tourism, equality and cultural strategies, and other plans introduced for the management of the Borough and night-time economy.

Equality

- 1.20 The Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties under the Equality Act 2010 and the Human Rights Act 1998.

Duties and Obligations under the Equality Act 2010

- 1.21 The Equality Act 2010 consolidates the legislation previously set out in the Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 to increase access to transport services and infrastructure by disabled people. Those who provide transport services by way of Hackney Carriages and Private Hire vehicles are advised to contact the Equality and Human Rights Commission for further information and advice on avoiding discrimination.
- 1.22 It is a requirement of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs safely and in reasonable comfort at all times. **Any vehicle proprietor found in breach of this may face formal action which could include suspension or revocation of the licence.**
- 1.23 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without any additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided, at the driver's expense, from the driver's own GP stating the details of their medical condition. A register will be kept of those drivers exempted. **Persons who breach duties may be guilty of a criminal offence and, in addition to any criminal sanction, would be liable to disciplinary procedures which may include licence suspension or revocation.**
- 1.24 Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com

Duties and Obligations under the Human Rights Act 1998

- 1.25 Article 1 of Protocol 1 of the European Convention of Human Rights confers on Individuals (and companies) the Right to Peaceful Enjoyment of their possessions and the Protection of Property. Once granted, a Licence is a possession and no one can be deprived of his property or have controls put on his property except where the action is permitted by law and justifiable in the public or general interest.
- 1.26 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Council must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate.

Crime and Disorder Act 1998 Section 17

- 1.27 Section 17 of the Crime and Disorder Act 1998, places a duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

DRIVER LICENCES

Essential Requirements

- 2.1 The Council issues licences to drive private hire vehicles, hackney carriages or both.
- 2.2 The statutory and practical criteria and qualifications for each licence are broadly identical and therefore the following requirements will apply to all driver licences. However, where differences exist between the licensing regimes reference will be made to it in this policy.
- 2.3 Prior to a driver's licence being issued to new applicants, the applicant shall:
- i) Complete and submit to the Council an application on the prescribed form.
 - ii) 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. Any refund or part refund of a licence fee will be calculated in accordance with the Council's published list of fees and charges.
 - iii) Demonstrate compliance with the eligibility criteria detailed below.
- 2.4 Prior to a driver's licence being renewed, the applicant shall:
- i) Complete and submit to the Council an application on the prescribed form no later than 14 days prior to the expiry of the current licence.
 - ii) 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.
 - iii) Demonstrate, if required, continued compliance with the eligibility criteria detailed below.

Proof of eligibility

- 2.5 Applicants must satisfy the following criteria:
- i) Hold appropriate driving licence.
 - ii) Have at least 12 months driving experience since full driving licence was granted.
 - iii) New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council. Guidance on booking an appropriate assessment is included on the council's website.
 - iv) Provide evidence of having a right to work in the UK.
 - v) Successfully complete the 'knowledge test'.
 - vi) Provide satisfactory evidence that the applicant meets the "Group 2" medical standard.

- vii) Provide satisfactory evidence of completion of approved training in issues surrounding the awareness of child and adult safeguarding issues.
- viii) Have an ability to speak, read and understand English to a reasonable standard.
- ix) Produce an appropriate enhanced criminal records check that is no more than 30 days old. This is required for every new applicant and every six months once a licence has been granted. A licence will not be renewed if an enhanced criminal records check, that is less than 30 days old, is not made available or obtainable by a licensing officer.

In order to facilitate this, the Council requires all drivers to enrol on the DBS Update Service.

If the Council is not provided with an enhanced criminal records check, or is not able to view a driver's records via the DBS Update Service, because, for example, the driver is not enrolled on the Service, the driver's licence will be suspended until such time as the criminal record can be viewed.

- 2.6 At all times, the Council's legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council. Anyone wishing to be licensed must produce to the Council all of the documentation described in this policy.

Driving Experience

- 2.7 An applicant for the grant of a hackney carriage or private hire driver licence must have held a full DVLA driving licence for a period of at least 12 months before an application for the grant of a driver's licence will be accepted. Full driving licences issued by other lawfully recognised countries will also count towards this qualification requirement.
- 2.8 New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council. Guidance on booking an appropriate assessment is included on the council's website.
- 2.9 Where there are specific concerns about the driving ability of a driver, for example through passenger complaints, the licensing authority may consider whether the driver in question should undertake a further assessment to address those concerns.

DVLA Driving Licences

- 2.10 In order to be satisfied that an applicant has a current DVLA driving licence and also to be aware of any penalty points on the licence, the Council will require access to the DVLA on-line licence checking system.
- 2.11 The DVLA requires the holder of the licence to give permission for access to driver records by providing the Council with a unique access code provided by the DVLA. Therefore, all drivers wishing to be licensed as a hackney carriage or private hire driver must either provide written consent or present to the Council an acceptable unique access code to allow their DVLA driving licence to be checked prior to a licence being approved.
- 2.12 A driver with 9 penalty points or more on their driver's licence will be referred to the Council's Licensing Sub-Committee for consideration as to whether they are, or remain, a safe and suitable person to hold a licence.

Right to Work

- 2.13 The prevention of illegal migrant working in the UK is governed by legislation that may change from time to time. The Council will undertake the necessary checks required to comply with such legislation.
- 2.14 All applicants for a private hire operator and/or a private hire and hackney carriage driver licence will be required to prove that they have a right to work in the UK before being considered for a licence. In doing so, the Council may seek information regarding the immigration status of an individual from the relevant Agency.
- 2.15 For British applicants without a current British passport, a birth certificate which includes the name(s) of at least one of the holder's parents and proof of National Insurance number is required.
- 2.16 Applicants from Switzerland or one of the EEA countries who have registered under the EU Settlement Scheme have the right to work in the UK providing they can provide evidence of their right to work in the UK.
- 2.17 All other applicants who are non-EU nationals will have to provide proof of a right to work in the UK, a residence card and a passport before any application can be accepted.
- 2.18 Regardless of their country of origin, a driver's licence will not be granted until an applicant is able to prove they have a right to work in the UK. Depending on the applicant's status, checks may be made at each renewal process. All documentation will be copied and kept on the applicant's personal file. The responsibility to prove a right to work lies entirely with the applicant.

- 2.19 Licences may be time limited to coincide with an applicant's limited right to work in the UK.

Language Proficiency

- 2.20 All applicants must have the ability to speak, read and understand English to a reasonable standard.
- 2.21 Written English ability will be determined through the knowledge test and the driving assessment. Spoken English and the ability to understand English will be determined by Licensing Officers during the entirety of the licensing application process.
- 2.22 If there is any doubt as to an applicant's ability to communicate in English (spoken or written), they shall be required to undertake and pass a Council approved English assessment and any costs associated with such assessment shall be the applicant's responsibility.

Applicants Who Have Spent Time Abroad

- 2.23 If an applicant is newly resident in the UK, they must still apply for an Enhanced DBS check regardless of the period of time they have spent in the UK.
- 2.24 Where an applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous six-year period at the time of the application, an Enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because the DBS does not routinely provide criminal record information from non-UK countries. These applicants will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English by a recognised, impartial body, from each country where they have been living. Any costs incurred must be met by the applicant.
- 2.25 A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available.
- 2.26 The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
- 2.27 The applicant is advised that the Council may require the submission of additional information with the application e.g. verifiable references from

former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person.

- 2.28 Existing licensed drivers must notify the Council in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the Council on their return and complete a statutory declaration on the form provided by the Council.
- 2.29 Information concerning Certificates of Good Conduct can be obtained by contacting the Council's Licensing Team.

Disclosure and Barring Service (DBS) and Criminal Records

- 2.30 The DBS is responsible for:
 - i) Processing requests for criminal records checks.
 - ii) Deciding whether it is appropriate for a person to be placed on or removed from a barred list.
- 2.31 The DBS helps employers and others make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- 2.32 Before a licence application can be considered, the Council requires sight of an applicant's non-protected criminal, motoring and licensing convictions including fixed penalties, cautions, reprimands and warnings.
- 2.33 This must be in the form of an Enhanced Criminal Records Disclosure issued by the DBS that includes reference to both the Adult & Child Barred Lists.
- 2.34 Where appropriate, applicants for the renewal of a driver's licence must provide the Council with the means necessary to access their DBS Update Service record.
- 2.35 An application for a driver's licence must be completed within 6 months of the issue date of the DBS certificate. If the DBS certificate is more than 6 months old the applicant will be required to obtain a new one, or provide a means of access to a new one, before the application can be completed unless the applicant is registered through the DBS Update Service.
- 2.36 DBS checks are generally not portable and only DBS checks applied for through Hartlepool Council's Licensing Team will be accepted unless an applicant is appropriately registered with the Disclosure & Barring Service (DBS) Update Service.

Relevance of Convictions, Cautions and Conduct

- 2.37 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to its adopted guidelines on the relevance of convictions which is available on request.
- 2.38 The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driver licences by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977 and therefore applicants are required to disclose all non-protected convictions, including those that would normally be regarded as spent. Guidance on 'protected convictions' can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance>.

Driver Knowledge/Locality Test

- 2.39 In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of, amongst others things, licensing legislation, the local geography, driver conduct/conditions, Highway Code and awareness of Child Sexual Exploitation/Safeguarding. Tests for hackney carriage drivers include the location of hackney carriage stands and knowledge of tariffs and charges. A driver's licence will not be issued without the applicant first passing the knowledge test.
- 2.40 The cost of one knowledge test is currently included in the licence fee. If an applicant fails to pass the test, a further fee will be charged for every subsequent test. Applicants are not permitted to sit a re-test without payment of the fee.
- 2.41 Should an applicant fail to pass the knowledge test within five attempts, they will be required to wait for a period of at least six months before a further test may be re-booked. This should provide the applicant with sufficient time to develop the necessary knowledge required in order to successfully undertake the knowledge test.
- 2.42 If an applicant fails to attend a test or attends late, a further test shall be required for which an additional charge will be made.

Medical Assessment

- 2.43 In order to be satisfied as to an applicant's medical fitness, the applicant must provide to the Council a medical examination report, in a Council approved format, that is signed by a registered medical practitioner, and which states that the individual satisfies the Group 2 medical standard.
- 2.44 This is a higher medical standard than that required for drivers of other motor vehicles and is required due to the length of time the driver may spend at the

wheel and the responsibility they have for the safety of their passengers and the public. In addition, drivers may have to assist disabled passengers and handle luggage.

- 2.45 The medical practitioner must confirm that:
- i) They have examined the applicant;
 - ii) The applicant is registered with the practice; and/or
 - iii) They have had full and complete access to the applicant's full GP medical records;
 - iv) The medical examination was carried out to the Group II standard;
 - v) They consider the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.
- 2.46 If the Council is not satisfied as to the medical fitness of an applicant, a driver's licence will not be granted.
- 2.47 If the Council is not satisfied as to the medical fitness of a licensed driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.
- 2.48 The applicant is responsible for paying the fee for the examination. The medical certificate will be valid for a period of 6 months after which, if the driver's licence has not been issued, either a new medical certificate or a letter from the GP who carried out the original assessment confirming that there has been no change in the medical fitness of the applicant will be required. Once the medical is 12 months old a letter will not be accepted and a new medical will be required.
- 2.49 Once a licence holder reaches the age of 45, they must provide a new medical certificate every five years and once they reach the age of 65 years a medical certificate will be required every year.
- 2.50 For drivers who have chosen a three-year licence, they must provide a medical certificate on the same basis as that detailed above and, where this falls mid-licence, the driver must provide a new medical certificate on their 45th, 50th, 55th, 60th and 65th birthday and every year thereafter.
- 2.51 If a driver has a medical condition that requires notification to the DVLA e.g. sleep apnoea they **must** also notify the Council in writing at the same time that DVLA is notified.
- 2.52 In addition to the above requirements where a driver suffers from a condition that requires monitoring but would not prevent him/her from driving (s)he is required to provide written confirmation from his GP or consultant, as recommended by the DVLA standards, each year that s/he remains fit to

carry out the duties of a driver and/or may be required to submit an annual medical.

- 2.53 If the Council has reason to suspect that a licensed driver may not be fit to continue to drive a licensed vehicle, the driver must undertake any reasonable test or medical examination as is required, within a reasonable time, as directed by the Council.

Term of Licence

- 2.54 All driver licences will be valid for a maximum period of up to 3 years or such lesser period as the Council thinks appropriate.

Suspension of Licence

- 2.55 If it considers it necessary and appropriate to do so, the Council may choose to suspend a driver's licence. Suspensions can be immediate if they are considered necessary on the grounds of public safety.
- 2.56 The Council's policy on the use of suspensions is attached as Appendix I.

Refusals and Revocations

- 2.57 Hartlepool Borough Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.
- 2.58 Where a hackney carriage/ PHV driver's licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- 2.59 All applications for a new driver's licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

- 2.60 The information recorded on NR3 itself will be limited to:
- i) Name
 - ii) Date of birth
 - iii) Address and contact details
 - iv) National insurance number
 - v) Driving licence number
 - vi) Decision taken
 - vii) Date of decision
 - viii) Date decision effective
- 2.61 Information will be retained on NR3 for a period of 25 years.
- 2.62 This is a mandatory part of applying for/being granted a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at https://www.hartlepool.gov.uk/info/20023/licences_and_permits/284/taxis.
- 2.63 Information will be processed in accordance with the Data Protection legislation and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.
- 2.64 If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at data.protection@hartlepool.gov.uk. This includes submitting a subject access request.
- 2.65 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint>.

Conditions of Licence

- 2.66 The law does not permit the Council to attach conditions to a hackney carriage driver's licence. However, hackney carriage drivers are subject to Council's byelaws which are freely available from the Council's Licensing Team on request or by visiting the Council's website and they shall be expected to fully comply with this policy's 'Code of Good Conduct'.

- 2.67 The Council's conditions in respect of private hire drivers are detailed at Appendix II.

Code of Good Conduct

- 2.68 The Code of Good Conduct serves to promote the Council's licensing objectives in respect of hackney carriage and private hire licensing. The Code will be taken into consideration in disciplinary matters. The Code of Conduct is attached at Appendix III to this policy.

Driver's Dress Code

- 2.69 A dress code serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers.
- 2.70 In order to raise the profile of the licensed trade, drivers should operate, at all times in a professional manner and conform to a minimum standard of dress. The Council's Dress Code for licensed drivers is contained within Appendix III and may be taken into consideration in disciplinary matters.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Requirements Relating to the Proprietor of a Licensed Vehicle

- 3.1 All proprietors of a licensed vehicle must provide to the Licensing Team a basic criminal records check at the time of application for a vehicle licence and every twelve months thereafter. The criminal records check must be no more than 30 days when it is provided to the Council. For the proprietor of multiple vehicles, this requirement shall apply to only one vehicle.
- 3.2 The requirement detailed in 3.1 above shall not apply where the proprietor also holds a hackney carriage/private hire vehicle driver's licence issued by Hartlepool Borough Council.
- 3.3 The requirement detailed in 3.1 above shall not apply where the proprietor is also a licensed private hire operator with Hartlepool Borough Council.

Essential Requirements and Conditions of Licence

- 3.4 Prior to being licensed, and in order to remain licensed, all vehicles must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.
- 3.5 The requirements apply to both hackney carriage and private hire vehicles unless otherwise stated.
- 3.6 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall complete and submit to the Council an application on the prescribed form together with the required licence fee no later than 14 days prior to the licence being required.
- 3.7 If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void.

Specifications

- 3.8 The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the "type approval" rules within any specifications they determine.
- 3.9 All vehicles, therefore, shall have an appropriate 'type approval' which is either:
 - i) European Whole Vehicle Type Approval
 - ii) British Individual Type Approval

- 3.10 Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.
- 3.11 All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).
- 3.12 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.
- 3.13 Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
- 3.14 Convertible vehicles (i.e. vehicles with a retractable hood) will not be licensed.

Essential Criteria

- 3.15 Before granting a vehicle licence, and throughout the vehicle's time as a licensed vehicle, the vehicle must:
- i) Be suitable in type, size and design for use as a licensed vehicle as defined by this policy.
 - ii) Be in an excellent mechanical condition.
 - iii) Have a comprehensive service history, or a history of mechanical checks and a history of spot checks carried out by licensing officers.
 - iv) Be safe.
 - v) Be comfortable in the opinion of a licensing officer.
 - vi) Comply with all statutory requirements applicable to that vehicle.
 - vii) Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by the Council.
 - viii) Prominently display the Council's internal licence plate on either the dashboard or the top left corner of the windscreen.
 - ix) Permanently attach the appropriate 'decals', issued by the Council, centrally to both front doors of the vehicle.
 - x) Not be fitted with a roof rack.

3.16 The vehicle must also satisfy the following internal requirements:

- i) Height (inside) – From the top of any part of the seat cushions to the roof at lowest part must not be less than 810mm 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.
- ii) 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 760mm.
- iii) 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.
- iv) 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.
- v) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400mm. Where the rear passenger seating 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 the passenger, the above measurement shall be ascertained by measuring the distance between the seatbelt anchorages.
- vi) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination.
- vii) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- viii) An illuminated luggage compartment, which in the case of mini bus type vehicles must be segregated internal space with a minimum capacity of 0.566 cubic metres.
- ix) An internal plate (as provided by the Council) shall be fixed and displayed inside the vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers.

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

Vehicle Condition

3.18 Licensed vehicles must at all times be maintained in a good condition and be kept clean and tidy. All vehicle conditions and safety requirements must be satisfied throughout the vehicles time on the fleet, the Local Authority reserves the right to remove a vehicle from the fleet if the vehicle no longer complies with this Policy. This includes the following examples which are for reference purposes only and do not constitute a definitive list of matters that

may be considered relevant to evaluate whether a vehicle is in a good condition:

- i) Bodyshell/paintwork – free from rust, broken metal and other visible damage.
- ii) Door hinges shall be in good working order and be seated correctly when closed.
- iii) Windscreen and windows shall be in good clean condition and free from damage.
- iv) Free from oil leaks.

Documentation

3.19 A vehicle licence will only be issued where there is evidence of valid:

- i) Road Tax.
- ii) Vehicle insurance.
- iii) Public Liability insurance certificate (minimum of £5 million).
- iv) Certificate of Compliance issued by Council's in-house testing station.
- v) MOT certificate (if required by law).

Engine Numbers/Chassis Numbers

3.20 The Chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. Where the registration document is not provided at the time of initial licensing it must be provided within 6 weeks of the grant of licence. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who will undertake checks to ensure the vehicle is not stolen.

Colour

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

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

3.22 Alternatives to the above technical specification will only be acceptable if, in the opinion of a licensing officer, the colour accurately replicates those detailed above.

- 3.23 Subject to satisfying all other relevant requirements detailed in this policy, the Council has no age restriction provided all vehicles comply with Euro 6 engine standards or emission free from 1st September 2025. (Wheelchair accessible vehicles will be exempt from this requirement until 1st September 2026)

Term of Licence

- 3.24 All vehicle licences will be valid for a maximum period of up to 12 months or such lesser period as the Council thinks appropriate. Where a lesser period applies, a reduced fee will be payable consisting of the application fee plus a daily rate for the number of days to be licensed.

Insurance

- 3.25 All vehicles must have, at all times, a current valid policy of motor insurance appropriate to the local authority licence being held and public liability insurance (minimum £5 million). This policy must be in place before a licence can be granted.
- 3.26 It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.
- 3.27 If a vehicle is off the road and uninsured the proprietor must advise the Licensing Office in writing immediately or in any event within 72 hours.

Insurance Write-Offs

- 3.28 Vehicles that have at any time been declared an 'insurance write off' in category A, B, and S and/or have their V5 document endorsed as being 'accident damaged' will not be licensed. Category N (non-structural damage) may be considered, subject to a satisfactory independent engineers report and independent mechanical examination. If a licensed vehicle is involved in an accident which results in the vehicle being declared an insurance write off (other than category N) then the licence will be revoked and the no further application to licence the vehicle will be permitted.

Wheelchair Accessible Vehicles

- 3.29 The Council recognises the needs of people with disabilities and reminds the taxi trade of their legal obligations to provide equality in the provision of all of their services.
- 3.30 In order to ensure that there are sufficient suitable vehicles available that can meet the needs of those who must travel in their wheelchair, Hartlepool

Borough Council requires that all new hackney carriages shall be 'wheelchair accessible'.

- 3.31 A 'wheelchair accessible' vehicle is defined as a vehicle that is designed and constructed to allow a passenger to be transported without them having to leave their wheelchair either before, during or after their journey (i.e. a passenger should be able to stay seated in their wheelchair whilst it is loaded onto the vehicle; should be able to stay seated in their wheelchair during their journey; and be able to remain seated in their wheelchair as it is unloaded from the vehicle).
- 3.32 A 'new hackney carriage' for the purposes of this policy means a vehicle presented for licensing in Hartlepool for the first time and which is not a replacement of a vehicle already licensed as a hackney carriage in Hartlepool.
- 3.33 If the vehicle to be replaced is a wheelchair accessible vehicle, it must be replaced by another wheelchair accessible vehicle.
- 3.34 The Council will license both purpose built wheelchair accessible vehicles and vehicles that are suitable in size and design, and have been converted or adapted after the date of first registration to enable the carriage of a wheelchair. This is provided that the conversion is carried out by an approved vehicle convertor such as the Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.
- 3.35 Where the vehicle is a rear or side loading wheelchair accessible vehicle a suitable ramp or lift must be carried in the vehicle at all times.
- 3.36 The proprietor of a wheelchair accessible hackney carriage shall ensure that the collection and delivery of wheelchair users takes place at safe and appropriate locations.
- 3.37 All equipment must be kept in good working order for the safe carriage of passengers.
- 3.38 The Council expects proprietors to ensure that their drivers are familiar with the correct means of securing wheelchairs and their passengers in such vehicles.

Fire Extinguishers

- 3.39 If carrying a fire extinguisher it must be of suitable size and type, be in good working order and be regularly tested by a qualified person.

CCTV In Vehicles

- 3.40 The Council supports drivers who wish to install and operate CCTV systems for the protection of themselves and their passengers but, when they do, they must, at all times, comply with the following requirements; -
- i) If CCTV is installed, the proprietor of any vehicle with CCTV must display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.
 - ii) Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.
 - iii) Drivers must satisfy all legal requirements relating to data protection.

Cleanliness

- 3.41 The proprietor must ensure that the vehicle is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

Advertisements, Signs, Notices etc.

- 3.42 Signs, notices or advertisements must not be of a content that a licensing officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, www.asa.org.uk
- 3.43 There is no requirement for an advertisement that complies with this policy to be approved in advance but, if it is not so approved and is found to be in breach of this policy, the vehicle licence will be suspended until the advertisement is amended/removed.
- 3.44 No advertising on vehicles shall:
- i) Be affixed to any window of the vehicle
 - ii) Be affixed to any door or panel on which the Council issued roundel or sign is located
 - iii) Promote tobacco products
 - iv) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
 - v) Be offensive or misleading in nature or character. As this matter is subjective, the decision of the licensing officer shall be deemed final.
- 3.45 Advertisements shall be constructed of such robust design and materials, and fitted professionally, as to be capable of retaining high standards of appearance. Any vehicles displaying advertisements considered by the

Licensing Officer to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.

- 3.46 If advertising is situated in the interior of the vehicle it shall be subject to the proviso that it does not detrimentally affect the safety or comfort of passengers.
- 3.47 To avoid confusion for the general public, no vehicle, other than a hackney carriage, shall have a roof sign.

Swivel Seats

- 3.48 Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

Spare Tyres

- 3.49 Vehicles shall be fitted with a means of allowing a journey to be continued, unassisted, in the event of a puncture or other tyre/wheel malfunction. Where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following:
- i) Other than for the completion of a journey that has already begun, the carriage of passengers is not permitted whilst such a tyre is fitted
 - ii) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.
 - iii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.
 - iv) Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles.
- 3.50 Tyres on the same axle must be of the same nominal size and aspect ratio.

Tinted Windows

- 3.51 Hartlepool BC has a duty to protect children and young people from all forms abuse including, amongst other things, trafficking and Child Sexual Exploitation (CSE).

- 3.52 As the licensing authority for hackney carriages and private hire vehicles, the Council believes it is important that any children or young people using such vehicles can be safe and feel safe.
- 3.53 To help ensure this, the Council considers that it is reasonable and proportionate to take steps to ensure that children and young people remain visible once they have entered a licensed vehicle – or to put it another way, that they do not become invisible.
- 3.54 This can be partly achieved by ensuring that front and rear windows allow a minimum amount of light to pass through – thereby allowing front and rear passengers to be seen from outside the vehicle.
- 3.55 The Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -
- i) The windscreen shall have a minimum light transmission of 75%
 - ii) All other front windows of the vehicle shall have a minimum of 70% light transmission
 - iii) All rear windows of the vehicle shall have a minimum of 30% light transmission.
- 3.56 Nothing shall be attached to any window that may detrimentally affect visibility.

Sliding Doors

- 3.57 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers. The opening and closing mechanism shall not be altered so as to prevent the doors from locking into the open position.

Alteration of Vehicle

- 3.58 The proprietor must not change the design or condition of the vehicle without first obtaining the written approval of the Council.

Number of Passengers to be carried

- 3.59 A proprietor or driver of a licensed vehicle shall not convey or permit to be conveyed in the vehicle, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

Change of Address

- 3.60 The proprietor shall notify the Council in writing of any change of address within seven days of such change taking place.

Change of Private Hire Operator

- 3.61 Private hire vehicles must operate via one Private Hire Operator at any moment in time. The proprietor must notify the Council of any change in Private Hire Operator before undertaking bookings for the new operator.

Fares & Fees

- 3.62 The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
- 3.63 Meters installed in hackney carriages must be used for every journey undertaken within the Borough of Hartlepool – regardless of how the vehicle was hired. Drivers are free to charge their customer less than the final price indicated on the meter but cannot charge more. When a journey ends outside of the Council's area a fare greater or lesser than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare or lesser can be charged.
- 3.64 The Council will review the table of fares annually or when requested by the trade - usually in January of each year. When determining the level of fares, consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the owners/drivers an incentive to provide a service at all times it is needed.
- 3.65 A notice of any variation to the maximum fare will be advertised in a local newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration.
- 3.66 In the interests of consistency for the general public, all meters must be calibrated to the current table of fares but drivers have the discretion to charge less than the displayed fare if they wish.

Table of Fares

- 3.67 A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle on the interior of the offside rear passenger window so that it is easily visible to all hirers. This requirement shall apply equally to private hire vehicles where a meter is fitted.

Hackney Carriages – Roof Signs

- 3.68 Hackney carriages must have a roof sign that is a minimum of 600 mm (24 inches) in length affixed to the roof whenever the vehicle is in the Borough of Hartlepool and this must be illuminated when the vehicle is available for hire.
- 3.69 In order to allow hackney carriages to be more efficient, and environmentally friendly, an allowance has been made for the roof sign to be removed when the vehicle is undertaking a booking that takes it outside Hartlepool.
- 3.70 If the roof sign is not affixed to the vehicle, whilst in Hartlepool, the driver of the vehicle must be able to demonstrate to a licensing officer, on request, that the vehicle is, at that time, engaged in an 'out of town' booking.
- 3.71 Any failure of a driver to do so will result in this allowance being removed in respect of that vehicle.
- 3.72 Magnetic or other temporary roof signs must be made of suitable and appropriate materials, and attached in such a manner, as to be safe for passengers, pedestrians and other road users.

Hackney Carriages – Booking Records

- 3.73 When carrying out pre-booked work, a hackney carriage shall be used predominantly for journeys that will either begin or end in Hartlepool.
- 3.74 The word 'predominantly' shall mean 90% of all pre-booked work within any continuous seven- day period. **All** pre-booked work shall be recorded and made available to authorised officers on request: -
- i) In a suitable form in a continuous, chronological order, the pages of which are consecutively numbered, or
 - ii) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper.
- 3.75 Records must not be capable of retrospective alteration or amendment, and the driver must enter, before the commencement of each journey, the following particulars of every booking by him/her:
- i) Name and address of the hirer
 - ii) Date, time and pickup point of the booking;

- iii) Destination;
- iv) Number of passengers to be carried;
- v) When and how the booking was made i.e. telephone, personal call;
- vi) Amount to be charged; (where applicable)

- 3.76 If the pre-booking is part of a contract i.e. education/school run then proof of the contract must be kept and made available to a licensing officer on request.

Loss/Theft of Licence Plate

- 3.77 The proprietor must report the loss/theft of licence plate(s) to the Licensing Office, and obtain replacements, as soon as the loss becomes known and, in any case, within 2 working days.

Changes of Vehicle

- 3.78 If a proprietor wishes to change the vehicle to which a licence relates (i.e. to change the vehicle but retain the vehicle licence number), the following procedures must be followed: -

- i) The proprietor must complete an application form for the “new” vehicle
- ii) Pay the relevant fee
- iii) Return the plates from the previous vehicle
- iv) Presented for test and subsequently pass.
- v) Produce evidence of insurance and all other required documentation.

- 3.79 The expiry date on the ‘new vehicle’ licence will be 12 months from the grant of the ‘new’ licence.

Change of Ownership

- 3.80 If a proprietor wishes to transfer the ownership of a vehicle to which a licence relates, the following procedures must be followed within 14 days of the transfer taking place: -

- i) A transfer form must be submitted – signed by both the previous and new owner(s)
- ii) The new owner must pay the relevant transfer fee
- iii) The new owner must produce evidence of insurance and all other required documentation

Surrender of licence

- 3.81 A vehicle licence may be surrendered at any time and any refund of licence fee will be calculated as a pro rata daily rate on the number of days licence remaining, plus any mechanical inspections not yet undertaken less the administration fee.

Licence Fees

- 3.82 The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 3.83 A notice of any variation to the fees in respect of vehicles and operators will be advertised in a local newspaper with a date set 28 days from publication for making objections to the variation of fees.
- 3.84 Following consultation, if no objections are received the fee variation will have immediate effect (or at a later date as indicated by the Council). If any objections are received the matter will be re-considered.

PRIVATE HIRE OPERATORS

Essential Requirements & Conditions of Licence

- 4.1 Prior to being licensed, and in order to remain licensed, all private hire operators must complete and submit an application form, pay the appropriate licence fee and meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.
- 4.2 Should payment be made by cheque, which is subsequently dishonoured, any licence issued shall be null and void.
- 4.3 Any person who operates private hire vehicles must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 4.4 Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.
- 4.5 Private Hire Operator licences will only be granted to applicants who have an operating base within the controlled district of the Council, or to new applicants, who can demonstrate that there will be such an operating base within the controlled district of the Council. This requirement must be complied with at all times during the duration of a licence.
- 4.6 An operating base means a building that it is used for the taking of private hire bookings.

Licence Duration

- 4.7 Licences will be issued for a maximum period of 5 years or such lesser period as the Council thinks appropriate.

Criminal Record Checks

- 4.8 Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.
- 4.9 Before an application for a Private Hire Operator licence will be considered the applicant must provide a basic DBS disclosure certificate to the Council that is no more than 30 days old.
- 4.10 For corporate applications, the above documentation will be required for each company director and the company secretary.

- 4.11 If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement as they will have already undergone a DBS check.
- 4.12 Applicants for renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a new certificate or search results every third year.
- 4.13 All applicants for a Private Hire Operator licence shall be referred to the Licensing Committee for determination if the record of criminal convictions casts doubt on their fitness to be granted a licence.

Convictions

- 4.14 If the operator is cautioned or convicted of any motoring or criminal offence (s)he must notify the Council, in writing, within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.

Insurance

- 4.15 Applicants are required to produce proof of appropriate public liability insurance (£5 million).

Planning Consent

- 4.16 Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application for a Private Hire Operator Licence and their comments may be taken into account when determining whether the licence should be granted. The Licensing Manager has the discretion to refer any application to the Licensing Committee.

Record Keeping

- 4.17 Operators are required to keep records of the following for each booking: -
- a) Name of passenger
 - b) Time of request
 - c) Pick up point
 - d) Destination
 - e) Name and licence number of driver despatched
 - f) Vehicle registration number
 - g) Name of any individual who responded to the booking request
 - h) Name of any individual who despatched the vehicle
 - i) Where relevant, a record that confirmation was sought and obtained regarding the use of a PCV driver to undertake a booking (see para 4.41).

- 4.18 Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an authorised officer of the Council or Police.
- 4.19 Where deemed necessary by the authorised officer, a copy (paper or digital) of requested booking records must be provided to the officer within 3 days or, if considered urgent by the officer, within 24 hours of request.

Complaints

- 4.20 The operator must maintain written or computer records of all complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business (including any sub-contracted work) and the action that was taken. These details shall be maintained for a minimum of six months and be made available to a licensing officer on request.
- 4.21 The operator must notify the Council, in writing, within 7 days of any complaints and of the action (if any), which the operator has taken or proposes to take.
- 4.22 Where a complaint is investigated by an Authorised Officer of the Council the operator shall comply with any reasonable directions of the Officer in respect of that complaint.

Change of Business Address

- 4.23 A Private Hire Operator licence is granted to the operator for the premises detailed at the time of application. The operator must notify the Council of any intention to locate to an alternative address so that consideration may be given to its potential relevance to the licence in force.

Change of Home Address

- 4.24 The operator, or in the case of a company or limited liability partnership, the directors, secretary or members/partners as the case may be, must advise the Council in writing of any change of his home address within 7 days of such a change taking place.

Material Change

- 4.25 A Private Hire Operator Licence is not transferable and operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence to the Council immediately in writing.

Display of Licence

- 4.26 If the public has access to the operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local Government (Miscellaneous Provisions) Act 1976.

Equal Opportunities

- 4.27 The operator must at all times treat his/her passengers or any potential passenger with courtesy and respect. The operator and his/her employees must not discriminate against any person because of their race, colour, creed, gender or disability.

Facilities for Passengers

- 4.28 The operator must ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room. Where a waiting area or room is provided for the use of passengers or prospective passengers the operator shall:
- i) Provide adequate seating for the use of those passengers or prospective passengers; and
 - ii) Ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
 - iii) Ensure that the interior and exterior of the premises are kept in good repair, to the satisfaction of the Council.

Fares

- 4.29 The fare charged by the Operator shall be agreed with the hirer at the time of booking.

Parking

- 4.30 Where adequate off street parking is not available at the operating address specified on the licence the operator shall inform the Council, in writing of all locations where vehicles will be parked when waiting for bookings.

Right of Access

- 4.31 The Operator must permit any authorised Officer of the Council onto his/her operating premises at all times when acting as a Private Hire Operator and provide him/her with access to all records which (s)he may reasonably require.

Standard of Service

- 4.32 The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must, in particular:
- i) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must attend at the appointed time and place unless unavoidably delayed.
 - ii) Keep clean, adequately heated, ventilated and lit any premises which are provided and to which the public have access, whether for the purpose of booking or waiting.
 - iii) Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.
 - iv) Not describe by the use of advertising signs, printed words, broadcasts or by any other media the word "Hackney Carriage" or "Taxi", or any derivative to describe the private hire services offered.

Taximeters

- 4.33 When taximeters are used the operator must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of the Operator licence.
- 4.34 Where any vehicle operated is fitted with an approved taximeter the operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.

Vehicles to be used

- 4.35 It shall be a requirement that hackney carriage and private hire vehicles and drivers that have been licensed by Hartlepool Borough Council shall be used within the controlled district of Hartlepool unless it is necessary to sub-contract a booking.
- 4.36 In this case the operator must ensure that the same standard of vehicle and driver is provided by the sub-contractor. This is to ensure that the travelling public of Hartlepool are provided with a consistent standard of service.

Call Handlers and Despatch Operators

- 4.37 It shall be the responsibility of the licensed operator to maintain a register of all staff who are, or may be, engaged in receiving calls from members of the public and/or despatching vehicles to undertake bookings.

- 4.38 The register must contain details including each member of staff's name and a record of when they provided a basic criminal records check to the operator. Any criminal records check submitted as part of this requirement should have been recently issued. The only exception to this requirement shall be those call handlers and despatch operators that were employed in those positions prior to 1st October 2021.
- 4.39 The licensed operator must have a policy on the employment of ex-offenders and apply this policy when appointing staff to handle calls and/or despatch vehicles. This policy must be made available to an authorised officer on request.

Use of PCV Drivers

- 4.40 Members of the public are entitled to expect, when making a booking with a private hire vehicle operator, that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking **should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**
- 4.41 In such circumstances, and before consent is obtained, the customer must be advised that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

Hackney Carriage and Private Hire Drivers

Interim Suspension Policy

Purpose & Use

This policy will be used by Hartlepool Borough Council when it receives information that casts doubt on a driver's suitability to continue as a licensed hackney carriage or private hire driver.

This policy shall only apply where a driver's licence is to be suspended with immediate effect in the interests of public safety, by virtue of Section 61 and 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Application of Policy

When Hartlepool Borough Council receives information that casts doubt on an individual's fitness to continue as a licensed driver it is obliged to make a judgement as to whether any action should be taken against that driver in order to protect the public.

Every issue will be taken on its own merits. The Council's only consideration shall be the protection of the public.

The Council will consider any information provided to it including, but not limited to, convictions, cautions, reprimands, warnings, complaints, allegations and other intelligence it receives. The Council will make a determination as to what weight should be given to the information it has received when making its decision.

The Council will refer to its document: '*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades*' to assist in its determination of the seriousness of the matter and of what action, if any, is appropriate and necessary.

If the Council believes that an interim suspension of the driver's licence is needed, it will make reasonable efforts to speak to the driver before issuing the interim suspension.

In such circumstances, an interim suspension will be issued immediately and the driver will then invited to speak to Council officers at the earliest reasonable opportunity thereafter.

Any interim suspension of a licensed driver shall be time limited but, depending on the circumstances, the expiry of one interim suspension may be followed by the immediate issue of another if it is deemed necessary and appropriate in the interests of public safety.

In most cases, an interim suspension shall not be lifted until such time as the circumstances surrounding it have been considered by the Council's Licensing Sub-Committee.

Making a Determination

In making its determination the Council shall consider, amongst other things, the following matters: -

1. Would the person charged with making the decision, allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care to get into a vehicle with this person alone?
2. Would the Council grant a licence to a new applicant who declared the current issue on their application form?

PRIVATE HIRE DRIVER CONDITIONS

Change of Address

- PH1 Drivers must notify the Council, in writing, of any change of address during the period of the licence within 7 days of such a change taking place.

Conduct of Driver

- PH2 Drivers shall comply with the Code of Good Conduct for licensed drivers.

Convictions

- PH3 The driver shall within seven days of any arrest, charge, conviction, caution, reprimand or warning (relating to motoring and non-motoring convictions) notify the Council's licensing team in writing.

Driver's Badge

- PH4 A driver shall at all times when acting in accordance with the driver's licence granted to him wear such a badge in such position and manner as to be plainly and distinctly visible.

Equal Opportunities

- PH5 Drivers must at all times treat passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of their race, colour, religion, sexual orientation, gender or disability.

Fare to be Demanded

- PH6 Drivers must not demand a fare greater than previously agreed with the passenger and the operator. If a taximeter is in use only the fare displayed, or a lesser fare, may be charged

Animals

- PH7 Drivers must not carry any animals in their vehicle other than those belonging to or in the care of their passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for guide, hearing or assistance dogs who are not restricted to the rear of the vehicle).

Lost Property

- PH8 When passengers have been dropped off the driver must check the vehicle for any property accidentally left there. If any is found it must be returned to the passenger or handed into a police station as soon as possible and no later than the end of that shift.

Medical Condition

- PH9 The Council must be immediately notified of any deterioration in the driver's medical condition that may affect their ability to drive private hire vehicles.

Carrying Passengers

- PH10 Drivers must not:

- i) Carry more passengers in their vehicle than is permitted by the vehicle licence.
- ii) Carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270mm or more in length between the doors and provided with seat belts for all front seat. passengers. In this case no more than 2 passengers may be carried.
- iii) Without the consent of the hirer, carry any additional person in the vehicle.

Prompt Attendance

- PH11 Drivers must always pick up passengers on time unless unavoidably delayed. If a driver is to be delayed, they, or their operator, would be expected to notify the passenger of any delay as soon as possible.

Receipts

- PH12 The driver must, if requested, provide the passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. The driver should provide details of the journey including the date, fare, vehicle, operator and name of driver and sign the receipt.

Taximeters in PHVs

- PH13 If the private hire vehicle is fitted with a meter the driver:

- i) Must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

- ii) Must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- iii) Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
- iv) Must ensure that the meter is only brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- v) Must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

Drug and Alcohol Testing

PH14 On those occasions where the Council has reason to suspect that a driver may be abusing drugs or alcohol, the driver shall undertake drug or alcohol tests as required by the Council, at the authority's expense, within a reasonable period of time or, if considered necessary by the Council, as quickly as practicable.

CCTV & Other Recording Devices

PH15 Drivers are in a position of trust and passengers can expect complete privacy and discretion when hiring a licensed vehicle.

Drivers shall not video or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act.

Any footage obtained of passengers must not be made publicly available other than to a law enforcement agency.

No still or moving images or audio recordings or transcripts of audio recordings must be made available on social media or by other means.

Any driver found breaching the above requirements will be referred to the Council's Licensing Committee with a recommendation that their driver's licence be revoked.

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

Failure to comply with this Code may be taken into account when assessing a driver's fitness to continue to hold a licence.

General

- GC1 Licensed drivers are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

Responsibility to the Trade

- GC2 Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire Trade by:
- i) Complying with this Code of Good Conduct
 - ii) Complying with legislation, all the Conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy
 - iii) Behaving in a professional manner at all times

Responsibility to Clients

- GC3 Licence holders shall:
- i) Take the shortest available route. Where a diversion is to be taken, this must be clearly explained to the passenger.
 - ii) Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
 - iii) Treat passengers or any potential passenger with courtesy and respect at all times.
 - iv) Not engage in any dialogue or activities with a passenger that may, to any reasonable person, be considered offensive or inappropriate.
 - v) Maintain their vehicles in a safe and satisfactory condition at all times
 - vi) Keep their vehicles clean and suitable for hire to the public at all times
 - vii) Attend punctually when undertaking pre-booked hiring
 - viii) Assist, where necessary, passengers into and out of vehicles
 - ix) Offer passengers reasonable assistance with luggage and/or other bags

- x) Offer assistance to elderly/infirm or disabled passengers
- xi) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery devices inside their vehicle at any time.

Responsibility to Residents

GC4 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- i) Not sound the vehicle's horn.
- ii) Keep the volume of in-car entertainment systems to a minimum.
- iii) Switch off the engine if required to wait.
- iv) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- v) Not deposit any litter other than into a bin.
- vi) Not engage in any form of anti-social behaviour.

At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- vii) Rank in an orderly manner and proceed along the rank in order and promptly.
- viii) Remain with the vehicle.

General

GC5 Drivers shall:

- i) Drive with care and due consideration for other road users and pedestrians.
- ii) Obey all Traffic Regulation Orders and directions at all time.
- iii) Comply with the rules and spirit of the Highway Code.
- iv) Ensure they do not smell of alcohol or drive whilst under the influence of alcohol.
- v) Pay attention to personal hygiene and dress in accordance with the Dress Code.
- vi) Behave in a civil and orderly manner at all times.
- vii) Ensure that all passenger doors are unlocked immediately upon arrival at the destination or on any other occasion when the vehicle is stationary and the passenger asks to leave.
- viii) Cooperate fully during any investigation by an authorised officer.

Drivers must not:

- i) Drive while having used illegal drugs or having taken other medication that may have an impact on their ability to drive

- ii) Engage in any dialogue or activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council. This includes inappropriate touching of passengers.
- iii) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery devices inside their vehicle at any time.
- iv) Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle).
- v) Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger

Smoking and E-Cigarettes

- GC6 It is against the law to smoke tobacco products in a licensed vehicle. In addition, drivers shall not use an e-cigarette or other nicotine delivery device in a licensed vehicle at any time.

CCTV and Other Recording Devices

- GC7 Drivers are in a position of trust and passengers can expect complete privacy and discretion when hiring a licensed vehicle.

Drivers shall not video or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act.

Any footage obtained of passengers must not be made publicly available other than to a law enforcement agency.

No still or moving images or audio recordings or transcripts of audio recordings must be made available on social media or by other means.

Any driver found breaching the above requirements will be referred to the Council's Licensing Committee with a recommendation that their driver's licence be revoked.

Please Note:

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT

THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING

MISUSED ANY DRUGS PRIOR TO OR WHILST IN CHARGE OF A LICENSED VEHICLE.

DRESS CODE

- GC8 The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Hartlepool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

- GC9 As a minimum standard, drivers must wear either long legged trousers, knee length shorts, skirt or dress and T shirts which have a full body and short sleeves.

Footwear

- GC10 Footwear for all drivers shall be appropriate for safe driving.

Unacceptable Standard of Dress

- GC11 The following are deemed to be unacceptable:

- i) Clothing that is not kept in a clean condition, free from holes and rips.
- ii) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- iii) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.).
- iv) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- v) Drivers not having either the top or bottom half of their bodies suitably clothed
- vi) No headwear, or other items which partially or completely cover the head or face or identity of the licensed driver e.g. baseball caps and hoodies, shall be worn other than when a uniform is worn for a special occasion, or for religious purposes.

ADDITIONAL POLICY AND ADDITIONAL CONDITIONS FOR STRETCHED LIMOUSINES, NOVELTY VEHICLES, CLASSIC VEHICLES AND EXECUTIVE VEHICLES

These conditions are IN ADDITION to the standard Private Hire Vehicle conditions except where stated.

Each application will be assessed on its own merits and each vehicle will be inspected by an authorised council officer to ensure it complies with this policy.

Prior to being licensed, and in order to remain licensed, all vehicles to which this Appendix applies must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.

INTERPRETATION

Stretched Limousines

- AP1 For the purpose of licensing by the Council, a limousine is a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048mm (120 inches) to extend the length of the vehicle.

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.

Novelty Vehicles

- AP2 A novelty vehicle is any vehicle not traditionally used to carry fare paying passengers or, in any other way, is a vehicle to which licence conditions detailed in this policy cannot, by the vehicle's nature, reasonably apply.

Classic Cars

- AP3 A classic car is any vehicle that was first registered more than 25 years prior to the date of licence application.

Executive Cars

- AP4 An executive vehicle is equivalent to the European E-segment classification. It must be capable of carrying four or more passengers and be equipped to the highest standards of comfort and equipment.

The vehicle must be in pristine condition with no visible interior or exterior defects, dents or blemishes.

The vehicle must be used exclusively to provide transport under a written contract lasting not less than 7 consecutive days.

Exemption from Requirement to Display Licence Plate

- AP5 On application, vehicles to which this Appendix applies may be exempted from the general requirement to display a licence plate.

Vehicles exempted from the requirement to display a licence plate must, instead, fix their licence plate to the underside of the boot lid or to some other agreed location where it can be easily read if required.

Additionally, vehicles exempted from the requirement to display the licence plate must display the vehicle's licence number in the front windscreen where it can be seen from the exterior of the vehicle.

If an exemption from the need to display a licence plate is granted, the Council will issue the proprietor of the vehicle with an Exemption Notice.

Exemption Notices may be renewed annually (to coincide with the licence itself) subject to the vehicle undergoing, and passing, a re-inspection by an authorised officer to ensure it continues to be fit for purpose and further proof of the continuous contract arrangements.

Age Limits

- AP6 Limousines, classic cars and novelty vehicles may be of any age but must, at all times, satisfy this Policy's requirements in relation to safety, appearance and comfort.

Window Tint

- AP7 Window tinting restrictions do not apply to the rear passenger windows and rear windscreen for any vehicle type listed in this Appendix.

Seatbelts

- AP8 In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers

Stretched Limousines - Construction & Appearance

- AP9 Stretched limousines must satisfy the following requirements:
- i) The maximum length of the vehicle "stretch" shall not exceed 3048 mm.
 - ii) 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).

- iii) In addition, tyres on the same axle must be of the same nominal size and aspect ratio.
- iv) The interior of the vehicle must be kept wind and watertight.
- v) The seats in the passenger compartment must be kept properly cushioned and covered.
- vi) The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering.
- vii) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- viii) The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
- ix) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
- x) The vehicle must have at least two doors for use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
- xi) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

Stretched Limousines – Mechanical Inspections

AP10 Limousines are required to be mechanically tested at the Council's appointed depot every six months.

Stretched Limousines - Documentation

AP11 In addition to other documentation requirements detailed earlier in this policy, the following documentation, in original form or certified copies (not photocopies), shall be produced prior to licensing:

- i) Completed importation documentation – Single Vehicle Approval (SVA) or Individual Type Approval (ITA).
- ii) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
- iii) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).

Stretched Limousines - Passengers

AP11 Where the passengers in the vehicle consist solely of persons under the age of 16 they must be accompanied by a responsible adult, other than the driver, who is over the age of 16 years and is not connected to the driver.

All passengers must remain seated at all times when the vehicle is in motion.

With the exception of the responsible adult detailed above, passengers must not be carried in the front of the vehicle.

Stretched Limousines - Uniforms

AP12 The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.

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

General

Prior to being licensed, and in order to remain licensed, all horse drawn carriages must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.

Making an Application - Essential Requirements

- HD1 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall complete and submit to the Council an application on the prescribed form together with the required licence fee no later than 14 days prior to the licence being required.

If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

The Vehicle - External Construction and Markings

- HD2 The vehicle shall be purpose built and suitable for the carriage of passengers.
- HD3 The vehicle shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing.
- i) 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.
 - ii) 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:
 - a) Bodyshell/paintwork – free from rust, broken metal and other visible damage.
 - b) Door hinges – shall be in good working order and to be seated correctly when closed.
 - iii) 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.

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

The Vehicle - Internal construction and markings

HD4 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).

HD5 Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.

HD6 Blankets shall be provided for the comfort of passengers.

HD7 No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council.

HD8 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.

The Vehicle - Additional Requirements

HD9 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 14 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.
- vi) Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.

Material Alterations

HD10 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.

Insurance

HD11 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.

Routes

HD12 The carriage may only be used on previously approved routes.

The Horse

HD13 The horse must be a minimum of three years old.

HD14 Horses must be appropriately shod at all times.

HD15 If a horse is considered to be lame, or in any other way unwell, it shall be removed from service immediately.

HD16 Horses must be provided with regular access to drinking water.

HD17 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.

HD18 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.

HD19 Certified horses should be easily identified by means of microchip or permanent marking.

HD20 The horse must have a current passport.

HD21 The horse should be stabled in appropriate accommodation with access for inspection at all reasonable times.

HD22 Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.

HD23 No horse shall be used for drawing a carriage during the hours of darkness.

HD24 Sufficient horses must be provided to power the licensed carriage.

The Driver

HD25 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.

HD26 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).

HD27 The driver of a carriage is exempted from the requirement to pass the locations element of the driver's examination.

Fares

HD28 A table of fares to be charged by the operator must be approved by the Council.

Hackney Carriage and Private Hire Working Group – Hackney Carriage Colour

Response 1

Formal Objection to Proposed Hackney Carriage Vehicle Colour Change

Subject: Objection to the proposed change in mandatory vehicle colour for licensed Hackney Carriages.

To the Licensing Committee / Relevant Authority,

I am writing to formally object to the proposal to change the mandatory color standard for Hackney Carriages from its current established yellow . I urge the committee to retain the existing color for the critical reasons detailed below.

1. Public Safety and Visibility

The primary and most compelling argument for retaining the yellow color is public safety. Yellow is scientifically proven to be one of the most visible colors across various light and weather conditions:

High Contrast: Yellow provides exceptional contrast against typical road environments (asphalt, concrete, foliage), making vehicles immediately noticeable to pedestrians, cyclists, and other drivers.

Low Light Performance: Yellow retains visibility better than many other colors in fog, rain, snow, and during twilight hours, significantly reducing the risk of accidents and ensuring the public can easily identify a licensed vehicle needing hire.

Immediate Identification: The bright yellow color allows for instantaneous public recognition, which is essential in busy, high-traffic areas or emergency situations.

2. Established Public Identity and Recognition

The yellow color has been adopted specifically to serve as an unmistakable identifier for licensed Hackney Carriages, establishing a clear public safety standard.

Trust and Authority: In the minds of the public, the specific yellow is synonymous with a regulated, licensed, and insured public transport service. Any deviation risks confusion with private hire vehicles or other private vehicles, diminishing the perceived authority and trust associated with the official taxi service.

Branding and Tradition: The color represents a historical commitment to standardization and quality in the local area, which should not be lightly discarded for aesthetic purposes.

3. Economic and Practical Impact on Operators

Implementing a change in the mandatory colour would impose significant, unnecessary financial burdens and practical challenges on existing licensed operators:

Unrecoverable Costs: Vehicle owners would be forced to pay for costly full or partial re-sprays, body wraps, or the acquisition of new, compliant vehicles, representing a massive and unrecoverable capital expense.

Administrative Disruption: A change would necessitate updates to all associated documentation, signage, branding, and promotional materials across the entire local trade.

Conclusion and Request

For reasons pertaining to public safety, established identity, and the significant economic impact on the trade, the proposed colour change is unwarranted and detrimental to the community and its licensed operators.

I strongly request that the Licensing Committee reject the proposal for a colour change and mandate the retention of the existing yellow for all licensed Hackney Carriages.

Response 2 – received following a working group member circulating response 1

Agreed..... I'm happy with yellow .

Response 3

Rachael how is this being entertained when we have just had major update with our policy.

Updates like this have normally been put in front of the trade at the AGM.... Before any decision is made to put it in front of the Licensing Committee.

Why is it that anyone can ask for a change of policy away from AGM?

Especially when a lot of the trade have just purchased new vehicles and had them painted the correct colour from the policy.

Also will a decision be made on the 24th October or is this just the

Start of the process?