

LICENSING COMMITTEE AGENDA



24 April 2013

at 10.00am

in the Council Chamber, Civic Centre, Hartlepool

MEMBERS: LICENSING COMMITTEE:

Councillors Ainslie, Brash, Dawkins, Fleet, Gibbon, Griffin, Hall, Jackson, A Lilley, Loynes, Morris, Robinson, Shields, Sirs and Tempest

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 17 December 2013
 - 3.2 To confirm the minutes of the meeting held on 30 January 2013
4. **ITEMS REQUIRING DECISION**
 - 4.1 Hackney Carriage Tariffs – *Assistant Director, Regeneration and Planning*
5. **ITEMS FOR INFORMATION**
6. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

17 December 2012

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

Present:

Councillor: Councillor Morris (In the Chair)

Councillors: Ainslie, Brash, Dawkins, Gibbon, Griffin, Hall, Jackson, Robinson, Shields, Tempest

Officers: Ian Harrison, Principal Trading Standards & Licensing Officer
Tony MacNab, Solicitor
Rachael White, Democratic Services Officer

23. Apologies for Absence

Councillors Fleet, A Lilley, Loynes and Sirs and Sylvia Pinkney.

24. Declarations of interest by Members

None.

25. Confirmation of the minutes of the meeting held on 6 November 2012

Confirmed.

26. Early Morning Alcohol Restriction Orders (EMROs)– Assistant Director (Resources)

The Principal Trading Standards and Licensing Officer reported that when the Licensing Act was implemented in 2005 its primary purpose was to tackle issues associated with the misuse of alcohol. At that time it was believed that late night alcohol related crime and disorder was being caused by the requirement for all licensed premises to close at the same time producing a surge of drunken people onto the streets. This therefore removed 'prescribed' licensing hours and effectively permitted '24 hour drinking' if licensees requested it. This resulted in there being over 20 licences granted (excluding takeways) that authorised the sale of alcohol beyond 02.00am which has subsequently been reduced to 13 – partly due

to proactive action by the Council and the Police and partly due to the economic climate.

On 31st October 2012 licensing authorities were given the opportunity to adopt new measures for the management of their night time economies. These were Early Morning Restriction Orders (EMRO's) and Late Night Levy's. The Principal Trading Standards & Licensing Officer informed the Committee of the process used for the adoption of an EMRO going in to detail in relation to consultation, advertisement and evidence that needed to be provided. The Officer advised that if relevant representations were received, the licensing authority would have to hold a hearing to consider them within 30 days after the end of the consultation period. The authority would have to make its decision within 10 days working days of the conclusion of the hearing. As a result of the hearing the licensing authority would have three options:

- To decide that the proposed EMRO was appropriate for the promotion of the licensing objectives;
- To decide that the proposed EMRO would not be appropriate and the process should be ended;
- To decide that the proposed EMRO should be modified. In this case the process must begin again, based on modified terms.

On 6th December 2012 a letter was received from Cleveland Police and the Director of Public Health, requesting that Hartlepool Borough Council consider the implementation of an EMRO that would limit the sale of alcohol to 02:00am. Crime and disorder continued to be a significant issue for the Night Time Economy with an average of approximately 20 violent incidents in the town centre area each month. Cleveland Police stated that the current policing methods required to effectively manage the Night Time Economy were unsustainable. The Director of Public Health stated that a relaxation in licensing hours had led to unacceptable levels of alcohol related Accident and Emergency admissions. The representation from Cleveland Police and Director of Public Health has suggested that it would be appropriate for an EMRO to apply to the area currently identified in the Council's Licensing Policy as a 'Special Policy' area.

The timetable for implementation was suggested as follows:

- | | | |
|------------------------------|---|---|
| January 2013 | - | Consultation would begin |
| February/March | - | Consultation ends (consultation must be a minimum of 42 days) |
| April 2013 | - | Licensing hearing to consider consultation responses |
| June 2013 | - | Report to full Council |
| 13 th August 2013 | - | Implementation of EMRO |

In the discussion that followed, members made reference to the evidence that had been provided by Cleveland Police and the Director of Public Health. This included a briefing paper that identified alcohol related violent crime statistics for the town centre area between August 2011 and August 2012 and which highlighted that there were a number of premises where alcohol related crime and disorder had occurred during July and August

2012. The evidence was deemed as appropriate to fit the criteria to implement an EMRO. Concern was expressed in relation to the impact on businesses in the area as 14 alcohol licensed premises had closed since the Act was implemented. Members debated the possibility of displacement as it could be argued that as a result of the EMRO residents of Hartlepool would travel to other areas where establishments would stay open till a later time. However it was not thought to be a great concern. Members hoped that if introduced that local magistrates would support the EMRO. Overall it was felt that by introducing an EMRO it could improve the situation of local businesses and that it could also help reduce the crime and disorder in Hartlepool. All members were in favour of the Early Morning Restriction Order being proposed.

Decision

That there was sufficient evidence to propose making and an Early Morning Restriction Order on the following terms: -

- The EMRO will apply between 0200 hours and 0600 hours 7 days per week
- The EMRO will apply on every day of the year except for New Years Day
- The EMRO will apply in perpetuity – unless subsequently varied or revoked by the Council
- The EMRO shall only apply to the area identified in Appendix IV to this report
- The EMRO shall take effect on 13th August 2013.

The meeting concluded at 14.57

CHAIR

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

30th January 2013

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

Present:

Councillor: George Morris (In the Chair)

Councillors: Jim Ainslie, Keith Dawkins, Mary Fleet, Sheila Griffin,
Gerard Hall, Alison Lilley, Brenda Loynes, Jean Robinson,
Linda Shields, Kaylee Sirs and Sylvia Tempest

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

27. Apologies for Absence

Apologies were submitted by Councillor Peter Jackson.

28. Declarations of interest by Members

None

29. Confirmation of the minutes of the meeting held on 17th December 2012

Deferred

30. Government's Alcohol Strategy *(Assistant Director (Regeneration and Planning))*

The Principal Trading Standards and Licensing Officer informed members that the Government had published its Alcohol Strategy setting out its plans to tackle problems associated with the misuse of alcohol. A number of proposals were made including the introduction of a minimum unit price for alcohol and a ban on multi-buy drinks promotions. It was hoped that such measures would lead to a reduction in alcohol-fuelled violent crime and death, binge-drinking and to a sustained reduction in the number of under 16s drinking alcohol. Consideration was also being given as to the possibility of removing licensing requirements for certain premises such as

hairdressers and giving local authorities discretion to exempt takeaways from the licensing requirements. Other proposed changes included removing the requirement for licensing applications to be advertised in the local press and removing the need for personal licences to be renewed every 10 years. Consultation on the strategy was due for completion on 6th February and members were asked to consider a number of specific questions as follows:

- **Do you support a minimum unit price for alcohol?** While a pressure group called Balance North East were pushing for a minimum price of 50p per unit the Government were consulting on the basis of a minimum price of 45p per unit. The Principal Trading Standards and Licensing Officer highlighted that the statistical information provided by Balance to support their 50p proposal had been countered by the Wine and Spirits Trade Association which felt the vast majority of responsible drinkers would be penalised due to the 21% of drinkers who tended to overindulge. Members expressed their support for a minimum unit price of 45p commenting that they felt that an additional 5p increase would be marginal and impact the cheaper end of the market such as cider rather than lager or wine drinkers.
- **Should the minimum unit of price be adjusted over time?** This was a suggestion that the minimum unit price be increased in line with the retail price index each year. The majority of members did not support a yearly increase feeling that it would become another form of taxation. However the Principal Trading Standards and Licensing Officer commented that any profit made would go to the retailers rather than the government. A member felt that additional profits would lead to higher taxes being paid however the Principal Trading Standards and Licensing Officer advised that the Government did not want to simply increase taxes as retailers would be under no obligation to pass these increases onto their customers and this would therefore not have the intended impact. He also did not feel that a minimum unit price would have an adverse effect on alcohol sales. Another member felt that a yearly increase in the minimum unit price would lead to an increase in child poverty as alcohol addicts would prioritise their need for cheap alcohol over the needs of their children. An increase in the minimum unit price would only benefit the rich. Members were not in favour of the minimum unit price being increased yearly through the retail price index.
Councillor Gerard Hall asked that his vote against this be recorded.
- **Do you think there should be a ban on multi-buy promotions by the off-licence trade?** It was felt that a ban on 2 for 1 or buy 2 get 20% off type promotions would stop people buying more alcohol than they needed to. Half price offers would be unaffected provided the unit price did not drop below the agreed minimum price. Members did not support this proposal

- **Do you believe any other promotions should be included in the definition of multi-buy?** Those under consideration included 2 for 1, 3 for 2, buy 1 get 1 free, buy 6 get 20% off. The Principal Trading Standards and Licensing Officer asked whether members had any other concerns around the promotion of alcohol. A member referred to a previous practice whereby patrons could pay a one-off fee of £10 and get all their drinks free for the night. The Principal Trading Standards and Licensing Officer advised that this had been stopped and was now a mandatory condition on all licences. Members had no further issues to raise.
- **Do you believe that ancillary sellers of alcohol should be removed from the licensing requirements?** These would include guesthouses, hairdressers and other establishments where the sale or provision of alcohol was incidental to their wider activities. A member queried how this would affect unlicensed restaurants which allowed patrons to supply their own alcohol. The Principal Trading Standards and Licensing Officer advised that this was already allowable although he was unaware of its being utilised by any premises. Members supported that ancillary sellers of alcohol be removed from the licensing requirements.
- **Do you believe that local authorities should be given the discretion to decide whether late night refreshment premises should remain licensable?** Under this proposal local authorities would be given the discretion to decide whether takeaways and similar establishments required a licence to trade. The Principal Trading Standards and Licensing Officer noted that these establishments currently paid £180 in licence fees to the local authority each year. Members queried what sanctions could be taken against these premises in the event of problems should licences be removed. The Principal Trading Standard and Licensing Officer advised that there would be no licensable sanctions available to members other than via environmental health or noise pollution. The police would be responsible for taking action against any criminal activity. Members felt that removing the requirement for late night refreshment premises to have a licence was not something they could support as it would prevent them from taking any action should the need arise. Therefore they expressed their support for late night refreshment premises to remain licensable and asked that this power remain with the Government. A member highlighted that by having this discretion the local authority could ensure these premises remained licensable however the Principal Trading Standards and Licensing Officer felt that the Government would not be prepared to remove the requirement for a licence themselves and wanted local authorities to make this decision.

Decision

That the following responses be made as part of the Government's Alcohol Strategy consultation:

- I. That a minimum unit price of 45p be supported
- II. That the minimum unit price not be increased yearly in line with the retail price index
- III. That there not be a ban on multi-buy promotions by the off-licence trade
- IV. That no other promotions be included in the definition of multi-buy other than those detailed within the Alcohol Strategy
- V. That ancillary sellers of alcohol should be removed from the licensing requirements
- VI. That local authorities not be given the discretion to decide whether late night refreshment premises remain licensable
- VII. That late night refreshment premises should remain licensable

31. Any Other Items which the Chairman Considers are Urgent

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

The Chair informed members of recent discussions by the Governance Working Group around the future structure of Licensing Committee. It had been proposed that the number of members on Licensing Committee be reduced from 15 to 12. Members were supportive of this given the reduction in the number of councillors following the review of ward boundaries. Following discussion by members the following preferences in relation to the future structure of Licensing Sub-Committees were expressed:

- That the three person memberships of Licensing Sub-Committees be allocated at the start of each year rather than officers choosing members via a rota system
- That sub-committees for the consideration of hackney carriage and private hire licensing be based on a four person membership with the

Chair having the casting vote where necessary.

The meeting concluded at 2:55pm

CHAIR

LICENSING COMMITTEE

24th April 2013



Report of: Assistant Director, Regeneration & Planning

Subject: HACKNEY CARRIAGE TARIFFS

1. PURPOSE OF REPORT

1.1 To consider a request from the hackney carriage trade for an increase in the hackney carriage tariff.

2. BACKGROUND

- 2.1 By virtue of the Town and Police Clauses Act 1847 licensing authorities are responsible for the setting of hackney carriage tariffs that may be charged in its area.
- 2.2 At your meeting held on 11th December 2002, it was agreed that there would be an annual review of these tariffs.
- 2.3 At the Annual General Meeting for licensed hackney carriage owners, held in February 2013, a proposal was put forward for an increase of 20p on the 'flag fall' for all hackney carriages.
- 2.4 The 'flag fall' is the initial price charged for the hiring of a hackney carriage vehicle, including the travel of a short initial distance, onto which is then added an additional cost based on the remaining distance travelled.
- 2.5 The current 'flag fall' is £2 and it is proposed that this be increased to £2.20.
- 2.6 If approved and implemented, the proposal would result in an increase of 20p in the price of every hackney carriage journey, irrespective of the distance travelled.
- 2.7 The proposed new tariff rates are attached as **Appendix 1** attached.
- 2.8 The proposal was circulated to all hackney carriage owners for consideration and a total of 20 responses were received. 17 were in favour of the proposal and 3 were against.

- 2.9 Hackney carriage tariffs have not increased in Hartlepool since 2008.
- 2.10 According to the taxi trade magazine *Private Hire Monthly Hartlepool's* hackney carriage tariffs (for a two mile journey) are the third cheapest in the country. An increase of 20p on every journey, would keep Hartlepool in that position.

3. ISSUES FOR CONSIDERATION

- 3.1 Licensing authorities are responsible for the setting of hackney carriage tariffs.
- 3.2 A proposal for an increase in Hartlepool's tariff has been received and, following consultation with hackney carriage owners, a significant majority of respondents were in favour of the proposal.
- 3.3 If adopted the proposal would result in an increase of 20p for all hackney carriage journeys – irrespective of the distance of that journey.
- 3.4 Should Members approve a tariff increase a Public Notice will be placed in the Hartlepool Mail to inform the general public. Should any objections be received within 14 days of the Notice being published, the matter will be referred back to Licensing Committee before any increase is implemented. Assuming there are no public objections, any increase approved by Members will not therefore take effect for approximately 3 weeks.
- 3.5 Members should note that hackney carriage drivers are prevented by law from charging more than the maximum approved tariff. Any increase in their operating costs must therefore be absorbed by them until any tariff increase is approved by the Council.
- 3.6 According to the taxi trade magazine *Private Hire Monthly Hartlepool's* Hackney Carriage tariffs (for a two mile journey) are the third cheapest in the country.
- 3.7 Any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income whilst representing value for money for the travelling public.
- 3.8 The proposed increase in tariffs applies only to hackney carriages as licensing authorities have no power to set fares for private hire vehicles.

4. EQUALITY AND DIVERSITY CONSIDERATIONS

- 4.1 There are no equality or diversity implications.

5. SECTION 17

- 5.1 The Crime and Disorder Act 1998 requires Local Authorities to consider the impact of everything they do in relation to crime and disorder in all their activities. This duty is what is referred to as ‘Section 17’.
- 5.2 It is not anticipated that any increase to the hackney carriage tariff would impact on the Council’s section 17 responsibilities.

6. RECOMMENDATIONS

- 6.1 That Licensing Committee approves the proposed increase in hackney carriage tariffs as detailed in **Appendix 1** attached.

7. BACKGROUND PAPERS

- 7.1 There are no background papers to accompany this report.

8. CONTACT OFFICER

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APPENDIX 1**HACKNEY CARRIAGE FARES****Local Government (Miscellaneous Provisions) Act 1976 Section 65****FARES FOR DISTANCE****MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2), (3) and [4]: -

If the distance does not exceed 210 yards or 192 metres	220p
If the distance exceeds 210 yards or 192 metres:-	
For the first 210 yards or 192 metres	220p
For each subsequent 210 yards or 192 metres or uncompleted part thereof	10p

- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3) or [4]: -

If the distance does not exceed 380 yards or 347.5 metres	220p
If the distance exceeds 380 yards or 347.5 metres:-	
For the first 380 yards or 347.5 metres	220p
For each subsequent 140 yards or 128 metres or uncompleted part thereof	10p

- [3] For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December other than those shown at (4): -

If the distance does not exceed 200 yards or 182.9 metres	220p
If the distance exceeds 200 yards or 182.9 metres:-	
For the first 200 yards or 182.9 metres	220p
For each subsequent 120 yards or 109.7 metres or uncompleted part thereof	10p

- [4] For all hirings begun between 7pm on 24th December and 0630 am on 27th December and between 7 pm on 31st December and 0630 am on 2nd January: -

If the distance does not exceed 200 yards or 182.9 metres	400p
If the distance exceeds 200 yards or 182.9 metres:-	
For the first 200 yards or 182.9 metres	400p
For each subsequent 120 yards or 109.7 metres or uncompleted part thereof	10p

WAITING TIME

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

APPENDIX 1

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

Additional Charge - An additional charge of up to £1.50 may be made where purpose built wheelchair accessible vehicles carry five or more passengers at any one time.

SOILING CHARGE - £20.00