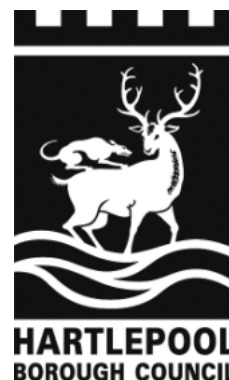


LICENSING COMMITTEE AGENDA



17th July 2013

at 10.00am

in Committee Room B,
Civic Centre, Hartlepool

MEMBERS: LICENSING COMMITTEE

Councillors Ainslie, Beck, Cook, Dawkins, Fleet, Gibbon, Griffin, Hall, Jackson, Morris, Tempest and Wells

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

- 3.1 To approve the minutes of the meeting held on 24th April 2013
- 3.2 To approve the minutes of the meeting held on 7th May 2013

4. **ITEMS REQUIRING DECISION**

- 4.1 Licensing Committee – Sub-Committee memberships – *Assistant Chief Executive*
- 4.2 Application for a Dog Breeding Establishment licence – Compound 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool TS25 1UB – *Assistant Director (Regeneration)*
- 4.3 Driving Standards Agency Taxi Tests – *Assistant Director (Regeneration)*

5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**



**Date of next meeting – Wednesday 16th October 2013 at 2.00pm in
Committee Room B**



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

24 April 2013

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

Present:

Councillor: George Morris (In the Chair)

Councillors: Jim Ainslie, Keith Dawkins, Mary Fleet, Steve Gibbon, Sheila Griffin, Ged Hall, Alison Lilley, Geoff Lilley, Brenda Loynes, Jean Robinson, Linda Shields and Sylvia Tempest

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

32. Apologies for Absence

None.

33. Declarations of interest by Members

None.

34. Confirmation of the minutes of the meeting held on 17 December 2012 and 30 January 2013

Confirmed.

35. Hackney Carriage Tariffs *(Assistant Director, Regeneration and Planning)*

Licensing authorities are responsible for the setting of hackney carriage tariffs. A proposal for an increase in Hartlepool's tariff had been received and, following consultation with hackney carriage owners, a significant majority of respondents were in favour of the proposal of an increase of 20p for all hackney carriage journeys – irrespective of the distance of that journey. If approved, a Public Notice would 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 would be referred back to Licensing Committee before any increase was implemented. Assuming there were no public objections, any increase approved by Members would

not therefore take effect for approximately 3 weeks.

In response to queries the Principal Trading Standards and Licensing Officer advised that there had not been an increase in the tariff since 2008 and that it was felt by taxi firms that increasing the flagfall was a more efficient means of increasing the price rather than basing charges on distance. The Officer advised that the flagfall would not be enforced and it would be up to the individual taxi driver to decide whether they would like to impose the extra charge and that the increase would not impact on occasions such as Christmas Day.

It was suggested by Members that a press release was to be issued could it state that the Licensing Committee were allowing the increase rather than enforcing it and that there wouldn't be increase for e.g. 5years.

Decision

The proposed tariff was approved.

36. Any Other Items which the Chairman Considers are Urgent

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

None.

37. Closing Statement

The Chair thanked the Members of the Committee for their commitment over the year.

The meeting concluded at 10.22am

CHAIR

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

7th May 2013

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

Present:

Councillor: Ray Wells (In the Chair)

Councillors: Paul Beck, Rob Cook, Keith Dawkins, Mary Fleet, Steve Gibbon, Gerard Hall, George Morris and Sylvia Tempest

Officers: Louise Wallace, Director of Public Health
Chris Hart, Drug and Alcohol Manager
Sylvia Pinkney, Public Protection Manager
Ian Harrison, Principal Trading Standards and Licensing Officer
Lisa Oldroyd, Community Safety Research and Development Officer
Rachel Parker, Community Safety Research Officer
Tony MacNab, Solicitor
Jo Stubbs, Democratic Services Officer

Also Present:

Cleveland Police Representatives

Temporary Chief Inspector Lee Rukin
Sergeant Jonathan Wrigley
PC Andrew Thorpe

National Licensees Representatives

Jim Cathcart, British Beer and Pub Association
John Coen, Ford and Warren
Nigel Connor and Mark Frankland, J D Wetherspools
John Gaunt and Tim Shield, John Gaunt and Partners
Jonathan Smith, Poppleston Allen
Rob Summers, Punch Taverns

Local Publicans

S Allan, Anthony Andrews, Linda Baker, Richard Coates, Kevin Reid, Darab Rezai, J Smith, Kevin Walker, Michael Walker, Trevor and Debra Wilding

Leanne Davis, Durham County Council

Pam Rose, Darlington Borough Council

T Gilbert and Mark Scott

1. Apologies for Absence

Apologies were submitted by Councillors Jim Ainslie, Sheila Griffin and Peter Jackson

2. Declarations of interest by Members

None

3. Confirmation of the minutes of the meeting held on 24 April 2013.

Deferred

4. Early Morning Alcohol Restriction Order *(Assistant Director, Regeneration and Planning)*

The Public Protection Manager gave details of the results of the recent public consultation into the making of an Early Morning Alcohol Restriction Order (EMRO) for the town centre area between 2am and 6am. On 17th December 2012, following a request from Cleveland Police and the Director of Public Health the Licensing Committee had approved the commencement of a formal 6-week consultation process into an EMRO in the town centre area, defined in the Council's licensing policy as the Cumulative Impact Area (CIA). 13 premises serving alcohol would be affected by this EMRO. 35 representations were received, all of which were appended to the report. Details were given of the statutory guidance surrounding EMROs and various issues for consideration by members. Members were informed of the options available to them following consideration of the evidence.

At the commencement of the meeting the Chair read a brief statement as follows:

“The purpose of today's meeting is to hear representations concerning the likely effect of making an Early Morning Alcohol Restriction Order on the promotion of the licensing objectives.

I would remind everyone that these are: -

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

I am informed that those who submitted representations concerning the process surrounding the initial proposal of the Order were written to and advised that any further submissions concerning the process should be made in writing as they would not be permitted at today's hearing.

That is not to say that such submissions will not be considered but rather they will be considered under legal advice at a later stage in this process.

In order to ensure that all parties have an opportunity to speak I will be very firm on this point.

Today's hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).

I understand that some parties have indicated that they intend to introduce witnesses to explain certain points so I would ask that you introduce yourself, and your witness, when you are asked to present your representation.

I am mindful that the regulations state that this should take the form of a discussion, led by the authority, and that cross-examination shall not be permitted unless the authority considers that it is required.

If anyone wishes to clarify any points raised by a person who has made representations I ask that they raise their hand and address issues directly to myself as Chair. This may or may not lead to cross examination"

Cleveland Police

Temporary Chief Inspector Lee Rukin presented the Police case in support of an EMRO which would in his opinion help to combat crime and disorder and promote policing objectives namely to keep people safe, reduce crime and anti-social behaviour and secure financial stability and value for money. Statistical information on crimes in the CIA was given by the Community Safety Research Officer showing that although crime as a whole had fallen since 2005/6 there had been a 12% increase in violent crimes in the CIA between 3am and 6am since 2005, the year in which the Licensing Act and late-night opening came into force. Over a third of crime taking place across Hartlepool between 3am and 6am was happening in the CIA.

Sergeant Wrigley and PC Thorpe went on to give their personal experiences of policing the night-time economy. A number of initiatives had been tried to combat crime and anti-social behaviour in the CIA. These included Direction to Leave notices, drink banning orders, Barred from one, Barred from all, the closure of parts of Church Street to traffic, taxi marshalling and Hartlepool Town Pastors. Temporary Chief Inspector Rukin advised that some of these initiatives had been funded by external sources such as the Safer Hartlepool Partnership and were quite resource intensive in terms of police time and money. Relations between Cleveland

Police and the Hartlepool Licensees Association (HLA) were good but not all premises were part of the HLA. In order for police initiatives to work everybody needed to be involved and pushing in the right direction. Temporary Chief Inspector Rukin also explained that the night-time economy was a huge draw on police resources. Although he accepted that this was not part of the licensing objectives it did affect them as without adequate resources on the ground police were unable to promote the licensing objectives as effectively as they might otherwise do. There could also be a knock-on effect on other areas of the town if resources were concentrated on the CIA to the detriment of outlying areas.

The following issues were raised by members:

- Best Bar None – this was a voluntary quality improvement scheme used successfully in Durham. However despite attempts by Licensing officers to introduce the scheme to Hartlepool there had been virtually no interest from licensees in Hartlepool. Temporary Chief Inspector Rukin explained that while the police would support such an initiative Durham already had 2am closing so the areas were not comparable in terms of night-time economy. He also highlighted that Best Bar None was run by the industry rather than the police and had considerable administrative costs attached to it.
- What evidence was there that crime and anti-social behaviour would have occurred had Direction to Leave notices not been issued? Temporary Chief Inspector Rukin indicated that Direction to Leave notices were issued as the result of an incident inside a licensed premises at which the police were not present. Door staff would hand the individual involved over to the police who would secure them and issue a Direction to Leave notice to cover the rest of that weekend. If the individual's behaviour was more extreme they would be arrested but this was seen as a more severe course of action to take.
- How often did police meet with licensees and were there regular meetings? How were the licensing objectives promoted in conjunction with licensees? Sergeant Wrigley reported that officers would visit licensed premises on Friday and Saturday nights. They would then contact individual premises during the first half of the following week to ascertain any problems or concerns. If incidents were found to be ongoing police would arrange a meeting with representatives of the premises in question and an action plan formulated. Only if this had not worked would a review of the conditions on the licence be sought via Licensing Sub-Committee. Temporary Chief Inspector Rukin was of the opinion that granting the EMRO would not damage the licensing industry in Hartlepool. He felt that the drinking culture had changed in recent years with people tending to come out after midnight. Early closing might encourage people to come out earlier and finish at a more sensible time thereby easing the burden on police resources in the early hours.

- If an EMRO was introduced would the number of officers on duty reduce? Temporary Chief Inspector Rukin advised that the same number of officers would be on duty across the town but could be better utilised if they did not have to concentrate on the night-time economy.
- Do the police close establishments following a major incident? A forced closure was only undertaken in extreme circumstances due to the impact on business and the livelihood of the owner and workers. However voluntary closures had happened in the past. Temporary Chief Inspector Rukin was nevertheless satisfied with the powers available to police to close premises should that be deemed necessary.
- Would there be enough officers available to deal with a mass of drinkers in the Church Street area at 2am? Temporary Chief Inspector Rukin indicated that the police could cope but he was unable to speak for the taxi trade.
- If people were coming out earlier but drinking for the same amount of time would there really be a reduction in anti-social behaviour? Would the problems between 3am and 6am not just be moved to earlier in the night? Temporary Chief Inspector Rukin felt that an EMRO would not fix the problem but was an additional tool. Early closing would encourage people to start drinking in town rather than preloading on cheap alcohol at home and arrive in town already under the influence. Also the police would be better able to protect the public and promote the licensing objectives before 2am
- Was this a problem with police resources rather than promotion of the licensing objectives? Temporary Chief Inspector Rukin reported that police had the maximum amount of resources available to them til 3am. After this they moved onto the nightshift and concentration on the night-time economy meant they could not engage in proactive work elsewhere. He felt this was no longer sustainable

Director of Public Health

The Director of Public Health reported an increase in alcohol-related injuries and illnesses over the last 10 years. She acknowledged that health was not a licensing objective but felt that the introduction of an EMRO would help alleviate these problems. Later opening hours meant a longer time period to consume alcohol which could lead to a reduction in public safety and a possible increase in harm to the public. Information supplied by the minor injuries unit showed incidents of assault tended to coincide with the night-time economy and a quarter of these incidents could be linked to licensed premises in Hartlepool.

Local Licensees

Mr Walker, proprietor of the Little Black Book, confirmed that he was against the introduction of an EMRO due to the effect it might have on his business and others. The Police had acknowledged that crime had reduced significantly so this was not an issue in terms of the licensing objectives. He also noted that there had been no study on any specific premises. He asked whether a reduction in hours might not lead to incidents in crime and anti-social behaviour increasing to what they had been 10 years ago before the Licensing Act 2003 had come into force. Temporary Chief Inspector Rukin acknowledged that crime had dropped in the last 10 years but a third of all crime between 3am and 6am was taking place in the CIA. Mr Walker commented that although this was still a smaller number of crimes overall when compared to 10 years ago but Temporary Chief Inspector Rukin commented that one crime was still too many.

Linda Baker, local proprietor of a licensed premises, felt that reducing hours for the sale of alcohol could lead to threats and abuse to bar staff if premises were open but unable to sell alcohol. This could lead to an increase in police call-outs between 2am and 4am. It could also unfairly affect many of her customers who would come for a drink at the end of a night shift. She advised that there had been no incidents in her establishment over the previous 18 months. Temporary Chief Inspector Rukin felt that it would not make economic sense for licensed establishments to open until 4am if their licence to sell alcohol had run out at 2am, although this would be a decision for the proprietors to make. Ms Baker commented that the introduction of an EMRO would probably lead to the closure of her premises altogether as approximately 80% of her trade would be lost.

Darab Rezai, Chair of the Hartlepool Licensees Association (HLA), spoke against the introduction of an EMRO. He noted that the average age of drinkers in Hartlepool was 18-25 so they did not know any different than late night closing. Members of the HLA worked hard to follow the law and support legislation. By reducing licensing hours to 2am people would be tempted to hold parties at private premises such as garages or warehouses using alcohol cheaply bought at supermarkets. Such gatherings would not be controlled in terms of fire safety, noise pollution and CCTV. Mr Rezai also felt that an increase in parties in houses could lead to health and safety problems and that by drinking in front of young children a generation of binge drinkers could be encouraged. He also referred to the comments by Ms Baker regarding staying open past 2am saying that this could lead to drinkers moving from alcohol to legal highs thereby shifting the problem onto another cause. The HLA were fully supportive of the police's efforts to combat crime and anti-social behaviour in the CIA but felt that an EMRO in that area would just push the problems associated with alcohol away from the centre. He would be minded to support a restriction to 3am but felt 2am was a step too far. The HLA would also be happy to implement Best Bar None.

The following issues were raised by members:

- Would earlier opening hours not lead to people coming out earlier thereby spending more money in licensed premises? Mr Rezai advised that people would be more inclined to go to places with later opening hours such as Sunderland. The HLA's attempts to make drinking a more social activity were being stymied by the availability of cheap supermarket alcohol. This combined with a change in hours could encourage the better element to go elsewhere leaving the troublemakers in Hartlepool
- Concerns had been raised about people turning to drugs and children drinking after seeing their parents do so. Both of these were unfair inaccurate statements. Licensees tended to overcharge for soft drinks thereby encouraging people to drink alcohol. Mr Rezai indicated that soft drinks were charged at the same level as alcohol. He also noted that he had been referring to excessive drinking in front of children and commented that the culture of going for a meal with the family no longer existed.
- Were there any particular issues at Mr Rezai's premises? They operated a rigorous dress code and would bar people where necessary.
- What evidence was there that people would go home at 2am and have parties and that this would be detrimental? If such parties were already being held what harm would an EMRO do? Mr Rezai indicated it would lead to an increase in private parties and the associated problems
- What help would the HLA need to introduce Best Bar None? Mr Rezai would take this proposal to his members in order to ascertain whether they would support it.
- Could Mr Rezai suggest any other initiatives the police and licensing department could use? Premises tended to use their own individual initiatives such as barring, dress codes and being anti-drugs and anti-binge drinking.
- If an EMRO was introduced to Hartlepool where would drinkers go as an alternative? Middlesbrough, Newcastle and Sunderland were all open late. An EMRO would encourage more people to travel further afield and adversely affecting Hartlepool's night-time economy. A taxi for a large number of people to go out of town did not cost a lot
- What assurances did members have that the HLA would work to reduce crime and disorder? Mr Rezai had been Chair of the organisation for 2 months and had met with Police and Licensing

Department Officers. He assured members he was serious about controlling crime and operating venues properly.

- 40% of licensed premises had closed since the introduction of late opening. Why was this? Mr Rezai believed this was a consequence of supermarkets selling alcohol at prices with which licensees could not compete. Members commented that an EMRO would not affect the price of supermarket alcohol but Mr Rezai indicated that it would put more strain on licensed premises as people would not come out any earlier than they do now.
- Was Hartlepool's reputation in terms of alcohol-related crime and anti-social behaviour justified? Mr Rezai recalled how bad things had been when he had first come to Hartlepool in 1986. Since then there had been improvements but the HLA were keen to make the situation even better. He also noted that when crime and anti-social behaviour had been worse there had been no late opening.
- Was every licensee in Hartlepool opposed to an EMRO? Only 2 of the 50 licensees present at a recent HLA meeting had supported an EMRO and Mr Rezai believed that they were now against it.

Members briefly adjourned the meeting. Upon returning the Chair informed those present that based on the evidence provided thus far they were minded not to approve the introduction of an EMRO

National Licensees

Jonathan Smith from Poppleston Allen spoke on behalf of the Association of Licensed Multiple Retailers and Stonegate. He reminded members that just as when considering whether to grant individual premises a licence there needed to be compelling evidence that an EMRO was appropriate. He referred to the statistical information provided by the police which he felt was incomplete in terms of information on times and days of incidents. However these figures did show a 45% reduction in crime in the CIA between 9pm and 6am since 2004/5. This compared to a 43% fall in crime in areas outside the CIA at those times. Therefore there had been more incidents of crime and anti-social behaviour before the introduction of the Licensing Act suggesting that crime had reduced with the longer opening hours. The Police had asserted that this was not a resources issue but he felt that it was. They had also been unable to confirm whether taxis would be able to cope with a mass exodus at 2am. Mr Smith advised on behalf of his clients that they would be happy to work with the police and council on initiatives such as Best Bar None but felt that an EMRO would be unnecessary and inappropriate based on the statistics provided by the police.

Tim Shield from John Gaunt and Partners spoke on behalf of Marstons. Although his company's premises in Hartlepool would not be directly

affected by an EMRO they felt it would bring no benefit to Hartlepool. In difficult economic times it would have a detrimental impact on licensed premises, taxis and takeaways. Crime in Hartlepool's CIA had dropped by 55% compared to a 28% reduction nationally. He acknowledged resourcing difficulties being experienced by the police but this was not something members could take into consideration when making their decision. It was the police's job to protect law abiding citizens. Mr Shield's clients would be happy to support any proposed initiatives including Best Bar None.

Nigel Conner spoke on behalf of the J D Wetherspoons legal department. He felt that there was a significant economic risk to Hartlepool's licensed premises should an EMRO be adopted. Police had previously said they were reluctant to close premises for one evening but were asking for permission to close all licensed premises every evening after 2am. This would displace any current problems outside the CIA and lead to a concentrated closing time. Without a gradual dispersion a flashpoint could be created which might lead to problems. The Chair of the HLA was committed and Mr Conner's clients would be happy to support him. An EMRO was a powerful tool which should only be used as a last resort.

Rob Summers spoke on behalf of Punch Taverns. Their only affected premises was the Jacksons Arms which had never been the subject of a review and never had any issues with the police, residents or responsible authorities. An EMRO was a blunt instrument which would affect good and bad premises alike. Five premises had been reviewed over the last 20 months and no reductions in hours had been made but now members were suggesting reducing trading hours for all premises. This was disproportionate and inappropriate. The Jacksons Arms was a well run establishment and it would be unfair to reduce their hours. The police would need to juggle their resources better in the future.

Members retired to deliberate their decision. Upon returning the Chair read the following statement:

"Hartlepool Borough Council does not believe that any level of violence or anti social behaviour should be regarded as an acceptable or inevitable consequence of a vibrant night time economy.

The Licensing Committee recognises the significant improvements that have been made to the town centre in terms of reducing violence but will consider the use of every tool made available to it to make Hartlepool's town centre a safer place to live, work and visit.

The Licensing Committee has considered the representations made by all parties and is satisfied that an Early Morning Alcohol Restriction Order could play a role in reducing violence still further but is mindful of the concerns raised by local licensees that a reduction in opening hours, in the current economic climate, could have serious consequences for the viability of their businesses.

The Licensing Committee has determined NOT to recommend the introduction of an Early Morning Alcohol Restriction Order at the current time but intends to revisit the issue next year to establish whether local licensees, and in particular the Hartlepool Licensees Association, have taken responsibility for continuing the previous improvements including an in-depth look at the Best Bar None scheme.

Decision

That the introduction of an Early Morning Alcohol Restriction Order in the Hartlepool's Cumulative Impact area not be recommended at the current time but that the issue be revisited next year

The meeting concluded at 1:50pm

CHAIR

LICENSING COMMITTEE

17 July 2013



Report of: Assistant Chief Executive

Subject: LICENSING COMMITTEE - SUB COMMITTEE MEMBERSHIPS

1. PURPOSE OF REPORT

- 1.1 To re-appoint and fill vacancies on the Licensing Sub Committees.

2. BACKGROUND

- 2.1 Following the recent changes to the governance arrangements for Hartlepool Borough Council and subsequent changes to the constitution the membership of Licensing Committee has been reduced from 15 to 12. The memberships of the Licensing Sub Committees would therefore need to be reappointed.
- 2.2 There are four sub committees of three members dedicated to considering licences for premises and three sub committees of four members dedicated to considering licences for hackney carriage and private hire drivers.
- 2.3 Following a discussion with the Chair, the following proposed sub committee memberships are set out for Members consideration / discussion.

Licensing Sub Committees for premises licences: -

- 1 – Councillors Hall (Ch.), Dawkins and Fleet
- 2 – Councillors Morris(Ch.), Ainslie and Tempest
- 3 – Councillors Cook (Ch.), Gibbon and Griffin
- 4 – Councillors Wells (Ch.), Beck and Jackson

Licensing Sub Committees for hackney carriage and private hire licences: -

- 1 – Councillors Morris (Ch.), Ainslie, Gibbon and Tempest
- 2 – Councillors Wells (Ch.), Beck, Cook and Jackson
- 3 – Councillors Hall (Ch.), Dawkins, Fleet and Griffin

While it is accepted that political balance is difficult to maintain on sub committees of three, there should at least be two parties represented on each sub committee. The proposals set out meet that requirement.

3. LEGAL CONSIDERATIONS

- 3.1 The Local Government and Housing Act, 1989, requires 'as far as practicable' that a local authority allocates seats on Committees and Sub Committees in the same proportion to reflect the number of Members in each political group to the overall membership of the authority. It is therefore open to the Licensing Committee to agree the composition (in this case) of its Sub Committees which departs from the above principle, where it is appropriate and practicable to do so. This would apply where the nominations received required the various Sub Committees to have a 'disproportionate' number of Members from the same political group, in order to allow its business to be transacted.

4. RECOMMENDATION

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

5. REASONS FOR RECOMMENDATIONS

Without the vacancies being filled the Licensing Sub Committees cannot operate properly as a minimum of three members need to be present.

6. BACKGROUND PAPERS

Licensing Act Committee Minutes 7 January 2005
Licensing Act Committee Minutes 27 July 2005
Licensing Committee Minutes 15 March 2006
Licensing Committee Minutes 2 July 2008
Licensing Committee Minutes 29 July 2009
Extraordinary Council Minutes 6 March 2013

7. CONTACT OFFICER

Jo Stubbs, Democratic Services Officer
01429 523568
Jo.stubbs@hartlepool.gov.uk

LICENSING COMMITTEE

17th July 2013



Report of: Assistant Director (Regeneration)

Subject: APPLICATION FOR A DOG BREEDING
ESTABLISHMENT LICENCE – COMPOUND 3,
SANDGATE INDUSTRIAL ESTATE, MAINSFORTH
TERRACE, HARTLEPOOL TS25 1UB

1. PURPOSE OF REPORT

- 1.1 To consider an application for a Dog Breeding Establishment Licence submitted by Mr John William Armstrong in respect of Compound 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool.

2. BACKGROUND

- 2.1 The Breeding of Dogs Act 1973 requires that the commercial breeding of dogs must be licensed by the local authority.
- 2.2 On 16th May 2013 Trading Standards and Licensing officers visited the applicant's premises on Sandgate Industrial Estate and discovered evidence suggesting that it was being used for the keeping and breeding of dogs.
- 2.3 At the time of the visit there were approximately 15 dogs kennelled, some with puppies.
- 2.4 As a result of the visit, the premises user, Mr Armstrong, submitted a formal application for a Dog Breeders licence. A copy of the application is attached as **Appendix I**.
- 2.5 Following receipt of the application arrangements were made for the premises to be inspected by a Veterinary Surgeon and a Council Officer. This inspection was carried out on 5th June 2013 and a copy of the Vet's report is attached as **Appendix II**.

3. ISSUES

- 3.1 The Breeding of Dogs Act 1973 requires that no person shall keep a Dog Breeding Establishment except under the authority of a licence granted in accordance with the above Act. A breeding establishment is defined as a commercial enterprise where five or more litters are born during a twelve month period.
- 3.2 Mr Armstrong does not currently hold, and has never previously held, a Dog Breeding Establishment Licence in Hartlepool.
- 3.3 The results of the Vet's inspection are attached as **Appendix II** and it can be seen that she has recommended the refusal of a Dog Breeding Establishment licence as the criteria required for such premises has not been met.
- 3.4 The Vet's recommendations can be summarised as:
- Unsuitable accommodation
 - Unsuitable construction materials
 - Insufficient exercise areas
 - Build up of dirt in the accommodation
 - Lack of adequate drainage
 - Inadequate disease control
 - Inappropriate Fire Safety and Emergency procedures
 - Inadequate animal records
- 3.5 When determining whether to grant a licence the Act states that the licensing authority shall have regard to the need for securing: -
- a) That the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
 - b) That the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals;
 - c) That all reasonable precautions will be taken to prevent and control the spread among dogs of infectious and contagious diseases;
 - d) That appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;
 - e) That all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;
 - f) That bitches are not mated if they are less than one year old;
 - g) That bitches do not give birth to more than six litters each;
 - h) That bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and
 - i) That accurate records in a prescribed form are kept at the premises and made available for inspection by an authorised officer.

- 3.6 If Committee is minded to grant the application it may attach conditions to the licence to ensure that the above requirements are met.
- 3.7 If Committee determines that the application should be refused the applicant may appeal the decision to the Magistrates Court.

4. RECOMMENDATIONS

- 4.1 That Members consider the application made by Mr Armstrong and the recommendations of the Veterinary Surgeon and determine whether the application should be granted and, if so, what conditions should be attached.

BREEDING OF DOGS ACT 1973 & 1991
BREEDING & SALE OF DOGS (WELFARE) ACT 1999

Breeding Dogs App Form/np

13. FOOD STORAGE FACILITIES: Dry food stored in thick plastic drums fresh MEAT is stored in refrigerator ALL inside main shed

14. ARRANGEMENTS OF DISPOSAL OF EXCRETA: All waste collected By grab and go next door to site

15. THE APPLICANT(S) IS/ARE REQUIRED TO ANSWER "YES OR "NO" TO THE FOLLOWING QUESTIONS:

(i) Are you disqualified for the time being from: -

(a) Keeping a riding establishment YES / NO

(b) Keeping a dog? YES / NO

(c) Keeping a pet shop? YES / NO

(d) having custody of animals? YES / NO

(e) keeping a boarding establishment for animals? YES / NO

(ii) Have you ever been convicted of any offence under the Protection of Animals Acts 1911, the Protection of Animals (Scotland) Act 1912, the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, the Breeding of Dogs Act 1973 and 1991 or the Breeding and Sale of Dogs (Welfare) Act 1999?

YES / NO

16. DO YOU OR SOME RESPONSIBLE PERSON LIVE AT THE PLACE WHERE THE DOGS ARE KEPT?

YES / NO

17. WHAT ARE THE ARRANGEMENTS FOR THE PROTECTION OF THE DOGS IN CASE OF FIRE?

24/7 SECURITY CAMERAS NEXT DOOR WHICH covers my full yard PLEASE see next page YES / NO
I enclose the initial application fee (a further fee may be levied if a veterinary inspection is considered necessary).

Signed: _____

CONFIDENTIAL

Dated: 30/5/13

Please return this form to: -

The Licensing Team
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT



Cheques/Postal Orders should be made payable to Hartlepool Borough Council.

| BREED | NAME | AGE | LITTERS | |
|------------------|-----------|-------------|---------|-----------------|
| Pomeranian | Bong | 2 years | 1 | Still with pups |
| Pomeranian | Sandy | 3 years | 0 | |
| Pomeranian | Princess | 3 years | 1 | Still with pups |
| Shih Tzu | Roxy | 18 months | 1 | |
| Shih Tzu | Molly | 3 years | 0 | |
| Shih Tzu | Milky | 16 months | 0 | |
| Cocker spaniel | chocolate | 3 years | 1 | still with pups |
| labrador | chocolate | 2 1/2 years | 1 | still with pups |
| Pug | bonnie | 2 1/2 years | 0 | |
| chihuahuas | sandy | 3 years | 0 | |
| chihuahuas | dolly | 4 years | 0 | |
| Poodle | snowey | 2 years | 0 | |
| husky | Alaska | 4 years | 0 | |
| husky | ginger | 2 years | 0 | |
| Jackaahda | mitzy | 2 years | 0 | in pup |
| Springer spaniel | lady | 15 months | 0 | |
| Border terrier | mea | 3 years | 0 | in pup |
| Springer spaniel | Sady | 3 years | 0 | |



The entrance of the yard will not be changing we will be using the existing entrance. There will be no visits to the yard by the public to buy pups or to view as all sales and viewings will be carried out at customers homes or another suitable place.

The caravan in the yard is used as a bate cabin each pen is heated if needed by heat lamps.

The yard has drains leading on to the main drains.

date: 30/5/13

John William Armstrong

CONFIDENTIAL

Before I got the yard it was used as a auto dismanteler for scrap cars



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6th June 2013

FAO Dave Barnfather
Senior Licensing Enforcement Officer
Public Protection
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Re Dog Breeding Establishment Inspection 5/6/2013
John William Armstrong
Compound 3
Sandgate Industrial Estate
Hartlepool, TS25 1UB

With regard to Mr Armstrong's application for a Licence to keep a Dog Breeding Establishment I would recommend that this application be turned down.

I believe that this premises does not meet the criteria of the Breeding of Dogs Act 1973 under Section 4 (1) (a), (c), (d) or (i).

Section 4 (1) (a) states 'that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;'

The kennels were of inadequate size, there was no effective drainage, walls were not damp proofed or of an impervious construction. The majority of the kennels were open fronted and outdoors. Bedding areas and doors were constructed of wood. Light and heat were not provided except on an ad hoc basis. There was insufficient appropriate exercise areas. There was a build up of dirt within the kennels.

Section 4 (1) (b) states 'that all reasonable precautions will be taken to prevent and control the

spread among dogs of infectious or contagious diseases;'

The use of wood, lack of cleanliness, lack of drainage and mixing of the dogs did not meet normal disease control precautions.

Section 4 (1) (d) states 'that appropriate steps will be taken for the protection of the dogs in the case of a fire or other emergency;'

No fire extinguishers were available nor were any smoke detectors present.

Section 4 (1) (i) states 'that accurate records are kept;'

Although some records were provided these were not in great detail nor were they contemporaneous.

Additionally I believe that the Breeding and Sale of Dogs (Welfare) Act 1999 Section 8(1) (a) and (c) also appear to be contravened although as these apply to the keeper of a licensed breeding establishment and this is not a licensed premises this may not apply.

With regards to the Animal Welfare Act 2006 I am not comfortable that the needs of the animals' are being met.

In particular they did not have a suitable environment in that the temperature control and ventilation was not adequate nor were they able to toilet a suitable distance from their resting area.

Their need to exhibit normal behaviour patterns were not being met. No toys or play objects were provided and it is unlikely that the exercise needs of these dogs can be met under this husbandry system.

I do not believe that their need to be protected from pain, suffering, injury and disease were being met in that the animals were not clean and well groomed and I do not believe that there is an appropriate vaccination and parasite control in place.

I hope this information meets your requirements. Should you require any additional comments or information please do not hesitate to contact me.

Yours faithfully,

Ms J L Paterson



LICENSING COMMITTEE

17th July 2013



Report of: Assistant Director, Regeneration

Subject: DRIVING STANDARDS AGENCY TAXI TESTS

1. PURPOSE OF REPORT

- 1.1 To update Members about the ongoing impact of the implementation of the requirement for new private hire/hackney carriage drivers to pass the Driving Standards Agency Taxi Test.

2. BACKGROUND

- 2.1 At a meeting of this Committee on 19th January 2011 Members were asked to consider whether new applicants for hackney carriage and private hire drivers licences should be required to pass the Driving Standards Agency (DSA) Taxi Test.
- 2.2 Members were advised that the DSA test was already a requirement in other Tees Valley licensing areas and was a common feature of licensing policies across the country. Tests currently cost £79 and take the form of a practical driving test with theory – examining the applicant's ability to transport fare paying passengers in safety and comfort.
- 2.3 Members determined to amend the hackney carriage and private hire licensing policy so as to require all new driver applicants to pass the DSA Taxi Test with effect from 1st April 2011.
- 2.4 In July 2011 a further report was submitted to the Licensing Committee advising that there had been a significant reduction in new driver applications since the implementation of the new requirement.
- 2.5 Members were advised that the introduction of the DSA test had coincided with the withdrawal of much of the 'return to work' grant funding that had previously been available and that it was not possible to identify, with any certainty, the exact reasons why there had been a reduction in new applications.

- 2.6 Members determined that the requirement should continue but should be regularly reviewed.
- 2.7 In January 2012 the committee was advised that the number of new applications continued to be lower than in previous years but that, as external return to work funding sources were slowly being re-introduced, the outlook appeared brighter.
- 2.8 Between January and December 2012 a total of 32 new driver licences were issued compared to 38 in the previous year. At its height, between 2007 and 2010, approximately 90 new drivers were applying each year.
- 2.9 Whilst the number of new applications remains at a depressed level the number of drivers that are leaving the trade continues to be high. This has resulted in a net reduction in the total number of licensed drivers of approximately 50 in the last year.
- 2.10 The total number of licensed drivers has fallen from 620 in 2010 to approximately 500 at the time of writing this report.
- 2.11 There has always been a high attrition rate within the taxi trade but, until recently, the number of new drivers always exceeded those that were leaving.

3. ISSUES

- 3.1 Since April 2011 all new hackney carriage and private hire drivers have been required to undertake and pass the Driving Standards Agency Taxi Test.
- 3.2 The introduction of the test coincided with the loss of a number of job creation schemes and other employment funding initiatives that had traditionally funded and supported new taxi driver applicants. As a result the number of new driver applications has fallen significantly over recent years.
- 3.3 Members have previously requested that they be kept advised of the impact of the DSA test on the taxi trade.
- 3.4 Members may wish to note that no complaints have been made to the Council, from members of the public, regarding there being any shortage of taxis and there are no other indications that there is any unmet need.
- 3.5 It is not possible to state, with any certainty, why the number of new applications has fallen over recent years. Whilst some taxi companies believe many potential drivers are being discouraged from applying because they do not want to sit an additional driving test, it can also be argued that it is the loss of grant funding that has made applying for a licence less affordable.
- 3.6 Funding for various return to work schemes appears to be increasing and the Licensing Team is beginning to receive a greater number of enquiries from

potential applicants. It is yet to be seen whether this greater level of interest results in an increase in the number of new drivers licensed.

4. EQUALITY AND DIVERSITY CONSIDERATIONS

4.1 There are no equality or diversity implications.

5. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.1 There are no Section 17 Implications.

6. RECOMMENDATIONS

6.1 That Members note the contents of this report.

7. BACKGROUND PAPERS

7.1 Licensing Committee Agenda & Minutes – 18th January 2012
Licensing Committee Agenda & Minutes – 20th July 2011
Licensing Committee Agenda & Minutes – 19th January 2011

8. CONTACT OFFICER

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