

# LICENSING COMMITTEE AGENDA



**Wednesday 23<sup>rd</sup> July 2014**

**at 10.00am**

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

**MEMBERS: LICENSING COMMITTEE:**

Councillors Ainslie, Beck, Cook, Dawkins, Fleet, Gibbon, Griffin, Hall, Hind, Jackson, Lilley and Morris

**1. APOLOGIES FOR ABSENCE**

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

**3. MINUTES**

- 3.1 To approve the minutes of the Licensing Sub-Committee meeting held on 4<sup>th</sup> April 2014
- 3.2 To approve the minutes of the Licensing Committee meeting held on 23<sup>rd</sup> April 2014
- 3.3 To approve the minutes of the Licensing Sub-Committee meeting held on 16<sup>th</sup> May 2014
- 3.4 To approve the minutes of the Licensing Sub-Committee meeting held on 29<sup>th</sup> May 2014

**4. ITEMS REQUIRING DECISION**

- 4.1 Licensing Committee – Sub-Committee Memberships – *Chief Solicitor*
- 4.2 Hackney Carriage Tariffs – *Director of Public Health*



**5. ITEMS FOR INFORMATION**

5.1 Notifiable Occupations – *Director of Public Health*

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



## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

4<sup>th</sup> April 2014

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

#### **Present:**

Councillor: Ged Hall (In the Chair)

Councillors: Keith Dawkins and Mary Fleet

Also present: Councillor Steve Gibbon

Officers: Karen Oliver, Facilities Management Manager  
Ian Harrison, Principal Trading Standards and Licensing Officer  
Carole Thelwell, Facilities Management Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **Apologies for Absence**

None

#### **Declarations of interest by Members**

None

#### **Application for variation of a premises licence relating to Inspirations Coffee House, Tanfield Road, Hartlepool** *(Director of Public Health)*

An application had been submitted by Hartlepool Borough Council to extend the licensed hours for the sale of alcohol and the playing of recorded and/or live music to 9.00pm. The current licence allowed for these activities between 8.30am and 6.30pm. A copy of the application was appended to the report. The Principal Trading Standards and Licensing Officer highlighted that the original application for a variation had included an extension to 11.00pm on Thursdays, Fridays, Saturday and Bank Holidays for all licensed activities but this had been reduced at the request of the applicant. 13 individual objections and 2 petitions of objection with a total of 100 signatures had been received. There had been no submissions from the police.

The Principal Trading Standards and Licensing Officer further highlighted that Planning Committee had approved an application to extend planning permission on 19<sup>th</sup> December 2013. A copy of the planning permission was appended to the report. A number of conditions had been attached to the approval, some of which were relevant to this application for a variation and the objections to it. The Chair requested clarification of this. The Principal Trading Standards and Licensing Officer advised that these conditions did not allow for music to be played or outside entertainment or functions to take place outside the building after 8.00pm and required that all external doors and windows be kept closed after 8.00pm whilst amplified speech or music was taking place inside the premises.

The Facilities Management Manager spoke on behalf of the variation application. She said she hoped to allay some of public's fears and anxieties. Since the original licence was granted in June 2013 there had been no complaints from the public. There were no plans to hold external events or have music playing outside, neither was it the intention that the premises should be open until 9pm every night. However they did want the flexibility to serve alcohol to patrons during special events and clubs. The premises had previously been an empty shell prone to vandalism but in the last 12 months had transformed into a more attractive venue which had been complemented by many visitors. The Facilities Management Manager acknowledged the moral issues raised by the location of the premises but her parents and relatives were also buried in the cemetery so she would ensure it was not turned into a pub or wine bar so long as she was in charge. There were also strong links with Tanfield Residents Association and a review process in place should the licensing objectives not be met.

A Councillor queried the current access arrangements for the premises. The Facilities Management Manager confirmed that the main entrance was at the rear of the premises with the rear entry leading directly into the cemetery. This door was left open during the day so that visitors to the cemetery could gain access but this door was closed at 5pm. There was also a 3ft high hedge to screen the lodge and cemetery offices. The main entrance to Inspirations was located at the rear of the premises where there was fencing and a car park. In terms of fire safety she confirmed that there was a door at the side of the premises. A member of the public commented that it was a legal requirement to keep a fire door open however the Facilities Management Manager indicated that so long as the door could be opened from the inside in an emergency it did not need to remain accessible from the outside.

A Councillor highlighted that access to the cemetery was possible after the gates were closed by jumping over the fence. The Facilities Management Manager disputed whether any Inspirations clientele would be likely to take such action. Furthermore after 5pm the door leading into the cemetery would be locked so anybody taking such action would not gain entry.

The Chair asked whether there had been any incidents involving police

since the opening of the premises. The Facilities Management Manager advised that there had initially been problems with theft, both at Inspirations and the garden centre, and some damage within the cemetery however a close eye was kept on all the premises by the neighbourhood police and NES who were contracted to secure the town's cemeteries after dark. In addition there was CCTV at the rear of the premises, lighting in the car park and the rear fencing had been renewed.

Vera Bradshaw spoke against the application saying it was a public nuisance and disrespectful to the people who were laid to rest there and their families. The increase in traffic would lead to more crime and disorder including car break-ins and the availability of alcohol would result in drunks gaining access to the cemetery and urinating on graves. There would also be an increase in taxis to the area resulting in noise and disruption. She also felt children could be adversely affected by people being drunk and disorderly at a cemetery. Ms Bradshaw queried security at the cemetery saying she would spend 3 hours there every Saturday and hardly ever saw any security presence. On one occasion security had failed to check round the cemetery before closing up and she had been locked in. The Facilities Management Manager requested that Ms Bradshaw contact her should this happen again as she had been unaware that this was a problem.

The Facilities Management Manager summed up by repeating her previous assurances that this was not intended to be a pub or a wine bar rather a place people could visit and enjoy. It was intended to cater for families and mature clientele. She would also be happy to close the door leading directly to the cemetery at all times if that would provide some reassurance. Ms Bradshaw commented that a cemetery was somewhere to pay your respects not enjoy yourself.

Members discussed the application at length in closed session.

### **Decision**

That the application be granted as detailed within the report.

The meeting concluded at 12.40pm

CHAIR

## **LICENSING COMMITTEE**

### **MINUTES AND DECISION RECORD**

23<sup>rd</sup> April 2014

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

**Present:**

Councillor: Ray Martin-Wells (In the Chair)

Councillors: Jim Ainslie, Rob Cook, Keith Dawkins, Mary Fleet,  
Steve Gibbon, Sheila Griffin, Ged Hall 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

#### **13. Apologies for Absence**

Apologies were submitted by Councillors Paul Beck, Peter Jackson and George Morris.

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

None

#### **15. Confirmation of the minutes of the meeting held on 16<sup>th</sup> October 2013**

Confirmed

#### **16. Application for a Street Trading Consent: Clarence Road (site of the former service station) *(Director of Public Health)***

In January 2014 a burger van was observed trading on Clarence Road without a valid street trading consent. The owner, Mr Toogood received a warning and was advised to submit a formal application. On 6<sup>th</sup> March he applied for consent to operate the van on an area of private land on Clarence Road on 2 match days – 29 April and 3<sup>rd</sup> May 2014. Consultation was undertaken with agencies and Council departments and no objections were raised. However Hartlepool United Football Club objected on the grounds that it would have a significant detrimental financial impact on

them. A copy of their objection was appended for members' information.

Members noted that one of the dates under consideration was a Tuesday and therefore not a match day. The Chair confirmed that this had been a mistake on the part of the applicant. The Principal Trading Standards and Licensing Officer advised that the land in question was privately owned and the owner had given his written permission to the applicant allowing him to trade on it.

The applicant had a full-time job apart from the catering business and therefore was unable to attend the meeting. Maurice Russell from Hartlepool United Football Club was in attendance and spoke against the application. He urged the committee to refuse the application saying that it would affect the catering income made by the club. Previous instances of outside catering had had a detrimental impact on the catering takings of the club and when coupled with the overheads paid by the club left them disproportionately out of pocket. It cost £1 million a year to run Hartlepool United Football Club and refreshments play a large part in meeting this cost.

Councillors referred to the prices charged by caterers within the ground and queried whether the public shouldn't be given the option of paying less for a different service. Mr Russell disputed this saying that while it was true that the prices charged by Mr Toogood would be less patrons inside the ground were paying to be entertained and the number of stands meant that there would be no queues for them to contend with. Members felt that as supporters would not be allowed to take their own food into the ground most would be unlikely to buy from Mr Toogood prior to a match and he would only benefit from passing trade after the match. It was suggested that Hartlepool United Football club could compete with Mr Toogood by setting up their own burger van outside the ground however the Principal Trading Standards & Licensing Officer advised that a van would need to be constantly trading to be financially viable, not just on match days.

Councillors considered the application in private session. By a majority vote the application was refused on the grounds of the effect granting might have on the future viability of the club. Councillors Jim Ainslie and Rob Cook asked that their votes in favour of the application be recorded. The Public Protection Manager advised that under the Local Government (Miscellaneous Provisions) Act 1982 the committee must now consider whether it would be appropriate to refund the whole or part of the £130 fee paid for the consent. Members agreed that the fee should be retained as it was a reflection of the true costs incurred by the authority in considering the application.

## **Decision**

That the application for a Street Trading Consent to operate a mobile food business be refused.

That the consent fee paid by the applicant be retained by the Council

## **17. Hackney Carriage Tariffs** *(Director of Public Health)*

At the Annual General Meeting for licensed Hackney Carriage owners in February 2014 a proposal was put forward for an increase of 30p on the 'flag fall' for all hackney carriages. This followed an increase from £2 to £2.20 in 2013, the first such increase since 2008. Members noted that fees charged by Hartlepool hackney drivers were and would continue to be the third lowest in the country should this increase be approved. However they also felt that a 14% increase in taxi fares was unreasonable in a time of such economic austerity. Public sector workers were getting little or no pay increase at the moment so to award taxi drivers a 14% increase seemed excessive particularly as the cost of petrol had not risen by a comparable amount. The Principal Trading Standards and Licensing Officer commented that the flag fall was only the basic rate and most fares would be larger than this therefore it was impossible to say what percentage increase this would equate to. He also noted that this was only the maximum amount they could charge and they were under no obligation to do so. Members queried whether this change would also apply to private hire vehicles. The Principal Trading Standards and Licensing Officer indicated that private hire companies were completely unregulated and could charge whatever they wished. However if they would still be cheaper than hackney drivers with the 30p increase they would probably levy it.

Members approved an increase of 10p to the flag fall. Councillor Rob Cook asked that his vote against this increase be recorded.

At the same meeting in February Hackney Carriage owners had also requested an increase of £15 in the soiling charge – from £20 to £35. Members queried how long the current charge had been in place. The Principal Trading Standards and Licensing Officer advised that it had been effective for at least 10 years. Other Tees Valley authorities were currently charging £30 with one considering an increase to £40. Members asked whether the charge was applied in all cases regardless of the cause. The Principal Trading Standards and Licensing Officer confirmed this saying that so far as the drivers were concerned whether the soiling was caused by a drunk patron or a poorly infant was immaterial. In both cases the car would be off the road and the driver would not be making money.

Members approved an increase of £5 to the soiling charge

### **Decision**

That the 'flag fall' charge be increased to 10p to £2.30

That the 'soiling charge' be increased by £5 to £25.

## **18. Licensing Act 2003 – Locally set fees** *(Director of Public Health)*

A government consultation exercise to determine the feasibility of replacing a national Licensing Act fee structure with locally set fees had recently been completed. This would not allow for licensing authorities to make a profit and fees could only cover the costs directly associated with the administration and enforcement of their licensing system. Fees could also not be used to enforce against unlicensed traders. All fees would be limited to a maximum ceiling set by Government. The Hartlepool Licensees Association had responded to the consultation expressing their opposition to any increases.

Details of the current licence fees and the proposed new statutory maximum fees were appended to the report. It was anticipated that any changes would be implemented no earlier than October 2014.

Members queried whether the suggested new maximum amounts would recoup all costs paid by the department. The Principal Trading Standards and Licensing Officer confirmed that it would more than cover the costs currently incurred, something that was not happening at the moment. In the case of charges for licensed premises he queried whether members would prefer to use the current rateable value based on the size of the premises, charge a flat fee or come up with an alternative system. He also highlighted the need to base charges on factual information as a legal challenge could be significantly more expensive than any profits incurred.

### **Decision**

That the report be noted

## **19. 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.

## **20. Final meeting**

The Chair noted that this was the final meeting of Licensing Committee for the municipal year and thanked the committee and officers for their hard work, particularly Councillor Sylvia Tempest who was not be standing for re-election.

The meeting concluded at 11:45am

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

16<sup>th</sup> May 2014

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

**Present:**

Councillor: George Morris (In the Chair)

Councillors: Jim Ainslie and Sylvia Tempest

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

**67. Apologies for Absence**

None

**68. Declarations of interest by Members**

None

**69. Confirmation of the minutes of the meeting held on 6<sup>th</sup> March 2014**

Confirmed

**70. Confirmation of the minutes of the meeting held on 12<sup>th</sup> March 2014**

Confirmed

**71. Confirmation of the minutes of the meeting held on 25<sup>th</sup> March 2014**

Confirmed

## **72. Application for a new premises licence, 23 Jesmond Road, Hartlepool** *(Director of Public Health)*

A new premises licence had been submitted by Mrs Jasdeep Kaur in respect of 23 Jesmond Road allowing the sale of alcohol 7 days a week from 9am to 10pm. Three representations had been received from local residents and a 21 signatory petition, all objections to the application. Discussions had taken place between the applicant, Trading Standards and the Police and agreement had been reached regarding the installation of CCTV, the adoption of a Challenge 25 policy and other training requirements aimed at preventing under-age sales. As a result of this there had been no objections to the application made by Trading Standards or the Police. Members queried if the CCTV would cover the exterior of the premises. The Principal Trading Standards and Licensing Officer advised that the exit would be under surveillance.

Mrs Kaur was in attendance and addressed members. She indicated that she wished to be able to provide a service to the local community. Members asked whether she would open the premises as a general dealers if a licence was not granted. Mrs Kaur confirmed that she would. The sale of alcohol was not essential to the running of the business but it would be an additional service for residents. Members noted that the premises were up for let. Mrs Kaur confirmed that while she would run the shop initially her long term plan was to lease the premises. However she would ensure that whoever was granted the lease agreed to abide by the conditions. Members asked how many staff would be in attendance at the premises and whether this could be made a condition of the licence. Mrs Kaur advised there would be at least 2. The Principal Trading Standards and Licensing Officer advised that attaching a condition of this kind could be problematic as in reality there would need to be a minimum of 3 staff members to ensure the condition was complied with. Mrs Kaur confirmed that all staff would be fully trained in the operation of the CCTV system and awareness of under-age sales and that would also apply to any future leaseholder. The Principal Trading Standards and Licensing Officer advised that any future leaseholder would become the licence holder of the premises meaning Mrs Kaur would not be legally responsible for the day to day running of the premises. In these circumstances the Licensing Team would visit the licence holder during their first month in charge and advise them of the conditions binding on them. This was standard practice.

Members considered the application in closed session.

### **Decision**

That the application be granted in its entirety.

The meeting concluded at 10:40am

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

29<sup>th</sup> May 2014

The meeting commenced at 9.00am in the Civic Centre, Hartlepool

#### **Present:**

Councillor: Ray Martin-Wells (In the Chair)

Councillors: Paul Beck, Rob Cook and Peter Jackson

Officers: Sylvia Pinkney, Public Protection Manager  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **73. Apologies for Absence**

None

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

Councillor Beck declared a prejudicial interest in item 7.2 (Private Hire Drivers Licence PJR) and indicated he would leave the meeting during consideration of this item.

#### **75. Confirmation of the minutes of the meeting held on 4<sup>th</sup> April 2014**

Members expressed their concern at being asked to confirm minutes for a meeting they were not present at. They acknowledged that the Chair of the meeting would have seen and approved these minutes prior to their inclusion on the agenda and suggested that in future sub-committee minutes be taken to the parent Licensing Committee for approval.

#### **76. 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 77 – (Private Hire Drivers Licence PJR) – 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).

Minute 78 – (Hackney Carriage / Private Hire Drivers Licence DGB) – 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).

Minute 79 – (Hackney Carriage / Private Hire PMB) – 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).

Minute 80 – (Hackney Carriage Drivers Licence QR) – 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).

- 77. Private Hire Drivers Licence PJR** (*Director of Public Health*)  
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).

**Councillor Paul Beck left the meeting during consideration of this item**

Members were asked to consider an application for a private hire drivers licence. The driver was in attendance and addressed the meeting. Details are provided in the exempt section of the minutes.

**Decision**

Detailed in the exempt section of the minutes

**78. Hackney Carriage / Private Hire Drivers Licence DGB**

*(Director of Public Health)* 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 consider an application for a hackney carriage/private hire drivers licence. The driver was in attendance and addressed the meeting. Details are provided in the exempt section of the minutes.

**Decision**

Detailed in the exempt section of the minutes

**79. Hackney Carriage / Private Hire PMB** *(Director of Public Health)*

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).

**Councillor Peter Jackson left the meeting**

Members were asked to consider what action, if any, should be taken against a licensed private hire driver. The driver was in attendance and addressed the meeting. Details are provided in the exempt section of the minutes.

**Decision**

Detailed in the exempt section of the minutes

**80. Hackney Carriage Drivers Licence QR** *(Director of Public Health)*

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 consider what action, if any, should be taken against a licensed hackney carriage driver. The driver was in attendance and addressed the meeting. Details are provided in the exempt section of the minutes.

**Decision**

Detailed in the exempt section of the minutes

The meeting concluded at 11:20am

CHAIR

# LICENSING COMMITTEE

23 July 2014



**Report of:** Chief Solicitor

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**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 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.
- 2.2 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 Cook (Ch.), Hind and Griffin
- 3 – Councillors Ainslie (Ch.), Beck and Lilley
- 4 – Councillors Morris (Ch.), Gibbon and Jackson

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

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

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**

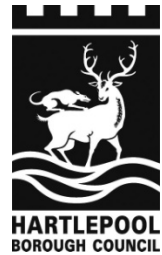
Licensing Act Committee Minutes 7 January 2005  
Licensing Act Committee Minutes 27 July 2005  
Licensing Committee Minutes 15 March 2006  
Licensing Committee Minutes 2 July 2008  
Licensing Committee Minutes 29 July 2009  
Extraordinary Council Minutes 6 March 2013

### **7. CONTACT OFFICER**

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

# **LICENSING COMMITTEE**

**23<sup>rd</sup> July 2014**



**Report of:** Director of Public Health

**Subject:** HACKNEY CARRIAGE TARIFFS

## **1. PURPOSE OF REPORT**

- 1.1 To inform Committee of the outcome of the public consultation concerning the proposed increase in hackney carriage tariffs which were approved by Licensing Committee in April 2014.

## **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 11<sup>th</sup> 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 2014, a proposal was put forward for an increase of 30p on the 'flag fall' from £2.20 to £2.50 and an increase in the 'soiling charge' from £20 to £35.
- 2.4 The 'flag fall' is the initial price charged for the hiring of a hackney carriage vehicle, including the travel of an initial short distance, onto which is then added an additional cost based on the remaining distance travelled.
- 2.5 The soiling charge is the maximum cost that a taxi driver can require a passenger to pay to compensate him/her for the cost of cleaning their vehicle due to the actions (deliberate or accidental) of that passenger.
- 2.6 Typically a soiling charge would be incurred if the passenger was sick or spilled food in the vehicle but there are of course other scenarios that could lead to a driver having to have their vehicle cleaned prior to it being re-hired. In some circumstances a vehicle may be off the road for many hours if a thorough clean was required and it needs to dry out.

- 2.7 The proposed increases were considered by the Licensing Committee on 23<sup>rd</sup> April 2014 and members determined that the flag fall increase should be restricted to 10p (and not the 30p that had been requested) and the soiling charge increase should be restricted to £25 (and not the £35 requested).
- 2.8 As is required by the relevant legislation, the proposed increase was advertised and objections were received from the Vehicle Owners Working Group. A copy of the Group's objection is attached as **Appendix 1**.
- 2.9 The Vehicle Owners Working Group is a body of elected representatives of hackney carriage and private hire vehicle owners.
- 2.10 The objections state that the increases approved by the Licensing Committee are insufficient to cover costs.
- 2.11 As an objection has been received to the Committee's decision the matter must be brought back to Committee for further consideration.
- 2.12 Should Committee decide that the increase should be greater than what was originally determined in April 2014, the new tariffs would, once again, have to be advertised in a local newspaper for 14 days. Should any objections be received the matter would, once again, be brought back to Committee for further consideration. If no objections were received, the increase would then take effect.

### 3. PROPOSALS

- 3.1 Licensing authorities are responsible for the setting of hackney carriage tariffs.
- 3.2 At the Licensing Committee meeting in April, members heard that an increase of 30p on the flag fall would leave Hartlepool remaining as the third cheapest location for a 2 mile taxi journey in the country.
- 3.3 Committee was also advised that the flag fall had increased from £2.00 to £2.20 in 2013 but that there had been no increase in the soiling charge for at least ten years.
- 3.4 Committee members were also advised that 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.
- 3.5 The Vehicles Owners Working Group is a body of elected representatives of the taxi trade and members of the Group have been invited to attend this meeting to explain further why they believe the requested increases are justified and appropriate and answer any questions that members may have.

#### **4. EQUALITY & DIVERSITY CONSIDERATIONS**

- 4.1 Any increase to hackney carriage tariffs will increase the cost to the travelling public and to those who rely on these vehicles to assist them where they have mobility difficulties.
- 4.2 Members must attempt to achieve a balance between allowing licensed drivers to generate a reasonable income, and to cover their costs, whilst ensuring that the travelling public, and particularly those with mobility issues, are receiving value for money.

#### **5. RECOMMENDATIONS**

- 5.1 That members consider the representations made by the Vehicle Owners Working Group and determine whether the tariffs set by the Licensing Committee in April 2014 should be ratified or amended.

#### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 It is for the Licensing Committee to determine what an appropriate taxi tariff should be, taking into account the needs to generate a reasonable income for the taxi trade whilst balancing that against the need to offer reasonable value for money for the travelling public.

#### **7. BACKGROUND PAPERS**

- 7.1 Licensing Committee report and minutes 23<sup>rd</sup> April 2014

#### **8. CONTACT OFFICER**

Louise Wallace  
Director of Public Health  
Hartlepool Borough Council  
Tel: 01429 284030

Louise.wallace@hartlepool.gov.uk

### VEHICLE OWNERS WORKING GROUP

#### Representations concerning proposed changes to Hackney Carriage tariffs

##### 10p Tariff Increase

The Vehicle Owners Working Group object to the proposed increase of 10p on the flag fall, and a £5 increase to the soiling charge, as this is insufficient for the following reasons: -

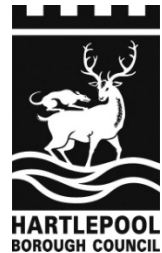
1. Council imposed Vehicle licence fees rose by £10 (3%) in 2014 and driver badges rose by £5 (7%).
2. Having a meter recalibrated can cost as much as £50. It will take 500 journeys just to cover the cost of having the meter changed. The increase in licence fees detailed above will require a further 150 journeys.
3. Insurance, tyres, general vehicle repair costs have all risen in the past 12 months.
4. Insurance costs for owners/drivers range from between £1200 and £3000 per year. These are significant costs.
5. Small annual rises in the flag fall are not cost effective (for the reasons detailed in #1 above).
6. For those who rent vehicles, costs have just increased from £220 to £240 per week (an increase of nearly 10%)
7. Taxi drivers are currently working an average of 70 hours per week....many below what would be classed as the minimum wage.
8. The Council requires new vehicles to be wheelchair accessible. These cost £35,000 to purchase and their running costs are significantly higher than standard vehicles yet the driver can only charge the standard hackney carriage meter rate. An increase of only 10p per journey does nothing to support the provision of these vehicles to the disabled community.

##### Soiling charge

9. The minimum price for a valet is £35 in the town. Drivers are being financially penalised every time someone soils their car yet the Council insists on the highest standards for vehicle cleanliness.
10. The current soiling charge has been in place for at least 10 years
11. When a vehicle is soiled, and needs to be well cleaned, it is often off the road for hours as it dries. This is all lost income for the driver/owner.
12. The soiling charge is the maximum that a driver could ask for but in reality drivers very rarely ever ask for anything.

# LICENSING COMMITTEE

23<sup>rd</sup> July 2014



**Report of:** Director of Public Health

**Subject:** NOTIFIABLE OCCUPATIONS

## 1. PURPOSE OF REPORT

- 1.1 To inform Committee of a change to the process by which the Council is notified about offences and other misdemeanours allegedly committed by hackney carriage and private hire drivers.

## 2. BACKGROUND

- 2.1 Hackney carriage and private hire drivers ('taxi drivers') carry out an occupation that is classified as a 'Notifiable Occupation' by the Home Office.
- 2.2 The 'Notifiable Occupations' Scheme relates to professions or occupations which carry special trust or responsibility, in which the public interest in the disclosure of conviction and other information by the police generally outweighs the normal duty of confidentiality owed to the individual.
- 2.3 Under the scheme the Police will notify appropriate or relevant bodies if a person who is engaged in a notifiable occupation has come to their attention for a reason that may be of interest to that relevant body. This would include circumstances where a person in a notifiable occupation had been arrested, charged, cautioned, reprimanded or warned.
- 2.4 For example, if a taxi driver is arrested in respect of an alleged criminal incident, the Police will notify the licensing authority who may then choose to use that information to take action against the driver. This allows the licensing authority to take action sooner than would otherwise be possible if the authority had to wait for a conviction.
- 2.5 Cleveland Police have now advised that the procedure for determining what information will be provided to licensing authorities, and when, has changed and that, in future, information will only be disclosed when there is a 'pressing social need' and where the subject of the disclosure presents a potential risk to others.

### **3. DETAILS**

- 3.1 The legislative framework that regulates the licensing of taxi drivers requires that licensing authorities only licence drivers that are considered to be 'fit and proper'.
- 3.2 A significant consideration when determining the fitness of a driver is whether or not the applicant has any criminal past.
- 3.3 Whilst new applicants are required to provide an Enhanced DBS (formerly CRB) check before a licence can be granted, existing drivers are only required to provide a further DBS check every three years.
- 3.4 The 'Notifiable Occupations' Scheme fills this gap and ensures that licensing authorities are notified as soon as a taxi driver is arrested or charged with an offence, or in some other way has come to the attention of the Police. This allows the licensing authority to determine whether there is an immediate need for a decision to be made about the driver's suitability to continue to hold a licence.
- 3.5 The change to the Police procedures whereby they will only provide details about those engaged in notifiable occupations where they consider there is a 'pressing social need' could mean that information that would have previously been disclosed to a licensing authority may not be disclosed in future.
- 3.6 The Licensing Team will continue to work closely with the Police to ensure that as much relevant information as possible is passed to the Council to allow it to make the most informed decisions possible about the fitness of its licensed drivers.

### **4. SECTION 17**

- 4.1 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'.
- 4.2 It must be accepted that the change to the Police's processes may reduce the amount, or quality, of information disclosed to the Council which, in turn, may detrimentally impact on the Council's ability to make informed decisions about the suitability of a taxi driver to remain licensed.

### **5. RECOMMENDATIONS**

- 5.1 That Members note the contents of this report.

**6. REASONS FOR RECOMMENDATIONS**

6.1 This report is for information only.

**7. BACKGROUND PAPERS**

7.1 There are no background papers to this report.

**8. CONTACT OFFICER**

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