

# LICENSING COMMITTEE AGENDA



Wednesday 18<sup>th</sup> March 2015

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 Committee meeting held on 28<sup>th</sup> January 2015.

3.2 To approve the minutes of the Licensing Sub-Committee meeting held on 30<sup>th</sup> January 2015.

4. **ITEMS REQUIRING DECISION**

4.1 Hackney Carriage Tariffs – *Director of Public Health*

5. **ITEMS FOR INFORMATION**

No items

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



# LICENSING COMMITTEE

## MINUTES AND DECISION RECORD

28 January 2015

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

**Present:**

Councillor: George Morris (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Rob Cook, Keith Dawkins, Mary Fleet, Steve Gibbon, Sheila Griffin, Ged Hall, Tom Hind, Peter Jackson and Geoff Lilley

Also Present: Councillor George Springer  
Graham Pickering, Great North Air Ambulance Service

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

### 13. Apologies for Absence

None.

### 14. Declarations of interest by Members

Councillor Paul Beck declared a personal interest in Minute 16.

### 15. Confirmation of the minutes of the meeting held on 6 November 2014

Confirmed.

### 16. House to House Collections *(Director of Public Health)*

The Trading Standards and Licensing Manager presented the report which sought the views of Members on issues surrounding the consideration of applications for House to House Collection licences. The report provided background information in relation to the requirements of the House to House Collections Act and the House to House Regulations.

The Committee was advised that a House to House Collection licence must be granted by a licensing authority unless it believed there were grounds to refuse it. The grounds for refusal were set out in the report. It was reported that the grounds of relevance to this report were as follows:-

- That the total amount likely to be applied to the charitable purpose as a result of the collection is inadequate in proportion to the value of proceeds likely to be received.

In April 2011 the Committee determined to introduce a policy that stated that for an application to be approved, the applicant must be able to demonstrate that either:-

- (i) A minimum of 75% of the proceeds (not the profits) of the collection were donated to the good cause, or
- (ii) That where the percentage was less than 75%, the collection bag or collection leaflet clearly and prominently stated the percentage that would be donated

An application for a House to House Collection licence had been received by the Great North Air Ambulance Service Trading Company Ltd, details of which were set out in the report. An examination of the Company's accounts demonstrated that the percentage of proceeds donated to the charity fell far below the 75% currently required by the Council's policy. The company had stated that such a requirement could not be practically or economically met, the reasons for which were included in the report.

Members were advised that the report was not intended to ask Members to approve or refuse the application from the Great North Air Ambulance specifically but rather to reconsider the current policy in light of its impact on what would be considered to be a genuine 'good cause'.

Following presentation of the report, the Trading Standards and Licensing Manager responded to queries raised in relation to how the value of goods/proceeds was determined as well as the potential reasons why the number of house to house applications being granted had fallen considerably.

A representative from the Great North Air Ambulance Service, who was in attendance at the meeting, thanked the Committee for the opportunity to speak and briefed the Committee at length on the contribution and added value the Great North Air Ambulance Service Trading Company Ltd brought to the community via its direct support of the Great North Air Ambulance Service (the Charity). A briefing paper in support of the representations was provided, a copy of which was circulated to all Members.

In the discussion that followed the Committee considered the representations made and the Trading Standards and Licensing Manager and representative responded to issues raised by the Committee in relation to the report and information provided. Given that a house to house

collection licence had not yet been approved by the Council for the Great North Air Ambulance to operate in Hartlepool, some concerns were raised that collection bags had been delivered in Hartlepool and collection vans had also been seen in the area. The representative agreed to investigate this issue. The Trading Standards and Licensing Manager added that whilst some companies delivered bags prior to approval being granted, they were reminded, as part of the licensing process, that collections should not be undertaken until the licence was approved. The ongoing problem of bags being stolen from outside properties was also discussed.

Members recognised the good work of the Great North Air Ambulance Service and the benefits to the town and whilst the majority of Members were of the view that the application from the Ambulance Service should be approved unconditionally, a Member, whilst in support of the application, considered that approval should be subject to the percentage of proceeds to be donated being displayed on the collection bags. With regard to the current House to House Collection Policy, the Committee highlighted that the policy was too stringent and should be carefully reviewed. Given the complexity of the issue, it was agreed that a decision, in terms of any amendments to the policy, should not be taken today and required detailed consideration by the Committee.

### **Decision**

- (i) That the contents of the report be noted.
- (ii) That the application from the Great North Air Ambulance for a House to House Collection licence be approved.
- (iii) That the policy in relation to House to House Collections be reviewed and a report examining this issue be submitted to a future meeting of this Committee for consideration.

## **17. Minimum Unit Pricing of Alcohol** *(Director of Public Health)*

The report provided an update on the issue of minimum unit pricing of alcohol following a decision taken by the Committee on 6 November 2014. The Licensing committee's proposals were fed back to full Council at its meeting in December 2014 where it had been agreed that minimum unit pricing should be referred to the Health and Wellbeing Board. During the Council meeting a Member stated that by-laws were still being investigated by Manchester City Council's Licensing Committee and asked that dialogue be opened with them.

Subsequent investigations had confirmed that the issue of minimum unit pricing was being contemplated by a number of Councils in the North West of England. However, this was being done by their respective Health and Wellbeing boards and not by Licensing Committee. As full Council had agreed to the issue of minimum unit pricing being passed to the Health and Wellbeing Board it was proposed that no further action was required by the Licensing Committee.

### **Decision**

That the contents of the report be noted.

## **18. Taxi Drivers** (*Director of Public Health*)

The report updated Members on the options available to licensing authorities to regulate the standard of appearance of taxi drivers following a question raised at the Licensing Committee meeting in July 2014.

The licensing of Hackney Carriage drivers was largely regulated through the Town and Police Clauses Act 1847 whilst private hire driving was regulated by the Local Government (Miscellaneous Provisions) Act 1976. For private hire drivers, the law permitted licensing authorities to attach conditions to licensees that cover anything that was considered appropriate. However, for hackney carriage drivers, licensing authorities were restricted to what was permitted by the Town Police Clauses Act and by local by-laws. In 1977 the Council adopted by-laws for hackney carriage drivers but these did not make any reference to a driver's standard of dress or appearance. Whilst there were no enforceable conditions which could be used against a poorly dressed hackney carriage driver, licensing officers could, and had, spoken to drivers whose appearance had been considered unacceptable. In most cases drivers had responded positively to constructive advice.

Due to the time and cost associated with the adoption of a new by-law it would not be considered to be an appropriate response to this particular issue in isolation.

Following presentation of the report, Members expressed concerns that the standard of dress/appearance of certain individuals was not acceptable and did not portray the appropriate image for the town. The Committee considered the options available and, given the officer's advice that a by-law was not an appropriate solution, Members requested that a letter of concern be forwarded on behalf of this Committee to hackney carriage representatives and in the event that no improvements were forthcoming the issue be further examined.

### **Decision**

- (i) That the contents of the report be noted.
- (ii) That a letter outlining the Committee's concerns in relation to the standard of dress/appearance of taxi drivers be forwarded to hackney carriage representatives.

The meeting concluded at 11.15 am.

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

30<sup>th</sup> January 2015

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Mary Fleet and Sheila Griffin

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

#### **15. Apologies for Absence**

None

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

None

#### **17. Items for Information**

No items.

#### **18. 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 19 – (Private Hire Drivers Licence AMc) – 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 20 – (Hackney Carriage / Private Hire Driver GPM) – 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 21 – (Private Hire Drivers Licence JG) – 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 22 – (Private Hire Drivers Licence KS) – 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 23 – (Hackney Carriage / Private Hire Drivers Licence RB) – 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).

- 19. Private Hire Drivers Licence AMc** (*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).

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

### **Decision**

The decision is set out in the exempt section of the minutes.

- 20. Hackney Carriage/Private Hire Driver GPM** (*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).



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

### **Decision**

The decision is set out in the exempt section of the minutes.

## **21. Private Hire Drivers Licence JG** *(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).

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

### **Decision**

The decision was set out in the exempt section of the minutes.

## **22. Private Hire Drivers Licence KS** *(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).

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

### **Decision**

The decision was set out in the exempt section of the minutes.

## **23. Hackney Carriage / Private Hire Drivers Licence RB** *(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).

The Committee was asked to consider an application for a hackney carriage/private hire drivers licence. The applicant was in attendance and addressed the Committee. Details are provided in the exempt section of the minutes.

### **Decision**

The decision was set out in the exempt section of the minutes.

The meeting concluded at 12:50pm.

CHAIR

# LICENSING COMMITTEE

18<sup>th</sup> March 2015



**Report of:** Director of Public Health

**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 tariffs.

## 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 January 2015, a proposal was put forward to change the current tariffs.
- 2.4 The proposal includes a change to the distances travelled before the price rises on the meter, an increase in the surcharge for larger vehicles carrying five or more passengers and an increase in the charge for 'waiting times'.
- 2.5 The proposed new tariff rates are attached as Appendix 1 and an indication of what effect they will have on prices is attached as Appendix 2.
- 2.6 Members will recall that in July 2014 the Licensing Committee re-considered, and subsequently approved, a request for an increase in the 'flag fall' for hackney carriages which resulted in an increase of 30p on all journeys – irrespective of the distance travelled.
- 2.7 Members also approved an increase in the 'soiling charge' from £20 to £35.
- 2.8 The hackney carriage trade has requested a further increase to the tariffs to take effect from Monday 5<sup>th</sup> October 2015. This would be approximately one year after the rise in 2014 took effect.

### 3. ISSUES FOR CONSIDERATION

- 3.1 Licensing authorities are responsible for the setting of hackney carriage tariffs.
- 3.2 The proposal received from the hackney carriage trade consists of a change to the distances travelled before the price rises on the meter, an increase in the surcharge for larger vehicles carrying five or more passengers and an increase in the charge for 'waiting times'.
- 3.3 Change to Distance Travelled
- 3.4 The proposal received is to shorten the distance that must be travelled before the meter advances by a further 10 pence. The effect of this would be to increase the cost of each journey in proportion to the distance travelled.
- 3.5 There are currently three tariffs which apply during each 24 hour period and a fourth tariff that applies only on special days such as Christmas Day. For each tariff there is an initial yardage that is incorporated into the cost of hiring the vehicle (known as the 'flag fall') and then any subsequent distance travelled incurs an additional cost. For example, for tariff one there is a charge of 10 pence for every 160 metres travelled, for tariff two the cost is 10 pence for every 120 meters travelled and so on.
- 3.6 Shortening these distances will increase the cost of each journey by the following amounts: -
- Tariff 1 – 15p per mile
  - Tariff 2 – 9p per mile
  - Tariff 3 – 15p per mile
  - Tariff 4 – 54 p per mile
- 3.7 Increasing the Surcharge for Larger Vehicles
- 3.8 Some vehicles, such as purpose built wheelchair accessible taxis and minibuses are capable of carrying more passengers than a standard saloon.
- 3.9 Often the cost of purchasing and maintaining these vehicles is more than a standard saloon and, approximately eight years ago, Licensing Committee approved the introduction of a surcharge that would allow such vehicles to levy an additional £1.50 where there was five or more passengers.
- 3.10 As five or more passengers would otherwise need to hire two separate vehicles, and pay the associated fares, it was agreed that this still represented value for money for the travelling public whilst reimbursing those vehicle owners who had larger vehicles.
- 3.11 As it is approximately eight years since the £1.50 surcharge was introduced, the hackney carriage trade has requested an increase. As most types of

hackney carriage meter only allow 'extras' to be charged in multiples of 50 pence, the rise must be, by necessity, from £1.50 to £2.00 if approved.

### 3.12 Waiting Times

3.13 A charge for 'waiting' can be levied only once a hackney carriage meter has been switched on. Typically it may apply where a passenger asks a driver to stop to allow them to carry out an errand but it can also automatically apply if a vehicle is stopped for any extended period of time.

3.14 This rate of charge has remained unchanged for at least ten years and, as such, the hackney carriage trade has asked that it be reviewed.

3.15 The current rate of 10 pence for every minute applies to tariffs 1 and 2 (equivalent to £6 per hour), and 10 pence for every 40 seconds for tariffs 3 and 4 (equivalent to £9 per hour).

3.16 The proposal is to increase the waiting time charge for tariff 1 and 2 to 10 pence for every 40 seconds (£9 per hour) and tariffs 3 and 4 to 10 pence for every 30 seconds (£12 per hour).

### 3.17 General

3.18 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.

3.19 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.

3.20 According to the taxi trade magazine *Private Hire Monthly* Hartlepool's Hackney Carriage tariffs (for a two mile journey) will still be among the cheapest in the country.

3.21 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.

3.22 There is no prohibition on a taxi driver charging less than the approved tariff and it would therefore be possible for a driver to charge a lower rate if they believed the proposed tariff increase was too high.

3.23 The proposed increase in tariffs applies only to hackney carriages as licensing authorities have no power to set fares for private hire vehicles.

3.24 In accordance with the previous wishes of Committee, members of the taxi trade have been invited to attend today's meeting.

#### **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 considers this report, and representations made on behalf of the hackney carriage trade, and determines what aspects, if any, of the proposals tariffs increases, as detailed in Appendix 1, should be approved.

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

7.1 There are no background papers to accompany this report.

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

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Director of Public Health  
Hartlepool Borough Council  
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**HACKNEY CARRIAGE FARES**  
**Local Government (Miscellaneous Provisions) Act 1976 Section 65**

**APPENDIX 1**

**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]: -

£2.50 plus 10p for every 174 yards (160 metres) after the first 174 yards

- (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]: -

£2.50 plus 10p for every 131 yards (120 metres) after the first 131 yards

- [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): -

£2.50 plus 10p for every 109 yards (100 metres) after the first 109 yards

- [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: -

£4.00 plus 10p for every 87 yards (80 metres) after the first 109 yards

**WAITING TIME**

- (a) For all hirings shown at (1) and (2) under MILEAGE for each period of 40 seconds or uncompleted part thereof 10p

- (b) For all hirings shown at (3) and [4] under MILEAGE for each period of up to 30 seconds or uncompleted part thereof 10p

**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 £2.00 may be made where vehicles carry five or more passengers at any one time.

**SOILING CHARGE** - £35.00

## APPENDIX 2

**Comparison of Current and Proposed Tariffs****Charge by Distance**

Tariff	First mile (Current)	First mile (Proposed)	Subsequent miles (Current)	Subsequent miles (Proposed)
1	£3.30	£3.50 (+ 6%)	£0.85	£1.00 (+17%)
2	£3.50	£3.80 (+ 9%)	£1.30	£1.30 (0%)
3	£3.80	£4.00 (+ 5%)	£1.50	£1.60 (+ 6%)
4	£5.30	£5.90 (+ 11%)	£1.50	£2.00 (+ 25%)

Tariff	Description	Hartlepool proposed	National Average	North Average
1	1 <sup>st</sup> mile	£3.50	£3.77	£3.50
2	1 <sup>st</sup> mile	£3.80	£4.96	£4.34
3	1 <sup>st</sup> mile	£4.00	£4.96	£4.34
1	Subsequent miles	£1.00	£1.85	£1.72
2	Subsequent miles	£1.30	£2.42	£2.19
3	Subsequent miles	£1.60	£2.42	£2.19