

LICENSING COMMITTEE AGENDA



Wednesday 19th August 2015

at 2.00pm

in Committee Room B,
Civic Centre, Hartlepool

MEMBERS: LICENSING COMMITTEE:

Councillors Ainslie, Barclay, Cook, Fleet, Gibbon, Griffin, Hall, Jackson, Lawton, Martin-Wells, Morris and Robinson

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 17th June 2015
- 3.2 To approve the minutes of the Licensing Committee meeting held on 17th June 2015

4. **ITEMS REQUIRING DECISION**

- 4.1 Taxi Licensing Policy – *Director of Public Health*

5. **ITEMS FOR INFORMATION**

No items



6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

17th June 2015

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

Present:

Councillor: George Morris (In the Chair)

Councillor: Steve Gibbon, Ged Hall and Peter Jackson

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

1. Apologies for Absence

None

2. Declarations of interest by Members

None

3. 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 4 – (Private Hire Drivers Licence SAF) – 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).

4. Private Hire Drivers Licence SAF (*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 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.

The meeting concluded at 2:25pm

CHAIR

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

17th June 2015

The meeting commenced at 3.00pm in the Civic Centre, Hartlepool

Present:

Councillor: George Morris (In the Chair)

Councillors: Jim Ainslie, Rob Cook, Mary Fleet, Steve Gibbon, Sheila Griffin, Ged Hall, Peter Jackson and Trisha Lawton.

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

1. Apologies for Absence

Apologies were submitted by Councillors Allan Barclay and Ray Martin-Wells

2. Declarations of interest by Members

None

3. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 5th March 2015

Approved

4. Confirmation of the minutes of the Licensing Committee meeting held on 18th March 2015

Approved

5. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 26th March 2015

Approved

6. Confirmation of the minutes of the Licensing Sub-Committee meeting held at 10.00am on 5th May 2015

Approved

7. Confirmation of the minutes of the Licensing Sub-Committee meeting held at 2.00pm on 5th May 2015

Approved

8. Licensing Committee – Sub-Committee Memberships *(Chief Solicitor)*

Following discussions with the Chair, four sub-committees had been created for the consideration of premises licences and three sub-committees had been created for the consideration of hackney carriage and private hire licences. Details of these sub-committees were included in the report. Members were advised that a further amendment had been made to the proposed sub-committees and Councillor Lawton would now replace Councillor Morris as chair for their licensing sub-committee in respect of premises licences. Members referred to a previous suggestion that councillors who were not chairs of other committees be given the opportunity to chair licensing sub-committees. The Chair advised that the sub-committee chairs had been selected as they were felt to be persons of experience.

Decision

That the memberships be approved for the Licensing Sub-Committees as follows:

Licensing Sub Committees for premises licences: -

1. Trish Lawton (Chair), Peter Jackson, George Morris
2. Ray Martin-Wells (Chair), Mary Fleet, Paul Beck
3. Jim Ainslie (Chair), Ged Hall, Alan Barclay
4. Rob Cook (Chair), Steve Gibbon, Sheila Griffin

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

1. George Morris (Chair), Trish Lawton, Peter Jackson, Alan Barclay
2. Ray Martin-Wells (Chair), Mary Fleet, Paul Beck, Rob Cook
3. Ged Hall (Chair), Jim Ainslie, Steve Gibbon, Sheila Griffin

9. House to House Collections *(Director of Public Health)*

The Trading Standards and Licensing Manager asked members to consider making amendments to the current policy on House to House collections.

Under legislation anyone wishing to carry out a house to house collection for charitable purposes must first obtain a licence from the local authority. A licence must be granted by a licensing authority unless it believes there are grounds to refuse it. In April 2011 Licensing Committee had introduced a policy stating that all applicants must give a minimum 75% of the proceeds of collection to the good cause and if they were unable to do so that the collection bag or leaflet must clearly state the percentage to be donated. In January 2015 the Chief Executive of the Great North Air Ambulance had attended a meeting of the committee and advised members that in their case only 20% of the goods donated were passed on to the charity as 80% was retained to cover the cost of collection. He had also described the requirement to print the donated percentage onto the collection leaflets as 'impractical'. The Committee had subsequently agreed to grant a short term approval for collections by the Great North Air Ambulance.

The Trading Standards and Licensing Manager advised members of the options available to them:

1. Retain the current policy
2. Retain the current policy but amend the 75% donation figure
3. Remove the requirement for a minimum percentage to be donated and replace with a requirement for all collections to detail the percentage of proceeds to be donated
4. Withdraw the policy altogether and approve all applications

Members wished to retain the current policy of a 75% donation figure. If organisations wished to deviate from this they could come to Licensing Committee to explain their case. Members further requested that any permissions to deviate from the current policy, as agreed by Licensing Committee, should apply for 3 years providing the circumstances had not changed.

Decision

1. That the current policy be retained requiring a minimum of 75% of the proceeds of the goods collected to be donated to the good cause. If this is not possible the collection bag or leaflet to clearly state the percentage being donated.
2. That any organisations wishing to deviate from the current policy be required to present their case to members of the Licensing Committee who would consider whether or not to approve their collection licence at a lower donation figure.

3. That any such approval be valid for a 3 year period providing there have been no material changes in circumstances during that time.

10. Licensing Act Licensing Policy *(Director of Public Health)*

Members were advised that the Council's current licensing policy was due for renewal by 1st January 2016. Under section 5 of the Licensing Act 2003 each licensing authority must determine and publish a licensing policy every 5 years following consultation with interested parties. It was proposed that the current policy be retained subject to the following amendments, all of which would only apply to new premises or amended applications:

1. That 'vertical drinking establishments' will be expected to use plastic glasses after midnight
2. That all licensed premises will not sell alcohol below 50p per unit of alcohol
3. That the 'cumulative impact area' be amended

Plastic Glasses

Following discussion around the possibility of all premises being required to use plastic glasses at all times members agreed unanimously that an expectation for vertical drinking establishments to use plastic glasses after midnight be included in the draft policy.

Minimum Unit Pricing

Members noted that minimum unit pricing as a council policy was currently under consideration by the Health and Wellbeing Board and would be debated by Council in the future. Certain members were strongly in support of minimum unit pricing, highlighting the ongoing problem with alcohol abuse in this country and describing it as the first step which others would follow. However other members felt that this needed to be government policy rather than local policy and that it would be unfair to penalise people who were struggling financially. It could also lead to the possibility of lower end products being priced similarly to higher quality products although the Trading Standards and Licensing Manager advised that the higher end products were already priced at much more than 50p per unit. Members also raised concerns that cheap alcohol posed a danger to the public due to illegal components being included in it. The Trading Standards and Licensing Manager advised that it was sold cheaply as duty had not been paid on it rather than due to the contents being of concern. He was happy that this was not an issue in Hartlepool.

Members agreed by a majority that an expectation that premises would not sell alcohol below 50p per unit of alcohol be included in the draft policy.
Councillor Rob Cook voted against this and asked that his vote be recorded

Cumulative Impact Area

Members agreed unanimously that the amended cumulative impact area be included in the draft policy, following the closure of a number of licensed premises.

Decision

That the draft licensing policy required by the Licensing Act as detailed in Appendix 1 be approved and consultation commence

11. Gambling Act Statement of Licensing Principles *(Director of Public Health)*

Members were advised that the Council's current statement of licensing principles in relation to gambling activities was due for renewal in January 2016. There were no substantive changes proposed to the policy and members were asked whether they wished to retain the current resolution whereby the council would not consider any application for a casino in the borough. Members supported the retention of this resolution by a majority. **Councillors Peter Jackson and Trish Lawton voted against the 'no casino' resolution and asked that their votes be recorded.**

Decision

That the draft statement of licensing principles required by the gambling act as detailed in Appendix 1 be approved and consultation commence.

The meeting concluded at 16:20.

CHAIR

LICENSING COMMITTEE

19th August 2015



Report of: Director of Public Health

Subject: TAXI LICENSING POLICY

1. PURPOSE OF REPORT

1.1 To seek approval for an amendment of the Council's Taxi Licensing Policy.

2. BACKGROUND

- 2.1 Hartlepool Borough Council is the statutory licensing authority for hackney carriage and private hire vehicles, drivers and operators that work within the borough.
- 2.2 The Council has a policy (a Taxi Licensing Policy) that details the standards that are expected of drivers, vehicles and operators in order to ensure the safety and comfort of the travelling public.
- 2.3 As part of the current policy there is a restriction on the type of 'wheelchair accessible vehicle' that may be licensed.
- 2.4 A wheelchair accessible vehicle is one that allows a passenger to enter a vehicle, and complete the journey, whilst remaining seated in their wheelchair.
- 2.5 Wheelchair users that choose to leave their chair, sit in a car seat, and put the folded chair in the boot, are not using a wheelchair accessible vehicle as far as the Council's policy is concerned.
- 2.6 The current policy, which has been in place for a number of years, states that wheelchair accessible vehicles must be 'side loading' and that 'rear loading' vehicles are not permitted. This was introduced a number of years ago as a response to potential safety concerns associated with the use of 'rear loaders'.
- 2.7 Side loading vehicles require the wheelchair to be loaded by ramp, or lift, into the side of the vehicle - usually from the pavement. As the wheelchair enters from the side it will then either be secured to the floor, still facing sideways, or the wheelchair must be turned around inside the vehicle so as to face forward. With most modern wheelchairs, particularly powered ones which can be very large and heavy, it is not possible to rotate the chair once it is inside the

vehicle and, as such, the passenger must complete their journey facing sideways.

- 2.8 Rear loading vehicles require the wheelchair to be loaded into the vehicle from the rear. This has the advantage of allowing the wheelchair user to face forward for the journey but would usually involve them having to enter the vehicle from the road, rather than the pavement.
- 2.9 There is a significant difference in the purchase price and maintenance costs between side loading and rear loading vehicles with side loading costing between £5,000 and £10,000 more to purchase.
- 2.10 The Council's current taxi licensing policy states that all new vehicles (not replacement vehicles) must be wheelchair accessible but the high cost of purchase and maintenance has restricted applications for new vehicles to approximately 15 in the last ten years and many of these vehicles have now been removed from service.
- 2.11 At the time of writing this report there are only six wheelchair accessible hackney carriages and one private hire vehicle on Hartlepool's fleet.
- 2.12 Following the removal of services such as Dial-a-Ride the demand for wheelchair accessible hackney carriage and private hire vehicles has increased whilst their numbers have steadily declined.
- 2.13 There appears to be no grant funding available to help support the purchase of wheelchair accessible vehicles and drivers must charge the 'standard' fare for any journey and cannot charge extra for carrying wheelchair users. There is therefore little incentive for anyone to purchase these expensive vehicles.
- 2.14 A number of vehicle owners have indicated that they would like to carry on providing services to wheelchair users but simply cannot afford to purchase and operate side loading vehicles.

3. ISSUES FOR CONSIDERATION

- 3.1 A number of representations have been received from disability groups and taxi owners/operators asking that the current prohibition on rear loading vehicles be lifted in order to increase the number of wheelchair accessible vehicles on Hartlepool's fleet.
- 3.2 Side loading vehicles offer the advantage that passengers do not have to go on the road to enter the vehicle. A significant disadvantage with modern wheelchairs, is that once loaded, the chair is too large to turn once inside the vehicle and therefore the passenger must continue to face sideways throughout the journey.

- 3.3 Rear loading vehicles allow the passenger to face forward for the journey but have the disadvantage that the passenger must be loaded from the road – rather than the safety of the pavement.
- 3.4 In previous years letters of representation have been received from the Spinal Injuries Association and the National Taxi Association - both of whom have asked licensing authorities not to license rear loading hackney carriages for safety reasons. The main cause for concern being that a rear loading hackney carriage, parked on a taxi rank, would have to move forward in order to allow for its ramp to be lowered which may not be safe or, if flagged down in the street, the location may not be appropriate for a passenger to enter the rear of the vehicle from the road.
- 3.5 Whilst public safety is paramount a balance must be achieved between achieving the highest standards of public protection and the provision of a service that is both needed and demanded.
- 3.6 It is proposed that the potential hazards associated with the use of rear loading hackney carriages can be avoided if conditions are attached to their licences that will ensure passenger loading only takes place where it is safe and appropriate to do so.
- 3.7 For private hire vehicles, which must be booked in advance, this is straightforward as arrangements can be made at the time of booking.
- 3.8 For hackney carriages that can operate both through advance bookings and from taxi ranks, there would be a need to attach a condition to their licences that required wheelchair journeys to be pre-booked so that an appropriate loading location could be agreed.
- 3.9 All of the wheelchair accessible vehicles operated by Hartlepool Borough Council's Passenger Transport Team are rear loading and operate on an advance booking basis.
- 3.10 As wheelchair accessible hackney carriages also (and usually) carry able bodied passengers, they can regularly be found plying for hire from a taxi rank. If a wheelchair user wished to hire a hackney carriage from a rank, which from a safety perspective may not be safe, the proposed licence condition would require the driver to move to a safe location in order to load the passenger.
- 3.11 Whilst this may lead to some inconvenience for the passenger such bookings are extremely rare and the taxi trade and disability groups have advised that the vast majority of wheelchair bookings are made in advance.
- 3.12 Hackney carriage and private hire drivers and operators have a general duty of care towards their passengers and other road users and, as such, must take appropriate steps to ensure that any bookings they accept, and journeys they undertake, are done in a safe manner.

- 3.13 Any amendment to the taxi licensing policy does not, in any way, allow or permit a licensed driver to operate in an unsafe way.
- 3.14 Informal consultations have already been undertaken with interested parties and the proposals contained in this report have been strongly endorsed.
- 3.15 Should the Licensing Committee accept the recommended amendment to the taxi licensing policy a further, formal, consultation exercise would be carried out and if there were any objections the matter would be brought back to the Licensing Committee for further consideration.

4. EQUALITY AND DIVERSITY CONSIDERATIONS

- 4.1 An amendment to the Council's Taxi Licensing policy is likely to lead to an increase in the number of wheelchair accessible vehicles being operated which will increase the mobility of some wheelchair users.

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 the subject of this report will have any impact on the Council's section 17 responsibilities.

6. RECOMMENDATIONS

- 6.1 That Licensing Committee approves the following amendments to the Taxi Licensing Policy with effect from 1st October 2015, subject to there being no adverse representations received during the consultation process: -
 - i. Wheelchair accessible hackney carriage and private hire vehicles may be either side or rear loading.
 - ii. Rear loading wheelchair accessible hackney carriages may only accept wheelchair bookings if they are arranged in advance.

7. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 7.1 There are no appendices to this report.

8. BACKGROUND PAPERS

8.1 There are no background papers to accompany this report.

9. CONTACT OFFICER

Louise Wallace
Director of Public Health
Hartlepool Borough Council
Tel: 01429 284030
Louise.wallace@hartlepool.gov.uk