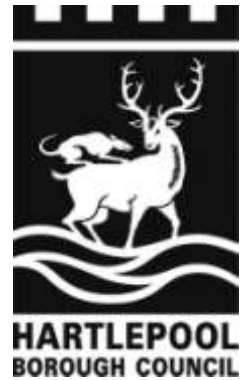


# LICENSING COMMITTEE AGENDA



**Wednesday 28<sup>th</sup> September 2016**

**at 10.00am**

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

**MEMBERS: LICENSING COMMITTEE:**

Councillors Barclay, Beck, Buchan, Cook, Hall, Hunter, Lawton, Loynes, Morris, Robinson, Sirs and Springer.

- 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 23<sup>rd</sup> May 2016
  - 3.2 To approve the minutes of the Licensing Sub-Committee meeting held on 28<sup>th</sup> June 2016
  - 3.3 To approve the minutes of the Licensing Committee meeting held on 13<sup>th</sup> July 2016
  - 3.4 To approve the minutes of the Licensing Sub-Committee meeting held on 14<sup>th</sup> July 2016
  - 3.5 To approve the minutes of the Licensing Sub-Committee meeting held on 3<sup>rd</sup> August 2016



**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**

**7. FOR INFORMATION**

The next scheduled meeting of the Committee will take place on 25<sup>th</sup> January 2017 commencing at 10.00 am in the Civic Centre, Hartlepool.



## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

23 May 2016

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

**Present:**

Councillor Dr George Morris (In the Chair)

Councillors: Peter Jackson and Trisha Lawton.

Also Present: Councillor Ged Hall as substitute for Councillor Allan Barclay in accordance with Council Procedure Rule 5.2

Officers: Ian Harrison, Trading Standards and Licensing Manager  
Tony MacNab, Solicitor  
David Cosgrove, Democratic Services Team

#### **59. Apologies for Absence**

Councillor Allan Barclay.

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

None.

#### **61. Any Other Items which the Chairman Considers are Urgent**

None.

#### **62. 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 63 – Hackney Carriage Drivers Licence - PS – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

Minute 64 – Hackney Carriage Drivers Licence - SL – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

- 63. Hackney Carriage Drivers Licence - PS** (*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)

The Sub Committee considered what action, if any, should be taken against licensed hackney carriage driver Mr PS.

**Decision**

The Sub Committee's decision is set out in the exempt section of the minutes.

- 64. Hackney Carriage Drivers Licence - SL** (*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)

The Sub Committee considered what action, if any, should be taken against licensed hackney carriage driver Mr SL.

**Decision**

The Sub Committee's decision is set out in the exempt section of the minutes.

The meeting concluded at 3.35 pm

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

28 June 2016

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

#### **Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Trisha Lawton and George Morris

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. Application to vary a premises licence relating to 75 York Road, Hartlepool** *(Director of Public Health)*

The applicant, Sivatharushan Sivapragasam (Siva), had applied for permission to vary the premises licence to allow the sale of alcohol between 8am and 10pm 7 days a week. The current licence, granted in March 2016, allowed for the sale of alcohol between 8am and 8pm. Initially Siva had requested that he be allowed to sell alcohol up to 11pm but following 2 objections from residents he had agreed to amend his licensable hours to 8am to 8pm. The objectors had subsequently withdrawn their objections. Those same objectors had lodged objections to this variation application.

Siva, via an interpreter, explained that he had applied for the variation as when customers were coming into his shop after 8:00pm and unable to purchase alcohol they would leave his shop without buying anything and go to other shops where they could buy everything. This was having a negative impact on his business.

Julie Rudge spoke against the application on behalf of the Dent/Derwent Area Residents' Association. There were high social problems in the area

including drink fuelled activity during the day and crime and anti-social behaviour at night. An extension would entice more drink fuelled activity and loitering on the dark nights. Existing disturbance from the daytime economy would be extended and residents' quality of life further eroded.

Members considered the application. They acknowledged the concerns of the Residents Association regarding social problems in the area but noted the large number of existing premises where alcohol could be purchased and did not feel they could justify refusal of this application on that basis. Concerns were raised that the applicant might subsequently apply for a further extension to 11pm but current licensing policy was to refuse applications to sell alcohol to premises in residential areas beyond 10pm and that would apply in this case. Members expressed sympathy with the residents but anti-social behaviour had been ongoing in the area for many years and was not a legitimate reason to refuse the application.

### **Decision**

That the premises licence for 75 York Road be amended to allow the sale of alcohol 8am-10pm 7 days a week.

The meeting concluded at 3:15pm.

CHAIR

# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

13<sup>th</sup> July 2016

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

**Present:**

Councillor: Brenda Loynes (In the Chair)

Councillors: Allan Barclay, Paul Beck, Rob Cook, Gerard Hall,  
Trisha Lawton, George Morris, Jean Robinson, Kaylee Sirs,  
George Springer

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

### **1. Apologies for Absence**

Apologies were submitted by Councillors Bob Buchan and Dave Hunter.

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

None

### **3. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 3<sup>rd</sup> February 2016**

Minutes confirmed

### **4. Confirmation of the minutes of the Licensing Committee meeting held on 24<sup>th</sup> February 2016**

Minutes confirmed

### **5. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 8<sup>th</sup> March 2016**

Minutes confirmed

**6. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 14<sup>th</sup> April 2016**

Minutes confirmed

**7. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 3rd May 2016**

Minutes confirmed

**8. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 9<sup>th</sup> May 2016**

Minutes confirmed

**9. 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. The Trading Standards and Licensing Manager confirmed that the quorum for both sub-committees was 3 members and any substitutes must be members of the Licensing Committee.

**Decision**

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

Licensing Sub Committees for premises licences: -

1. Rob Cook (Chair), Dave Hunter, Brenda Loynes
2. George Morris (Chair), Allan Barclay, Kaylee Sirs
3. Paul Beck (Chair), Ged Hall, George Springer
4. Trish Lawton (Chair), Bob Buchan, Jean Robinson

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

1. Brenda Loynes (Chair), Rob Cook, Dave Hunter, Kaylee Sirs
2. George Morris (Chair), Allan Barclay, Paul Beck, George Springer



3. Ged Hall (Chair), Bob Buchan, Trish Lawton, Jean Robinson

## 10. Taxi Licensing Policy *(Director of Public Health)*

In February 2016 members of the Licensing Committee had endorsed a draft taxi licensing policy and agreed that a 3 month consultation exercise be carried out between 1<sup>st</sup> March and 31<sup>st</sup> May 2016. All interested parties had been consulted by letter, there had been a consultation event in the Council Chamber and discussions on 2 occasions with the Taxi Owners Working Group. The only concerns which had been expressed were regarding the potential impact of a limit on window tinting in rear windows. The original proposal was that rear windows on licensed vehicles could only have 30% tinting in the rear windows. It was felt that this would help protect vulnerable passengers. However the Trading Standards and Licensing Manager had subsequently reversed his position on this and was now recommending that 70% tinting be allowable in rear windows of licensed vehicles. He felt that this would be sufficient in alerting those outside the vehicle to a passenger in distress and would also allow cars with higher specifications to be licensed thereby providing a better standard of journey for users. If licensed vehicle owners wished to have greater tinting in their rear windows they would be required to install appropriate CCTV facilities within their vehicle.

Members discussed the issues highlighted. The Trading Standards and Licensing Manager felt that the installation of CCTV in licensed vehicles could be a useful tool for the protection of passengers and drivers. However for it to be effective it would need to record to a hard drive which would only be accessible to official keyholders such as the Police and Council officials. Other requirements would be that any footage be kept for 28 days and that there would be signage within the vehicle highlighting to passengers that they were being recorded. However he emphasised that this would only be a requirement if the tint on the rear windows did not comply with the minimum requirement in the taxi licensing policy.

Members queried the requirements placed on drivers prior to and during their tenure as licensed drivers. The Trading Standards and Licensing Manager confirmed that prior to being awarded a licence they were asked to provide an enhanced DBS check, have a medical and undertake the Driving Standards Agency taxi test. The DBS check would cover them for 3 years while the medical would last until they were 45 when they would need to have further medicals at regular intervals. In addition there was a requirement that all drivers, new and existing, undertake Child Sexual Exploitation training. This was an online training course, provided by Barnardos, and currently free of charge.

Members referred to recent media coverage regarding the lack of disabled access licensed vehicles in Hartlepool. The Trading Standards and Licensing Manager acknowledged that this was a problem but did not have a solution. Wheelchair accessible vehicles were more expensive to run and

in terms of the number of journeys that could be undertaken in any given period however disabled passengers could not be charged more than able-bodied under discrimination legislation.

### **Decision**

That the Licensing Committee approve the adoption of the draft Taxi Licensing Policy with the following amendments:

- a. That a tint of 70% be permitted in the rear windows of any new licensed vehicle.
- b. That a CCTV system must be installed in the vehicle meeting technological and physical standards as specified by the Council if the tinted window restrictions are not adhered to.

The meeting concluded at 10:55am

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

14 July 2016

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

**Present:**

Councillor Rob Cook (In the Chair)

Councillors: Gerard Hall, Trisha Lawton and George Morris

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

#### 4. Apologies for Absence

None

#### 5. Declarations of interest by Members

None.

#### 6. 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 7 – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

#### 7. 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 Sub Committee considered an application for a private hire drivers licence.

**Decision**

The Sub Committee's decision is set out in the exempt section of the minutes.

The meeting concluded at 3.20pm

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

3 August 2016

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

**Present:**

Councillor: Rob Cook (In the Chair)

Also Present: Councillor Trisha Lawton as substitute for Councillor Dave Hunter and Councillor Paul Beck as substitute for Councillor Brenda Loynes in accordance with Council Procedure Rule 5.2

Officers: Sylvia Pinkney, Head of Public Protection  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Hayley Martin, Solicitor  
Jo Stubbs, Democratic Services Officer

#### 8. Apologies for Absence

Apologies were submitted by Councillors Dave Hunter and Brenda Loynes.

#### 9. Declarations of interest by Members

None

#### 10. Application for a new premises licence relating to 25-27 Church Square, Hartlepool *(Director of Public Health)*

The applicant, Sophie Haygarth on behalf of SC & J Trading Company Limited, had applied for a new premises licence for the supply of alcohol and regulated entertainment between 11am and midnight 7 days a week at O'Malley's Irish Bar in Church Square.. The premises in question had previously operated as a public house from 2005 to 2009 and was authorised to sell alcohol until 2am on weekdays and 4am on weekends. In 2009 the premises had changed to 'Flix', a restaurant/cinema and the terms and conditions of the premises licence had been amended to restrict the use of the premises to a cinema with the sale of alcohol as an ancillary activity. Two objections to the application had been received – one from a neighbour and one from the Council's Environmental Health Department.

John Ellwood, legal representative, spoke on behalf of Ms Haygarth. He

highlighted her previous history as a licensee for a premises on the Marina, including the positive relationship she had with people living directly above the premises. Ms Haygarth had met with the Objector, Mrs Buttery previously, in an effort to find solutions to limit noise disturbance. As a result a speaker in the premises had been moved to the opposite wall. She had also given Mrs Buttery her personal phone number and urged her to contact her with any problems or complaints. Mr Ellwood noted that in the 8 weeks since the premises had opened Mrs Buttery had not contacted Ms Haygarth. In terms of the application Mr Ellwood advised that there was no intention for live bands to play in the venue and regulated entertainment would only include karaoke on Friday and Saturday nights. Ms Haygarth would be happy to include this as a condition on the licence however the Head of Public Protection commented that such a condition was outside of the Sub-Committee's powers and would not be binding on any future licensees.

Mrs Buttery, accompanied by her daughter, spoke against the application. She had lived in the property next door to the premises for many years and whilst there had been little disturbance during its tenure as 'Flix' there had been a number of issues when it had been run as a bar between 2005 and 2009. This had included loud music being played inside the premises and patrons loitering outside her property, smashing glasses and urinating. These gatherings were particularly intimidating for her grandchildren who regularly stayed at her property. She did not want to see a business fail but felt that 11pm was late enough.

The Environmental Health Manager concurred with Mrs Buttery's comments, saying that while there had been no complaints when the premises were being run as 'Flix' there had been a history of noise issues prior to that.

The Licensing Sub-Committee considered the application and representations put forward by the Applicant and Objector. Whilst having a lot of sympathy with the Objector the Applicant had demonstrated an understanding of the locality in which the premises were situated and appeared mindful of the potential impact. The Sub-Committee was encouraged by the measures put forward by the Applicant and their undertaking that the entertainment would be limited to karaoke. They were therefore minded to approve the application as written with the condition that there not be any live music other than karaoke between 11pm and midnight.

### **Decision**

1. That a new premises licence be granted for O'Malley's Irish Bar in Church Square allowing the supply of alcohol (on and off sales) and regulated entertainment from 11pm to midnight 7 days a week.
2. That a voluntary condition be imposed on the licence limiting regulated entertainment between 11pm and midnight to karaoke on

Friday and Saturday nights only.

The meeting concluded at 11.40am

CHAIR

**LICENSING COMMITTEE**

**28<sup>th</sup> September 2016**



**Report of:** Director of Public Health

**Subject:** TAXI LICENSING POLICY

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**1. PURPOSE OF REPORT**

1.1 To consider an amendment to the Taxi Licensing Policy in view of the Driving Standards Agency's decision to abandon the delivery of the DSA Taxi Test.

**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 The current policy was approved earlier this year following a three month public consultation.

2.4 New taxi drivers are required to demonstrate to the Council that they are a 'fit and proper' person. To do this, they are required to provide certain documentation and undertake a number of assessments. This consists of: -

- Enhanced Criminal Records Check
- Group 2 Medical Certificate
- Driving Standards Agency Taxi Test
- Pass the Council's knowledge test
- Undertake an awareness course on Child Sexual Exploitation

2.5 The cost of a new taxi driver's licence is £145 for one year and £295 for three years.

2.6 One of the above requirements, the Driving Standards Agency (DSA) Taxi Test, had been a licensing requirement for the other Tees Valley licensing



authorities for a number of years and was initially adopted by Hartlepool in 2011.

- 2.7 The test costs £80 (payable by the driver or their employer) and is essentially an advanced driving test, including an element of customer care, which is assessed by a DSA Driving Assessor.
- 2.8 On 31<sup>st</sup> August 2016 the DSA wrote to all licensing authorities advising that, due to growing and competing demands on their service, they would be stopping the delivery of the Taxi Test with effect from 31<sup>st</sup> December 2016.
- 2.9 The DSA Taxi Test has been controversial since it was first introduced in Hartlepool as it coincided with a significant drop in the number of new taxi driver applications being received.
- 2.10 Due to the concerns that had been raised by the Taxi Trade about the impact of the DSA Test, reports were brought in 2012 and 2013 but the Committee was satisfied that the Test should remain.
- 2.11 Since the DSA requirement was introduced in 2011, the number of new taxi drivers being licensed in Hartlepool has fallen considerably – from around 100 per year to less than 20.
- 2.12 As existing licensed drivers have continued to leave the profession, and these are not being replaced by new drivers, there has been a steady decline in total numbers – falling from approximately 610 in 2011 to 450 now.
- 2.13 The Taxi Licensing Team is, for the first time in many years, regularly receiving complaints from the general public regarding the lack of taxis at busy times.
- 2.14 The town's biggest taxi companies have stated that the reason for this is the current shortage of drivers.
- 2.15 The DSA's withdrawal of the Taxi Test provides an opportunity for the Licensing Committee to consider what, if anything, should replace it.

### **3. PROPOSALS**

- 3.1 Since the introduction of the DSA Taxi Test in 2011 the number of people applying for taxi licences in Hartlepool has fallen considerably.
- 3.2 The DSA Taxi Test, and its associated cost, is consistently cited by the trade as the main reason for this decline.
- 3.3 As the DSA has announced the withdrawal of their Taxi Test, and the Test is currently an essential component of the application process for new drivers, it is necessary for the Licensing Committee to consider what, if anything, should replace it.

- 3.4 If Committee believes a driver testing regime should remain, it is proposed that a new requirement be added to the policy as follows: -

*‘New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council, within 12 months of their first licence being granted. Failure to do so would result in a suspension of the licence until the assessment had been successfully completed’.*

- 3.5 The proposed 12 month time allowance will serve several purposes: -

- It will allow for a new driver testing scheme to be developed
- It will allow for new service providers to be identified and procured
- It will allow new taxi drivers the opportunity of delaying one of the costs of obtaining a new licence until they have started work

- 3.6 The Licensing Committee has previously endorsed a joint working arrangement with the other Tees Valley licensing authorities so as to ensure a consistency of driver standards as they often find themselves working in neighbouring authority’s areas.

- 3.7 It is proposed that this approach should continue.

- 3.8 An update report will be provided to the Licensing Committee at its next meeting so that the issue can be re-considered and the Policy updated if required.

#### **4. RISK IMPLICATIONS**

- 4.1 No Implications

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 No Implications

#### **6. LEGAL CONSIDERATIONS**

- 6.1 As the Taxi Licensing Policy currently requires new taxi driver applicants to pass the DSA Taxi Test which will no longer be available, it is necessary for the Licensing Committee to remove this requirement.

#### **7. RECOMMENDATIONS**

- 7.1 That the Licensing Committee approves the amendment of the Taxi Licensing Policy as follows: -

- 7.2 In para 2.2 of the Taxi Policy, reference to the DVSA ‘Taxi Test’ is deleted and replaced with “*Evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council, within 12 months of their first licence being granted. Failure to do so would result in a suspension of the licence until the assessment had been successfully completed*”.
- 7.3 Para 2.6 of the policy should be replaced with ‘*In addition, applicants are required to have passed a driving assessment, approved by Hartlepool Borough Council, and produce the original pass certificate*’.

## **8. REASON FOR RECOMMENDATIONS**

- 8.1 Any references to the Driving Standards Agency Taxi Test must be removed from the Council’s Taxi Policy as the Test is being withdrawn by the DSA.
- 8.2 The recommendations are for the replacement of the DSA Taxi Test with a Council driving assessment that must be completed within 12 months of a new driver obtaining their licence.
- 8.3 This will both allow officers to identify and procure an alternative supplier of driver assessments whilst also allowing drivers the opportunity to pay for the test once they have begun work.

## **9. BACKGROUND PAPERS**

- 9.1 There are no background papers associated with this report.

## **10. CONTACT OFFICER**

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