

# LICENSING COMMITTEE AGENDA



**Wednesday 21 March 2018**

**at 10.00am**

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

**MEMBERS: LICENSING COMMITTEE:**

Councillors, Beck, Buchan, Cook, Fleming, Hall, Hamilton, Hunter, Lindridge, Loynes, Morris, Robinson and Trueman

**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 13<sup>th</sup> June 2017
- 3.2 To approve the minutes of the Licensing Sub-Committee meeting held on 19<sup>th</sup> July 2017
- 3.3 To approve the minutes of the Licensing Sub-Committee meeting held on 21<sup>st</sup> July 2017.
- 3.4 To approve the minutes of the Licensing Committee meeting held on 26<sup>th</sup> July 2017.
- 3.5 To approve the minutes of the Licensing Sub-Committee meeting held on 25<sup>th</sup> September 2017
- 3.6 To approve the minutes of the Licensing Sub-Committee meeting held on 27<sup>th</sup> September 2017
- 3.7 To approve the minutes of the Licensing Sub-Committee meeting held on 1<sup>st</sup> November 2017
- 3.8 To approve the minutes of the Licensing Sub-Committee meeting held on 22<sup>nd</sup> November 2017
- 3.9 To approve the minutes of the Licensing Sub-Committee meeting held on 23<sup>rd</sup> February 2018

**4. ITEMS REQUIRING DECISION**

- 4.1 House to House Collections – *Assistant Director (Environment and Neighbourhood Services)*



- 4.2 Taxi Licensing Policy - *Assistant Director (Environment and Neighbourhood Services)*

**5. ITEMS FOR INFORMATION**

No items.

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

FOR INFORMATION; -

Date of next meeting: - to be confirmed



## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

**13<sup>th</sup> June 2017**

The meeting commenced at 9.30am in the Civic Centre, Hartlepool

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Paul Beck and Brenda Loynes

Officers: Sylvia Pinkney, Head of Public Protection  
Ian Harrison, Trading Standards and Licensing Manager  
Jane Kett, Commercial Services Manager  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **42. Apologies for Absence**

None

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

None

#### **44. Application for a new premises licence – Tinie Tempah, Jacksons Landing, Hartlepool** *(Interim Director of Public Health)*

An application had been made for a new premises licence relating to a live music event scheduled to take place at the former Jackson's Landing site. The licence was for 30<sup>th</sup> July 2017 only and would cover the supply of alcohol, live music, recorded music and performance of dance from 12 noon to 9pm. Following receipt of the application both the Council's Commercial Services Team and Police had made a number of attempts to contact the applicant, all of which had been unsuccessful. Therefore having been unable to reach a satisfactory agreement about the management of public safety and prevention of crime and disorder licensing objectives both agencies had raised objections to the granting of the licence.

The Head of Public Protection advised that the previous day officers had received a generic information plan for the event however it did not include

any risk assessments. Furthermore confirmation of the qualifications and experience of the event safety co-ordinator had still not been received. She also highlighted that whilst the applicant had agreed to conditions from Environmental Protection relating to the appointment of a noise consultant they had so far failed to provide details of their appointed noise consultant for approval and had only until the end of the week to do so. As a result of all this she suggested that members either refuse the application or adjourn consideration to allow the applicant time to submit the required information and allow Public Protection time to consider said information and ensure arrangements were in place to meet the public safety licensing objective.

Sgt Paul Higgins and PC Andy Thorpe spoke on behalf of the Police, giving detailing of the various efforts they had made to contact the applicant named on the form to obtain the required information. These included phone calls, emails and voice messages however all had been unsuccessful. They referred to a similar event held at this venue at which the applicant had submitted a number of documents including an event plan. They had received nothing similar in this case. PC Thorpe had formulated a number of conditions to be added to the licence but these were a minimum standard and he had further questions for the applicant.

Junior Masandi addressed the Committee on behalf of Phresh Creative Management. Referring to the contact details on the form he explained that an error had been made and it should have been his details that had been given as the person named on the form, Joseph Franks, was not involved in the organisation of this event. The Trading Standards and Licensing Manager acknowledged this but commented that Public Protection had been in touch with Mr Masandi regarding these matters on a number of occasions and had still not received the requested information. Mr Masandi explained that he had been waiting for his Events Manager, Matt Simpson, to be available before progressing matters further. He apologised for Mr Franks' lack of communication with the police but was unable to explain why it had happened. Referring to the suggested adjournment Mr Masandi commented that to do so could impact the event quite significantly in terms of ticket sales and the general financial viability of it, possibly leading to its being cancelled.

Mr Simpson, the Events Manager, apologised for the lack of progress, acknowledging that this was a significant issue. Having seen the proposed conditions he felt they were reasonable and was happy to engage in further discussions with regard to security around the event. He also advised that they would need to bring in a health and safety officer as he did not have the necessary qualifications to fulfil this role. However the decision had been taken not to employ anybody formally until the outcome of today's hearing was known.

Members referred to the possibility of an adjournment to 7<sup>th</sup> July and asked whether this would give all the parties' sufficient time to complete all necessary processes. Mr Masandi confirmed that this was achievable. A health and safety expert would be attached to the project as soon as

possible in order to liaise with all interested parties.

Members considered the issues raised. The Chair then made the following statement:

“Whilst the community benefits of this event are recognised and appreciated this Licensing Sub-Committee is legally required to consider only the issues of public safety and preventing crime and disorder when determining whether the licence should be granted.

Having taken into consideration the representations that have been submitted the Sub-Committee considers it reasonable and appropriate, and in the public interest, to provide the applicant with more time to satisfy us that the licensing objectives will be promoted at this event.

As such the Sub-Committee has determined that consideration of this licence application be adjourned until 7<sup>th</sup> July 2017.

We are here to represent the residents of Hartlepool and we think that bringing large scale events to the town is a very positive approach. As Chair of this Sub-Committee I can assure you of the full support of Council officers to assist in the hosting of this event”

### **Decision**

That the meeting be adjourned to Friday 7<sup>th</sup> July at 2.00pm.

The meeting reconvened on Friday 7<sup>th</sup> July at 2.00pm

### **Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Paul Beck and Brenda Loynes

Officers: Hayley Martin, Head of Legal Services (Place)  
Jo Stubbs, Democratic Services Officer

## **45. Apologies for Absence**

None

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

None

**47. Application for a new premises licence – Tinie Tempah, Jacksons Landing, Hartlepool** *(Interim Director of Public Health)*

The Constitutional and Administrative Solicitor advised members that the application had been withdrawn by the applicant. There was therefore no further business to transact.

**Decision**

That the withdrawal of the application be noted.

The meeting concluded at 2:05pm.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

### **19 July 2017**

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

**Present:**

Councillor: Trisha Lawton (In the Chair)

In accordance with Council Procedure Rule 5.2 (ii), Councillor Tim Fleming was in attendance as substitute for Councillor Bob Buchan and Councillor Jim Lindridge was in attendance as substitute for Councillor Jean Robinson.

Also present:

Krishnakumar Ampikapathy, Premises Licence Holder  
Gill Sherratt, Licensing Matters  
John Arrowsmith

Officers: Sylvia Pinkney, Head of Public Protection  
Tony Macnab, Solicitor  
Ian Harrison, Trading Standards and Licensing Manager  
Rachael Readman, Senior Trading Standards Officer  
Aidan Hanson, Work Experience Pupil  
Angela Armstrong, Principal Democratic Services Officer

#### **48. Apologies for Absence**

Apologies for absence were received from Councillors Bob Buchan and Jean Robinson.

#### **49. Declarations of Interest by Members**

None.

#### **50. 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 51 – Application for the Review of a Premises Licence – Hart Mini-Market, Raby Road** – *Interim 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para 1).

**51. Application for the Review of a Premises Licence – Hart Mini-Market, Raby Road, Hartlepool** (*Interim Director of Public Health*)

An application for a review of the Premises Licence for Hart Mini-Market, Raby Road had been received and further details were included in the exempt section of the minutes.

**Decision**

Further details were included in the exempt section of the minutes.

The meeting concluded at 3.30 pm

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

21 July 2017

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Lesley Hamilton, Dave Hunter and George Morris

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer  
Peter Devlin, Chief Solicitor  
Denise Wimpenny, Principal Democratic Services Officer

#### **52. Apologies for Absence**

None

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

None

#### **54. 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 paragraph 1 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

**Minute 55 Private Hire Drivers Licence BW** – *Interim Director of Public Health*. This item contains exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1

**Minute 56 Private Hire Drivers Licence MM** – *Interim Director of Public Health*. This item contains exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access

to Information) (Variation) Order 2006 namely information relating to any individual – Para 1

- 55. Private Hire Drivers Licence BW** – *Interim 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 information relating to any individual (Para 1)

Members approval was sought to defer an application for a private hire drivers licence given that the applicant was unable to attend today's meeting.

#### **Decision**

The Sub-Committee agreed that the item be deferred to another date and time convenient to all parties.

- 56. Private Hire Drivers Licence MM** – *Interim 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 information relating to any individual (Para 1)

#### **Purpose of report**

The Sub-Committee considered what action, if any, should be taken against a licensed private hire driver.

#### **Decision**

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

The meeting concluded at 3.00 pm.

CHAIR

# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

26 JULY 2017

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

### **Present:**

Councillor Brenda Loynes (In the Chair),

Councillors: Paul Beck, Rob Cook, Tim Fleming, Ged Hall, Trisha Lawton, Jim Lindridge, and George Morris.

Also Present: In accordance with Council Procedure Rule 5.2: -  
Councillor George Springer as substitute for Councillor Bob Buchan  
Councillor Allan Barclay as substitute for Councillor Jean Robinson

Paul Higgins and Andrew Thorpe, Cleveland Police.

Officers: Sylvia Pinkney, Head of Public Protection  
Tony Macnab, Solicitor  
David Cosgrove, Democratic Services Team

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

Councillors Buchan, Hamilton and Robinson.

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

None.

### **3. Confirmation of the Minutes of Previous Meetings**

1. Minutes of the Licensing Sub-Committee meeting held on 14th March 2017 – confirmed.
2. Minutes of the Licensing Committee meeting held on 29th March 2017 – confirmed.
3. Minutes of the Licensing Sub-Committee meeting held on 4th May 2017 – confirmed.
4. Minutes of the Licensing Sub-Committee meeting held on 16th May 2017 – confirmed.

#### **4. Licensing Sub-Committees – Sub-Committee Memberships** *(Chief Solicitor)*

The Chief Solicitor reported that there were 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. Following a discussion with the Chair, the following proposed subcommittee memberships were set out for Members consideration / discussion.

Licensing Sub Committees for premises licences: -

1. Councillors George Morris (Chair), Lesley Hamilton, Dave Hunter.
2. Councillors Rob Cook (Chair), Jim Lindridge, Brenda Loynes.
3. Councillors Paul Beck (Chair), Bob Buchan, Tim Fleming.
4. Councillors Trisha Lawton (Chair), Ged Hall, Jean Robinson.

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

1. Councillors Brenda Loynes (Chair), Paul Beck, Rob Cook, Jim Lindridge.
2. Councillors Dave Hunter (Chair), Bob Buchan, Lesley Hamilton and George Morris.
3. Councillors Trisha Lawton (Chair), Tim Fleming, Ged Hall, Jean Robinson.

It was acknowledged that political balance was difficult to maintain on sub committees of three or four members but there should at least be two parties represented on each subcommittee. The proposals set out, meet that requirement as far as practicable.

#### **Decision**

That the proposed sub committees as set out above be approved.

#### **5. Early Morning Alcohol Restriction Orders (EMRO's)** *(Interim Director of Public Health)*

The Head of Public Protection outlined the principal issues from a comprehensive report detailing the legal and contextual background to Early Morning Alcohol Restriction Orders (EMRO's), the issues that a licensing authority must take into account when considering whether an EMRO is appropriate and the steps that must be taken if an EMRO is recommended.

The Committee was reconsidering the issue following Council on 23rd February 2017 when a motion was presented concerning the potential introduction of an EMRO in Hartlepool. Council agreed to refer the matter

to the Licensing Committee for consideration and on 29th March 2017 the Licensing Committee reviewed the matter and requested detailed evidence to allow for further consideration to be given. The Head of Public Protection stated that the report submitted to the Committee intended to provide Licensing Committee with the information it would require to make an informed decision.

In a detailed presentation to Committee, the Head of Public Protection highlighted the following key issues / areas from the report that were key for the Committee's consideration of whether or not to recommend the implementation of an EMRO –

Legal Background - Licences

Legal Background - EMROs

Hartlepool's Night Time Economy

House of Lords Report 2017

Guidance states that for a licensing authority to introduce an EMRO it would be necessary to demonstrate: -

- that an EMRO is the best option to address these problems;
- that there is sufficient evidence to demonstrate that an EMRO is appropriate to promote the licensing objectives; and
- that there are recurring alcohol-related problems in a specific area between midnight and 6:00 a.m.

and taking into account: -

- the trends in crime and disorder;
- the evidenced benefit that an EMRO would produce;
- the potential negative impact on the local economy;

The Act's licensing objectives are: -

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

Cumulative Impact Area – this is defined in statutory guidance as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'.

Action Against Individual Licensees

Voluntary Agreements

Voluntary Best Practice Schemes

Planning Controls

CCTV

Late Night Levy

Evidence - The statutory guidance that accompanies the Licensing Act states that licensing authorities should look to gather evidence from various sources including: -

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots, statistics on local anti-social behaviour offences,
- environmental health complaints, particularly in relation to litter

- and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- capacities of different premises at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

Crime and Disorder Statistics - Appendices 5 and 6 to the report detailed the current and recent crime and disorder statistics for the town centre area defined as the Night Time Economy area. Representatives of Cleveland Police had been invited to address the Licensing on this matter. It could be seen from the crime and disorder figures that crime, anti-social behaviour and violence against the person are all at lower levels than those when the Licensing Act was first introduced.

Environmental Health complaints

Current Trends

Current Licensed Hours

Independent Evaluation

Taxi Marshals

Options Available to the Licensing Committee - Having considered the detailed report and evidence reported, the Licensing Committee could either: -

- (a) Decide that there is insufficient evidence to support the adoption of an EMRO; or
- (b) If it considers there is, or may be, sufficient evidence to support the adoption of an EMRO, the Committee can move forward with further consultation and evidence gathering as required by the Licensing Act's statutory guidance.

The Police representatives indicated that the evidence set out in the appendices to the report gave a realistic assessment of crime figures in the night-time economy area and the town as a whole. There were very clear downward trends in crime numbers in the Cumulative Impact Area particularly in the 2.00 am to 4.00 am period which would be the time period most affected by the imposition of an EMRO. In the last financial year there had been 61 recorded crimes in this area that could potentially be removed through an EMRO. In the same area, the overall level of violent crimes totalled 205 in the same period, 11% of the total for the whole of the town. This had reduced from a peak in 2008/09 when violent crime in the Cumulative Impact Area accounted for 20% of all such crime in Hartlepool. Violent crime as a whole accounted for 3% of all recorded crime in Hartlepool, so the figures were low. Of the 61 crime incidents in the Cumulative Impact Area that could potentially be removed, there was no assurance that these could/would not have happened earlier in the evening.

The Police representatives also highlighted the numbers of premises that had closed in the Cumulative Impact Area; there were now only seven

premises that could operate to 4.00 am.

The Police representatives did not, however, wish to give the impression that alcohol related crime numbers were low; they accounted for 30% of all crime in Hartlepool. Alcohol crime had, however, moved from the Cumulative Impact Area and was frequently off-licence driven. There wasn't an estate or area of Hartlepool not affected by alcohol related crime as the numbers of people drinking at home had increased to avoid the higher costs of pubs.

Alcohol crime was, therefore, a significant issue for the Police and there was a permanent Drugs and Alcohol Worker in the custody suite to provide advice and signposting to support services. The Police also operated a 'points system' where offenders could get a reduction in fines if they attended an alcohol reduction course.

The Police's approach to crime has had to change over recent years due to budget cuts which had reduced the number of police officers in the Cleveland force from 1,740 in 2010 to 1,303 in 2017. Shift patterns have had to change reducing the numbers of available officers and resources were now shared across the Hartlepool and Stockton areas. Deployment of officers to the night-time economy was a major factor in how officers were allocated. The force now used interventions such as dispersal orders to clear areas to avoid the build up of problems. Problem premises were also tackled through a nationally recognised model to address problems before they became persistent. Three premises in Hartlepool had been issued with action plans from these interventions, with two plans still in place. If necessary, reviews by Licensing Sub Committee would be requested; as had happened with the Showroom.

A Member commented that there were no representatives from the local licensees association at the meeting. The Solicitor advised that the parties such as the local licensees would only become involved should the Council move towards a formal EMRO hearing which would be the stage after this initial consideration of the evidence by the Licensing Committee.

Members expressed the view that consideration of an EMRO should not be pursued. The potential costs related to such action through the assessment process and the costs of any legal action that would be highly likely from the trade objecting to such a proposal were issues the Committee could not ignore. Members indicated that there was already significant work being done in conjunction with the Police and the Street Pastors which was obviously having an impact.

Members stated that the key evidence, however, was the crime figures reported by the Police. There was a clear reduction in crime figures and it was also clear that alcohol related crime in the Cumulative Impact Area had reduced and was not the only area affected by such crime. The Police and Licensing Officers work with problem premises was also tackling problems before they became significant issues.

Members commented that they themselves had perceived a reduction in the numbers of people that regularly attended premises in the Cumulative Impact Area. There had also been a movement of some customers to the Marina area where premises closed around midnight. Members commented that there were more problems in some areas outside of the town centre due to problems families and alcohol consumption.

The Chair stated that she had attended the Cumulative Impact Area during the early hours of Sunday morning recently to assess for herself the actual issues in the area. The Chair stated that she had been most surprised by the low numbers of revellers in the area; there had been a significant reduction in numbers over recent years which had been reflected in the Police's recorded crime figures. The Chair also indicated that she had spoken with the Street Pastors who now only attended the Church Street area on Saturday nights due to the reduced numbers attending.

In concluding the debate, the Chair stated that there was insufficient evidence to support the pursuance of an EMRO. In fact the evidence reported within the report and by the Police suggested that there had been a consistent decline in crime numbers in the Cumulative Impact Area over recent years. Members suggested that there should be no further consideration of an EMRO for at least four or five years unless the Police considered that crime had increased to a level that an EMRO may be the only option to control crime and alcohol related incidents in the Cumulative Impact Area.

The Chair and Members present thanked the officers and the Police for their work in preparing the report and supporting evidence presented to the Committee.

The following recommendations were agreed unanimously.

### **Decision**

That Licensing Committee does not recommend the adoption of an Early Morning Alcohol Restriction Orders (EMRO) to full Council and suggests to Council that in light of there being no supporting evidence, no further consideration of the adoption of such an order be made, for a period of at least four years, unless the Police provided such evidence that would suggest that the only means of controlling crime and alcohol related incidents in the Cumulative Impact Area was through such an order.

The Licensing Committee stands by its comments made on this issue in 2013 in that it does not believe that any level of violence or anti social behaviour should be regarded as an acceptable or inevitable consequence of a vibrant night time economy.

The Committee recognises that violence and disorder remained a serious concern and would, if the appropriate legal mechanism existed, look further

into the merits or otherwise of changing the terminal hour of late licensed premises.

The Committee recognised and appreciates the difficult circumstances in which the Police operate, particularly in the current climate of reducing resources.

The Committee also recognised and appreciated the great work undertaken by Hartlepool Town Pastors who voluntarily patrol the night time economy to assist those in need.

It was clear from the statutory guidance that accompanies the Licensing Act that any decision to introduce an EMRO must be evidence based and it was also clear that any decision in favour of an EMRO would be legally challenged by organisations that have publicly stated their opposition to EMROs in principle. The fact that no local authority in the country has implemented an EMRO since they were first made available in 2011 had to be recognised.

The Committee had heard that there were only a handful of premises that actually operate until 4:00 a.m. and had received evidence from officers that the likely legal cost of defending the inevitable legal challenge could be in excess of £100,000. The Committee, therefore, carefully considered whether it was appropriate for Hartlepool to become the first authority to introduce what was obviously a controversial and expensive measure.

Given the inevitable legal challenge, the Committee and the Council had to be confident that any decision to introduce an EMRO would be successfully defended through the Courts.

To do this, the evidence in favour of an EMRO must be robust and conclusive. The Committee had seen that crime and disorder was actually at a lower level than it was when the Licensing Act was introduced. The Committee had also heard that the recent House of Lords scrutiny report into the Licensing Act had stated that EMROs were unworkable in their current form and should be removed from the statute book as soon as possible.

Should this happen, and an alternative measure be introduced in its place, the Committee would welcome the opportunity to consider the issues again. Therefore, until that opportunity arises, the Licensing Committee did not recommend the adoption of an EMRO.

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

None.

The Committee noted that the next meeting would be held on Wednesday 11th October at 10.00 am in the Civic Centre, Hartlepool.

The meeting concluded at 11.05 am.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

25 September 2017

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

**Present:**

Councillors: Jim Lindridge and Brenda Loynes

In accordance with Council Procedure Rule 5.2 (ii), Councillor Dave Hunter was in attendance as substitute for Councillor Rob Cook.

Also present:

John Ellwood, Gary Wilkinson and David Ness, Loons  
Charles Holland, Paul Higgins, Andy Thorpe, Cleveland Police

Officers: Sylvia Pinkney, Head of Public Protection  
Tony Macnab, Solicitor  
Angela Armstrong, Principal Democratic Services Officer

#### **57. Appointment of Chair**

Councillor Dave Hunter was appointed Chair for the duration of the meeting.

#### **58. Apologies for Absence**

Apologies for absence were received from Councillor Rob Cook.

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

None.

#### **60. 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 paragraph 1 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

**Minute 61 Application for the Review of Premises Licence – Loons, 8 Victoria Road, Hartlepool – Interim Director of Public Health.** This item contains exempt information under Schedule 12A of the 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 3*).

**61. Application for the Review of Premises Licence – Loons, 8 Victoria Road, Hartlepool** (*Interim 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 information relating to the financial or business affairs of a particular person (including the authority holding that information) (*para 3*).

An application for a review of the premises licence in respect of Loons, 8 Victoria Road had been received and further details were included within the exempt section of the minutes.

**Decision**

Further details were included within the exempt section of the minutes.

The meeting was adjourned at 4.55pm

**The meeting was reconvened on Friday 29 September 2017 at 9.30am in the Civic Centre, Hartlepool**

**Present:**

Councillors: Jim Lindridge and Brenda Loynes

In accordance with Council Procedure Rule 5.2 (ii), Councillor Dave Hunter was in attendance as substitute for Councillor Rob Cook.

Officers: Tony Macnab, Solicitor  
Angela Armstrong, Principal Democratic Services Officer

**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 paragraph 1 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to

Information)(Variation) Order 2006.

**Minute 61 Application for the Review of Premises Licence – Loons, 8 Victoria Road, Hartlepool** – *Interim Director of Public Health*. This item contains exempt information under Schedule 12A of the 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 3*).

- 63. Application for the Review of Premises Licence – Loons, 8 Victoria Road, Hartlepool** (*Interim 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 information relating to the financial or business affairs of a particular person (including the authority holding that information) (*para 3*).

The Committee had reconvened from 25 September 2017 to discuss and deliberate the issues raised at that meeting in relation to Cleveland Police's application for a review of the premises licence for Loons, Victoria Road relating to the licensing objectives of the prevention of crime and disorder and public safety.

The Committee considered all the evidence presented and the representations made by Cleveland Police and the representatives from Loons along with the licensing Guidance. Further details can be found in the confidential section of the minutes.

### **Decision**

Further details can be found in the confidential section of the minutes

The meeting concluded at 12.25pm

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

27 September 2017

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

**Present:**

Councillor: Paul Beck (In the Chair)

Councillors: Jim Lindridge and Brenda Loynes

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

#### **64. Apologies for Absence**

Apologies were submitted by Councillor Rob Cook

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

None

#### **66. 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 paragraph 1 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

**Minute 67 Private Hire Drivers Licence AMc** – *Interim Director of Public Health*. This item contains exempt information under Schedule 12A of the 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 3

#### **67. Private Hire Drivers Licence AMc** – *Interim 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 information relating to the financial or business affairs of a particular person (including the authority holding that information (Para 3)

Members considered an application for a Private Hire Drivers Licence. Further detail is provided in the restricted minutes.

**Decision**

Detailed in the restricted minutes

The meeting concluded at 10.50am

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

1<sup>st</sup> November 2017

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

**Present:**

Councillor: Paul Beck (In the Chair)

Councillors: Bob Buchan and Tim Fleming

Officers: Sylvia Pinkney, Head of Public Protection  
Ian Harrison, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **68. Apologies for Absence**

None

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

None

#### **70. 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 71 – Application for the review of premises licence – 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 any action taken or to be taken or in connection with the prevention, investigation or prosecution of crime (para 7)

#### **71. Application for the review of premises licence - (Interim**

*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 7) information relating any action taken or to be taken or in connection with the prevention, investigation or prosecution of crime.

Members were asked to consider an application for the review of a premises licence. Further details are contained within the closed minutes.

### **Decision**

Contained within the closed minutes.

The meeting concluded at 3:15pm.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

22<sup>nd</sup> November 2017

The meeting commenced at 11.00am in the Civic Centre, Hartlepool

#### **Present:**

Councillor: Lesley Hamilton

In accordance with Council Procedure Rule 4.2 Councillor Rob Cook was in attendance as substitute for Councillor Dave Hunter and Councillor Brenda Loynes was in attendance as substitute for Councillor George Morris.

Also Present: Councillor John Lauderdale

Officers: Sylvia Pinkney, Head of Public Protection  
Ian Harrison, Trading Standards and Licensing Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **72. Appointment of Chair**

Councillor Rob Cook was appointed Chair of the Sub-Committee

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

Apologies were submitted by Councillors Dave Hunter and George Morris.

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

None.

#### **75. Application for a new premises licence – 128 Cornwall Street, Hartlepool** *(Interim Director of Public Health)*

The Head of Public Protection informed members that an application had been made for a new premises licence at 128 Cornwall Street by Sivakumar Mahadevan. The application was for the sale of alcohol between 7am and 11pm 7 days a week. Previously the premises had been licensed to sell alcohol 9am-11pm Monday-Saturday and 10am-10pm Sunday but

this licence had been surrendered in 2009 and the premises closed. Objections to the application had been received from Ward Councillor John Lauderdale, the Council's Trading Standards and Licensing Manager and the Council's Environmental Health Manager. These objections had referred to crime and disorder in the area and the fact that the hours applied for conflicted with the suggested trading hours in the Council's Licensing Policy.

Mr Mahadevan addressed members, explaining that he had worked in the licence trade for over 10 years. He felt that his application fulfilled all of the 4 licensing objectives and did not anticipate any problems would result. He would be living above the premises and working in the shop as the Designated Premises Supervisor along with other appropriately qualified staff. He acknowledged that the hours he was requesting were outside the guidelines but would be happy to amend the hours he had requested to 8am-11pm. He also noted that there were a number of premises nearby which also exceeded the guidelines including Asda, Tesco, Sainsburys and McColls. However the Head of Public Protection advised members that these hours had been agreed prior to the guidelines being issued and therefore could not be changed.

Jane Gilliead, Mr Mahadevan's agent, spoke in support of his application. She noted the concerns of the ward councillor but felt that the lack of objection from the police or child safeguarding was telling. Mr Mahadevan was willing to do all he could and work with whoever he needed to in order to make the business a success and avoid problems. Mr Arfar Khan offered his support for Mr Mahadevan's application saying he was honest and hardworking.

Members queried how Mr Mahadevan intended to prevent nuisance to local residents given the proximity of the shop to other terraced houses. Mr Mahadevan indicated that he had spoken to both neighbours who had confirmed that there had been no problems when the premises were occupied previously. He had also spoken to people passing through the area on several occasions and there had been no dissent from anyone. He also felt that his previous experience working on customer services at Tesco had given him some experience in avoiding under-age sales.

Members queried why Mr Mahadevan felt that the hours detailed in the guidelines would not be appropriate in this case. Mr Mahadevan advised that residents had indicated they would prefer the increased hours and to not do this could lead to a loss in trade. However he confirmed that this was based on the opinion of passers by rather than him knocking on doors.

Members queried the arrangements for stock delivery and whether this would cause a nuisance. Mr Mahadevan confirmed that he would be collecting stock himself through the cash and carry.

Members asked whether Mr Mahadevan felt that alcohol would be his biggest seller. He did not think this was necessarily the case but felt that

people might come in early for groceries and not be happy if they could not purchase alcohol at the same time. Members asked whether Mr Mahadevan would continue to open without an alcohol licence. Mr Mahadevan confirmed that he would but members noted some reluctance prior to him answering this question which suggested he saw alcohol sales as a major part of the licence.

Councillor Lauderdale expressed the concerns he had regarding the application. He acknowledged that there had been no objections from residents but advised that the residents association had highlighted their concerns but were reluctant to put them in writing to the Council as they felt this would be a waste of time. He commended the owner for agreeing to a number of security measures but felt these would not prevent criminal activity at the premises as similar security measures had not worked at other premises. Anti-social behaviour was an ongoing issue in the area and this application would only exacerbate that particularly given the request for a late licence. He was disappointed at the lack of representation from the police as they were regularly called to the area to deal with problems related to drugs and anti-social behaviour. The living conditions of residents were already bad and would be worsened if this licence was granted.

The Trading Standards and Licensing Manager confirmed that the licensing authority was objecting based on the suggested trading hours in the Council's licensing policy. The premises were essentially a terraced house in the middle of a row of terraced houses and the Manager noted that if he lived next door he would not be happy with the proposed hours. The Chair noted there were a large number of premises within walking distance operating similar hours. The Trading Standards and Licensing Manager acknowledged that problems could not always be attributed directly to any one premises and alcohol purchased there might be consumed some distance away but generally it was felt that early morning / late night opening hours were inappropriate for residential areas generally. Any and all issues were referred to the police but they tended to focus more on drug related crime.

The Environmental Health Manager concurred with his colleague's comments noting that the late opening time would attract a lot of footfall and cause a potential nuisance to neighbours.

Following further queries from members Mr Mahadevan confirmed that he would be living at the premises and working there 7 days a week. When he was not present another person would be in charge with very good experience and training. His wife would also work in the shop on occasion. The Trading Standards and Licensing Manager acknowledged Mr Mahadevan's previous experience serving customers at Tesco but highlighted the difference between this and running a business.

Members considered the application. Their decision was as follows:

"The Sub-Committee considered the application and representations put

forward by the applicant through his representative and in person. The Sub-Committee considered the representations put forward by Councillor John Lauderdale, Ward Councillor for Burn Valley and local resident; Ian Harrison, Trading Standards and Licensing Manager on behalf of the Licensing Authority and Adrian Hurst, Environmental Health Manager. The applicant varied the hours that he wished for alcohol to be sold so that the proposed hours would be 8am to 11pm 7 days a week.

His argument for those hours for selling alcohol was that he would lose business if the hours were not longer than the hours for sale of alcohol from off-licensed premises in residential areas which appear in paragraph 4.25 in the Council's licensing policy. His representative highlighted a number of off-licensed premises in Hartlepool having longer hours than appear in the policy. It was explained by Sylvia Pinkney, Head of Public Protection, that premises in the Cornwall Street area that had longer hours were granted before the aspect of the licensing policy relating to hours was adopted.

The Licensing Sub-Committee listened very carefully to the points raised by Councillor Lauderdale and the points raised by Ian Harrison and Adrian Hurst. Both Ian Harrison and Adrian Hurst were concerned that the hours applied for were inconsistent with the licensing policy and did not promote the licensing objective relating to the prevention of public nuisance.

The Sub-Committee determined that the licensing objectives would not be promoted by a departure from paragraph 4.25 of the licensing policy of licensing off-sales premises in residential areas other than between 9am and 10pm.

The Licensing Sub-Committee therefore grants the licence for those hours, 7 days a week."

### **Decision**

That a premises licence be granted for 128 Cornwall Street between 9am and 10pm 7 days a week.

The meeting concluded at 12:55pm.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

23<sup>rd</sup> February 2018

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

#### **Present:**

Councillor: Dave Hunter (In the Chair)

Councillors: Bob Buchan, Lesley Hamilton and George Morris

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

#### **76. Apologies for Absence**

None

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

None

#### **78. 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 79 – Hackney Carriage / Private Hire Drivers Licence NO – 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 80 – Hackney Carriage / Private Hire Driver PD – 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).

**79. Hackney Carriage / Private Hire Drivers Licence NO**

*(Assistant Director (Environment and Neighbourhood Services))* 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 should be taken against a licensed hackney carriage and private hire driver. Further detail is provided in the exempt minutes.

**Decision**

Detail is provided in the exempt minutes

**80. Hackney Carriage / Private Hire Driver PD** *(Assistant Director (Environment and Neighbourhood Services))* 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 dual hackney carriage/private hire drivers licence. Further detail is provided in the exempt minutes.

**Decision**

Detail is provided in the exempt minutes

The meeting concluded at 11.30am.

CHAIR

# LICENSING COMMITTEE

21<sup>st</sup> March 2018



**Report of:** Assistant Director (Environment & Neighbourhood Services)

**Subject:** HOUSE TO HOUSE COLLECTIONS

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## 1. PURPOSE OF REPORT

- 1.1 To seek approval for the continuation of a three year exemption from the Council's House to House collections policy for the Great North Air Ambulance.

## 2. BACKGROUND

- 2.1 By virtue of the House to House Collections Act 1939 and the House to House Regulations 1947 anyone wishing to carry out a house to house collection for charitable purposes must first obtain a licence from the local authority.
- 2.2 House to house collections regularly take place in Hartlepool and typically involve the unsolicited delivery of plastic bags to local residents asking for donations of clothing and other items such as books, shoes or anything of value in order to benefit a good cause or charity.
- 2.3 Residents are asked to leave bags of donations on the street or doorstep which are then collected and transported to regional centres where they are sorted and sold for a profit.
- 2.4 If the charity has engaged a commercial collection company the costs of the collection will be recovered from the proceeds and the remainder will be regarded as 'profit'. If collection costs are high, the amount of profit will be low. The profit, or sometimes a proportion of the profit, is then donated to the good cause.
- 2.5 A House to House Collection licence must be granted by a licensing authority unless it believes there are grounds to refuse it. The grounds for refusal are as follows: -

- i. 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
  - ii. That remuneration that will be retained or received is excessive
  - iii. That granting the licence would facilitate the commission of an offence under the Vagrancy Act
  - iv. That the applicant is unfit due to previous criminal convictions
  - v. That the applicant has failed to ensure that the persons conducting the collection are fit and proper
  - vi. That the applicant has failed to supply the local authority with relevant information
  
- 2.6 In April 2011, following a significant increase in the number of collections being requested and, in some instances, the very low amount of benefit that was being received by the good causes', the issue of house to house collections was considered by the Licensing Committee.
  
- 2.7 The Committee determined to introduce a policy that states 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 are donated to the good cause, or
  - ii. That, where the percentage is less than 75%, the collection bag or collection leaflet clearly and prominently states the percentage that will be donated (in order for the consumer to make an informed choice about whether to donate).
  
- 2.8 At a meeting of the Licensing Committee on 28<sup>th</sup> January 2015 Members were informed that the Great North Air Ambulance (GNAA) could not comply with the Council's policy and, as such, would not be granted a licence to carry out collections in Hartlepool.
  
- 2.9 The Chief Executive of the GNAA attended the meeting and explained how a trading company had been established to carry out its collections and donate the resulting 'profit' to the GNAA charity.
  
- 2.10 It was explained however, that around 80% of the value of the donations was retained to cover the costs of the trading operation and therefore only around 20% of the value of goods donated was actually being paid over to the charity. The GNAA was therefore unable to meet Hartlepool's policy requirement that at least 75% of the value of donations be paid to the good cause being promoted.
  
- 2.11 The Chief Executive also stated that Hartlepool's alternative requirement of printing the actual donated percentage onto the collection leaflets was 'impractical'.
  
- 2.12 The Licensing Committee considered the representations made by the GNAA and determined to amend the Council's policy so that exemptions

could be sought from individual charities and that these would be considered by the Licensing Committee on a case by case basis.

2.13 The Committee also determined that the GNAA would be given a three year exemption from the Council's House to House collections policy.

2.14 This exemption is due for reconsideration and, if appropriate, renewal.

### **3. PROPOSALS**

3.1 Hartlepool's current House to House collection policy states that an applicant for a licence must be able to demonstrate that either: -

- i. A minimum of 75% of the proceeds (not the profits) of the collection are donated to the good cause, or
- ii. That, where the percentage is less than 75%, the collection bag or collection leaflet clearly and prominently states the percentage that will be donated.

3.2 The licensing committee has previously heard from the Chief Executive of the GNAA who stated that Hartlepool's current policy is too onerous for businesses that operate across many local authority boundaries and therefore it is a requirement that cannot be practically or economically be met by them.

3.3 The GNAA has confirmed that they would like the current three year exemption to be extended for a further three years and the company's Chief Executive will be attending today's Committee meeting to answer any questions Members may have.

### **4. RISK IMPLICATIONS**

4.1 There are no risks associated with this report.

### **5. LEGAL CONSIDERATIONS**

5.1 There are no legal considerations associated with this report.

### **6. RECOMMENDATIONS**

6.1 That Members approve a further three year exemption from the Council's House to House collections policy for the Great North Air Ambulance.

### **7. REASONS FOR RECOMMENDATIONS**

7.1 The Great North Air Ambulance provides significant community benefit and relies of charitable donations to fund much of its work. If the three year exemption was not renewed, the charity would not be able to continue to conduct House to House collections in Hartlepool.

## 8. BACKGROUND PAPERS

- 8.1 Licensing Committee report and minutes – 28<sup>th</sup> January 2015

## 9. CONTACT OFFICER

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# LICENSING COMMITTEE

21<sup>st</sup> March 2018



**Report of:** Assistant Director (Environment & Neighbourhood Services)

**Subject:** TAXI LICENSING POLICY

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## 1. PURPOSE OF REPORT

- 1.1 To consider amendments to 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 The current policy has been in place, with only minor amendments, since 2016.
- 2.4 An enquiry has been received from a business that is interested in offering the services of horse drawn carriages in Hartlepool. There are no conditions regarding such vehicles contained in the current Taxi Licensing policy and, as such, appropriate conditions must be added in order to facilitate possible licensing in future.
- 2.5 As the Taxi Licensing policy requires amendment in order to allow the licensing of horse drawn carriages, the opportunity is being taken to correct a small number of errors and omissions contained in the current policy.
- 2.6 The proposed amended policy, including the proposed new horse drawn carriage conditions, is attached as **Appendix 1**.

### **3. PROPOSALS**

- 3.1 As an enquiry has been received in relation to the potential use of horse drawn carriages as taxis in Hartlepool it is necessary to amend the current Taxi Licensing policy.
- 3.2 The proposed new conditions (listed as Appendix 9 in the new policy) will ensure both the safety of the general public and the welfare of the horses being used.
- 3.3 Approval and adoption of the proposed Taxi Licensing policy will not, in itself, result in an application for horse drawn carriages to be licensed but will allow the Council to respond immediately to any such applications in future.

### **4. RISK IMPLICATIONS**

- 4.1 There are no risks associated with this report.

### **5. LEGAL CONSIDERATIONS**

- 5.1 There are no legal considerations associated with this report.

### **6. RECOMMENDATIONS**

- 6.1 That Members approve the Taxi Licensing Policy detailed in Appendix 1. .

### **7. REASONS FOR RECOMMENDATIONS**

- 7.1 Approval of the proposed amendments would allow for the licensing of horse drawn carriages in future.

### **8. BACKGROUND PAPERS**

- 8.1 There are no background papers to accompany this report.

### **9. CONTACT OFFICER**

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**DRAFT**

# **PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY**

**APPROVED BY HARTLEPOOL BOROUGH COUNCIL**

**Date 21<sup>st</sup> March 2018**

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## 1. INTRODUCTION

- 1.1 Hackney carriages and private hire vehicles play an important part in the provision of local transport. They provide a flexible form of public transport and can play an increasingly important role in improving accessibility. They are also used by all social groups.
- 1.2 **The purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public.** Hartlepool Borough Council ("The Council") is aware that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles because of the role they play in local transport provision.
- 1.3 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may wait at designated taxi stands or be hailed in the street by members of the public in addition to being pre-booked.
- 1.4 Private hire vehicles must also have no more than 8 passenger seats but they must be booked in advance through an operator and may not ply for hire in the street.
- 1.5 Local authorities are responsible for the licensing, administration and enforcement of hackney carriages and private hire vehicles in their areas.

### **Powers and Duties**

- 1.6 The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976. This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

### **Licensing Objectives**

- 1.7 The objectives of this Policy are as follows:
- a) To protect the interests of the travelling public, and others who may be affected by licensed activities, by:
    - i) Ensuring that the drivers of such vehicles and private hire operators are "fit and proper" persons.
    - ii) Ensuring that safe, clean, reliable and accessible hackney

carriage and private hire vehicles are available for all who require them.

- b) To provide clarity for licensees with regard to the Council's expectations and the decision making process.
- c) To encourage environmental sustainability.
- d) To encourage high standards of professionalism in the hackney carriage and private hire trade

1.8 This Policy shall apply in respect of applications, renewals, transfers and any other related matters connected to the following licences:

- a) Hackney carriage driver
- b) Hackney carriage vehicle
- c) Private hire driver
- d) Private hire vehicle
- e) Private hire operator

### **Licensing Methods**

1.9 The methods the Council shall use are as follows:

- a) Setting the standards for the licensing of drivers, vehicles and operators.
- b) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
- c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
- d) Checks of driver's medical health, criminal record, driving ability and knowledge of the Borough.
- e) Investigation of complaints with appropriate follow up action.
- f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- g) Liaison with the hackney carriage and private hire trade by way of open meetings.
- h) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation, conditions or this policy.
- i) Conditions added to licences.
- j) The issue of guidance notes.

1.10 When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

### **Best Practice Guidance**

1.11 In formulating this Policy the Council has considered the best practice guidance issued by the Department for Transport and other

organisations.

### **Status**

- 1.12 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.
- 1.13 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

### **Implementation and Review**

- 1.14 This Policy will take effect from 21<sup>st</sup> March 2018. From the effective date, this Policy will override and supersede all existing policies in relation to the licensing of private hire and hackney carriages, their drivers and operators.
- 1.15 The Council will keep this Policy under review and will consult where appropriate on proposed revisions.
- 1.16 When this Policy is implemented, the Council will require licence holders to comply with its terms immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the Policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
- 1.17 Vehicles licensed under any previous licensing policy may have their licences renewed without having to comply with any new requirements imposed by this policy where to do so would be uneconomic or impractical.
- 1.18 After the introduction of this Policy, the Council may make decisions, which change the content of this Policy. The changes may either have immediate effect or come into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Office and via the internet.

### **Consultation**

- 1.19 In preparing this Policy the Council has taken into account the views of:
- |                       |   |
|-----------------------|---|
| a) Licensees          | b) Cleveland Police                     |
| c) Planning Authority | d) Safeguarding Children's Board        |
| d) Disability Groups  | e) School Transport Division            |
| f) Service Users      | g) North East Strategic Licensing Group |
- 1.20 The Council will also consult with other organisations when necessary.

## **Partnership Working**

1.21 The Council will work in partnership with the following agencies and individuals to promote the policy objectives:

- |  |   |
|--|---|
| a) Local Hackney Carriage and Private Hire Trade | b) Cleveland Constabulary               |
| c) Local Transport Authorities and Committees    | d) Planning Authority                   |
| e) Local Residents                               | f) Disability Groups                    |
| g) Service Users                                 | h) Tees Valley Licensing Group          |
| i) HM Revenue and Customs                        | j) Department of Work and Pensions      |
| k) Other Council Departments                     | l) North East Strategic Licensing Group |

## **Related Policies and Strategies**

1.22 This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies, and other plans introduced for the management of the Borough and night-time economy.

1.23 The Council as a member of the Tees Valley Licensing Liaison Group will work with the other council representatives to seek harmonisation of policies and conditions, where applicable, across the Tees Valley. The Council will also work in partnership with other agencies including those referred to in paragraph 1.21 above.

## **Equality**

1.24 The Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties under the Equality Act 2010 and the Human Rights Act 1998.

## **Duties and Obligations under the Equality Act 2010**

1.25 The Equality Act 2010 consolidates the legislation previously set out in the Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 to increase access to transport services and infrastructure by disabled people. Those who provide transport services by way of Hackney Carriages and Private Hire vehicles are advised to contact the Equality and Human Rights Commission for further information and advice on avoiding discrimination.

1.26 It is a requirement of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers

in wheelchairs safely and in reasonable comfort at all times. Any vehicle proprietor found in breach of this may be disciplined.

- 1.27 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without any additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided, at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted. **Persons who breach duties may be guilty of a criminal offence.**

- 1.28 Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Duties and Obligations under the Human Rights Act 1998**

- 1.29 Article 1 of Protocol 1 of the European Convention of Human Rights confers on Individuals (and companies) the Right to Peaceful Enjoyment of their possessions and the Protection of Property. Once granted, a Licence is a possession and no one can be deprived of his property or have controls put on his property except where the action is permitted by law and justifiable in the public or general interest.

- 1.30 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Council must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate.

### **Crime and Disorder Act 1998 Section 17**

- 1.31 Section 17 of the Crime and Disorder Act 1998, places a duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## 2. DRIVER LICENCES

### Essential Requirements

- 2.1 The Council issues licences for Private Hire and Hackney Carriage drivers. In addition drivers may hold both licences and these are referred to as Dual licences.
- 2.2 Licences are issued (or renewed) subject to proof of eligibility, which is: -
- a) Appropriate driving licence,
  - b) Evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council, within 12 months of the first licence being granted. Failure to do so would result in a suspension of the licence until the assessment had been successfully completed,
  - c) Evidence of having a right to work in the UK
  - d) Knowledge/locality test,
  - e) Enhanced criminal records check,
  - f) Medical assessment,
  - g) Approved evidence of awareness of child and adult safeguarding issues
- 2.3 The statutory and practical criteria and qualifications for each licence are broadly identical and therefore the following requirements will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.
- 2.4 **At all times, the Council's legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council and thus if the documentation produced does not satisfy the Council then the application will be refused.**

### Driving Experience

- 2.5 An applicant for the grant of a hackney carriage or private hire driver licence must have held a full DVLA driving licence for a period of at least 12 months before an application for the grant of a driver's licence will be accepted. This is a legal requirement under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Full driving licences issued by EEA states will also count towards this qualification requirement and equal recognition will also be given to Northern Ireland driving licences.
- 2.6 In addition, applicants are required to have passed a driving assessment, approved by Hartlepool Borough Council, and produce the original pass certificate.

## **DVLA Driving Licences**

- 2.7 In order to be satisfied that an applicant has a current DVLA driving licence and also to be aware of any penalty points on the licence, the Council will require access to the DVLA on-line licence checking system.
- 2.8 The DVLA requires the holder of the licence to give permission for access to driver records by providing the Council with a unique access code provided by the DVLA. Therefore, all drivers wishing to be licensed as a hackney carriage or private hire driver must either provide written consent or present to the Council an acceptable unique access code to allow their DVLA driving licence to be checked prior to a licence being approved.
- 2.9 For drivers other than those wishing to work within the taxi and private hire trade a valid driving licence issued anywhere within the European Union (EU) or European Economic Area (EEA), may be used by the licence holder until the age of 70, or for up to three years from the time they become resident in Great Britain (whichever is longer). After three years it must be exchanged for a GB licence. EU licences can only be renewed in the country in which the holder is resident. If a driver holds a licence from another EU country and renews it in Britain, it will be converted to a UK licence.
- 2.10 Any driver holding an EEA/EU driving licence will be required to exchange this licence for a photo card licence issued by the DVLA prior to the grant or renewal of Hackney Carriage or Private Hire driver licence.

## **Right to Work**

- 2.11 The prevention of illegal migrant working in the UK is governed by legislation that may change from time to time. The Council will undertake the necessary checks required to comply with such legislation.
- 2.12 All applicants for a private hire operator and/or a private hire and hackney carriage driver licence will be required to prove that they have a right to work in the UK before being considered for a licence. In doing so, the Council may seek information regarding the immigration status of an individual from the relevant Agency.
- 2.13 For British applicants without a current British passport, a birth certificate which includes the name(s) of at least one of the holder's parents and proof of National Insurance number is required.
- 2.14 Applicants from Switzerland or one of the EEA countries have the right to work in the UK providing they can provide evidence of their right to work in the UK.
- 2.15 Applicants who are non EU nationals will have to provide proof of a right to work in the UK, a residence card and a passport before any application can be accepted.

- 2.16 **A licence will not be granted until an applicant is able to prove they have a right to work in the UK. Depending on the applicant's status checks may be made at each renewal process. All documentation will be copied and kept on the applicant's personal file. The responsibility to prove a right to work lies entirely with the applicant.**

### **Language Proficiency**

- 2.17 Applicants who cannot demonstrate a reasonable level of spoken English may be required to undertake an assessment of their spoken English. This assessment will be undertaken by an Authorised Officer at the Council offices.

### **Applicants Who Have Spent Time Abroad**

- 2.18 If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.
- 2.19 Where an applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous six year period at the time of the application, an enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because the DBS does not routinely provide criminal record information from non UK countries. These applicants will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English by a recognised, impartial body, from each country where they have been living. Any costs incurred must be met by the applicant.
- 2.20 A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available.
- 2.21 The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
- 2.22 The applicant is advised that the Council may require the submission of additional information with the application e.g. verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person.
- 2.23 Existing licensed drivers must notify the Council in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the Council on their return and complete a statutory declaration on the form provided by the Council.

- 2.24 Information concerning Certificates of Good Conduct can be obtained by contacting the Council's Licensing Team.

### **Disclosure and Barring Service and Criminal Records**

- 2.25 The Disclosure and Barring Service (DBS) helps employers and others make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- 2.26 The DBS are responsible for:
- a) processing requests for criminal records checks
  - b) deciding whether it is appropriate for a person to be placed on or removed from a barred list
  - c) placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland
- 2.27 Any person who is on the DBS Barred List will be deemed to be **not** a fit and proper person to hold a private hire and/or hackney carriage driver licence.
- 2.28 A criminal record check on a driver is an important safety measure for all drivers. Enhanced Disclosure through the DBS is required (applied for through the Council's Licensing Office). Enhanced disclosures include details of spent and unspent convictions, police cautions and Police intelligence.
- 2.29 The Rehabilitation of Offenders Act 1974 does **not** apply to applicants for hackney carriage or private hire driver licences by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977 and therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 2.30 Before an initial application for a driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. DBS checks are generally not portable and only DBS checks applied for through Hartlepool Council's Licensing Team will be accepted unless an applicant registers with the Disclosure & Barring Service (DBS) Update Service for both Child and Adult Workforce criteria.
- 2.31 The Council is a Body registered with the DBS and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Guidance notes (including proof of identity requirements) are available from the Licensing Office. The Council is bound by rules of confidentiality.
- 2.32 The disclosure report will be sent to the applicant's home address. The Council will NOT receive a copy of the report and the applicant must produce the entire original copy of the DBS certificate to the Licensing Office. **Photocopies or part disclosures will not be accepted.**

- 2.33 Once the certificate has been received it will be referred to an Authorised Officer for checking and if satisfactory, it will be returned immediately. If an officer is not available, the DBS disclosure will be securely stored until an Authorised Officer is able to check it, after which it will be returned to the applicant.
- 2.34 Any applicant for a new licence or renewal of licence is required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s.57 Local Government (Miscellaneous Provisions) Act 1976).
- 2.35 The application must be completed within 6 months of the issue date of the DBS certificate. If the DBS check is more than 6 months old the applicant will be required to obtain a new one before the application can be completed unless the applicant is registered through the DBS Update Service.
- 2.36 Applicants for renewal of a driver's licence are required to provide a suitable criminal record check through the DBS every three years or sooner if required to coincide with the renewal of a licence.

#### **Relevance of Convictions, Cautions and Conduct**

- 2.37 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to its adopted guidelines on the relevance of convictions which is available on request.

#### **Driver Knowledge/Locality Test**

- 2.38 In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of licensing legislation, the local geography, driver conduct/conditions, Highway Code and awareness of Child Sexual Exploitation/ Safeguarding. Tests for hackney carriage drivers include the location of hackney carriage stands and knowledge of tariffs and charges. A driver licence will not be issued without the applicant first passing the knowledge test.
- 2.39 The fee for one knowledge test is currently included in the fee for a licence. If an applicant fails to pass the test, a further fee will be charged for every subsequent test. Applicants are not permitted to sit a re-test without payment of the fee.
- 2.40 **Should an applicant fail to pass the knowledge test within five attempts, they will be required to wait for a period of at least six months before a further test may be re-booked.** This should provide the applicant with sufficient time to develop the necessary knowledge required in order to successfully undertake the knowledge test.

- 2.41 If an applicant fails to attend a test or attends late, a further test shall be required for which a charge will be made.

### **Medical Assessment**

- 2.42 Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a hackney carriage or private hire drivers licence to produce a medical examination report signed by a registered medical practitioner, who must have had access to the applicant's full medical records, to the effect that (s)he is physically fit to be a driver of such a vehicle. The Council requires a medical examination report upon an initial application for a licence. In addition the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.
- 2.43 In line with DVLA recommendations, the Council applies the DVLA Group II driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required for drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public. In addition drivers may have to assist disabled passengers and handle luggage.
- 2.44 The applicant is responsible for paying the fee for the examination. If necessary the GP may return the completed form direct to the Licensing Office. The medical certificate will be valid for a period of 6 months after which, if the drivers licence has not been issued, either a new medical certificate or a letter from the GP who carried out the original assessment confirming that there has been no change in the medical fitness of the applicant will be required. Once the medical is 12 months old a letter will not be accepted and a new medical will be required.
- 2.45 The medical practitioner must confirm that:
- a) they have examined the applicant;
  - b) the applicant is registered with the practice; and/or
  - c) they have had full and complete access to the applicant's full medical records;
  - d) the medical examination was carried out to the Group II standard;
  - e) (s)he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.
- 2.46 Applicants aged over 45 years must provide evidence of their medical fitness to hold a licence every five years and once they reach the age of 65 years an annual medical will be required.
- 2.47 If a driver has a medical condition that requires notification to the DVLA e.g. sleep apnoea they **must** also notify the Council in writing at the same time that DVLA is notified.

- 2.48 In addition to the above requirements where a driver suffers from a condition that requires monitoring but would not prevent him/her from driving (s)he is required to provide written confirmation from his GP or consultant, as recommended by the DVLA standards, each year that s/he remains fit to carry out the duties of a driver and/or may be required to submit an annual medical.
- 2.49 If the Licensing Authority is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted. If the Licensing Authority is not satisfied as to the medical fitness of a licensed hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976. This suspension may also be undertaken in accordance with s.52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes immediate effect and although the driver may appeal they are unable to drive pending the appeal.
- 2.50 If the Licensing Authority has reason to suspect that a licensed driver may not be fit to continue to drive a licensed vehicle, the driver must undertake any reasonable test or medical examination as is required, within a reasonable time, as directed by the Licensing Authority.

### **Child Sexual Exploitation**

- 2.51 In 2016 a requirement was imposed that all hackney carriage and private hire drivers must undergo approved training on the issue of Child Sexual Exploitation.
- 2.52 All new applicants shall be required to provide the licensing authority with evidence that this training has been completed before their licence will be granted.

### **Term of Licence**

- 2.53 All driver licences will be valid for a maximum period of up to 3 years or such lesser period as the Council thinks appropriate.

### **Conditions of Licence**

- 2.54 The legislation does not permit the Council to attach conditions to a hackney carriage driver's licence. Hackney carriage drivers will however be subject to the Council's byelaws which are detailed at **Appendix 1**.
- 2.55 The Council's conditions in respect of private hire drivers are detailed at **Appendix 2**.

## **Code of Good Conduct**

- 2.56 This serves to promote the Council's licensing objectives (paragraph 1.7 (a) and (d) of this policy) in respect of hackney carriage and private hire licensing. The Code of Good Conduct will be taken into consideration in disciplinary matters. The Code of Conduct is attached at **Appendix 3** to this policy.

## **Driver's Dress Code**

- 2.57 A dress code serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers. In order to raise the profile of the licensed trade, drivers should operate, at all times in a professional manner and conform to a minimum standard of dress. The Council's Dress Code for licensed drivers is detailed at **Appendix 4**. Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

### 3. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

#### Essential Requirements

- 3.1 Before granting a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a licensed vehicle.
  - b) Is in a suitable mechanical condition.
  - c) Is safe.
  - d) Is comfortable.
  - e) Complies with all statutory requirements applicable to that vehicle
- 3.2 Prior to being licensed, and in order to demonstrate to the Council that all of the above requirements are met, the applicant must be able to satisfy the Council that the vehicle complies with all of the criteria detailed in Appendix 5 for hackney carriages and Appendix 6 for private hire vehicles.

#### Term of Licence

- 3.3 All vehicle licences will be valid for a maximum period of up to 12 months or such lesser period as the Council thinks appropriate.

#### Conditions of Licence – Vehicles

- 3.4 The conditions that apply to a vehicle once it has been licensed are detailed in **Appendix 5** (Hackney Carriages) and **Appendix 6** (Private Hire Vehicles).

#### Documents

- 3.5 A vehicle licence will only be issued where the vehicle has evidence of valid:
- i) V5 registration document (in the case of a new vehicle a sales invoice/documentation will suffice but the registration document must be produced within six weeks of the licence being issued)
  - ii) Road Fund Tax.
  - iii) Vehicle insurance certificate.
  - iv) Public Liability insurance certificate (minimum of £5 million).
  - v) Certificate of Compliance issued by Council's in house testing station.
  - vi) MOT certificate (if required by law)

#### All documentation produced must be an original document

- 3.6 Before, or on, the date a licence is required (including renewal), evidence of each of the above certificates shall be produced to an Authorised Officer.

## **Surrender and Grant of Licences**

- 3.7 If a proprietor wishes to change the vehicle to which a licence relates (i.e. to change the vehicle but retain the vehicle licence number), the following procedures must be followed: -
- a) (S)he must complete an application form for the “new” vehicle.
  - b) (S)he must pay the relevant transfer fee.
  - c) (S)he must return the plates from the previous vehicle.
  - d) The new vehicle must be presented for test and subsequently pass.
  - e) (S)he must produce evidence of insurance and all other required documentation.
- 3.8 The expiry date on the ‘new vehicle’ licence will be 12 months from the grant of the ‘new’ licence.
- 3.9 Once surrendered the vehicle will not again be licensed by the Council unless it is under 4 years of age at the time the next application is made (or less than 5 years in respect of purpose built wheelchair accessible vehicles).

## **4. PRIVATE HIRE OPERATORS**

### **Requirements and Obligations**

- 4.1 Any person who operates private hire vehicles must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 4.2 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.3 A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire driver's licence issued by the Council. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.
- 4.4 Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.
- 4.5 It is a condition of licence that the applicant operates from premises within the controlled district of the Council.
- 4.6 The Licensing Office may require sight of a business plan or request additional information for new applications.

### **Criminal Record Checks**

- 4.7 Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.
- 4.8 At the present time the Council is not able to obtain a DBS disclosure on applicants for Private Hire Operator licences and if the applicant is not a licensed driver reliance has to be placed on the information requested on the application form and any additional information if requested and during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a person's movements, travel arrangements etc.
- 4.9 Before an application for a Private Hire Operator licence will be considered the applicant must provide a certificate or search results on criminal convictions obtained within the last month which can be either:
  - a) a criminal conviction certificate issued under The Police Act 1997; or
  - b) the results of a subject access search under Data Protection Act 1998

of the Police National Computer by the National Identification Service.

For corporate applications, the above documentation will be required for each company director and the company secretary.

- 4.10 If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement as they will have already undergone a DBS check.
- 4.11 Applicants for renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a new certificate or search results every third year.
- 4.12 All new applicants for a Private Hire Operator licence shall be referred to the Licensing Committee for determination if the record of criminal convictions casts doubt on their fitness to be granted a licence.

### **Conditions**

- 4.13 The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.
- 4.14 **Appendix 8** sets out the legislation and policies pertinent to Private Hire Operators which cover the standards of service expected and the conditions to be attached to an operator licence.

### **Insurance**

- 4.15 Applicants are required to produce proof of appropriate public liability insurance (£5 million).

### **Planning Consent**

- 4.16 Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application for a Private Hire Operator Licence and their comments may be taken into account when determining whether the licence should be granted. The Licensing Manager has the discretion to refer any application to the Licensing Committee.

### **Licence Duration**

- 4.17 Licences will be issued for a maximum period of up to 5 years or such lesser period as the Council thinks appropriate.

### **Address from which an Operator may Operate**

- 4.18 Upon grant of an operator's licence the Council will specify the address from which the operator may operate.
- 4.19 These premises **must be** in the controlled district of the Council, and will

be expected to have planning consent for use as a private hire office where deemed applicable. If an operator wishes to change the base from which they operate they must make a fresh application.

### **Record Keeping**

- 4.20 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking.
- 4.21 Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Council or Police.

### **Change of Home Address**

- 4.22 The operator must advise the Council in writing of any change of his home address within 7 days of such a change taking place.

### **Convictions/Cautions**

- 4.23 The operator shall disclose to the Council in writing within 7 days of any conviction or caution (s)he receives.

### **Complaints**

- 4.24 The operator must maintain written or computer records of all complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business (including any sub-contracted work) and the action that was taken. These details shall be maintained for a minimum of six months and be made available to a licensing officer on request.
- 4.25 Where the Council becomes aware of any complaint and investigates it, the Operator shall comply with any reasonable request or directive issued by the investigating officer.

### **Material Change**

- 4.26 A Private Hire Operator Licence is not transferable and operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence to the Council immediately in writing.

## 5. GENERAL

### Fares & Fees

- 5.1 Councils have the power to set hackney carriage fares for journeys within their area. Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 5.2 The Council will review the table of fares annually or when requested by the Trade - usually in January of each year. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the owners/drivers an incentive to provide a service at all times it is needed.
- 5.3 A notice of any variation to the maximum fare will be advertised in a local newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration and, if appropriate, a further implementation date will be set.
- 5.4 **Meters installed in hackney carriages must be used for every journey undertaken within the Borough of Hartlepool – regardless of how the vehicle was hired. Drivers are free to charge their customer less than the final price indicated on the meter but cannot charge more. When a journey ends outside of the Council’s area a fare greater or lesser than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare or lesser can be charged. Failure to comply is an offence.**
- 5.5 The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.

### Table of Fares

- 5.6 A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle on the interior of the offside rear passenger window so that it is easily visible to all hirers. This requirement shall apply equally to private hire vehicles where a meter is fitted.

### Receipts

- 5.7 A driver must, if requested by the hirer, provide a written receipt for the

fare paid.

### **Overcharging**

- 5.8 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. If this should occur the driver may be prosecuted and/or their fitness to continue to hold a licence reviewed.

### **Fee Structure**

- 5.9 The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 5.10 The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Office and the Councils website.

### **Variations to Fee Structure**

- 5.11 The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 5.12 A notice of any variation to the fees in respect of vehicles and operators will be advertised in a local newspaper with a date set 28 days from publication for making objections to the variation of fees.
- 5.13 If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period (or at a later date as indicated by the Council). If any objections are received the matter will be considered by the Council.

### **Reduced Fees for Vehicle Licences**

- 5.14 Where a vehicle will reach its 6th anniversary during the period of a licence a reduced fee will be calculated as follows: the current administration fee plus a daily rate for the number of days to be licensed.

## HACKNEY CARRIAGE DRIVERS BYELAWS

Made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act 1875, by the Borough of Hartlepool acting by the Council with respect to Hackney Carriages in the Borough of Hartlepool.

### Interpretation

1. Throughout these byelaws “the Council” means the Borough of Hartlepool acting by the Council and “the district” means the Borough of Hartlepool.

Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.

2. (i) The proprietor of a Hackney Carriage shall cause the plates provided by the Council specifying the number of the licence granted to him in respect of the carriage to be securely affixed to the outside and inside respectively of the carriage.
- (ii) A proprietor or driver of a Hackney Carriage shall:
  - (a) not wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;
  - (b) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided.

3. The proprietor of a Hackney Carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver,
  - (b) cause the roof or covering to be kept water-tight,
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side,
  - (d) cause the seats to be properly cushioned or covered,
  - (e) cause the floor to be provided with proper carpet, mat, or other suitable covering,
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service,

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage,
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.

In the case of a motor Hackney Carriage,

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver,

In the case of a motor Hackney Carriage,

- (j) cause the words "HARTLEPOOL BOROUGH - LICENCED HACKNEY CARRIAGE" (in plain letters at least one inch in height) and a reproduction of a distinctive badge prescribed by the Council for this purpose to be legibly painted or marked on the outside of the nearside and offside panels of the carriage or in such alternative positions as are clearly visible from the nearside and offside of the carriage.

4. Every proprietor of a motor Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one and one half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
- (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
- (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.

- (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;

- (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw on that behalf for the hire of the carriage by distance;
  - (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;
  - (vi) The taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances affixed that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. Every proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (a) The sign,
    - (i) If it is illuminated and attached to the windscreen of the carriage shall bear the words "FOR HIRE" in plain letters at least one and one half inches in height.
    - (ii) In any other case shall bear the words "FOR HIRE" in plain letters at least two inches in height.
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

6. Every driver of a Hackney Carriage shall:-
- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (a) When standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
  - (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bylaw 5 so that the words "FOR HIRE" are clearly and conveniently legible to persons outside the carriage;
    - (b) As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible to persons outside the carriage;
    - (c) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery or the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter;
  - (iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined in Section 82 of the Road Traffic Act 1972 and also any other time at the request of the hirer.
7. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
  8. The driver of a Hackney Carriage for which stands are fixed by any bylaw in that behalf shall, when plying for hire in any street and not actually hired.
    - (a) Proceed with reasonable speed to one of such stands,
    - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand,
    - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so to face the same direction,
    - (d) From time to time any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
  9. A proprietor or driver of a Hackney Carriage, when standing, or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
  10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  11. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall,

unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

12. The driver of the Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
13. A proprietor or driver of a Hackney Carriage shall not tamper with, or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, or plying, or driving for hire wear that badge in such position and manner as to be plainly and distinctly visible.
15. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) Convey a reasonable quantity of luggage.
  - (b) Afford reasonable assistance in loading and unloading.
  - (c) Afford reasonable assistance in removing it to and from the entrance of any house, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares, as well for time as distance, to be paid for Hackney Carriages within the district, and securing the due publication for such fares.

### **FARES FOR TIME**

Provided that when a Hackney Carriage is hired by time, such fare shall be agreed with the hirer at the commencement of the hiring.

16. (1) The proprietor of a Hackney Carriage for which any fares are fixed by any bylaw in that behalf shall:
  - (a) Cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
  - (b) Renew such letters and figures as often as is necessary to keep them clearly visible.
- (2) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in the Hackney Carriage, and fixing the charges to be made in respect thereof.

17. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him.
  - (1) Carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt of it.
  - (2) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station where it was handed in whichever be the greater) but no more than five pounds.
19. The driver of a Hackney Carriage drawn by an animal or animals shall, whilst standing, plying or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage and under due control.
20. A proprietor or driver of a horse-drawn Hackney Carriage shall not in any street, feed or allow to be fed, any horse harnessed or otherwise attached to such a carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
21. A proprietor or driver of a horse-drawn carriage shall not ply for hire during the hours between 11.00 pm and 9.00 am the following morning.

## **PENALTIES**

22. Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

PASSED under the COMMON SEAL of the  
BOROUGH OF HARTLEPOOL this 5th day  
of August, 1977 in the presence of: }

}  
}

J W Mason

Mayor

N D Abram

Chief Executive

The foregoing bylaws are  
hereby confirmed by the  
Secretary of State and shall go  
into operation on the 26th  
September 1977

N J Moriarty  
An Assistant Under Secretary of State

Home Office  
Whitehall

23rd September 1977

**N.B.** The Taxi Ranks within Hartlepool are constantly changing. The following list is current at the time of this document being compiled.

LOCATION	CAPACITY	DURATION
Church Street (top)	6	8 pm - 4 am
Church Street (bottom)	6	8 pm - 4 am
Station Approach, East Side	3	24 hours
Station Approach, West Side	3	24 hours
Whitby Street	4	8 pm - 4 am
Seaton Carew (bus station)	3	24 hours
Avenue Road (Showroom)	3	8 pm - 4 am
Avenue Road (Civic)	8	24 hours
Swainson Street/Raby Road	8	24 hours
42nd Street, Lucan Street	2	8 pm - 4 am
Owton Manor Club, Wynyard Road	3	24 hours
King Johns Tavern, South Road	7	24 hours
Lucan Street (Rear Yates)	3	8 pm – 4 am
Villiers Street	3	8 am – 6 pm
Victoria Road	1	8 pm – 4 am

**Hackney Carriage Drivers Licence**  
**Extracts from The Town Police Clauses Act 1847**

**Section 46**

No person shall act as the driver of any Hackney Carriage licensed in pursuance of this Act to ply for hire within the prescribed distance without first obtaining a licence from the District Council, which licence shall be registered by the District Council and such fee as the District Council may determine shall be paid for the same; and every such licence shall remain in force for one year.

**Section 47**

If any person acts as such driver as aforesaid without having first obtained such licence, or during the time that this licence is suspended, or if he lend or part with his licence, except to the proprietor of the Hackney Carriage, or if the proprietor of any such Hackney Carriage employ any person as the driver thereof who has not obtained such licence. or during the time that his licence is suspended, as hereinafter provided, every such driver and every such proprietor shall for every such offence respectively be liable to a penalty.

*(This Section creates the offence of non-compliance with S46)*

**Section 53**

A driver of a Hackney Carriage standing at any of the stands for Hackney Carriages appointed by the District Council, or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every offence be liable to a penalty.

**Section 59**

Any proprietor or driver of any such Hackney Carriage which is hired who permits or suffers any person to be carried in or upon or about such Hackney Carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty.

**Section 60**

No person authorised by the proprietor of any Hackney Carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the proprietor thereof; and no person, whether licensed or to shall act as driver of any such carriage without the consent of the proprietor, and any person so suffering another person to act as driver, and any person so acting as driver without such consent as aforesaid, shall be liable to a penalty.

**Extracts from**  
**Local Government (Miscellaneous Provisions) Act 1976**

**Section 53**

1. The driver of any Hackney Carriage licensed by a District Council shall at the request of any Authorised Officer of the Council or of any Constable produce for inspection his driver's licence either forthwith or:
  - (a) In the case of a request by an Authorised Officer, at the Principal Offices of the Council before the expiration of the period of five days beginning with the day following that on which the request is made.
  - (b) In the case of a request by a Constable, before the expiration of the period aforesaid at any Police Station which is within the area of the Council and is nominated by the driver when the request is made.
2. If any person without reasonable excuse contravenes the provisions of this Section, he shall be guilty of an offence.

**Section 54**

1.
  - a) A driver shall, at all times, when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.
  - b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

**Section 61**

1. Notwithstanding anything in the Act of 1847 or this Part of this Act, a District Council may suspend or revoke or refuse an application therefore under section 46 of the Act of 1847 or section 51 of this Act as the case may be to renew the licence of a driver of a Hackney Carriage on any of the following grounds:
  - (a) that he has since the grant of the licence: -
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or

- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
  - (b) any other reasonable cause.
- 2.
  - (a) Where a District Council suspend, revoke or refuse to renew any licence under this Section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the District Council the drivers badge issued to him in accordance with section 54 of this Act.
  - (b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level one on the standard scale.
- 3. Any driver aggrieved by a decision of a District Council under this Section may appeal to a Magistrates' Court.

### **Section 69**

- 1. No person being the driver of a Hackney Carriage licensed by a District Council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the Hackney Carriage has been hired.
- 2. If any person contravenes the provisions of this Section he shall be guilty of an offence.

### **Section 73**

- 1. Any person who:
  - (a) Wilfully obstructs an Authorised Officer or Constable acting in pursuance of this Part of this Act or the Act of 1847; or
  - (b) Without reasonable excuse fails to comply with any requirement properly made to him by such Officer or Constable under this Part of this Act; or
  - (c) Without reasonable cause fails to give such an officer or Constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;shall be guilty of an offence.

If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.

## **Section 76**

1. Any person who commits an offence against any of the provisions of this Part of the Act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PRIVATE HIRE DRIVER CONDITIONS

### Change of Address

- PD1 Drivers must notify the Council, in writing, of any change of address during the period of the licence within 7 days of such a change taking place.

### Conduct of Driver

- PD2 Drivers shall comply with the Code of Good Conduct for licensed drivers.

### Convictions

- PD3 The driver shall within seven days of any arrest, charge, conviction, caution, reprimand or warning (relating to motoring and non-motoring convictions) notify the Council's licensing team in writing.

### Driver's Badge

- PD4 A driver shall at all times when acting in accordance with the driver's licence granted to him wear such a badge in such position and manner as to be plainly and distinctly visible.

### Equal Opportunities

- PD5 Drivers must at all times treat passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of their race, colour, religion, sexual orientation, gender or disability.

### Fare to be Demanded

- PD6 Drivers must not demand a fare greater than previously agreed with the passenger and the operator. If a taximeter is in use only the fare displayed, or a lesser fare, may be charged

### Animals

- PD7 Drivers must not carry any animals in their vehicle other than those belonging to or in the care of their passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for guide, hearing or assistance dogs who are not restricted to the rear of the vehicle).

### **Lost Property**

- PD8 When passengers have been dropped off the driver must check the vehicle for any property accidentally left there. If any is found it must be returned to the passenger or handed into a police station as soon as possible and no later than the end of that shift.

### **Medical Condition**

- PD9 The Council must be immediately notified of any deterioration in the driver's medical condition that may affect their ability to drive private hire vehicles.

### **Passengers**

- PD10 Drivers must not:
- a) carry more passengers in their vehicle than is permitted by the vehicle licence
  - b) carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270 mm or more in length between the doors and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried
  - c) without the consent of the hirer, carry any additional person in the vehicle.

### **Prompt Attendance**

- PD11 Drivers must always pick up passengers on time unless unavoidably delayed. If a driver is to be delayed, they, or their operator, would be expected to notify the passenger of any delay as soon as possible.

### **Receipts**

- PD12 The Driver must, if requested, provide the passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. The Driver should provide details of the journey including the date, fare, vehicle, operator and name of driver and sign the receipt.

### **Taximeters in PHVs**

- PD13 If the private hire vehicle is fitted with a meter the driver:
- a) Must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
  - b) Must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter

- must show no fare at any time.
- c) Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
  - d) Must ensure that the meter is only brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
  - e) Must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

### **Drug and Alcohol Testing**

- PD14      On those occasions where the licensing authority has reason to suspect that a driver may be abusing drugs or alcohol, the driver shall undertake drug or alcohol tests as required by the licensing authority, at the authority's expense, within a reasonable period of time or, if considered necessary by the licensing authority, as quickly as practicable.

### **CCTV & Other Recording Devices**

- PD15      Drivers shall not video or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act. Any footage obtained of passengers must not be made publicly available other than to a law enforcement agency.

Drivers are in a possession of trust and passengers can expect complete privacy and discretion when hiring a licensed vehicle. For this reason, drivers must not photograph or otherwise record passengers in their vehicle, unless done so through a designated CCTV system where Data Protection requirements are being complied with. No still or moving images or audio recordings or transcripts of audio recordings must be made available on social media or by other means.

<b>GC</b>	<b>CODE OF GOOD CONDUCT FOR LICENSED DRIVERS</b>
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In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

Failure to comply with this Code may be taken into account when assessing a driver's fitness to continue to hold a licence.

### **General**

- GC1 Licensed drivers are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

### **Responsibility to the Trade**

- GC2 Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire Trade by:
- a) Complying with this Code of Good Conduct
  - b) Complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy
  - c) Behaving in a professional manner at all times

### **Responsibility to Clients**

- GC3 Licence holders shall:
- a) Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
  - b) At all times treat passengers or any potential passenger with courtesy and respect.
  - c) Not engage in any dialogue or activities with a passenger that may, to any reasonable person, be considered offensive or inappropriate.
  - d) Maintain their vehicles in a safe and satisfactory condition at all times
  - e) Keep their vehicles clean and suitable for hire to the public at all times
  - f) Attend punctually when undertaking pre-booked hiring
  - g) Assist, where necessary, passengers into and out of vehicles
  - h) Offer passengers reasonable assistance with luggage and/or other bags
  - i) Offer assistance to elderly/infirm or disabled passengers

- j) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery devices inside their vehicle at any time.

### **Responsibility to Residents**

GC4 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) Not sound the vehicle's horn
- b) Keep the volume of radio/cassette/CD player and VHF/digital radios to a minimum
- c) Switch off the engine if required to wait
- d) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) Not deposit any litter other than into a bin
- f) Not engage in any form of anti social behaviour

At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- g) Rank in an orderly manner and proceed along the rank in order and promptly
- h) Remain in the vehicle

### **General**

GC5 Drivers shall:

- a) Drive with care and due consideration for other road users and pedestrians
- b) Obey all Traffic Regulation Orders and directions at all time
- c) Comply with the rules and spirit of the Highway Code
- d) Ensure they do not smell of alcohol or drive whilst under the influence of alcohol
- e) Pay attention to personal hygiene and dress in accordance with the Dress Code
- f) Behave in a civil and orderly manner at all times
- g) Ensure that all passenger doors are unlocked immediately upon arrival at the destination or on any other occasion when the vehicle is stationary and the passenger asks to leave
- h) Cooperate fully during any investigation by an authorised officer

Drivers must not:

- i) Drive while having used illegal drugs or having used other medication that may have an impact on their ability to drive
- j) Engage in any dialogue or activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council. This includes inappropriate touching of passengers
- k) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery devices inside their vehicle at any time

- l) Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle)
- m) Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger
- n) Engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council

### **Smoking and E-Cigarettes**

- GC6 It is against the law to smoke tobacco products in a licensed vehicle. In addition drivers shall not use an e-cigarette or other nicotine delivery device in a licensed vehicle at any time.

### **CCTV and Other Recording Devices**

- GC7 Drivers are in a position of trust and passengers have a right to expect complete privacy and discretion when hiring a licensed vehicle.

Notwithstanding the following specific requirements/prohibitions, any actions by a licensed driver or operator that breach this right may have their fitness to continue as a driver or operator reassessed by the Council.

Drivers shall not video or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act. Any footage obtained of passengers must not be made publicly available other than to a law enforcement agency.

No still or moving images or audio recordings or transcripts of audio recordings must be made available on social media or by other means.

### **Please Note:**

**ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT**

**THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS PRIOR TO OR WHILST IN CHARGE OF A LICENSED VEHICLE.**

## DC DRESS CODE

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Hartlepool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

### Acceptable Standard of Dress

DC1 As a minimum standard, males should wear either long legged trousers or knee length shorts and T shirts which have a full body and short sleeves. Females should wear either long legged trousers, knee length shorts, skirt or dress and T shirts which have a full body and short sleeves.

### Footwear

DC2 Footwear for all drivers shall be appropriate for safe driving.

### Unacceptable Standard of Dress

DC3 The following are deemed to be unacceptable:

- a) Clothing that is not kept in a clean condition, free from holes and rips
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.)
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- e) Drivers not having either the top or bottom half of their bodies suitably clothed
- f) No headwear, other than for religious purposes, or other items which partially or completely cover the head or face or identity of the licensed driver e.g. baseball caps and hoodies shall be worn other than when a uniform is worn for a special occasion.

## HC HACKNEY CARRIAGE VEHICLE CONDITIONS

- HC1 The following details the essential criteria that must be met before a vehicle may be licensed as a hackney carriage and the ongoing requirements that must be maintained once a licence has been granted.
- HC2 A hackney carriage vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers (plus the driver) which is provided for hire with the services of a driver for the purpose of carrying passengers. Any vehicle used as a hackney carriage must be licensed under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- HC3 Before granting or renewing a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a hackney carriage.
  - b) Is in a suitable mechanical condition.
  - c) Is safe.
  - d) Is comfortable.
- HC4 All hackney carriages must:
- a) Be a specified shade of yellow in colour (unless exempted by the Council).
  - b) Be exceptionally well maintained to the standard prescribed by the Council
  - c) Be fitted with a roof sign (see condition H13)
  - d) Be fitted with a meter for the calculation of fares at the current approved rate and which has been properly tested and sealed.
  - e) Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by the Council.
  - f) Prominently display the Council's internal licence plate on either the dashboard or the top left corner of the windscreen
  - g) Display 'decals' issued by the Council attached centrally to both front doors of the vehicle

### Engine/Chassis Numbers

- HC5 The Chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. Where the registration document is not provided at the time of initial licensing it must be provided within 6 weeks of the grant of licence. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the

Police who will undertake checks to ensure the vehicle is not stolen.

## **Specifications**

HC6 The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:

- a) European Whole Vehicle Type Approval
- b) British Individual Type Approval

Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).

Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

## **Insurance Write-Offs**

HC7 Vehicles that have at any time been declared a Category A or B insurance ‘write off’ and/or have their V5 document endorsed as being ‘accident damaged’ will not be licensed. If a licensed vehicle is involved in an accident which results in the vehicle being declared a Category A or B insurance write off then the licence will be revoked and no further application to licence that vehicle will be permitted.

## **Internal Construction and Markings**

HC8 a) Height (inside) – From the top of any part of the seat cushions to the roof at lowest part must not be less than 810 mm and, in every other respect must not be so constructed as to present any risk of injury or discomfort to any passenger. The definition of roof includes any

- parcel shelf, entertainment console or other fixing;
- b) Knee space – The measurement between the rear of the front seats at mid position and the back rest of the back seat must not be less than 760 mm
- c) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450 mm
- d) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520 mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760 mm
- e) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400 mm. Where the rear passenger seating is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of the passenger, the above measurement shall be ascertained by measuring the distance between the seatbelt anchorages.
- f) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination;
- g) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- h) An illuminated luggage compartment, which in the case of mini bus type vehicles must be segregated internal space with a minimum capacity of 0.566 cubic metres
- i) An internal plate (as provided by the Council) shall be fixed and displayed inside the vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers
- j) No fittings or signs (except for legitimate advertising) shall be attached to the inside of the vehicle unless approved by the Council.

### **External Construction and Markings**

HC9

Licensed vehicles must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference purposes only and do not constitute a definitive list of matters that may be considered relevant to evaluate whether a vehicle is on a good condition: -

- a) Bodyshell/paintwork – free from rust, broken metal and other visible damage
- b) Door hinges shall be in good working order and be seated correctly when closed
- c) Windscreen and windows shall be in good clean condition and free from damage
- d) Free from oil leaks
- e) Be kept clean and tidy at all times
- f) Not be a convertible
- g) Not be fitted with a roof rack

## Wheelchair Accessible Vehicles

- HC10 The Council recognises the needs of people with disabilities and reminds the taxi trade of the legal requirement to provide equality in the provision of all of their services.

In order to ensure that there are sufficient suitable vehicles available that can meet the needs of those who must travel in their wheelchair, Hartlepool Borough Council requires that all new hackney carriages (as defined below) shall be 'wheelchair accessible'.

A 'new hackney carriage' for the purposes of this condition means a vehicle presented for licensing in Hartlepool for the first time and which is not a replacement of a vehicle already licensed as a hackney carriage in Hartlepool.

If the vehicle to be replaced is a wheelchair accessible vehicle, it must be replaced by another wheelchair accessible vehicle.

A 'wheelchair accessible' vehicle is a vehicle that is designed and constructed to allow a passenger to be transported without them having to leave their wheelchair either before, during or after their journey (i.e. a passenger should be able to stay seated in their wheelchair whilst it is loaded onto the vehicle; should be able to stay seated in their wheelchair during their journey; and be able to remain seated in their wheelchair as it is unloaded from the vehicle).

- HC11 The Council will license both purpose built wheelchair accessible vehicles and vehicles that are suitable in size and design, and have been converted or adapted after the date of first registration to enable the carriage of a wheelchair. **This is provided that the conversion is carried out by an approved vehicle convertor such as the Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.**

Where the vehicle is a rear or side loading wheelchair accessible vehicle a suitable ramp or lift must be carried in the vehicle at all times.

The proprietor of a wheelchair accessible hackney carriage shall ensure that the collection and delivery of wheelchair users takes place at safe and appropriate locations.

The Council expects proprietors to ensure that their drivers are familiar with the correct means of securing wheelchairs and their passengers in such vehicles.

## Colour

- HC12 All hackney carriages must be professionally painted to a non-standard production shade of yellow detailed below including all previously colour

coded external trims, boot, door edges and frames

- Landrover AA yellow, Octoral No RO1000 FMB/LRC559
- Fiat Giallo Ginestra 2C, Octoral No F1258:93

## Roof Signs

HC13 There is a general requirement that hackney carriages must have a roof sign that is a minimum of 600 mm (24 inches) in length affixed to the roof whenever the vehicle is in the Borough of Hartlepool and this must be illuminated when the vehicle is available for hire.

In order to allow hackney carriages to be more efficient, and environmentally friendly, an *allowance* has been made for the roof sign to be removed when the vehicle is undertaking a booking that takes it outside Hartlepool.

If the roof sign is not affixed to the vehicle, whilst in Hartlepool, the driver of the vehicle must be able to demonstrate to a licensing officer, on request, that the vehicle is, at that time, engaged in an 'out of town' booking. Please see condition HC 18 below.

Any failure of a driver to do so will result in this allowance being removed in respect of that vehicle.

Magnetic or other temporary roof signs must be made of suitable and appropriate materials, and attached in such a manner, as to be safe for passengers, pedestrians and other road users.

## Spare Tyres

HC14 Vehicles shall have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace. Where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following:

- i) The carriage of passengers is not permitted whilst such a tyre is fitted
- ii) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.
- iii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.  
Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles.
- iv) The use of pressurised tyre sealants will not be permitted in any

circumstances

In addition tyres on the same axle must be of the same nominal size and aspect ratio

### **Alteration of Vehicle**

- HC15      The proprietor must not change the design or condition of the vehicle without first obtaining the written approval of the Council.

### **Number of Passengers to be carried**

- HC16      A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in the vehicle, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

### **Fire Extinguishers**

- HC17      If carrying a fire extinguisher it must be of suitable size and type and be in good working order.

### **CCTV In Vehicles**

- HC18      The Department for Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. It is not currently proposed that such measures should be required as part of the licensing regime at this time, and it is considered that they are best left to the judgement of the owners and drivers themselves.

If CCTV is installed, the proprietor of any vehicle with CCTV must display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.<sup>1</sup>

### **Booking Records**

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<sup>1</sup> The Information Commissioners Office (ICO) states that CCTV in Hackney Carriages and Private Hire Vehicles is covered by the Data Protection Act and as such, conversations between members of the public must not be recorded on CCTV during the normal course of a journey where images are being recorded. (There are some specific exceptions to this, such as a panic button in a taxi cab)

HC19 When carrying out pre-booked work the vehicle shall be used predominantly for journeys that will either begin or end in Hartlepool.

The word 'predominantly' shall mean 90% of all pre-booked work within any continuous 7 day period. **All** pre-booked work shall be recorded and made available to authorised officers on request: -

- a) In a suitable form in a continuous, chronological order, the pages of which are consecutively numbered, or
- b) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment, and
- c) The driver must enter, before the commencement of each journey, the following particulars of every booking by him/her, the:
  - Name and address of the hirer
  - Date, time and pickup point of the booking;
  - Destination;
  - Number of passengers to be carried;
  - When and how the booking was made i.e. telephone, personal call;
  - Amount to be charged; (where applicable)

If the pre-booking is part of a contract i.e. education/school run then proof of the contract must be kept and made available to a licensing officer on request.

### **Cleanliness**

HC20 The proprietor must ensure that the hackney carriage is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

### **Licence Plates**

- HC21
- a) The front and rear identification plates, supplied by the Council, shall be securely fixed to the front and rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.
  - b) The internal licence plate shall be securely fixed to the dashboard or top near side of the windscreen of the vehicle so that it can be easily seen by passengers situated in both the front and rear passenger seats.
  - c) There shall be permanently affixed to each front door of the vehicle, in a central location, a decal issued by the Council that contains the vehicle plate number.

## **Meter/Table of Fares**

- HC22 All hackney carriages shall be fitted with a taximeter that complies with the Measuring Instruments (Taximeters) Regulations 2006 type which is locked and sealed by an approved manufacturer/suppliers and/or installer

## **Sliding Doors**

- HC23 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers. The opening and closing mechanism shall not be altered so as to prevent the doors from locking into the open position

## **Swivel Seats**

- HC24 Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

## **Tinted Windows**

- HC25 Hartlepool BC has a duty to protect children and young people from all forms abuse including, amongst other things, trafficking and Child Sexual Exploitation (CSE).

As the licensing authority for hackney carriages and private hire vehicles, the Council believes it is important that any children or young people using such vehicles can be safe and feel safe.

To help ensure this, the Council considers that it is reasonable and proportionate to take steps to ensure that children and young people remain visible once they have entered a licensed vehicle – or to put it another way, that they do not become invisible.

This can be partly achieved by ensuring that front and rear windows allow a minimum amount of light to pass through – thereby allowing front and rear passengers to be seen from outside the vehicle.

The Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -

- a) The windscreen shall have a minimum light transmission of 75%
- b) All other front windows of the vehicle shall have a minimum of 70% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission.
- c) All rear windows of the vehicle shall have a minimum of 30% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission.

The minimum light transmission criteria is relaxed in the following circumstances:

- a) The windscreen<sup>i</sup> and front side windows<sup>2</sup> of any vehicle exempt from the criteria, when the vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice, and
- b) The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years unless accompanied by an adult other than the driver). The driver must not act as the accompanying adult, and
- c) Written approval has been given by the Council.

NB any exemption granted by the council does not remove the need for compliance with the relevant Construction and Use Regulations.

No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass

### **Advertisements, Signs, Notices etc.**

HC26

Signs, notices or advertisements must not be of a content that the Licensing Officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)

No advertising on vehicles shall:

- a) Be affixed to any window of the vehicle.
- b) Be affixed to any door or panel on which the Council issued roundel or sign is located.
- c) Promote tobacco products
- d) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
- e) Be offensive or misleading in nature or character. As this matter is subjective, the decision of the licensing officer shall be deemed final

Advertisements shall be constructed of such robust design and materials, and fitted professionally, as to be capable of retaining high standards of appearance. Any vehicles displaying advertisements considered by the Licensing Officer to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.

If advertising is situated in the interior of the vehicle it shall be subject to

the proviso that it does not detrimentally affect the safety or comfort of passengers and does not cause offence to passengers carried within the vehicle (in the opinion of the Licensing Officer).

Reasonable steps must be taken to allow the colour of the vehicle to remain predominantly yellow in colour. For example, if the proposed advertisement is not dependent upon a particular background colour, the colour adopted should be yellow. If necessary, the burden will be on the applicant to demonstrate to the Council that yellow could not be retained as the predominant colour of the vehicle.

No illuminated or fluorescent sign, other than the 'Taxi' roof sign, shall be displayed on the roof of the vehicle.

Any queries regarding advertisements must be referred to the Council prior to them being placed on a vehicle.

### **Insurance**

HC27 All vehicles must have at all times a current valid policy of motor insurance appropriate to the local authority licence being held and public liability insurance (minimum £5 million). This policy must be in place before a licence can be granted.

It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Office in writing immediately or in any event within 72 hours.

### **Age Restriction**

HC28 When a vehicle licence is first granted it must be under 4 years old (i.e. from date of first registration).

The above age restriction shall not apply where a licensed vehicle is converted from one type of licensed vehicle to another, provided the vehicle licence in respect of the initial vehicle licence is surrendered. The vehicle must be altered so as to comply fully with the requirements of the prospective licence in respect of the fitness, suitability, colour, size and type of vehicle, and any obligatory fixtures and fittings.

Vehicle licences will normally only be renewed up to 6 years old (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 13 years of age).

Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.

For a vehicle to be regarded as being 'exceptionally well maintained' it will be for the vehicle proprietor to demonstrate to the licensing authority that the vehicle has been exceptionally well maintained throughout its lifetime.

Matters to be taken into account when determining whether a vehicle has been exceptionally well maintained will include, but are not limited to: -

- a) History of mechanical checks and the number and nature of any failures
- b) History of visual appearance checks carried out by licensing officers
- c) History of spot checks carried out by licensing officers
- d) Accident history of the vehicle

Applications for an extension of the age policy must be made in writing to the Licensing Team, accompanied by the relevant fee, a minimum of 14 days prior to the expiry of the current licence.

### **Change of Address**

- HC29      The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

### **Loss/Theft of Licence Plate**

- HC30      The proprietor must report the loss/theft of licence plate(s) to the Licensing Office as soon as the loss becomes known and in any case, within 2 working days.

### **Surrender of licence**

- HC31      A vehicle licence may be surrendered at any time and any refund of licence fee will be calculated as a pro rata daily rate on the number of days licence remaining, plus and any mechanical inspections not yet undertaken less the administration fee.

## PH PRIVATE HIRE VEHICLE CONDITIONS

PH1 The following details the essential criteria that must be met before a vehicle may be licensed as a private hire vehicle and the ongoing requirements that must be maintained once a licence has been granted.

A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers (plus the driver) which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Before granting or renewing a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:

- a) Is suitable in type, size and design for use as a private hire vehicle.
- b) Is in a suitable mechanical condition.
- c) Is safe
- d) Is comfortable

### Conditions

PH2 All private hire vehicles must:

- a) Be any colour other than yellow.
- b) Be exceptionally well maintained to the standard prescribed by the Council
- c) Not be fitted with a roof sign
- d) If, fitted with a meter for the calculation of fares, the meter must be properly tested and sealed.
- e) Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by the Council.
- f) Prominently display the Council's internal licence plate on either the dashboard or the top left corner of the windscreen
- g) Display 'decals' issued by the Council attached centrally to both front doors of the vehicle

### Engine/Chassis Numbers

PH3 The Chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. Where the registration document is not provided at the time of initial licensing it must be provided within 6 weeks of the

grant of licence. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who will undertake checks to ensure the vehicle is not stolen.

### **Specifications**

PH4 The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:

a) European Whole Vehicle Type Approval

b) British Individual Type Approval

Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).

Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

### **Insurance Write-Offs**

PH5 Vehicles that have at any time been declared a Category A or B insurance ‘write off’ and/or have their V5 document endorsed as being ‘accident damaged’ will not be licensed. If a licensed vehicle is involved in an accident which results in the vehicle being declared a Category A or B insurance write off then the licence will be revoked and no further application to licence the vehicle will be permitted.

### **Internal Construction and Markings**

PH5 a) Height (inside) – From the top of any part of the seat cushions to the

roof at lowest part must not be less than 810 mm and, in every other respect must not be so constructed as to present any risk of injury or discomfort to any passenger. The definition of roof includes any parcel shelf, entertainment console or other fixing;

- b) Knee space – The measurement between the rear of the front seats at mid position and the back rest of the back seat must not be less than 760 mm
- c) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450 mm
- d) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520 mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760 mm
- e) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400 mm. Where the rear passenger seating is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of the passenger, the above measurement shall be ascertained by measuring the distance between the seatbelt anchorages.
- f) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination;
- g) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- h) An illuminated luggage compartment, which in the case of mini bus type vehicles must be segregated internal space with a minimum capacity of 0.566 cubic metres
- i) An internal plate (as provided by the Council) shall be fixed and displayed inside the vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers
- j) No fittings or signs (except for legitimate advertising) shall be attached to the inside of the vehicle unless approved by the Council.

### **External Construction and Markings**

PH6

Licensed vehicles must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference purposes only and do not constitute a definitive list of matters that may be considered relevant to evaluate whether a vehicle is in a good condition: -

- a) Bodyshell/paintwork – free from rust, broken metal and other visible damage
- b) Door hinges shall be in good working order and be seated correctly when closed
- c) Windscreen and windows shall be in good clean condition and free from damage
- d) Free from oil leaks
- e) Be kept clean and tidy at all times

- f) Not be a convertible
- g) Not be fitted with a roof rack
- h) Be of uniform colour

### **Wheelchair Accessible Vehicles**

PH7

The Council will license both purpose built wheelchair accessible vehicles and vehicles that are suitable in size and design, and have been converted or adapted after the date of first registration to enable the carriage of a wheelchair. **This is provided that the conversion is carried out by an approved vehicle convertor such as the Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.**

Where the vehicle is a rear or side loading wheelchair accessible vehicle a suitable ramp or lift must be carried in the vehicle at all times.

The Council expects proprietors to ensure that their drivers are familiar with the correct means of securing wheelchairs and their passengers in such vehicles.

### **Spare Tyres**

PH8

Vehicles shall have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace. Where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following:

- i) The carriage of passengers is not permitted whilst such a tyre is fitted
- ii) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.
- iii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.  
Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles.
- iv) The use of pressurised tyre sealants will not be permitted in any circumstances

In addition tyres on the same axle must be of the same nominal size and aspect ratio

## **Alteration of Vehicle**

- PH9 The proprietor must not change the design or condition of the vehicle without first obtaining the written approval of the Council.

## **Number of Passengers to be carried**

- PH10 A proprietor or driver of a private hire vehicle shall not convey or permit to be conveyed in the vehicle, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

## **Fire Extinguishers**

- PH11 If carrying a fire extinguisher it must be of suitable size and type and be in good working order.

## **CCTV In Vehicles**

- PH12 The Department for Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. It is not currently proposed that such measures should be required as part of the licensing regime at this time, and it is considered that they are best left to the judgement of the owners and drivers themselves.

If CCTV is installed, the proprietor of any vehicle with CCTV must display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.<sup>3</sup>

## **Cleanliness**

- PH13 The proprietor must ensure that the private hire vehicle is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

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<sup>3</sup> The Information Commissioners Office (ICO) states that CCTV in Hackney Carriages and Private Hire Vehicles is covered by the Data Protection Act and as such, conversations between members of the public must not be recorded on CCTV during the normal course of a journey where images are being recorded. (There are some specific exceptions to this, such as a panic button in a taxi cab)

## **Licence Plates**

- PH14
- a) The front and rear identification plates, supplied by the Council, shall be securely fixed to the front and rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable
  - b) The internal licence plate shall be securely fixed to the dashboard or top near side of the windscreen of the vehicle so that it can be easily seen by passengers situated in both the front and rear passenger seats
  - c) There shall be permanently affixed to each front door of the vehicle, in a central location, a decal issued by the Council that contains the vehicle plate number.

## **Meter/Table of Fares**

PH15 All private hire vehicles fitted with a taximeter shall comply with the Measuring Instruments (Taximeters) Regulations 2006 type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The meter must:

- a) Be installed into the vehicle in a suitable and secure manner at all times
- b) Be accurate, be capable of showing that the vehicle is or is not hired, register the charge if hired and be positioned in clear view of the passengers
- c) Be sufficiently illuminated when in use and visible to all passengers.
- d) Only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

The fare charged must not exceed the fare displayed on the meter at the end of the journey.

When the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.

A notice showing the Tariff of fares must be displayed inside the vehicle in the top off side rear window where any passengers can easily read it.

## **Sliding Doors**

PH16 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers. The opening and closing mechanism shall not be altered so as to prevent the doors from locking into the open position

## **Swivel Seats**

- PH17 Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

## **Tinted Windows**

- PH18 Hartlepool BC has a duty to protect children and young people from all forms abuse including, amongst other things, trafficking and Child Sexual Exploitation (CSE).

As the licensing authority for hackney carriages and private hire vehicles, the Council believes it is important that any children or young people using such vehicles can be safe and feel safe.

To help ensure this, the Council considers that it is reasonable and proportionate to take steps to ensure that children and young people remain visible once they have entered a licensed vehicle – or to put it another way, that they do not become invisible.

This can be partly achieved by ensuring that front and rear windows allow a minimum amount of light to pass through – thereby allowing front and rear passengers to be seen from outside the vehicle.

The Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -

- a) The windscreen shall have a minimum light transmission of 75%
- b) All other front windows of the vehicle shall have a minimum of 70% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission.
- c) All rear windows of the vehicle shall have a minimum of 30% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission.

The minimum light transmission criteria is relaxed in the following circumstances:

- c) The windscreen<sup>4</sup> and front side windows<sup>5</sup> of any vehicle exempt from the criteria, when the vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice, and
- d) The vehicle will not be engaged at all in any contract or provision of

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<sup>4</sup> The front windscreen must let at least 75% of light through.

<sup>5</sup> the front side windows must let at least 70% of light through

vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years unless accompanied by an adult other than the driver). The driver must not act as the accompanying adult, and

e) Written approval has been given by the Council.

NB any exemption granted by the council does not remove the need for compliance with the relevant Construction and Use Regulations.

No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass

### **Advertisements, Signs, Notices etc.**

PH19

Signs, notices or advertisements must not be of a content that the Licensing Officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)

No advertising on vehicles shall:

- a) Be affixed to any window of the vehicle.
- b) Be affixed to any door or panel on which the Council issued decal or sign is located.
- c) Be affixed to any part of the interior or exterior of any private hire vehicle operating under an Exemption Notice
- d) Promote tobacco products
- e) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
- f) Be offensive or misleading in nature or character. As this matter is subjective, the decision of the licensing officer shall be deemed final

Advertisements shall be constructed of such robust design and materials, and fitted professionally, as to be capable of retaining high standards of appearance. Any vehicles displaying advertisements considered by the Licensing Officer to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.

If advertising is situated in the interior of the vehicle it shall be subject to the proviso that it does not detrimentally affect the safety or comfort of passengers and does not cause offence to passengers carried within the vehicle (in the opinion of the Licensing Officer).

Private hire vehicles must not display signage that may give the impression that the vehicle is a hackney carriage.

Any queries regarding advertisements must be referred to the Council prior to them being placed on a vehicle.

## **Insurance**

PH20 All vehicles must have at all times a current valid policy of motor insurance appropriate to the local authority licence being held and public liability insurance (minimum £5 million). This policy must be in place before a licence can be granted.

Certificates for private hire vehicles are not acceptable if they include cover for public hire purposes.

It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Office in writing immediately or in any event within 72 hours.

## **Age Restriction**

PH21 When a vehicle licence is first granted it must be under 4 years old (i.e. from date of first registration).

Vehicle licences will normally only be renewed up to 6 years old (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 13 years of age).

Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.

For a vehicle to be regarded as being 'exceptionally well maintained' it will be for the vehicle proprietor to demonstrate to the licensing authority that the vehicle has been exceptionally well maintained throughout its lifetime.

Matters to be taken into account when determining whether a vehicle has been exceptionally well maintained will include: -

- a) History of mechanical checks and the number and nature of any failures
- b) History of visual appearance checks carried out by licensing officers
- c) History of spot checks carried out by licensing officers
- d) Accident history of the vehicle

Applications for an extension of the age policy must be made in writing to the Licensing Team, accompanied by the relevant administration fee, a minimum of 14 days prior to the expiry of the current licence.

Age restrictions shall not apply where a licensed vehicle is converted from one type of licensed vehicle to another, provided the vehicle licence in respect of the initial vehicle licence is surrendered. The vehicle must be altered so as to comply fully with the requirements of

the prospective licence in respect of the fitness, suitability, colour, size and type of vehicle, and any obligatory fixtures and fittings.

### **Change of Address**

- PH22 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

### **Loss/Theft of Licence Plate**

- PH23 The proprietor must report the loss/theft of licence plate(s) to the Licensing Office as soon as the loss becomes known and in any case, within 2 working days.

### **Surrender of licence**

- PH24 A vehicle licence may be surrendered at any time and any refund of licence fee will be calculated as a pro rata daily rate on the number of days licence remaining, plus and any mechanical inspections not yet undertaken less the administration fee.

### **Change of Private Hire Operator**

- PH25 This vehicle may only be operated under the provisions of one Private Hire Operators Licence at any moment in time. The proprietor must notify the Council of any change in Private Hire Operator before undertaking bookings for the new operator

### **Exemptions for Private Hire Vehicles**

- PH26 Private hire vehicles used for executive hire will be permitted to apply for an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display licence plates.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged exclusively in the provision of a 'chauffeur style' executive service as agreed by the Council.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption must satisfy the Council that:

- a) the specification of the vehicle constitutes an executive vehicle<sup>6</sup> and
- b) the overall level of service provision constitutes an executive hire,<sup>7</sup>

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<sup>6</sup> An executive vehicle is a vehicle referred to as a premium class car finished to the highest specification and not a base or lower standard specification. The vehicle is to be provided with the services of a smart business wear uniformed driver

<sup>7</sup> The vehicle will not be used for typical private hire work

The submission of contract specifications and/or evidence of all contract and account customers, including usage will be required to support any application for an exemption. Applications for exemptions are to be made in writing.

If an Exemption is granted, a Notice will be issued to the proprietor. The Notice shall be valid for a period not exceeding one year and shall expire alongside the private hire vehicle licence.

A rear licence plate will also be issued and this shall be carried in the boot of the vehicle at all times whilst the vehicle is being used in accordance with the exemption notice.

The Exemption Notice and the rear licence plate shall be produced to an authorised officer or police officer when requested.

Whilst the vehicle is being used in accordance with the Notice, the driver of the vehicle shall be required to carry his private hire driver badge in the vehicle but shall be exempt from wearing it.

No advertisements of any kind shall be displayed in, on or from the vehicle at any time whilst the Exemption Notice is in force. Company logos shall not be displayed on any part of the vehicle.

Roof signs shall not be permitted and the overall appearance of the vehicle both externally and internally shall be that of an unlicensed private vehicle at all times.

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice.

The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

### **Novelty Vehicles and Stretched Limousines**

PH27 The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines play in the private hire trade to meet a public demand and has developed a separate licensing regime for such vehicles. Please see **Appendix 7**. (NB this includes additional proposed conditions in respect of such vehicles, relating to driver uniform, material change and exemption from window tint). Such vehicles will only be licensed as private hire vehicles.

It is not appropriate for such vehicles to be used for standard hiring and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.

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Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken an Individual type approval (ITA) test (which has replaced the old single type approval (SVA)). This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach builder approval where appropriate.

There shall be no sale or provision of alcohol (or provision of regulated entertainment) from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if all of the occupants, (save for the driver and accompanying responsible adult), are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.

Where the passengers in the vehicle consist of children and young persons they must be accompanied by a responsible adult, (other than the driver) who is over the age of 18 and is not connected to the driver.

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals. Similarly a vehicle does not need to be licensed while it is being used wholly in connection with a wedding.

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## ADDITIONAL POLICY AND STANDARD CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES AND EXECUTIVE HIRE

These conditions are IN ADDITION to the standard Private Hire Vehicle conditions except where stated.

### INTERPRETATION

1. For the purpose of licensing by the Council a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres (120 inches) to extend the length of the vehicle. The vehicle shall be capable of carrying up to (but not exceeding) eight seated passengers. Each passenger seating area will be at least 400 millimetres wide.
2. The nature of limousines is such that it is unlikely they will comply with the Council's age policy and will therefore be deemed to be exempt from the policy.
3. Consideration will be given to the licensing of "novelty" vehicles e.g. fire engines on an individual basis.
4. Applications for exemptions from standard conditions will be considered in respect of executive, chauffeur driven vehicles.

### POLICY

#### Documentation

5. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:
  - a) Completed importation documentation – Single Vehicle Approval (SVA) or Individual Type Approval (ITA).
  - b) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
  - c) DVLA registration document (V5).
  - d) Insurance documents covering Hire and Reward, Public Liability insurance and, where drivers other than the proprietor are used, Employer Liability insurance.
  - e) Vehicle test certificate (inspection carried out and certificate issued by the Council's in-house testing station)  
**NB** The compliance inspection is carried out at **four** monthly intervals.
  - f) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.
  - g) Documentation to show the overall weight of the vehicle (as displayed on the vehicle)

## CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES

### Appearance of Vehicle

- LN1 The proprietor shall ensure that the limousine is of a type approved by the Council.
- a) The maximum length of the vehicle "stretch" shall not exceed 120 inches (3048 millimetres).
  - b) The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced).  
In addition tyres on the same axle must be of the same nominal size and aspect ratio
  - c) The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance. **(Construction 7 Use Regulations 1986).**
  - d) No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.
  - e) The interior of the vehicle must be kept wind and watertight.
  - f) The seats in the passenger compartment must be kept properly cushioned and covered.
  - g) The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering
  - h) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
  - i) The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
  - j) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
  - k) The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.
  - l) The exterior of the limousine must be kept in a clean condition especially during inclement weather.
  - m) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

### Exemption Notice (also Section 75(3) LG(MP)Act 1976)

- LN2 The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised officer of the Council or a Police Officer.

- LN3 **Licence Plates** NB Replaces (a) to (c) of Condition 14 for PH Vehicles

- a) The proprietor of the limousine shall ensure the identification plate(s) is maintained and kept in such condition so that the

information contained on the identification plate is clearly visible at all times.

- b) The identification plate shall remain the property of the Council at all time and shall be carried in the limousine so as to be easily removed or inspected by an Authorised Officer of the Council or Police Constable.
- c) The vehicle will display the licence identification card issued by the Council in the windscreen of the vehicle, where it can be easily seen by persons outside of the vehicle.

### **Passengers**

LN4

- a) The limousine shall not carry a greater number of passengers than the number prescribed in the licence.  
**(N.B. A babe in arms is classed as a passenger whatever their age).**
- b) The vehicle shall not carry less than two passengers at any one time
- c) Where the passengers in the vehicle consist of persons under the age of 18 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years and is not connected to the driver.
- d) All passengers must remain seated at all times when the vehicle is in motion.
- e) Passengers will not be carried in the front of the vehicle.
- f) In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers

### **Safety Equipment NB Replaces Part (a) of Condition 14 for PH Vehicles**

LN5

The proprietor of the private hire vehicle shall provide and maintain to the satisfaction of the Authorised Officer an efficient fire extinguisher containing BCF (Bromochloro Difluoromethane), which shall be securely fixed to the vehicle and within easy reach of the driver at all times.

The extinguisher shall be manufactured to British Standards and shall show the B.S. number. The vehicle licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high

### **Uniform**

LN6

The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.

### **Material Change**

LN7

The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle during the

period of exemption.

### **Exemption from Window Tint**

LN8

The Proprietor of any executive hire vehicle wishing to take advantage of an exemption limiting the window tint to the front driver and passenger windows only must be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years).

## PRIVATE HIRE OPERATORS CONDITIONS

### Booking Records (Legislation Section 56 (2) (4) LG(MP)Act 1976 and Condition PO1)

PO1 Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her and of every sub contract made with the operator or arranged by the operator. The records must be continuous and chronological.

There must be only one set of records: cash and credit account bookings can be separately identified but must not be in separate sets of records.

The record must be kept in the form described in the following condition:

- a) Records must be kept in a suitable form in a continuous, chronological order, approved by the Council the pages of which are consecutively numbered, or
- b) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment, and
- c) The operator or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every private hire vehicle operated by him/her, the:
  - Name and address of the hirer;
  - Date, time and pickup point of the booking;
  - Destination;
  - Number of passengers to be carried;
  - When and how the booking was made i.e. telephone, personal call;
  - Plate number of the vehicle allocated;
  - Name of the driver allocated to the booking and call sign of the vehicle;
  - Amount to be charged; (where applicable)
  - Details of any sub contract arrangement;
  - Remarks.
- d) The operator must also keep records of the particulars of all private hire vehicles and drivers operated by him/her. These must include the owner of the vehicle, registration number, private hire vehicle licence number, any radio call sign used and all driver licence numbers.
- e) All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police

Officer.

The operator must not enter into his/her booking records details of any fare that has not been pre-booked by the hirer through his/her operating base, either by telephone or personal caller (NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).

### **Booking Records – Hackney Carriages**

- PO2 Where a licensed Private hire operator accepts bookings for hackney carriages a record must be kept of each booking in the same format as all private hire bookings and this record must be produced on the request of an Authorised Officer of the Council or a Police Officer.

### **Change of Home Address**

- PO3 The operator must notify the Council, in writing, within 7 days of any change of his/her personal address.

### **Change of Business Address**

- PO4 A Private Hire Operator licence is granted to the operator for the premises detailed at the time of application. It is not transferable to other persons or premises. Any change from the original application will be dealt with as a new application. The operator will be required to make a new application accordingly.

### **Complaints**

- PO5
- a) The operator must maintain written or computer records of all complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business (including any sub-contracted work) and the action that was taken. These details shall be maintained for a minimum of six months and be made available to a licensing officer on request.
  - b) The operator must notify the Council, in writing, within 7 days of any complaints and of the action (if any), which the operator has taken or proposes to take.
  - c) Where a complaint is investigated by an Authorised Officer of the Council the operator shall comply with any reasonable directions of the Officer in respect of that complaint.

### **Convictions**

- PO6 If the operator is cautioned or convicted of any motoring or criminal offence (s)he must notify the Council, in writing, within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.

## **Display of Licence**

- PO7 If the public has access to the operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local Government (Miscellaneous Provisions) Act 1976.

## **DTI Licences**

- PO8 If two-way radios are fitted to vehicles which are used, the operator must produce evidence of a DTI radio Licence to the Council and provide all details of radio frequencies, together with call signs/numbers of all vehicles using two-way radios.

## **Equal Opportunities**

- PO9 The operator must at all times treat his/her passengers or any potential passenger with courtesy and respect. The operator and his/her employees must not discriminate against any person because of their race, colour, creed, gender or disability.

## **Facilities for Passengers**

- PO10 The operator must ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room. Where a waiting area or room is provided for the use of passengers or prospective passengers the operator shall:
- a) provide adequate seating for the use of those passengers or prospective passengers; and
  - b) ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
  - c) ensure that the interior and exterior of the premises are kept in good repair, to the satisfaction of the Council.

## **Fares**

- PO11 The fare charged by the Operator shall be agreed with the hirer at the time of booking.

## **Parking**

- PO12 Where adequate off street parking is not available at the operating address specified on the licence the operator shall inform the Council, in writing of all locations where vehicles will be parked when waiting for bookings.

## **Planning Permission**

- PO13 The operator must have Planning permission for private hire use at the operating premises. The operator must comply in every respect with the requirements of the current planning legislation.

### **Right of Access**

- PO14 The operator must permit any Authorised Officer of the Council onto his/her operating premises at all times when acting as a Private Hire operator and provide him/her with access to all records which (s)he may reasonably require.

### **Standard of Service**

- PO15 The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must, in particular:
- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must attend at the appointed time and place unless unavoidably delayed.
  - b) Keep clean, adequately heated, ventilated and lit any premises which are provided and to which the public have access, whether for the purpose of booking or waiting.
  - c) Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.
  - d) Not describe by the use of advertising signs, printed words, broadcasts or by any other media the word "Hackney Carriage" or "Taxi", or any derivative to describe the private hire services offered.

### **Taximeters**

- PO16 When taximeters are used the operator must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of the Operator licence. Where any vehicle operated is fitted with an approved taximeter the operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.

### **Vehicles to be used**

- PO17 It shall be a requirement that hackney carriage and private hire vehicles and drivers that have been licensed by Hartlepool Borough Council shall be used within the controlled district of Hartlepool unless it is necessary to sub-contract a booking. In this case the operator must ensure that the same standard of vehicle and driver is provided by the sub-contractor. This is to ensure that the travelling public of Hartlepool are provided with a consistent standard of service.

## **CONDITIONS RELATING TO THE LICENSING OF HORSE DRAWN CARRIAGES (LANDAUS) AND THEIR DRIVERS**

### **1. Making an Application - Essential Requirements**

- 1.1 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall: -
- a) Complete and submit to the Council an application on the prescribed form together with the required licence fee no later than three working days prior to the licence being required.
  - b) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

### **2. Conditions of Licence**

- 2.1 The proprietor of any licensed carriage shall ensure that the following conditions are complied with: -
- 2.2 The Vehicle - External Construction and Markings
- 2.3 The vehicle shall be purpose built and suitable for the carriage of passengers.
- 2.4 The vehicle shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing.
- a) Carriage licence plates shall be fixed to the rear of the vehicle in a clear and conspicuous location in a vertical plane at right angles to the longitudinal axis of the vehicle;
  - b) Licensed carriages must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a vehicle is in a good condition: -
    - i. Bodyshell/paintwork – free from rust, broken metal and other visible damage;
    - ii. Door hinges – shall be in good working order and to be seated correctly when closed;

- c) No external markings shall be permitted on the vehicle with the exception of the name and contact number of the owner/operator which may be displayed in the upper half of both passenger doors. Such advertisements must, in the opinion of an authorised officer, be tasteful and decent.
- d) The carriage must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.
- e) All tack and fixtures must be kept in good order and be available for inspection by authorised officers.

## 2.5 *The Vehicle - Internal construction and markings*

### 2.6 The carriage shall meet the following minimum measurements:-

- i. Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
- ii. In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.
- iii. Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable).

### 2.7 Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.

### 2.8 Blankets shall be provided for the comfort of passengers.

### 2.9 No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council.

### 2.10 Advertising in the interior of a vehicle is permitted but only where such advertising does not detrimentally affect the safety or comfort of passengers and is not designed or intended to be viewed from the exterior of the vehicle.

## 2.11 The Vehicle - Additional Conditions

### 2.12 A vehicle licence applies solely to the vehicle specified on the licence.

### 2.13 The licence and associated plates shall remain the property of the Council at all times.

### 2.14 The proprietor of a licensed vehicle shall: -

- i. Produce the licensed vehicle for inspection at the request of any authorised officer or police constable;
  - ii. Return the licence to an appropriate Council Officer within 7 days of the surrender, expiry, revocation or suspension of such licence or upon the proprietor transferring his/her interest in the vehicle;
  - iii. Report the loss of any plates or the vehicle licence to an appropriate Council Officer as soon as the loss becomes known;
  - iv. Notify the Council of any transfer of interest or ownership within 7 days of that transfer. This must include the date of the transfer, plate number and name and address of the new owner;
  - v. Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle; and
  - vi. Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.
- 2.15 A vehicle that has failed a vehicle inspection test must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test otherwise a further full vehicle inspection test fee will be liable to be paid.
- 2.16 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.
- 2.17 The carriage must have a valid policy of insurance in respect of third party risks and a minimum of £5,000,000 public liability insurance.
- 2.18 The carriage may only be used on previously approved routes.
- 2.19 The Horse
- 2.20 The horse must be a minimum of three years old.
- 2.21 Horses must be appropriately shod at all times.
- 2.22 If a horse is considered to be lame, or in any other way unwell, it shall be removed from service immediately.
- 2.23 Horses must be provided with regular access to drinking water.
- 2.24 The horse, and its associated tack, must be examined and passed as fit for the task involved, by a qualified veterinary surgeon who may also advise the authority on the maximum number of hours that a horse may work.

- 2.25 The local authority shall require the horse(s) to be examined by a qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder's expense.
- 2.26 Certified horses should be easily identified by means of microchip or permanent marking.
- 2.27 The horse must have a current passport.
- 2.28 The horse should be stabled in appropriate accommodation with access for inspection at all reasonable times.
- 2.29 Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
- 2.30 No horse shall be used for drawing a carriage during the hours of darkness.
- 2.31 Sufficient horses must be provided to power the licensed carriage.
- 2.32 The Driver
- 2.33 The driver of the carriage must be a licensed hackney carriage driver and produce the following certificates:
- i. Suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses general needs/requirements.
  - ii. Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.
- 2.34 The driver of a carriage is exempted from the requirement to hold a full drivers licence issued by the Driver and Vehicle Licensing Agency (DVLA).
- 2.35 The driver of a carriage is exempted from the requirement to pass the locations element of the driver's examination.
- 2.36 Fares
- 2.37 It shall be the responsibility of the carriage driver to advise any prospective passenger of the cost of the agreed journey prior to the commencement of that journey. In addition, the driver must ensure that a notice is prominently displayed stating that fares must be negotiated and agreed prior to the commencement of a journey.
- 2.38 The Council shall be notified of the fares to be charged for each authorised route which shall not be changed without the prior approval of the Council.
-