

LICENSING COMMITTEE AGENDA



Wednesday 20 March 2019

at 10.00am

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

MEMBERS: LICENSING COMMITTEE:

Councillors, Barclay, Brown, Buchan, Cassidy, Cook, Fleming, Hall, Hamilton, Hunter, Morris, T Richardson and Young

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 4th October 2018
- 3.2 To approve the minutes of the Licensing Committee meeting held on 10th October 2018
- 3.3 To approve the minutes of the Licensing Sub-Committee meeting held on 12th October 2018
- 3.4 To approve the minutes of the Licensing Sub-Committee meeting held on 22nd January 2019

4. ITEMS REQUIRING DECISION

- 4.1 Licensing Sub Committee Memberships – *Chief Solicitor*
- 4.2 Taxi Tariffs – *Assistant Director (Environment and Neighbourhood Services)*

5. ITEMS FOR INFORMATION

- 5.1 No items



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

Date of next meeting to be confirmed.



LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

4th October 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Paddy Brown and George Morris

Officers: Ian Harrison, Trading Standards and Licensing Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Stephen Fenwick, Technical Officer (Environmental Protection)
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

6. Apologies for Absence

None

7. Declarations of interest by Members

None

8. Application for the Review of Premises Licence – Wallis and Co, Unit 12-14 Navigation Point, Hartlepool *(Assistant Director (Environment and Neighbourhood Services))*

The Trading Standards and Licensing Manager advised that the applicant for this review lives directly above the premises and had experienced noise coming from the premises both during and after licensed hours. On 2 occasions they had complained to the police before making a complaint to the Council's Environmental Protection Team. A thorough investigation had been undertaken. Diary sheets completed by the complainant had been provided to members prior to this meeting and both the complainant and Premises Licence Holder were present.

The Trading Standards and Licensing Manager informed Members that prior to this meeting the applicant and complainant had reached an

agreement around appropriate steps to be taken. These involved reductions in amplifier and sub woofer volumes and allowing the in-house amplifiers to be replaced by a visiting DJ on no more than 5 occasions during the year. All parties were happy to accept these conditions. Members queried whether the complainants would be notified as to the dates of the 5 occasions in advance. The Premises Licence Holder confirmed that they would be informed at least 1 month in advance.

Members deliberated the agreed conditions in private session and made the following statement:

‘Members discussed the review application in closed session. They considered that the best way of resolving the noise problem was to modify the conditions of the licence in such a way that would best prevent noise nuisance from the premises. This could be done through adding the following conditions which had been discussed by and agreed with the 2 parties involved. These apply to recorded music only.

- a) Main amplifier - the master volume control shall be set no higher than 2 o'clock equivalent on a clock face and the bass/sub woofer (described as low output) shall be set no higher than between 9 o'clock and 10 o'clock equivalent on a clock face.
- b) Secondary amplifier (providing music to the bathroom facilities). The main volume shall be set no higher than 7 o'clock equivalent on a clock face.
- c) There shall be no more than 5 events per calendar year where the in-house amplification system can be overridden or replaced by a visiting DJ.

Members considered that the above conditions were appropriate and proportionate for the promotion of the licensing objectives’

Decision

- a) That the master volume control on the main amplifier shall be set no higher than 2 o'clock equivalent on a clock face and the bass/sub woofer (described as low output) shall be set no higher than between 9 o'clock and 10 o'clock equivalent on a clock face.
- b) That the main volume on the secondary amplifier (providing music to the bathroom facilities) shall be set no higher than 7 o'clock equivalent on a clock face.
- c) That there shall be no more than 5 events per calendar year where the in-house amplification system can be overridden or replaced by a visiting DJ.

The meeting concluded at 2:50pm
CHAIR

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

10th October 2018

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

Present:

Councillor: Mike Young (In the Chair)

Councillors: Paddy Brown, Bob Buchan, Rob Cook, Gerard Hall and Tony Richardson

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

9. Apologies for Absence

Apologies were submitted by Councillors Allan Barclay, Tim Fleming and George Morris.

10. Declarations of interest by Members

None

11. Confirmation of the minutes of the Licensing Committee meeting held on 13th June 2018.

Minutes approved

12. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 9th August 2018.

Minutes approved

13. Licensing Sub Committee Memberships *(Interim Chief Solicitor)*

At the meeting of the Committee on 13th June Sub-Committee memberships had been approved by Members. At that time there had been

vacant positions on hackney sub-committee 3 and premises sub-committee 1 (the latter as Chair) due to the resignation of Councillor Ray Martin-Wells at the annual Council meeting. Members had agreed not to appoint to these positions until Council had re-appointed to the main Committee. On 13th September 2018 Councillor Mike Young had been appointed as Chair of Licensing Committee by Council. Members agreed therefore that Councillor Young be appointed to these vacant positions.

On 9th August 2018 Councillor George Morris had resigned his position as Chair of hackney sub-committee 1. Members appointed Councillor Rob Cook to the post of Chair of hackney sub-committee.

On 31st August 2018 Councillor Paul Beck had resigned from the Council leaving vacancies on hackney sub-committee 3 and premises sub-committee 1 (the latter as Chair). Members agreed not to re-appoint to these sub-committees until Council had re-appointed to the main committee.

Decision

That the following revised sub-committees be approved:

Licensing Sub Committees for premises licences: -

1. Vacancy (Chair), Allan Barclay, Tim Fleming
2. Councillors Rob Cook (Chair), Paddy Brown, George Morris
3. Councillors Dave Hunter (Chair), Ged Hall, Tony Richardson
4. Councillors Mike Young (Chair), Bob Buchan, Lesley Hamilton

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

1. Councillors Rob Cook (Chair), Paddy Brown, Bob Buchan, George Morris
2. Councillors Ged Hall (Chair), Lesley Hamilton, Dave Hunter, Tony Richardson
3. Councillors Allan Barclay (Chair), Tim Fleming, Mike Young, Vacancy

14. Gambling Act – Statement of Licensing Principles (Assistant Director (Environment and Neighbourhood Services))

On 13th June 2018 members had approved a consultation exercise on the draft Gambling Act – Statement of Licensing Principles. Licensing authorities were required to publish a statement of licensing principles every 3 years and this new policy was due to be published no later than January 2019. The consultation period for the draft policy had ended on 21st September with no responses although this was not felt to be of concern as it did not contain any significant alterations or refer to noteworthy national developments.

As previously a 'no casino' resolution had been included in the draft statement and members were asked to consider whether this should remain. The Trading Standards and Licensing Manager noted that casinos could only be developed in areas that had been pre-approved by the Gambling Commission and Hartlepool was not one of those however retaining the resolution would send a message to developers should the regulations change. He also highlighted that the Government had recently announced its intention to reduce the maximum stake on Fixed Odds Betting Terminals from £100 to £2. Members were pleased to note this decision by the Government and also wished to retain the 'no casinos' resolution within the statement.

Should members wish it the statement of licensing principles would be taken to Council for adoption on 20th December 2018. Members were happy to endorse the draft statement as written, with the inclusion of the 'no casinos' resolution.

Decision

That the draft statement of licensing principles as appended to the report be endorsed to full Council and that a 'no casinos' resolution should continue to be incorporated into it.

15. Licensing of Taxi Drivers (*Assistant Director (Environment and Neighbourhood Services)*)

Members were asked to consider amendments to the Council's taxi licensing policy as follows:

Relevance of Previous Convictions

For many years the Licensing Committee had referred to a guidance document whenever a taxi driver or applicant had previous criminal convictions. Recently the Institute of Licensing had produced a revised document taking into account recent legal developments. This guidance, which was supported by the Local Government Association, suggested increases in the time that must have elapsed before an applicant could be considered for a licence in a number of offences including violence, drugs and possession of a weapon. Anyone convicted of exploitation or sex and indecency offences should never be granted a licence. A copy of the document 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' was appended to the report.

Members were happy to support the new guidance and include it as part of their considerations.

National Register of Revocations and Refusals

Concerns had previously been raised that taxi drivers who had been judged unfit by one licensing authority could simply move to another to be licensed again with no way for a previous refusal or revocation to be discovered. This could involve a driver working in an area where they had previously been refused a licence under a licence granted by a neighbouring authority. In order to prevent this occurrence the Local Government Association had introduced a national register of revoked and refused taxi drivers. Should Hartlepool Borough Council wish to be included in this any refusals or revocations made by the Council would automatically be recorded on the database. Similarly any new applications or renewals would be checked on the database and should there be a match further information would be sought from the authority that had recorded it. Members queried how long this information would be retained for and whether it would be backdated. The Trading Standards and Licensing Manager confirmed that previous revocations and refusals would be input and retained for 25 years. Members welcomed the new database and were happy to approve the amendments to the current Taxi Licensing Policy.

Concerns were also raised around the standards of dress of some taxi drivers. The Trading Standards and Licensing Manager advised that there was guidance relating to the dress code within the document which detailed acceptable and unacceptable standards of dress but this guidance could not be enforced. Members acknowledged this but asked that a letter be sent round to the town's taxi companies reinforcing this guidance.

Decision

- a) That the adoption of new guidance on the relevance of previous convictions be approved
- b) That the amendments to the Taxi Licensing Policy be approved
- c) That a letter be sent out to all taxi companies based in Hartlepool highlighting the requirements of the driver dress code.

16. Animal Welfare Licensing (*Assistant Director (Environment and Neighbourhood Services)*)

Members were informed of a number of changes to animal welfare licensing which had recently come into effect. These updated and improved welfare standards and introduced a Star Rating Scheme similar to the Food Hygiene Rating Scheme. Under the new regulations anyone breeding 3 or more litters of puppies in a 12 month period must be licensed and their licence number included on any advertisements. Existing licensees would need to apply for a new licence upon expiry of their previous licence on 31st December 2018. Before a licence could be granted all premises must be inspected by a vet or suitably qualified officer. It was proposed that

licensing officers would attain the relevant qualifications to enable them to carry out the majority of inspections thereby reducing the cost to applicants.

Decision

That the introduction of the new Animal Welfare (Licensing of Activities involving Animals) regulations 2018 be noted.

The meeting concluded at 10:40am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

12th October 2018

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

Present:

Councillor: Dave Hunter (In the Chair)

Councillors: Ged Hall and Tony Richardson

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

9. Apologies for Absence

None

10. Declarations of interest by Members

None

11. Application for Variation of Premises Licence – 152 Northgate, Hartlepool *(Assistant Director (Environment and Neighbourhood Services))*

The Head of Public Protection advised members that the applicant had applied to extend the hours for the supply of alcohol at the premises to 8am-11pm Monday to Sunday, an extension of 1 hour at the start and end of the day. A representation had subsequently been received from a man living directly above the premises, objecting to the extension due to problems with noise pollution coming from the premises into his property. This resident had previously objected when the initial application for a licence had been made in 2016.

The Applicant was present. He explained that he had applied for the extended hours following a number of requests from customers wishing to buy alcohol earlier or later in the day. This would be particularly helpful during the Headland Carnival period.

Members deliberated in private session and made the following statement:

'We considered the application in detail and took into consideration the letter of objection received from the occupier of the flat above the premises. We also considered paragraph 4.25 of the Council's licensing policy and could not find any strong reason for departing from the policy.

We have therefore decided to refuse the application as we do not consider that the licensing objective relating to the prevention of public nuisance would be promoted if the application was granted'

Decision

That the application to extend the hours for the supply of alcohol at 152 Northgate be refused.

The meeting concluded at 2:45pm

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

22nd January 2019

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

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Lesley Hamilton and Dave Hunter

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

15. Apologies for Absence

None

16. Declarations of interest by Members

None

17. 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 18 – Dual Hackney Carriage / Private Hire Drivers Licence BN – 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 19 –Private Hire Driver KP– 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).

18. Dual Hackney Carriage / Private Hire Drivers Licence

BN (*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, if any, should be taken against a licensed hackney carriage / private hire driver. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes

Councillor Lesley Hamilton left the meeting

Councillor Tony Richardson joined the sub-Committee

19. Private Hire Driver KP (*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 private hire driver's licence. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes.

The meeting concluded at 12:05pm.

CHAIR

LICENSING COMMITTEE

20 March 2019



Report of: Chief Solicitor

Subject: LICENSING SUB COMMITTEE MEMBERSHIPS

1. PURPOSE OF REPORT

- 1.1 To note the appointment of Councillor Cassidy to Licensing Sub-Committee no 1 for premises licences and Licensing Sub Committee no 3 for Hackney Carriage and Private Hire Licences
- 1.2 To appoint a permanent Chair for Licensing Sub-Committee no 1 for premises licences from the membership of Councillors Barclay, Cassidy and Fleming.

2. BACKGROUND

- 2.1 At the meeting of Licensing Committee on 10th October 2018 members approved the memberships of the seven licensing sub-committees as follows:

Licensing Sub Committees for premises licences: -

- 1. Vacancy (Chair), Allan Barclay, Tim Fleming
- 2. Rob Cook (Chair), Paddy Brown, George Morris
- 3. Dave Hunter (Chair), Ged Hall, Tony Richardson
- 4. Mike Young (Chair), Bob Buchan, Lesley Hamilton

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

- 1. Rob Cook (Chair), Paddy Brown, Bob Buchan, George Morris
- 2. Ged Hall (Chair), Lesley Hamilton, Dave Hunter, Tony Richardson
- 3. Allan Barclay (Chair), Tim Fleming, Mike Young, Vacancy

3. SUB-COMMITTEE VACANCIES

- 3.1 The vacancies were as a result of the resignation of Councillor Paul Beck as Hart Ward Councillor. On 13th September 2018 Council agreed that all vacancies resulting from Councillor Beck's resignation would not be filled until the Hart by-election on 11th October 2018. Following the election of

James Brewer as Ward Councillor on that date Councillor Tom Cassidy was appointed by Council to Licensing Committee on 25th October 2018.

- 3.2 Following discussions with the Chair and Vice-Chair of the Licensing Committee it was agreed that Councillor Cassidy would be appointed to those vacancies left as a result of Councillor Beck's resignation.

3. RECOMMENDATIONS

- 3.1 That the Committee note Councillor Cassidy to Licensing Sub-Committee no 1 for premises licences and Licensing Sub Committee no 3 for Hackney Carriage and Private Hire Licences
- 3.2 That the Committee elect a Chair for Licensing Sub-Committee no 1 for premises licences from the membership of Councillors Barclay, Cassidy and Fleming.

4. REASONS FOR RECOMMENDATIONS

To fill existing vacancies in order to enable any necessary business to be transacted.

5. BACKGROUND PAPERS

Council minutes 21st June 2018
Licensing Committee Minutes 10 October 2018
Council minutes 25th October 2018

6. CONTACT OFFICER

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LICENSING COMMITTEE

20th March 2019



Report of: Assistant Director (Environment & Neighbourhood Services)

Subject: TAXI TARIFFS

1. PURPOSE OF REPORT

- 1.1 To consider a request from the hackney carriage trade for an increase in the hackney carriage tariffs.

2. BACKGROUND

- 2.1 By virtue of the Local Government (Miscellaneous Provisions) Act 1976 licensing authorities are responsible for the setting of hackney carriage tariffs that may be charged in its area.
- 2.2 At your meeting held on 11th December 2002, it was agreed that there would be an annual review of these tariffs.
- 2.3 At the Annual General Meeting for licensed hackney carriage owners, held in February 2019, a proposal was put forward, and agreed by those present, for an increase of 30p on all hackney carriage journeys, irrespective of the distance travelled or the time the journey takes place.
- 2.4 An additional proposal was accepted that the current surcharge of £2.00, which is imposed where a vehicle carries a fifth passenger, should increase to £2.50.
- 2.5 The proposed new tariff rates are attached as **Appendix 1**.
- 2.6 The last increase in hackney carriage tariffs took place in October 2015.
- 2.7 According to the taxi trade magazine Private Hire Monthly, Hartlepool's hackney carriage tariffs (for a two mile journey) are the fifth cheapest in the country. An increase of 30p on every journey would move Hartlepool up to the joint eighth cheapest (out of 359 taxi licensing authorities). The stated national average for a 2 mile journey is £5.87, compared to Hartlepool's £4.80 (should the increase be approved).

3. ISSUES FOR CONSIDERATION

- 3.1 Licensing authorities are responsible for the setting of hackney carriage tariffs.
- 3.2 A proposal for an increase in Hartlepool's tariffs has been received and was supported at the Annual General Meeting of hackney carriage owners in February 2019.
- 3.3 If adopted the proposal would result in an increase of 30p for all hackney carriage journeys – irrespective of the distance of that journey, or the time it takes place.
- 3.4 With regard to the proposed 50p increase in the surcharge for carrying a fifth passenger, this would apply only to the small number of vehicles that are licensed to carry five or more passengers.
- 3.5 As five or more passengers would otherwise need to hire two separate vehicles, and pay the associated fares, it is suggested that this still represents value for money for the travelling public whilst reimbursing those vehicle owners who have larger vehicles.
- 3.6 Should Members approve the proposed tariff increase a Public Notice will be placed in a local newspaper to inform the general public. If there are no public objections within 14 days the increase would be implemented shortly thereafter.
- 3.7 Should objections be received during the consultation period, the matter will be referred back to Licensing Committee before any increase is implemented.
- 3.8 Members should note that hackney carriage drivers are prevented by law from charging more than the maximum approved tariff but there is no prohibition on a driver charging less than the approved tariff. It would therefore be possible for a driver to charge a lower rate if they believed the proposed tariff increase was too high.
- 3.9 According to the taxi trade magazine *Private Hire Monthly* Hartlepool's Hackney Carriage tariffs (for a two mile journey) are the fifth cheapest in the country.
- 3.10 Any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income whilst representing value for money for the travelling public.
- 3.11 The proposed increase in tariffs applies only to hackney carriages as licensing authorities have no power to set fares for private hire vehicles.

4. RECOMMENDATIONS

- 4.1 That Members approve the adoption of new hackney carriage tariffs as detailed in Appendix 1.

5. BACKGROUND PAPERS

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

6. CONTACT OFFICER

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APPENDIX 1

HACKNEY CARRIAGE FARES

Local Government (Miscellaneous Provisions) Act 1976 Section 65

FARES FOR DISTANCE

MILEAGE

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2), (3) and [4]: -
- £2.50 plus 30p for the first 174 yards (160 metres) and 10p for every 174 yards (160 metres) thereafter
- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3) or [4]: -
- £2.50 plus 30p for the first 142 yards (131 metres) and 10p for every 131 yards (120 metres) thereafter
- (3) For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December other than those shown at (4): -
- £2.50 plus 30p for the first 131 yards (120 metres) and 10p for every 109 yards (100 metres) thereafter
- (4) For all hirings begun between 7pm on 24th December and 0630 am on 27th December and between 7 pm on 31st December and 0630 am on 2nd January: -
- £4.00 plus 30p for the first 109 yards (100 metres) and 10p for every 87 yards (80 metres) thereafter

WAITING TIME

- (a) For all hirings shown at (1) and (2) under MILEAGE for each period of 40 seconds or uncompleted part thereof 10p
- (b) For all hirings shown at (3) and [4] under MILEAGE for each period of up to 30 seconds or uncompleted part thereof 10p

FARES FOR TIME - Provided that when a Hackney Carriage is hired by time, such fares shall be agreed with the hirer at the commencement of the hire.

Additional Charge - An additional charge of up to £2.50 may be made where vehicles carry five or more passengers at any one time.

SOILING CHARGE - £35.00