

LICENSING COMMITTEE

AGENDA



Friday 25th June

at 2.00pm

**in the Council Chamber,
Civic Centre, Hartlepool.**

A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Thursday 24th June and name and address details will be taken for NHS Test and Trace purposes.

MEMBERS: LICENSING COMMITTEE:

Councillors Brown, Cassidy, Cook, Elliott, Feeney, Fleming, Jackson, Little, B Loynes, Picton, Prince and Richardson

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To approve the minutes of the Licensing Committee meeting held on 1st October 2020
- 3.2 To confirm the minutes of the Licensing Sub-Committee meetings held on 7th September 2020, 17th November 2020, 20th November 2020, 21st January 2021, 27th April 2021 and 28th April 2021
- 3.3 To confirm the minutes of the Regulatory Sub-Committee meetings held on 28th September 2020 and 15th January 2021

4. ITEMS REQUIRING DECISION

- 4.1 Licensing Sub-Committee and Regulatory Sub-Committee Memberships – *Chief Solicitor*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

4.2 Gambling Act – Statement of Licensing Principles – *Assistant Director (Regulatory Services)*

4.3 Taxi Licensing Policy - *Assistant Director (Regulatory Services)*

5. ITEMS FOR INFORMATION

5.1 No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Date of next meeting – Friday 1st October 2021 at 1pm.



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

1st October 2020

The meeting commenced at 10.40am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Bob Buchan (In the Chair)

Councillors: Paddy Brown, Tom Cassidy, Ged Hall, Lesley Hamilton, Brenda Loynes, Amy Prince, Carl Richardson, Leisa Smith and Cameron Stokell

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)
Ian Harrison, Acting Community Safety Operations Manager
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

1. Apologies for Absence

Apologies were submitted by Councillor Tim Fleming.

2. Declarations of interest by Members

None

3. Confirmation of the minutes of the Licensing Committee meeting held on 4th December 2019

Minutes approved

4. Confirmation of the minutes of the Regulatory Sub-Committee meeting held on 14th January 2020

Minutes approved

5. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 13th February 2020

Minutes approved

6. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 3rd July 2020

Minutes approved

7. Licensing Sub-Committee and Regulatory Sub-Committee Memberships *(Chief Solicitor)*

There are four licensing sub committees of three members dedicated to considering licences for premises and three regulatory sub committees of four members dedicated to considering licences primarily for hackney carriage and private hire drivers. The following proposed Sub-Committee memberships were set out in the report:-

Licensing Sub Committees for premises licences: -

1. Paddy Brown (Chair), Lesley Hamilton, Cameron Stokell
2. Ged Hall (Chair), Dave Hunter, Brenda Loynes
3. Leisa Smith (Chair), Bob Buchan, Carl Richardson
4. Tom Cassidy (Chair), Tim Fleming, Amy Prince

Regulatory Sub Committees (formerly Licensing Sub Committees for hackney carriage and private hire licences): -

1. Bob Buchan (Chair), Paddy Brown, Leisa Smith, Cameron Stokell
2. Brenda Loynes (Chair), Ged Hall, Dave Hunter, Carl Richardson
3. Tim Fleming (Chair), Tom Cassidy, Lesley Hamilton, Amy Prince

It was acknowledged that political balance is difficult to maintain on sub committees of three, there should at least be two groups represented on each Sub-Committee. The proposals set out meet that requirement as far as practicable.

Decision

That the proposed sub-committees, as set out above, be approved

8. Licensing Act – Statement of Licensing Principles

(Assistant Director (Regulatory Services))

Councillor Amy Prince left the meeting

Members were advised that the Council's current licensing policy was due for renewal by 1st January 2021. Under section 5 of the Licensing Act 2003 each licensing authority must determine and publish a licensing policy every 5 years following consultation with interested parties. A draft new policy had been presented to the Committee earlier in the year and approved for consultation. Despite a wide circulation between July and September 2020 no responses had been received.

The only proposed change to the previous statement was the removal of the designation of the town centre area as a Cumulative Impact Area (CIA). This recommendation was being made due to a change in the legal requirements and the significant reduction in Hartlepool's night time economy in recent years.

In terms of guidance on personal licences a member queried whether the policy did not allow anyone who had been convicted of any crime to hold a licence. The Acting Community Safety Operations Manager indicated that this would depend on the nature of the crime and the views of the Police. In some instances, an applicant may require elected member approval via a sub-committee.

Members indicated that they were happy to support the draft policy in its entirety.

Decision

That the proposed draft Licensing Act Policy be accepted and recommended to full Council for approval and adoption with effect from 1st January 2021.

The meeting concluded at 10:55am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

8th September 2020

To ensure compliance with the statutory provisions contained in the Licensing Act 2003, and following discussions with the parties concerned, the meeting is not taking place.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

17th November 2020

The meeting commenced at 10.00am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Paddy Brown (In the Chair)

Councillors: Lesley Hamilton and Cameron Stokell

Also Present:

Councillor Tony Richardson

Officers: Ian Harrison, Enforcement and Car Parking Services Manager
Tom Graham, Solicitor
Jo Stubbs, Democratic Services Officer

5. Apologies for Absence

None

6. Declarations of interest by Members

None

7. Application for the review of a premises licence – Jax Bar, Middleton Grange Shopping Centre, Hartlepool *(Assistant Director (Regulatory Services))*

Members were advised that the Council's Public Protection Department had requested a review of the premises licence for Jax Bar on the grounds of public safety due to concerns that they were not operating in a covid secure way. Cleveland Police had expressed their support for this review, affirming concerns around their practices and giving detail of 11 separate incidents of assault or anti-social behaviour directly connected with the premises.

The Trading Standards & Licensing Manager indicated that since the review had been requested there had been ongoing discussions between Public Protection, Cleveland Police and Camerons Brewery (the current premises licence holder). As a result of this it had been agreed that the Designated Premises Supervisor would step down from his post and a replacement appointed in due course. Additionally it had been agreed between the 3 parties that condition 43 (relating to CCTV) be removed from the licence and that the following 3 conditions be added:

- a) A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of and in consultation with Cleveland Police. Such a system shall:
 - I. Be operated by properly trained staff
 - II. Ensure coverage of all public entrances and exits, till areas, any existing outside areas and other areas as required by Cleveland Police
 - III. Be kept in a secure environment under the control of a responsibly named individual
 - IV. During the times licensable activities are provided have a member of staff present and trained in the retrieval of CCTV footage with the ability to download the relevant footage onto a disc at the request of Cleveland Police or other authorised officer (i.e. Council licensing officer)
 - V. Be capable of recognition of all persons entering the premises
 - VI. Recording facilities for each camera shall be to a high standard of clarity. Such recordings shall be retained on hard drive for a minimal period of 28 days and shall be supplied to the Police and local authority on reasonable request. Images recorded are to be retained in an unedited format and the CCTV system must continually record whilst the premises is open
- b) The only persons permitted to be in the premises after either permitted licensed hours, or the hours permitted under COVID-19 restrictions, will be members of staff, the tenant (as identified by the premises licence holder) and the tenant's relatives/partners.
- c) Noise limiting devices will be installed in the premises on the ground floor and first floor and will be utilised when regulated entertainment is taking place.

They shall serve as a conduit for live and recorded music. The devices will be set to a level agreed between the premises licence holder and the Council so as to promote an environment in which Customers do not have to shout in order to be heard over the music.

This condition shall apply at any time that the provision of entertainment is limited or controlled by any national COVID-19 restrictions that apply to the Hartlepool area.

This condition is imposed under section 177A (4) of the Licensing Act 2003 as Hartlepool Borough Council has chosen to apply a condition to the provision of music as if such music were regulated entertainment and that the premises licence licences such music

As a result of this agreement Members were advised that no further action was required as the request to review the licence had been withdrawn. Members were happy to approve the suggested amendments to the licence.

Decision

That the agreed amendments to the licence are approved and the licence amended accordingly.

The meeting concluded at 10:10am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

20th November 2020

The meeting commenced at 10.00am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Leisa Smith (In the Chair)

Councillors: Bob Buchan and Carl Richardson

Also Present:

Councillor Tony Richardson

Kelly Nichols, National Licensing Manager, Morrison's
Darab Rezai, representing the Hartlepool Licensees Association
Julia Taylor, Resident
Richard Taylor, Lawyer representing Morrison's

Officers: Ian Harrison, Enforcement and Car Parking Services Manager
Tom Graham, Solicitor
Jo Stubbs, Democratic Services Officer

8. Apologies for Absence

None

9. Declarations of interest by Members

None

10. Application to vary a premises licence – Morrison's, Clarence Road, Hartlepool *(Assistant Director (Regulatory Services))*

Members were advised that WM Morrison Supermarkets PLC had applied to vary their licence to allow the sale of alcohol and the provision of hot food 24 hours a day, 7 days a week. 2 objections had been received – from the

Hartlepool Licensees Association and a resident. Members were reminded that the Council's current Statement of Licensing Policy advised that alcohol licences outside the hours of 9am-10pm should not normally be granted for those premises located in residential areas. In response to members' queries the Trading Standards & Licensing Manager confirmed that Asda and Tesco were both licensed to sell alcohol 24/7 but were not currently utilising this licence due to Covid-19.

Richard Taylor presented the case on behalf of Morrison's. He was joined by Kelly Nichols (Morrison's Licensing Manager). Mr Taylor advised that Morrison's were simply looking for more flexibility over the festive period and wanted to be able to trade under the same conditions as their competitors in Hartlepool. By extending the licensable hours in this way the public would be able to shop at any time they wished – something which they felt would be welcomed given the current circumstances. None of the responsible authorities had objected to this variation and this was something the sub-committee should consider carefully as the responsible authorities were identified within official guidance as experts in their field. Home Office guidance stated that premises should be free to sell alcohol at any time unless there were good reasons to refuse this. He acknowledged that Council guidance was that alcohol should not be sold between certain hours in residential areas but he did not consider Morrison's to be located in a residential area. He also felt that if this was such a concern there would have been more objections from residents.

Mr Taylor gave a number of examples of the way in which Morrison's promoted the licensing objectives – including CCTV inside the store and car park, staff training, Challenge 25, provision of an electronic refusals log and use of independent test purchasing. Should the variation be granted Morrison's would employ additional security after midnight.

Mr Taylor noted that neither the Police nor Environmental Health had objected to the proposed variation. He also suggested that the objection from the Licensees Association may have been from a vested interest in preventing competitors from selling alcohol.

Members disputed Mr Taylor's assertion that only responsible authorities could be considered experts in this field noting that residents living nearby would have some expertise in issues which affected them. Mr Taylor acknowledged this but repeated that under Home Office guidance responsible authorities were to be considered expert in their field.

Members raised concerns at the proximity of Morrison's to residences and the possibility of persons buying alcohol from there on their way home from a night out. Mr Taylor commented that Tesco was just as close to residential properties as Morrison's and there was just as much chance of people purchasing alcohol late at night from there.

Members queried whether in-store security would deal with any issues or would call for police assistance, and if so what strain this would cause on

police resources in the night time economy. Ms Nichols advised that security guards were generally able to deal with issues of anti-social behaviour and violent incidents were isolated. They anticipated shift workers and those wanting to shop outside of peak hours would be most helped by this variation rather than people looking to cause trouble. She also confirmed that anyone who was clearly inebriated would not be given access to the store, much less sold alcohol.

Mr Taylor confirmed that should the variation be granted the intent was to open 24 hours (where local restrictions allowed) in the run up to Christmas but there were currently no plans to do so after the festive season unless there was a customer demand for this. Members referred to issues with drugs and alcohol in Hartlepool and high numbers of children in care and queried whether this variation would add to this. Mr Taylor referred to staff training in the area of Challenge 25 and indicated there had been no issues around under-age sales of alcohol in any Morrison's store.

Darab Rezai spoke against the proposed variation on behalf for the Hartlepool Licensees Association. This Association had tried to reduce the association of alcohol abuse with Hartlepool and this would not help with that. Licensed premises such as pubs and nightclubs were heavily regulated but supermarkets were not and gave people the opportunity to buy cut price alcohol to be drunk to excess at home. Pubs and nightclubs were properly monitored but supermarkets were not. In the last 10 years the number of pubs and nightclubs had reduced by 50% but liver disease and other alcohol related problems had increased by 60%, something which had a major impact on the NHS. Excessive drinking at home impacted on all the licensing objectives, particularly the protection of children from harm.

Mr Rezai also disputed Mr Taylor's assertion that Morrison's was not located in a residential area, saying there was a housing estate nearby and noting that another premises which was further from residences had been relieved of their 24 hour licence to safeguard children. He felt the Council and the Police were not objecting due to concerns around legal action from Morrisons. He also felt the timing of this request was a slap in the face to other licensed premises which were struggling in the wake of Covid-19. He urged members to refuse this request as once granted it could be used anytime. If Morrison's wished only to use it in the run-up to Christmas they could apply for Temporary Event Notices. To grant this permanently would be letting the children of the future down.

Julia Taylor, a local resident, spoke against the application. She felt granting this variation would make alcohol more available to those battling alcohol addiction and would condone that spiral. She would prefer that all existing licences to sell alcohol be removed and asked that members refuse this application.

Summing up Mr Taylor referred the committee back to the Home Office guidance. He reiterated that none of the responsible authorities had raised any objection to this variation and that supermarkets should be free to sell

alcohol during opening hours unless there was a good reason not to do so. There had been no evidence of problems due to alcohol being sold in this store and any issues outside the parameters of the shop and car park were a matter of personal responsibility and not for Morrison's. Hartlepool Licensees Association were generally anti-supermarket sales which was the reason for their objection. Only one household had objected, there would have been more if it was such a problem. He urged members to consider the application on its merits and allow Morrison's the same flexibility enjoyed by its competitors.

Members considered the application in closed session. They were in unanimous agreement that the application should be rejected due to Morrison's location in a residential area and the possible issues around anti-social behaviour that could be caused.

Decision

That the application for the variation of a premises licence in respect of Morrison's Supermarket be refused in its entirety.

The meeting concluded at 11.30am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

21st January 2021

The meeting commenced at 10.30am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Dave Hunter and Brenda Loynes

Also present:

Suganjan Sauvendranayagam – Applicant
Suresh Kanapathi – Representative for the applicant (on behalf of Arka Licensing)

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

11. Apologies for Absence

None

12. Declarations of interest by Members

None

13. Application for a new premises licence – 116 York Road, Hartlepool *(Assistant Director, Regulatory Services)*

An application had been made for a licence to sell alcohol between 6am and 11pm 7 days a week at 116 York Road (formerly Mark Lloyd Jewellers). 2 representations had been received - the first from Hartlepool Borough Council as licensing authority and the second from a resident. The Council representation highlighted their policy that premises located in residential areas should not be allowed to sell alcohol outside the hours of 9am-10pm while the representation from the resident referred to general issues around the sale of alcohol.

Mr Kanapathi spoke on behalf of the applicant. He referred to the efforts Mr Sauvendranayagam had made to promote the licensing objectives, including the installation of CCTV, use of an incident records book and Challenge 25. He also highlighted Mr Sauvendranayagam's history of running similar businesses in Middlesbrough and Redcar. Mr Kanapathi disputed the assertion that the business was located in a residential area saying he felt it was more of a town centre area. The premises would be open from 6am to 11pm and he hoped to be able to sell all products at this time. He could not see any reason for members to refuse the application and urged them to support it.

Mr Sauvendranayagam confirmed his previous track record of working with the community.

Members noted that the other side of York Road was densely populated with residential properties and queried why Mr Sauvendranayagam wished the Council to revert from its policy. Mr Kanapathi disputed the identification of the area as residential saying it was better defined as a high street. He also noted there were other shops closer to the residential properties and commented that people expected to be able to purchase from convenience stores such as these at 11pm. Pubs and bars nearby were open after 11pm and the resident objection had made no mention of this being a residential area. Members requested a valid reason to deviate from the Council's policy. Mr Kanapathi referred to Mr Sauvendranayagam's previous experience running similar shops, the convenience this would provide to residents wishing to shop outside of busy hours and the lack of evidence to support concerns around public nuisance. He also noted that alcohol would only make up around 15% of stock. Mr Sauvendranayagam wished to open between 6am and 11pm and did not want to have to refuse to sell alcohol to people for some of that time. Details were also given of the number of staff that would be employed and the hours they would routinely work.

The Trading Standards and Licensing Manager confirmed that he was not objecting to the licence being granted at all but wished the hours to be reduced to bring them in line with Council policy. He disputed the claim that was not a residential area, noting that there were a number of residential street 20 yards away from the premises. Should members refuse this application they would only be preventing the sale of alcohol between certain hours. Mr Sauvendranayagam could continue to sell other products at those times so there would be minimal impact to his business.

Members also noted the written objection supplied by a resident.

A member referred to the clock outside the premises, which had some historical significance. Mr Sauvendranayagam confirmed that he had no plans to remove the clock and hoped to eventually renovate it. It was noted that this was separate from the licensing application.

Mr Kanapathi summed up by reiterating that he did not consider this as a residential area. He compared it to Westminster where there were residential properties but it was not considered a residential area and neither should this be. There had been no objections from the police or health services because there was no evidence that this application would result in problems. He urged members to support this application noting that other shops nearby had similar hours.

Members discussed the application in closed session. They agreed with the identification of the area as being residential and therefore felt the licence should only be granted between 9am and 10pm in line with Council policy. They also asked that a condition be included requiring the positioning of a CCTV camera to cover the serving area. **Councillor Brenda Loynes indicated she was against approval of this application at all, including with the reduced hours, and asked that her vote be recorded.** The application was therefore approved, with the conditions as detailed, by a majority vote.

Decision

That the licence for the off sales of alcohol be granted between 9am and 11pm 7 days a week.

That a condition be included to direct a CCTV camera at the sales area.

The meeting concluded at 12 noon.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

27th April 2021

The meeting commenced at 10.00am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Paddy Brown (In the Chair)

Councillors: Lesley Hamilton and Cameron Stokell

Also present:

Councillor Tony Richardson
Andrew Briscoe (In support of the applicant)
Helen Gregory (in support of the applicant)
Daniel Kitching (Objector)
Lee Pennick (Applicant)

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

14. Apologies for Absence

None

15. Declarations of interest by Members

None

16. Application to vary a premises licence in respect of Trinity Guest House, Church Street, Seaton Carew, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager informed members that the applicant had applied to extend the hours for the sale of alcohol at the premises to 9am-11pm 7 days a week. The current hours were 5.30pm-10.30pm Monday-Saturday, 12 noon to 4.30pm Sunday. 10

representations against the application had been received, all of which referred to the potential for nuisance.

Mr Pennick explained that he had sub-let the property to Mrs Gregory to be used as a coffee shop, selling quality coffee, sandwiches and snacks. The request to extend the licence was based on daytime trade rather than the nighttime economy, allowing customers to drink a coffee liqueur or enjoy a glass of wine with a meal. The premises did not have a bar and there were no plans to install one or allow customers to drink alcohol without ordering food. Concerns had been raised about traffic disturbance but they did not expect a large traffic flow due to the removal of the carvery at the premises. Also takeaway deliveries would leave from the rear car park. Members queried whether Mr Pennick and Mrs Gregory had spoken to neighbouring residents in an effort to allay their concerns. Mr Pennick advised that while they had both been busy running the guest house business they had invited all the residents to an open day the previous week. He noted that half of the street was based around commercial properties. Following a member query he advised that access to the car park was via Crawford Street and there were 10 parking bays.

Mrs Gregory acknowledged they had not engaged with residents as they had intended but had been busy running the business. The day after the licence notification they had put posters in the windows with details of their future plans in an effort to keep residents informed. She explained that the alcohol licence would only be used to supplement their existing menu rather than as a dedicated bar. Alcohol would be served as an addition to coffee or with a meal and would not be their primary focus. Mr Pennick and Mrs Gregory both highlighted that they were also residents and expressed a hope that their neighbours contact them if there were any problems in the future.

Mr Kitching addressed the Sub-Committee on behalf of a number of residents who had been unable to attend. Their primary concern was around the request for a late licence as he felt there would not be a large clientele wishing to drink coffee at 11pm. They were also concerned that the plans would lead to an increase in traffic. Mrs Gregory advised that the Council Licensing officers had suggested they apply for a late licence. In reality their usual trading hours were 11am-4.30pm and they did not intend to be open after 6pm. Should anyone wish to hire the premises for an evening event they would be happy to consider a temporary event licence until 10.30pm. Members expressed their regret that this had not been explained to residents during the consultation process as it would have allayed their concerns and today's hearing might not have been required. Mrs Gregory acknowledged this and expressed a wish that all those who had concerns would eventually become regular patrons.

Members considered the variation to the licence in closed session.

Decision

That the premises licence be varied to allow the sale of alcohol on the premises from 11am to 10.30pm 7 days per week.

The meeting concluded at 11am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

28th April 2021

The meeting commenced at 10.00am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Leisa Smith (In the Chair)

Councillor: Bob Buchan

In accordance with Council Procedure Rule 4.2 Councillor Amy Prince was in attendance as substitute for Councillor Carl Richardson

Also present:

Councillor Tony Richardson
Alison McCullagh (Objector)
Tony Moore (Applicant)
Colin Oates (Objector)
Katie Simpson (Objector)
Tony Steele (Applicant)

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

17. Apologies for Absence

Apologies were submitted by Councillor Carl Richardson

18. Declarations of interest by Members

None

19. Application to vary a club premises certificate, Hartlepool United Supporters Club, Sandringham Road, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager informed members that the applicant had applied to license the front car park to allow for table service and the consumption of alcohol between 11am and 10pm 7 days a week, something which was not allowed under the current premises certificate. 10 representations against the application had been received, referring to the proximity of the premises to local housing and issues of noise and anti-social behaviour. Members were advised that following the recent relaxation of licensing laws alcohol sales and consumption were already taking place however it was expected that this relaxation would be reversed when indoor drinking was allowed. This requested variation would allow sales and consumption to take place outside long-term.

Members queried what rules were in place preventing non-members from using the outside drinking area and what the situation would be regards music being played outside. The Trading Standards and Licensing Manager confirmed that premises did not need a licence to play live or recorded music between 8am and 11pm. If it started to cause a nuisance an application to review could be made and it could be regulated. In terms of club membership it was the responsibility of the club to comply with the conditions which would apply both inside and outside.

Mr Moore urged members to support the variation application. Supporters Club members were an average age of 45 with responsible jobs. The premises were regularly used by community groups and the Council and they worked hard to maintain high standards. The temporary beer garden had been installed around 10th April and there had been no complaints from residents or the police since then. The proposal would mean the loss of 6 parking spaces but those left would be adequate for requirements. Those objecting had gone direct to the media rather than allow the club to respond directly but he would be happy to respond to their concerns at this meeting. The Chair noted complaints within the objections around parking issues. Mr Moore asserted that this tended to be more of an issue during the daytime before the premises opened caused by town centre workers parking there. He had never seen the car park full on an evening and disputed the idea that this change would lead to more cars parking nearby.

A member referred to concerns around noise. Mr Moore advised that there were no plans to play music outside. The only potential cause of noise and disturbance would be an annual scooter rally in August which was already a regular event. The beer garden would be used more as an overspill area should the inside be full and they did not intend to install heaters.

A member noted concerns around anti-social behaviour. Mr Steele indicated that no anti-social behaviour claims had ever been made against the club and CCTV cameras covering the area were often used by the

police to assist in investigations. He also noted that an objection referred to cans being left on doorsteps – something which could not be caused by the club as cans were not sold on the premises.

A member queried the proposed arrangements around security in the outside area including the possible use of doormen. Mr Moore advised that the club did not employ doormen. Security cameras monitored all areas of the club – inside and outside – and club members were responsible for the behaviour of their guests. In terms of parties those booking were responsible for any outside guests and a deposit was taken and would not be returned should there be any anti-social behaviour. Members of the club committee would be regularly stationed outside to monitor behaviour. He could not recall a time when any member or their guests had been asked to leave due to anti-social behaviour.

Mr Steele confirmed that there were no plans to change the current indoor trading hours and no plans to open the premises during the daytime other than for private events such as funerals. In the 4 weeks the outside area had been open there had been no complaints from residents regards anti-social behaviour.

The Environmental Protection Officer referred to the close proximity of the premises to residential housing and the strong possibility of noise complaints should this review be approved. There had already been a complaint around noise in the temporary beer garden and more people drinking outside would inevitably lead to more noise. The loss of a number of parking spaces could also lead to an increase in noise from vehicles forced to park on the street.

Ms McCullagh reported there was already a lot of noise caused by the temporary beer garden and she was concerned that should this become a permanent fixture this noise would increase. She disputed the assertion that car parking was not an issue saying that the surrounding areas were regularly filled with cars which often made it a problem for residents to park outside their own property. She also noted that this did not tend to happen during the day therefore it could not be people working in town. She was concerned that the beer garden would not be properly monitored as this appeared to be the responsibility of committee members – some of whom might be drinking alcohol themselves. Doormen would not be allowed to do this. She was a member of the club but felt that even so her quality of life would be detrimentally effected by these changes. She also questioned whether people using the beer garden would be asked to sign in as this had not happened previously. Following this the Chair questioned how the club could be sure those drinking outside were members as the usual fob entry to the indoor club could not apply to the outside areas. Mr Moore confirmed that non-members were always accompanied by members and the bar staff were aware of and could identify members.

Mr Oates questioned whether there were plans to extend the beer garden above what was proposed as this had been done previously. Mr Moore

confirmed that additional tables had recently been brought outside to help with overflow when the club was busy accommodating additional football teams. This was allowed as per the current relaxed guidelines however when these were returned to normal additional tables would not be brought outside. Mr Oates also referred to additional outside lighting causing a nuisance for residents. Mr Moore advised that no additional lighting had been installed other than what was required for safety reasons. He urged residents to contact the club regards this matter and they could look at what could be done.

Ms Simpson referred to previous instances when the car park had been full and her driveway completely overrun by cars – the drivers of which she had seen entering the club. She acknowledged that members were always polite and friendly but she did not feel able to ask people not to park on her drive as she was new to the town. She felt that it would not be possible to verify legitimate members when the beer garden was busy and also noted that committee members serving as unofficial doormen might be drinking alcohol so may not be aware of any potential problems. Mr Moore advised that even on the club's busiest day there were never more than 35-40 members. If a non-member was spotted they would either be asked to leave or asked to sign in and their behaviour monitored. He also noted that the size of the beer garden might well be reduced when indoor drinking was reopened. In terms of noise he reiterated there had not been any complaints despite large numbers of people smoking outside. He acknowledged the beer garden had been busy but this was due to a lack of availability elsewhere. Ms Simpson commented that it was not possible for Mr Moore to predict what increase in noise would result should this review be approved.

Mr Moore closed by reiterating that there were no future plans for flood lighting, outside heating, outside music and no plans to extend the outside seating area. The tables and fence would be bolted down. He also referred to anti-social behaviour and noted that the area was notorious for drug usage – something which would create much more noise pollution and anti-social behaviour than the Supporters Club members. He urged members to support the review application and confirmed he would be happy to give his contact details to nearby residents and the Neighbourhood Watch should any problems arise.

Prior to the decision being made the Trading Standards and Licensing Manager advised members that any decision they made today would not take effect until the current relaxation of licensing laws was lifted. Until that time the club could continue to use the outside area should they wish to.

Members considered the review application and the objections to it in closed session.

Decision

That the front car park of the premises be licensed for the sale of alcohol between the hours of 11am and 7pm 7 days a week to a maximum occupancy of 40 persons.

The meeting concluded at 11.40am.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

29th September 2020

The meeting commenced at 10.00am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Ged Hall (In the Chair)

Councillor: Bob Buchan

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Lesley Hamilton.

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

Also present Mr Wilson

1. Apologies for Absence

Apologies were submitted by Councillor Lesley Hamilton

2. Declarations of interest by Members

None

3. Application for Street Trading Consent *(Assistant Director Regulatory Services)*

Members were advised that an application for a street trading consent had been received. This would allow for a street trading consent covering 4 separate locations per week (1 per day) as follows:

Tuesday – 3pm-8pm at land off Newark Drive
Wednesday – 3pm-8pm at Park Drive
Thursday – 3pm-8pm at Osprey Way
Friday – 11am-8pm at Front Street layby in Greatham

A copy of the application with maps of the proposed locations was appended to the report.

Under Government legislation anyone wishing to trade from any street in Hartlepool is required to obtain a street trading licence or street trading consent from the Council. The Trading Standards and Licensing Manager advised that the applicant, Mr Wilson, had initially contacted the Council on 5th June regarding the legal requirements to allow him to trade in the town. A link to the guidance on the Council website was sent to him however a licence application was not received until 18th August – 1 week after a complaint had been received that he was trading in Greatham. Upon receipt of this licence application the Licensing Team consulted with the appropriate Council departments and Cleveland Police. Ward Councillors for the areas under consideration were also informed. This resulted in a number of emails from local residents objecting to the proposals. These objections were forwarded to members for their consideration in advance of this meeting.

The Trading Standards and Licensing Manager noted that Mr Wilson had invested in his business before obtaining the necessary licence. He had also failed to secure permission from any of the landowners of the areas he proposed to trade in, all of which were residential. The Trading Standards and Licensing Manager felt that the proposed areas were inappropriate and could potentially lead to problems with parking, littering, noise and anti-social behaviour. He was supportive of any business that was beneficial to Hartlepool however felt that Mr Wilson should look at alternative locations which would not be so problematic.

Members requested an update on the position regards landowners on Newark Road and Park Drive. The Trading Standards and Licensing Officer confirmed that Newark Road was owned by the Council and therefore approval would be needed from the Asset Management Team. The ownership of the Park Drive land was unclear however Mr Wilson had proposed moving his trading site to nearby land which was owned by the Council.

Mr Wilson addressed members. This was a unique business venture which would bring a service to the people of Hartlepool at a difficult time. He had received a lot of support from the public including a 300 person petition. He had also previously provided catering for 2 local authority schools in Hartlepool. He acknowledged the concerns around litter but pledged to provide a waste bin at each site and collect any leftover rubbish. He asked that members give him an opportunity to make his business a success, noting that the Council had the power to revoke his licence in the future if there were complaints.

Following a query from members Mr Wilson clarified his position regards the individual sites as follows:

- I. Newark Road – he had been advised by the Council's Asset Team that his application was acceptable dependent on the agreement of terms and a potential planning application. He was also prepared to provide a traffic management plan to prevent parked cars blocking access to the nearby substation.
- II. Park Drive – this site was half owned by the Council and half owned by the Four Winds Management Company so it was unclear which party needed to give permission. Mr Wilson intended to correspond with both parties.
- III. Front Street, Greatham – this layby was usually empty and rarely used by the community centre.
- IV. Osprey Way – this was located near Hartfields Retirement Village and a substation so was already a noisy area. The only thoroughfare was a public footpath to the nearby rugby club.

Mr Wilson acknowledged there had been complaints to his proposals but there had also been a lot of support which should not be dismissed when making a decision. Members referred to the petition which had been completed online. They queried why Mr Wilson had not taken it door to door in those areas affected. Mr Wilson advised that he had only started the petition the previous week to generate support in advance of this meeting so had not had the opportunity to visit all the areas. He also felt it was inappropriate to knock on doors during the current pandemic.

A member asked whether Mr Wilson thought his application would have a negative impact on the nature reserve and parking near Newark Road. Mr Wilson thought the only problem it might cause to the nature reserve would be litter which he was happy to remove before he left. Cars tended to park there already but he would be happy to submit a risk assessment to stop additional parking when his van was in situ.

A member noted that a member of Greatham Parish Council had expressed his support of those objecting to this application in the Village. Mr Wilson acknowledged this but asked members to give due consideration to the case he had put forward.

Members considered Mr Wilson's application in closed session. They noted the number of objections which had been received for Newark Road and Park Drive and agreed that licences for these sites should be immediately refused. They also felt a licence should be refused for Osprey Way. However given the lack of complaints from Greatham residents and the fact that Mr Wilson had carried out a successful trial run previously they determined that Mr Wilson be granted a licence for this area.

Decision

Having considered the report, the supporting documentation and the comments made today, the Regulatory Licensing Sub-committee makes the following comments and decision.

The applicant is reminded that Hartlepool Borough Council adopted the provisions of the Local Government (Miscellaneous Provisions Act) 1982 in order to protect the residents of Hartlepool from unregulated trading on the highway and to ensure that any such trading did not detrimentally impact on any location.

The council's guidance document specifically references the potential difficulties of street trading in residential areas.

Whilst this application relates to fish and chips and there is a natural and historic sentimentality towards this traditional favourite, the Sub-committee is applying the same principles as it would for any type of mobile food van wanting to trade in a residential area – be it fish and chips, burgers, hot dogs, curries, kebabs etc. The potential impact on the immediate community remains the same.

It is this Sub-committee's role to balance conflicting issues when making its decision and, on this occasion, it has decided that the potential for problems of parking, litter, and anti-social behaviour outweigh the potential benefits of Mr Wilson's van trading in his proposed locations of Osprey Way, Newark Road and Park Drive and therefore those aspects of his application are refused.

The Sub-committee does, however, consider the proposed Greatham site to be more appropriate and has determined that this location be approved for trading in accordance with his application – this being 11:00 – 20:00 hours every Friday.

Mr Wilson is reminded of his obligations to not cause a nuisance in this area and of the Council's ability to withdraw the consent should complaints be received.

The meeting concluded at 11.20am.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

15th January 2021

Following the withdrawal of the application due for consideration this scheduled meeting of the Regulatory Sub-Committee was abandoned

CHAIR

LICENSING COMMITTEE

25th June 2021



Report of: Chief Solicitor

Subject: LICENSING SUB-COMMITTEE AND REGULATORY SUB-COMMITTEE MEMBERSHIPS

1. PURPOSE OF REPORT

- 1.1 To appoint the Licensing Sub-Committees and Regulatory Sub-Committees

2. BACKGROUND

- 2.1 The Committee has four Licensing Sub Committees of three members dedicated to considering licences for premises and three Regulatory Sub Committees of four members primarily dedicated to considering licences for hackney carriage and private hire drivers. Licensing Sub Committees require a minimum of three members present as a statutory requirement.
- 2.2 The following proposed sub committee memberships are set out for Members consideration / discussion. These proposals follow discussions with the Chair of the Committee.

Licensing Sub Committees: -

1. Rob Cook (Chair), Tom Feeney, Brenda Loynes
2. Amy Prince (Chair), Jennifer Elliott, Tim Fleming
3. Peter Jackson (Chair), Stephen Picton, Carl Richardson
4. Sue Little (Chair), Paddy Brown, Tom Cassidy

Regulatory Sub Committees: -

1. Tom Cassidy (Chair), Paddy Brown, Sue Little, Stephen Picton
2. Tim Fleming (Chair), Jennifer Elliot, Peter Jackson, Amy Prince
3. Brenda Loynes (Chair), Rob Cook, Tom Feeney, Carl Richardson

3. LEGAL CONSIDERATIONS

- 3.1 The Local Government and Housing Act, 1989, requires 'as far as practicable' that a local authority allocates seats on Committees and Sub Committees in the same proportion to reflect the number of Members in each political group to the overall membership of the authority. It is therefore open to the Licensing Committee to agree the composition (in this case) of its Sub Committees which departs from the above principle, where it is appropriate and practicable to do so. This would apply where the nominations received required the various Sub Committees to have a 'disproportionate' number of Members from the same political group, in order to allow its business to be transacted.

While it is accepted that political balance is difficult to maintain on sub committees of three, there should at least be two groups represented on each sub committee. The proposals put forward meet that requirement as far as practicable.

4. RECOMMENDATION

The Committee is requested to consider and approve the Sub Committee memberships set out above.

5. REASONS FOR RECOMMENDATIONS

Without the Sub Committees being appointed, the Licensing Committee cannot operate properly in fulfilling its statutory and Constitutional obligations.

6. BACKGROUND PAPERS

Licensing Act Committee Minutes 7 January 2005
Licensing Committee Minutes 15 March 2006
Extraordinary Council Minutes 6 March 2013

7. CONTACT OFFICER

Jo Stubbs, Democratic Services Officer
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Jo.stubbs@hartlepool.gov.uk

LICENSING COMMITTEE

25th June 2021



Report of: Assistant Director (Regulatory Services)

Subject: GAMBLING ACT – STATEMENT OF LICENSING PRINCIPLES

1. PURPOSE OF REPORT

- 1.1 To seek approval of the proposed draft statement of licensing principles as required by the Gambling Act 2005.
- 1.2 To seek approval for the commencement of a consultation exercise relating to the draft statement of licensing principles.

2. BACKGROUND

- 2.1 By virtue of the Gambling Act 2005, Hartlepool Borough Council is defined as the licensing authority for certain gambling functions taking place within the town.
- 2.2 Licensable activities that fall within local authority control include bingo halls, betting shops, amusement arcades and casinos.
- 2.3 The Gambling Act 2005 also requires licensing authorities to publish, every three years, a statement of the principles that they propose to apply in exercising their functions under the Act.
- 2.4 Hartlepool's current statement of licensing principles was published in January 2019 and, as such, a new policy must be published no later than January 2022.
- 2.5 Subject to Committee's agreement it is proposed that the current policy be retained as a basis for consultation and a further report be brought back to Committee in October 2021. A formal recommendation for adoption of the statement of licensing principles can then be made by the Committee, to full Council, at its meeting in December 2021.
- 2.6 A copy of the proposed policy is attached as **Appendix 1**.

3. PROPOSALS

- 3.1 The draft statement of licensing principles once again retains a 'No Casino Resolution' which states that the Council will not consider any application for a casino in Hartlepool.

4. RISK IMPLICATIONS

- 4.1 There are no risks associated with this report.

5. FINANCIAL CONSIDERATIONS

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

6. LEGAL CONSIDERATIONS

- 6.1 It is a legal obligation for Hartlepool Borough Council to publish a statement of licensing principles every three years and, as such, a new statement must be published no later than January 2022.

7. RECOMMENDATIONS

- 7.1 That Members note the contents of this report and approve the draft statement of licensing principles required by the Gambling Act as detailed in **Appendix 1**.
- 7.2 That Members approve the commencement of consultation on the draft statement of licensing principles as contained in **Appendix 1**.

8. REASONS FOR RECOMMENDATIONS

- 8.1 It is a legal obligation for Hartlepool Borough Council to publish a statement of licensing principles every three years and, as such, a new statement must be published no later than January 2022.

9. BACKGROUND PAPERS

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

10. CONTACT OFFICER

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STATEMENT OF PRINCIPLES

Gambling Act 2005

(Published 3rd January 2022)



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This Statement of Licensing Principles was approved by Hartlepool Borough Council on 20th December 2021.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, published 1st April 2021.

PART A**1. The Licensing Objectives**

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy

2. Introduction

- 2.1 Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.
- 2.2 Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham to the north, Sedgefield District Council to the west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).
- 2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 2.4 Hartlepool Borough Council consulted widely on this statement before it was published. A list of those persons consulted is detailed in Appendix 3.
- 2.5 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.6 Our consultation took place between XXXXX 2021 and XXXXXXX2021 and we took into consideration the Code of Practice on Consultations published by HM Government in 2008 which is available at <http://www.bis.gov.uk/files/file47158.pdf>.
- 2.7 The policy was approved at a meeting of the Full Council on XXXXX and was published via our website on XXXX.
- 2.8 Should you have any comments as regards this policy statement, or the consultation process, please send them via e-mail or letter to the following contact:
- Trading Standards & Licensing Manager
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY
- e-mail: licensing@hartlepool.gov.uk
- 2.9 It should be noted that this statement of licensing principles will not override the right of any person to make an application (other than for a casino), make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 2.10 Gambling Prevalence Survey 2010
- Overall, 73% of the adult population (aged 16 and over) participated in some form of gambling in the previous year. This equates to around 35.5 million adults. The most popular gambling activity was the National Lottery. In 2010, 59% of adults had bought tickets for the National Lottery Draw, a slight increase from the rates observed in 2007 (57%) but lower than rates observed in 1999 (65%).
- 2.11 Excluding those who had only gambled on the National Lottery Draw, 56% of adults participated in some other form of gambling in the past year. This highlights a significant increase in past year participation on other gambling activities, such as an increase in betting on other events i.e., events other than horse races or dog races with a bookmaker (3% in 1999, 9% in 2010), buying scratch cards (20% in 2007, 24% in 2010), buying other lotteries tickets (8% in 1999, 25% in 2010), gambling online on poker, bingo, casino and slot machine style games (3% in 2007, 5% in 2010) and gambling on fixed odds betting terminals (3% in 2007, 4% in 2010).

- 2.12 Two measures of problem gambling showed rates of problem gambling in the general population of 0.6% and 0.5%. A significant association was found between problem gambling and being male with regular parental gambling. It was also associated with poor health, being single and being Asian/British Asian. The highest prevalence of problem gambling was found among those who participated in spread betting (14.7%), Fixed Odds Betting Terminals (FOBTs) (11.2%) and betting exchanges (9.8%). Of these, only FOBTs are regulated under the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 **The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:**

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 Hartlepool Borough Council designates the Local Safeguarding Children Board for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.hartlepool.gov.uk/licensing.

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons in either of these two groups.

- 5.2 There are a number of factors that the Council may take into account when determining whether a person lives 'sufficiently close to the premises'. These include: -

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment

- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.
- 5.3 Relevant factors will depend on the particular application. For example the Council may consider that living sufficiently close to premises to likely be affected could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 5.4 For those with business interests, the licensing authority should be satisfied that the relevant business is likely to be genuinely affected. Factors that are likely to be relevant include:
- the size of the premises
 - the 'catchment' area of the premises, that is, how far people travel to visit the premises
 - whether the person making the representation has business interests in that catchment area that might be affected.
- 5.5 In addition to the above, interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department at the Civic Centre, Hartlepool.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that:
- 7.3 It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.4 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.5 This licensing authority has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission
 - The principles set out in this statement of licensing policy
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY. Our risk methodology is also available upon request.

8. Licensing authority functions

- 8.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9. General Principles

- 9.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.2 **(i) Decision-making**
- 9.3 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy.
- 9.4 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.
- 9.5 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 9.6 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 9.7 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

9.8 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

9.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

9.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.11 **The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

9.12 **Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

9.13 **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

9.14 **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

9.15 Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

9.16 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

9.17 Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

9.18 Premises “ready for gambling”

9.19 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

9.20 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.21 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.22 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.23 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission's Guidance to Licensing Authorities.

9.24 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the

protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

9.25 Planning - The Gambling Commission Guidance to Licensing Authorities states:

7.58 – In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. [Part 11](#) of this guidance gives more information about provisional statements.

9.26 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

9.27 Duplication with other regulatory regimes - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.28 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

9.29 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

- 9.30 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 9.31 Ensuring that gambling is conducted in a fair and open way - **This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.**
- 9.32 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 9.33 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 9.34 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.
- 9.35 **Conditions** - Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 9.36 Decisions on individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 9.37 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas

frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.38 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9.39 These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.40 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.41 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

9.42 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

9.43 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

9.44 **Local Risk Assessments**

9.45 Since 6 April 2016, the Gambling Commission's 'Licence Conditions Code of Practice' (LCCP) has required all existing licensees that provide gambling facilities at their premises, to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into

account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

9.46 In making risk assessments, licensees must take into account relevant matters identified in this policy.

9.47 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premise licence; and
- In any case, undertake a local risk assessment when applying for a new premise licence.

9.48 The licensing authority will expect the local risk assessment to consider as a minimum:

- Whether the premise is in an area with high levels of crime and/or disorder
- Whether the premise is in an area of high deprivation
- The demographics of the area in respect of vulnerable groups of people including those with gambling dependencies, where this information is available
- Location of services and amenities for children in the area such as schools, playgrounds, leisure facilities and other areas where children may gather.

9.49 The risk assessment may also include:

- Procedures in place to ensure staff are adequately trained in how to monitor and deal with customers suspected of excessive gambling (including brief intervention training for staff), vulnerable persons or children and also details and regularity of training given
- Details of supervisory and management procedures in place including number of staff available and their designated duties and responsibilities
- Details of any consideration given to the need for CCTV in the premise and if installed how the system will be operated and monitored and what coverage it is designed to give in the premise.
- Details of the signage and documents relating to games rules, gambling care providers and other relevant information including a consideration of whether information needs to be provided in another language that may be prevalent in the locality.

9.50 Such information may be used to inform the decision the Authority makes about whether to grant a licence, to grant a licence with special conditions or to refuse the application. The policy does not prevent an application made and each application will be decided on its merits with the onus being on the applicant to show how the concerns.

10. Adult Gaming Centres

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11. (Licensed) Family Entertainment Centres:

- 11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 11.2 This licensing authority may consider measures to meet the licensing objectives such as:
- CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
 - Measures / training for staff on how to deal with suspected truant school children on the premises
- 11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 11.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering

the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

12. Casinos

- 12.1 This licensing authority has passed a 'no casino' resolution on the basis that whilst it recognises that gambling can be an enjoyable and harmless activity for many, it believes that a casino may provide an environment that may harm vulnerable persons who may gamble beyond their means.
- 12.2 Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

13. Bingo premises

- 13.1 This licensing authority notes that the Gambling Commission's Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted: -

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

14. Betting premises

- 14.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15. Travelling Fairs

- 15.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 15.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that

land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

16. Provisional Statements

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 16.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 16.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

17. Reviews

- 17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 17.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 17.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 17.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 17.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 17.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 17.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 17.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission

- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

18. Unlicensed Family Entertainment Centre gaming machine permits

- 18.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 18.2 Gambling Commission Guidance states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 18.3 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 18.4 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

19. (Alcohol) Licensed premises gaming machine permits - Automatic entitlement: 2 machines

- 19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.
- 19.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

19.3 Permit: 3 or more machines

- 19.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission and “*such matters as they think relevant.*”
- 19.5 This licensing authority considers that “*such matters*” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 19.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 19.7 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 19.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

20. Prize Gaming Permits

- 20.1 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 20.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

21. Club Gaming and Club Machines Permits

- 21.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 21.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 21.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 21.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 21.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

22. Temporary Use Notices

- 22.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use

Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

- 22.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 22.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 22.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 22.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 22.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

23. Occasional Use Notices

- 23.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

END

CONTACT DETAILS, ADVICE & GUIDANCE

Further details regarding the licensing application process, including application forms, can be obtained from:

The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk
Web Site: www.hartlepool.gov.uk/licensing

Local Area Profile

The Gambling Commission recommends that licensing authorities provide a 'local area profile' to assist gambling operators to understand the risks, or potential risks, associated with particular geographical areas.

As an area profile can change with time, Hartlepool Borough Council refers licence holders, or potential applicants, to the following sources of information about Hartlepool: -

Government website – Indices of deprivation 2019 -
<https://www.gov.uk/government/publications/english-indices-of-deprivation-2019-research-report>

**SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED
UNDER THE GAMBLING ACT**

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year Statement of licensing principles	X		
Policy not to permit casinos	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Setting of licence fees			X

CONSULTATION

The following individuals/agencies and organisations were consulted about this Statement of Licensing Principles between June and August 2021: -

Hartlepool Borough Council councillors
Chief of Cleveland Police
Cleveland Fire Service
Hartlepool Borough Council Planning Department
Hartlepool Borough Council Trading Standards Service
Hartlepool Borough Council Environmental Health
Combined Authority
HMRC
Gamblers Anonymous
GamCare
British Beer and Pub Association
Association of British Bookmakers
Bingo Association
Remote Gambling Association
Business in Sport & Leisure
Casino Operators Association
BACTA
British Holiday & Home Parks Association
British Race Courses Association Ltd
British Casino Association

LICENSING COMMITTEE

25th June 2021



Report of: Assistant Director (Regulatory Services)

Subject: TAXI LICENSING POLICY

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 National developments have made it necessary to consider amending the current policy and the proposed new draft policy is attached as **Appendix 1**.
- 2.4 For the first time, the Government has published statutory standards for the hackney carriage and private hire trade (hereafter referred to as the 'taxi trade'). It expects licensing authorities to have incorporated these standards into their Taxi Licensing Policies by no later than December 2021.
- 2.5 Prior to this it has been for each licensing authority to determine how best to license its taxi trade within the very broad legal framework contained in legislation.
- 2.6 The Government has stated that there is evidence to support the view that hackney carriages and private hire vehicles are a 'high risk' environment and has produced national standards to 'protect children and vulnerable adults'.
- 2.7 The national standards are contained within a 40 page document and, although Hartlepool already complies with most of the requirements, there are a number of amendments that must be made in order to comply with them all.

3. PROPOSALS

3.1 The changes needed to be introduced to Hartlepool's Taxi Licensing Policy in order to comply with the Government's new standards are detailed below: -

3.2 Criminal Record Checks - Drivers

3.3 Until 2019, taxi drivers were required to provide an Enhanced *Disclosure & Barring Service* (DBS) check to the Licensing Team every three years. This was standard practice around the country but in Hartlepool it changed to annual checks in 2019 as a consequence of changes to the way in which Cleveland Police passed on details about recent crimes involving taxi drivers.

3.4 As the cost of a DBS check is £44, it was recognised that this move to annual checks would create a significant additional financial burden for drivers and, as such, they were encouraged (but not compelled) to enrol on the DBS 'Update Service'.

3.5 The Update Services allows for drivers to pay the DBS an annual fee of £13 and for which, in return, their DBS history can be viewed at any time, on line, by the Council, for no additional cost.

3.6 The new national standard expects all licensing authorities to now check a driver's criminal record **every six months** and, to make this both practical and affordable, membership of the DBS Update Service should be mandatory for all licensed drivers.

3.7 Where, for whatever reason, a driver does not enrol onto the Update Service, or fails to remain enrolled, there will still be a requirement for a DBS check to be completed every six months (at a cost of £44 for each check...payable by the driver).

3.8 Whilst the introduction of this requirement will place additional burdens on the Licensing Team who must now undertake criminal records checks on drivers twice as often as they used to (and six times as often as they used to prior to 2019), the low cost of the update service (£13 per year) should not result in additional financial burdens for the taxi trade.

3.9 Criminal Records checks – Vehicle Owners

3.10 Criminal records checks have never previously been required in Hartlepool for the owner(s) of a licensed vehicle but the new national standards will require it.

3.11 Unlike drivers, where an Enhanced DBS check is required, vehicle owners will only be required to provide a Basic check and this would be on an annual basis. Only a Basic check can be required as there are restrictions on what professions or activities can be made subject to Enhanced DBS checks and being the owner of a licensed vehicle is not one of these.

- 3.12 Members will wish to note that the majority of licensed vehicles in Hartlepool are either owned by a company (such as 23 Taxis) or by licensed drivers themselves. As drivers will already be providing an Enhanced DBS check (see above) there will be no additional burden placed on them regarding this new requirement relating to vehicles. Private hire operators, who also own many vehicles, are already required to provide a Basic DBS disclosure (see below).
- 3.13 Criminal Records checks – Private Hire Operators
- 3.14 Whilst private hire operators have been required to provide a Basic DBS check to the Council prior to being initially licensed, there has been no ongoing requirement for further periodic checks.
- 3.15 The new national guidance now expects licensing authorities to require private hire operators to submit a new Basic DBS certificate every 12 months for every owner/director.
- 3.16 In addition to the above there will also be a new requirement that private hire operators maintain a register of those they employ in call handling or despatch roles and that these people must provide to their employer a Basic DBS check at the time of appointment to that role.
- 3.17 This register must be available for inspection by the Council's Licensing Officers.
- 3.18 Use of Non-licensed Drivers
- 3.19 The Licensing Committee has previously been informed of the flaw in licensing law whereby only drivers of passenger vehicles capable of carrying eight passengers or fewer fell within the licensing regime of local licensing authorities.
- 3.20 Anyone driving larger passenger vehicles (Public Carrying Vehicles – PCV's) are 'licensed' by other bodies and are not subject to the same rigorous checks to ensure they are 'fit and proper' to carry the public. The rationale for this being that driving larger vehicles does not pose the same level of risk as driving smaller vehicles as the driver and passenger are less likely to find themselves alone with each other.
- 3.21 There is nothing to prevent private hire operators from using both small and large vehicles as part of their fleet and therefore they may employ both licensed taxi drivers and PCV drivers.
- 3.22 It is therefore entirely possible for members of the public to call a private hire operator and be sent either a hackney carriage, private hire vehicle or PCV. Due to the differences in licensing requirements this could mean that a member of public could be sent a PCV that is being driven by a driver who

has not been required to undertake and pass the stringent standards set by the local authority for taxi drivers.

- 3.23 The Government has now recognised this issue and the new national standards require private hire operators to notify any customer when a PCV will be sent and that it may be driven by a driver who has not been vetted to the same high standard as a taxi driver. This would, in theory, allow a customer to choose to refuse the offer and either request a smaller vehicle, driven by a taxi driver, or cancel the booking.

3.24 Consultation

- 3.25 It is proposed that the draft policy contained in Appendix 1 be published for consultation with a closing date of Friday 3rd September. This will allow for responses to be collated and a further report brought to the Licensing Committee at its meeting on 1st October 2021.

4. STAFF IMPLICATIONS

- 4.1 Some of the amendments to the Policy will create an increase in staff workload but it is expected that continued efforts to improve the efficiency of the team will result in this being managed within current staffing levels.

5. RISK IMPLICATIONS

- 5.1 There are no risks associated with this report.

6. LEGAL CONSIDERATIONS

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

7. RECOMMENDATIONS

- 7.1 That Members instruct officers to begin a consultation process for the draft Taxi Licensing Policy attached as Appendix 1.

8. REASONS FOR RECOMMENDATIONS

- 8.1 Consultation is necessary before the Council's new Taxi Licensing Policy can be adopted.

9. BACKGROUND PAPERS

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

10. CONTACT OFFICER

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PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

APPROVED BY HARTLEPOOL BOROUGH COUNCIL

Date 20XX

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INTRODUCTION

- 1.1 Hackney carriages and private hire vehicles play an important role in the provision of local public transport in Hartlepool.
- 1.2 The purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public. As licensing authority, Hartlepool Borough Council ("The Council") believes that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles.

Licensing Objectives

- 1.3 **Hartlepool Borough Council will use its role as licensing authority to protect the public. This will be achieved by, amongst other things:**
- i) Administering the licensing process in a fair and reasonable way;**
 - ii) Taking proportionate enforcement action where it is necessary and appropriate to do so;**
 - iii) Maintaining public confidence in the hackney carriage and private hire trade so that it remains as a safe, reliable and sustainable transport option for the travelling public.**
- 1.4 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.
- 1.5 Private hire vehicles must also have no more than 8 passenger seats but they must be booked in advance through a private hire operator and may not "ply for hire" in the street.

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.

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

- Hackney carriage driver
- Hackney carriage vehicle
- Private hire driver
- Private hire vehicle
- Private hire operator

Licensing Methods

1.8 The methods the Council shall use are as follows:

- i) Setting the standards for the licensing of drivers, vehicles and operators.
- ii) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
- iii) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
- iv) Checks of driver's medical health, criminal record, driving ability and knowledge of the Borough.
- v) Investigation of complaints with appropriate follow up action.
- vi) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- vii) Liaison with the hackney carriage and private hire trade by way of open meetings.
- viii) 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.
- ix) Conditions added to licences.
- x) The issue of guidance notes.

1.9 When formulating and applying this Policy, the Council will take into consideration the Regulator's Code, the Code for Crown Prosecutors, and any appropriate best practice guidance.

Status

1.10 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.

1.11 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where the Council considers it necessary or appropriate to deviate from the Policy, clear and compelling reasons will be given for doing so.

Implementation and Review

- 1.12 This Policy will take effect from 20XX. From this date, this Policy will override and supersede all existing policies in relation to the licensing of private hire vehicles and hackney carriages, their drivers and operators.
- 1.13 The Council will keep this Policy under review and will consult where appropriate on proposed revisions.
- 1.14 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.
- 1.15 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.
- 1.16 After the introduction of this Policy, the Council may make decisions which change it. 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

- 1.17 In preparing this Policy, the Council has taken into account the views of:

Licensees; Cleveland Police; Planning authority; Adult and Children's Safeguarding Board; Disability Groups; School Transport; Service Users; Tees Valley Licensing Group; North East Strategic Licensing Group and any other parties/organisations considered necessary.

Partnership Working

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

Local hackney carriage and private hire trade; Cleveland Police; Local Transport Authorities; Planning authority; Local residents; Disability groups; Service Users; Tees Valley Licensing Group; North East Strategic Licensing Group and other Council departments.

Related Policies and Strategies

- 1.19 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.

Equality

- 1.20 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

- 1.21 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.
- 1.22 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 face formal action.
- 1.23 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 driver's expense, from the driver's 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 and, in addition to any criminal sanction, would be liable to disciplinary procedures which may include licence suspension or revocation.**
- 1.24 Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com

Duties and Obligations under the Human Rights Act 1998

- 1.25 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.

- 1.26 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

- 1.27 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.

DRIVER LICENCES

Essential Requirements

- 2.1 The Council issues licences to drive private hire vehicles, hackney carriages or both.
- 2.2 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.
- 2.3 Prior to a driver's licence being issued to new applicants, the applicant shall:
- i) Complete and submit to the Council an application on the prescribed form.
 - ii) 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. Any refund or part refund of a licence fee will be calculated in accordance with the Council's published list of fees and charges.
 - iii) Demonstrate compliance with the eligibility criteria detailed below.
- 2.4 Prior to a driver's licence being renewed, the applicant shall:
- i) Complete and submit to the Council an application on the prescribed form no later than 14 days prior to the expiry of the current licence.
 - ii) 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.
 - iii) Demonstrate, if required, continued compliance with the eligibility criteria detailed below.

Proof of eligibility

- 2.5 Applicants must satisfy the following criteria:
- i) Hold appropriate driving licence.
 - ii) Have at least 12 months driving experience since full driving licence was granted.
 - iii) Provide 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.
 - iv) Provide evidence of having a right to work in the UK.
 - v) Successfully complete the 'knowledge test'.
 - vi) Provide satisfactory evidence that the applicant meets the "Group 2" medical standard.
 - vii) Provide satisfactory evidence of completion of approved training in issues surrounding the awareness of child and adult safeguarding issues.

- viii) Have an ability to speak, read and understand English to a reasonable standard.
- ix) Produce an appropriate enhanced criminal records check that is no more than 30 days old. This is required for every new applicant and every six months once a licence has been granted. A licence will not be renewed if an enhanced criminal records check, that is less than 30 days old, is not made available.

In order to facilitate this, the Council requires all drivers to enrol on the DBS Update Service.

If the Council is not provided with an enhanced criminal records check, or is not able to view a driver's records via the DBS Update Service, because, for example, the driver is not enrolled on the Service, the driver's licence will be suspended until such time as the criminal record can be viewed.

- 2.6 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 deemed to be incomplete.

Driving Experience

- 2.7 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. Full driving licences issued by other lawfully recognised countries will also count towards this qualification requirement.
- 2.8 In addition to the above, within 12 months of receiving their first licence, applicants must undertake and pass a driving assessment, approved by Hartlepool Borough Council, and produce the original pass certificate.
- 2.9 Licensees who have not passed the driver assessment within 12 months of the grant of their first licence will not have their licence renewed or, for holders of three-year licences, their licence will be suspended after the first year and until the assessment has been done.

DVLA Driving Licences

- 2.10 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.

- 2.11 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.
- 2.12 A driver with 9 penalty points or more on their driver's licence will be referred to the Council's Licensing Sub-Committee for consideration as to whether they are, or remain, a safe and suitable person to hold a licence.

Right to Work

- 2.13 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.
- 2.14 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.
- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 Regardless of their country of origin, a driver's 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.
- 2.19 Licences may be time limited to coincide with an applicant's limited right to stay in the UK.

Language Proficiency

- 2.20 All applicants must have the ability to speak, read and understand English to a reasonable standard.
- 2.21 Written English ability will be determined through the knowledge test and the driving assessment. Spoken English and the ability to understand English will be determined by Licensing Officers during the entirety of the licensing application process.
- 2.22 If there is any doubt as to an applicant's ability to communicate in English (spoken or written), they shall be required to undertake and pass a Council approved English assessment and any costs associated with such assessment shall be the applicant's responsibility.

Applicants Who Have Spent Time Abroad

- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
- 2.27 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.
- 2.28 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.

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

Disclosure and Barring Service (DBS) and Criminal Records

- 2.30 The DBS is responsible for:
- i) Processing requests for criminal records checks.
 - ii) Deciding whether it is appropriate for a person to be placed on or removed from a barred list.
 - iii) Placing, or removing, people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.
- 2.31 The DBS helps employers and others make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- 2.32 Before a licence application can be considered, the Council requires sight of an applicant's non-protected criminal, motoring and licensing convictions including fixed penalties, cautions, reprimands and warnings.
- 2.33 This must be in the form of an Enhanced Criminal Records Disclosure issued by the DBS that includes reference to both the Adult & Child Barred Lists.
- 2.34 Where appropriate, applicants for the renewal of a driver's licence must provide the Council with the means necessary to access their DBS Update Service record.
- 2.35 An application for a driver's licence must be completed within 6 months of the issue date of the DBS certificate. If the DBS certificate 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 DBS checks are generally not portable and only DBS checks applied for through Hartlepool Council's Licensing Team will be accepted unless an applicant is appropriately registered with the Disclosure & Barring Service (DBS) Update Service.

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.

- 2.38 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 non-protected convictions, including those that would normally be regarded as spent.

Driver Knowledge/Locality Test

- 2.39 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, amongst others things, 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's licence will not be issued without the applicant first passing the knowledge test.
- 2.40 The cost of one knowledge test is currently included in the licence fee. 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.
- 2.41 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.
- 2.42 If an applicant fails to attend a test or attends late, a further test shall be required for which an additional charge will be made.

Medical Assessment

- 2.43 In order to be satisfied as to an applicant's medical fitness, the applicant must provide to the Council a medical examination report, in a Council approved format, that is signed by a registered medical practitioner, and which states that the individual satisfies the Group 2 medical standard.
- 2.44 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.
- 2.45 The medical practitioner must confirm that:
- i) They have examined the applicant;
 - ii) The applicant is registered with the practice; and/or

- iii) They have had full and complete access to the applicant's full medical records;
 - iv) The medical examination was carried out to the Group II standard;
 - v) They consider 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 If the Council is not satisfied as to the medical fitness of an applicant, a driver's licence will not be granted.
- 2.47 If the Council is not satisfied as to the medical fitness of a licensed driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.
- 2.48 The applicant is responsible for paying the fee for the examination. The medical certificate will be valid for a period of 6 months after which, if the driver's 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.
- 2.49 Once a licence holder reaches the age of 45, they must provide a new medical certificate every five years and once they reach the age of 65 years a medical certificate will be required every year.
- 2.50 For drivers who have chosen a three-year licence, they must provide a medical certificate on the same basis as that detailed above and, where this falls mid-licence, the driver must provide a new medical certificate on their 45th, 50th, 55th, 60th and 65th birthday and every year thereafter.
- 2.51 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.
- 2.52 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.
- 2.53 If the Council 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 Council.

Term of Licence

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

Suspension of Licence

- 2.55 If it considers it necessary and appropriate to do so, the Council may choose to suspend a driver's licence. Suspensions can be immediate if they are considered necessary on the grounds of public safety.
- 2.56 The Council's policy on the use of suspensions is attached as Appendix I.

Refusals and Revocations

- 2.57 Hartlepool Borough Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.
- 2.58 Where a hackney carriage/ PHV driver's licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- 2.59 All applications for a new driver's licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- 2.60 The information recorded on NR3 itself will be limited to:
- i) Name
 - ii) Date of birth
 - iii) Address and contact details
 - iv) National insurance number
 - v) Driving licence number
 - vi) Decision taken
 - vii) Date of decision
 - viii) Date decision effective
- 2.61 Information will be retained on NR3 for a period of 25 years.

- 2.62 This is a mandatory part of applying for/being granted a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at https://www.hartlepool.gov.uk/info/20023/licences_and_permits/284/taxis.
- 2.63 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.
- 2.64 If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at data.protection@hartlepool.gov.uk. This includes submitting a subject access request.
- 2.65 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint>.

Conditions of Licence

- 2.66 The law does not permit the Council to attach conditions to a hackney carriage driver's licence. However, hackney carriage drivers are subject to Council's byelaws which are freely available from the Council's Licensing Team on request or by visiting the Council's website and they shall be expected to fully comply with this policy's 'Code of Good Conduct'.
- 2.67 The Council's conditions in respect of private hire drivers are detailed at Appendix II.

Code of Good Conduct

- 2.68 The Code of Good Conduct serves to promote the Council's licensing objectives in respect of hackney carriage and private hire licensing. The Code will be taken into consideration in disciplinary matters. The Code of Conduct is attached at Appendix III to this policy.

Driver's Dress Code

- 2.69 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.
- 2.70 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 contained within Appendix III and may be taken into consideration in disciplinary matters.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Requirements Relating to the Proprietor of a Licensed Vehicle

- 3.1 All proprietors of a licensed vehicle must provide to the Licensing Team a basic criminal records check at the time of application for a vehicle licence and every twelve months thereafter. The criminal records check must be no more than 30 days when it is provided to the Council.
- 3.2 The requirement detailed in 3.1 above shall not apply where the proprietor also holds a hackney carriage/private hire vehicle driver's licence issued by Hartlepool Borough Council.
- 3.3 The requirement detailed in 3.1 above shall not apply where the proprietor is also a licensed private hire operator with Hartlepool Borough Council.

Essential Requirements and Conditions of Licence

- 3.4 Prior to being licensed, and in order to remain licensed, all vehicles must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.
- 3.5 The requirements apply to both hackney carriage and private hire vehicles unless otherwise stated.
- 3.6 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall complete and submit to the Council an application on the prescribed form together with the required licence fee no later than 14 days prior to the licence being required.
- 3.7 If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void.

Specifications

- 3.8 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.
- 3.9 All vehicles, therefore, shall have an appropriate 'type approval' which is either:
 - i) European Whole Vehicle Type Approval
 - ii) British Individual Type Approval
- 3.10 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.

- 3.11 All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).
- 3.12 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.
- 3.13 Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
- 3.14 Convertible vehicles (i.e. vehicles with a retractable hood) will not be licensed.

Essential Criteria

- 3.15 Before granting a vehicle licence, and throughout the vehicle's time as a licensed vehicle, the vehicle must:
 - i) Be suitable in type, size and design for use as a licensed vehicle as defined by this policy.
 - ii) Be in an excellent mechanical condition.
 - iii) Be safe.
 - iv) Be comfortable in the opinion of a licensing officer.
 - v) Comply with all statutory requirements applicable to that vehicle.
 - vi) 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.
 - vii) Prominently display the Council's internal licence plate on either the dashboard or the top left corner of the windscreen.
 - viii) Permanently attach the appropriate 'decals', issued by the Council, centrally to both front doors of the vehicle.
 - ix) Not be fitted with a roof rack.
- 3.16 The vehicle must also satisfy the following internal requirements:
 - i) Height (inside) – From the top of any part of the seat cushions to the roof at lowest part must not be less than 810mm 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.

- ii) 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 760mm.
 - iii) 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.
 - iv) 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.
 - v) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400mm. 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.
 - vi) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination.
 - vii) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
 - viii) 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.
 - ix) 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.
- 3.17 No fittings or signs (except for legitimate advertising) shall be attached to the inside of the vehicle unless approved by the Council.

Vehicle Condition

- 3.18 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:
- i) Bodysell/paintwork – free from rust, broken metal and other visible damage.
 - ii) Door hinges shall be in good working order and be seated correctly when closed.
 - iii) Windscreen and windows shall be in good clean condition and free from damage.
 - iv) Free from oil leaks.

Documentation

- 3.19 A vehicle licence will only be issued where there is evidence of valid:
- i) Road Tax.
 - ii) Vehicle insurance.
 - iii) Public Liability insurance certificate (minimum of £5 million).
 - iv) Certificate of Compliance issued by Council's in-house testing station.
 - v) MOT certificate (if required by law).

Engine Numbers/Chassis Numbers

- 3.20 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.

Colour

- 3.21 All hackney carriages, including all previously colour coded external trims, boot, door edges and frames, must be professionally painted to a non-standard production shade of yellow detailed below: -
- Landrover AA yellow, Octoral No RO1000 FMB/LRC559
 - Fiat Giallo Ginestra 2C, Octoral No F1258:93
- 3.22 Alternatives to the above technical specification will only be acceptable if, in the opinion of a licensing officer, the colour accurately replicates those detailed above.

Age Restriction

- 3.23 A licence will only be granted to an unlicensed vehicle when it is under four years old (from date of first registration).
- 3.24 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).
- 3.25 Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.

- 3.26 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.
- 3.27 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
- 3.28 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.
- 3.29 In addition to the above, from 1st April 2023, petrol and diesel powered vehicles must be Euro Emission Class 6 or subsequent Class.
- 3.30 Subject to satisfying all other relevant requirements detailed in this policy, there is no age restriction for vehicles that are powered solely by electricity or otherwise can be regarded as being truly 'zero emission at source'.

Term of Licence

- 3.31 All vehicle licences will be valid for a maximum period of up to 12 months or such lesser period as the Council thinks appropriate. Where a lesser period applies, a reduced fee will be payable consisting of the application fee plus a daily rate for the number of days to be licensed.

Insurance

- 3.32 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.
- 3.33 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.
- 3.34 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.

Insurance Write-Offs

- 3.35 Vehicles that have at any time been declared a Category A or B insurance 'write off' 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.

Wheelchair Accessible Vehicles

- 3.36 The Council recognises the needs of people with disabilities and reminds the taxi trade of their legal obligations to provide equality in the provision of all of their services.
- 3.37 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 shall be 'wheelchair accessible'.
- 3.38 A 'wheelchair accessible' vehicle is defined as 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).
- 3.39 A 'new hackney carriage' for the purposes of this policy 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.
- 3.40 If the vehicle to be replaced is a wheelchair accessible vehicle, it must be replaced by another wheelchair accessible vehicle.
- 3.41 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.
- 3.42 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.
- 3.43 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.

- 3.44 All equipment must be kept in good working order for the safe carriage of passengers.
- 3.45 The Council expects proprietors to ensure that their drivers are familiar with the correct means of securing wheelchairs and their passengers in such vehicles.

Fire Extinguishers

- 3.46 If carrying a fire extinguisher it must be of suitable size and type, be in good working order and be regularly tested by a qualified person.

CCTV In Vehicles

- 3.47 The Council supports drivers who wish to install and operate CCTV systems for the protection of themselves and their passengers but, when they do, they must, at all times, comply with the following requirements; -
- i) 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.
 - ii) 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.
 - iii) Drivers must satisfy all legal requirements relating to data protection.

Cleanliness

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

Advertisements, Signs, Notices etc.

- 3.49 Signs, notices or advertisements must not be of a content that a 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
- 3.50 There is no requirement for an advertisement that complies with this policy to be approved in advance but, if it is not so approved and is found to be in breach of this policy, the vehicle licence will be suspended until the advertisement is amended/removed.
- 3.51 No advertising on vehicles shall:
- i) Be affixed to any window of the vehicle
 - ii) Be affixed to any door or panel on which the Council issued roundel or sign is located

- iii) Promote tobacco products
- iv) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
- v) Be offensive or misleading in nature or character. As this matter is subjective, the decision of the licensing officer shall be deemed final.

- 3.52 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.
- 3.53 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.
- 3.54 To avoid confusion for the general public, no vehicle, other than a hackney carriage, shall have a roof sign.

Swivel Seats

- 3.55 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.

Spare Tyres

- 3.56 Vehicles shall be fitted with a means of allowing a journey to be continued, unassisted, in the event of a puncture or other tyre/wheel malfunction. 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) Other than for the completion of a journey that has already begun, 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.
 - iv) 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.
- 3.57 Tyres on the same axle must be of the same nominal size and aspect ratio.

Tinted Windows

- 3.58 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).
- 3.59 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.
- 3.60 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.
- 3.61 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.
- 3.62 The Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -
- i) The windscreen shall have a minimum light transmission of 75%
 - ii) All other front windows of the vehicle shall have a minimum of 70% light transmission
 - iii) All rear windows of the vehicle shall have a minimum of 30% light transmission.
- 3.63 Nothing shall be attached to any window that may detrimentally affect visibility.

Sliding Doors

- 3.64 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.

Exemption from Age Policy

- 3.65 If a vehicle is between 4 and 8 years of age and is written off through no fault of the proprietor (i.e. through no-fault accident damage), the Council may, if it deems it appropriate, allow a replacement vehicle to be licensed that is of the same age as the original vehicle, or newer.

Alteration of Vehicle

- 3.66 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

- 3.67 A proprietor or driver of a licensed 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.

Change of Address

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

Change of Private Hire Operator

- 3.69 Private hire vehicles must operate via one Private Hire Operator 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.

Fares & Fees

- 3.70 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.
- 3.71 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.
- 3.72 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.

- 3.73 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.
- 3.74 In the interests of consistency for the general public, all meters must be calibrated to the current table of fares but drivers have the discretion to charge less than the displayed fare if they wish.

Table of Fares

- 3.75 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.

Hackney Carriages – Roof Signs

- 3.76 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.
- 3.77 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.
- 3.78 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.
- 3.79 Any failure of a driver to do so will result in this allowance being removed in respect of that vehicle.
- 3.80 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.

Hackney Carriages – Booking Records

- 3.81 When carrying out pre-booked work, a hackney carriage shall be used predominantly for journeys that will either begin or end in Hartlepool.
- 3.82 The word 'predominantly' shall mean 90% of all pre-booked work within any continuous seven- day period. **All** pre-booked work shall be recorded and made available to authorised officers on request: -

- i) In a suitable form in a continuous, chronological order, the pages of which are consecutively numbered, or
 - ii) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper.
- 3.83 Records must not be capable of retrospective alteration or amendment, and the driver must enter, before the commencement of each journey, the following particulars of every booking by him/her:
- i) Name and address of the hirer
 - ii) Date, time and pickup point of the booking;
 - iii) Destination;
 - iv) Number of passengers to be carried;
 - v) When and how the booking was made i.e. telephone, personal call;
 - vi) Amount to be charged; (where applicable)
- 3.84 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.

Loss/Theft of Licence Plate

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

Changes of Vehicle

- 3.86 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: -
- i) The proprietor must complete an application form for the “new” vehicle
 - ii) Pay the relevant fee
 - iii) Return the plates from the previous vehicle
 - iv) Presented for test and subsequently pass.
 - v) Produce evidence of insurance and all other required documentation.
- 3.87 The expiry date on the ‘new vehicle’ licence will be 12 months from the grant of the ‘new’ licence.

Change of Ownership

- 3.88 If a proprietor wishes to transfer the ownership of a vehicle to which a licence relates, the following procedures must be followed: -
- i) A transfer form must be submitted – signed by both the previous and new owner(s)
 - ii) The new owner must pay the relevant transfer fee
 - iii) The new owner must produce evidence of insurance and all other required documentation

Surrender of licence

- 3.89 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 any mechanical inspections not yet undertaken less the administration fee.

Licence Fees

- 3.90 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.
- 3.91 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.
- 3.92 Following consultation, if no objections are received the fee variation will have immediate effect (or at a later date as indicated by the Council). If any objections are received the matter will be re-considered.

PRIVATE HIRE OPERATORS

Essential Requirements & Conditions of Licence

- 4.1 Prior to being licensed, and in order to remain licensed, all private hire operators must complete and submit an application form, pay the appropriate licence fee and meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.
- 4.2 Should payment be made by cheque, which is subsequently dishonoured, any licence issued shall be null and void.
- 4.3 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.
- 4.4 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 Private Hire Operator licences will only be granted to applicants who have an operating base within the controlled district of the Council, or to new applicants, who can demonstrate that there will be such an operating base within the controlled district of the Council. This requirement must be complied with at all times during the duration of a licence.
- 4.6 An operating base means a building that it is used for the taking of private hire bookings.

Licence Duration

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

Criminal Record Checks

- 4.8 Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.
- 4.9 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.

- 4.10 Before an application for a Private Hire Operator licence will be considered the applicant must provide a basic DBS disclosure certificate to the Council that is no more than 30 days old.
- 4.11 For corporate applications, the above documentation will be required for each company director and the company secretary.
- 4.12 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.
- 4.13 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.
- 4.14 All 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.

Convictions

- 4.15 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.

Insurance

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

Planning Consent

- 4.17 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.

Record Keeping

- 4.18 Operators are required to keep records of the following for each booking: -
 - a) Name of passenger
 - b) Time of request
 - c) Pick up point
 - d) Destination

- e) Name and licence number of driver despatched
- f) Vehicle registration number
- g) Name of any individual who responded to the booking request
- h) Name of any individual who despatched the vehicle
- i) Where relevant, a record that confirmation was sought and obtained regarding the use of a PCV driver to undertake a booking (see para 4.41).

- 4.19 Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an authorised officer of the Council or Police.
- 4.20 Where deemed necessary by the authorised officer, a copy (paper or digital) of requested booking records must be provided to the officer within 3 days or, if considered urgent by the officer, within 24 hours of request.

Complaints

- 4.21 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.
- 4.22 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.
- 4.23 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.

Change of Business Address

- 4.24 A Private Hire Operator licence is granted to the operator for the premises detailed at the time of application. The operator must notify the Council of any intention to locate to an alternative address so that consideration may be given to its potential relevance to the licence in force.

Change of Home Address

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

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.

Display of Licence

- 4.27 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.

Equal Opportunities

- 4.28 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

- 4.29 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:
- i) Provide adequate seating for the use of those passengers or prospective passengers; and
 - ii) Ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
 - iii) Ensure that the interior and exterior of the premises are kept in good repair, to the satisfaction of the Council.

Fares

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

Parking

- 4.31 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.

Right of Access

- 4.32 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

- 4.33 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:
- i) 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.
 - ii) 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.
 - iii) 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.
 - iv) 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

- 4.34 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.
- 4.35 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

- 4.36 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.
- 4.37 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.

Call Handlers and Despatch Operators

- 4.38 It shall be the responsibility of the licensed operator to maintain a register of all staff who are, or may be, engaged in receiving calls from members of the public and/or despatching vehicles to undertake bookings.
- 4.39 The register must contain details including each member of staff's name and a record of when they provided a basic criminal records check to the operator. Any criminal records check submitted as part of this requirement should have been recently issued.
- 4.40 The licensed operator must have a policy on the employment of ex-offenders and apply this policy when appointing staff to handle calls and/or despatch vehicles. This policy must be made available to an authorised officer on request.

Use of PCV Drivers

- 4.41 Members of the public are entitled to expect, when making a booking with a private hire vehicle operator, that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking **should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**
- 4.42 In such circumstances, and before consent is obtained, the customer must be advised that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

Hackney Carriage and Private Hire Drivers

Interim Suspension Policy

Purpose & Use

This policy will be used by Hartlepool Borough Council when it receives information that casts doubt on a driver's suitability to continue as a licensed hackney carriage or private hire driver.

This policy shall only apply where a driver's licence is to be suspended with immediate effect in the interests of public safety, by virtue of Section 61 and 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Application of Policy

When Hartlepool Borough Council receives information that casts doubt on an individual's fitness to continue as a licensed driver it is obliged to make a judgement as to whether any action should be taken against that driver in order to protect the public.

Every issue will be taken on its own merits. The Council's only consideration shall be the protection of the public.

The Council will consider any information provided to it including, but not limited to, convictions, cautions, reprimands, warnings, complaints, allegations and other intelligence it receives. The Council will make a determination as to what weight should be given to the information it has received when making its decision.

The Council will refer to its document: '*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades*' to assist in its determination of the seriousness of the matter and of what action, if any, is appropriate and necessary.

If the Council believes that an interim suspension of the driver's licence is needed, it will make reasonable efforts to speak to the driver before issuing the interim suspension unless, in its opinion, the matter is too serious to be delayed.

In such circumstances, an interim suspension will be issued immediately and the driver will then invited to speak to Council officers at the earliest reasonable opportunity thereafter.

Any interim suspension of a licensed driver shall be time limited but, depending on the circumstances, the expiry of one interim suspension may be followed by the immediate issue of another if it is deemed necessary and appropriate in the interests of public safety.

In most cases, an interim suspension shall not be lifted until such time as the circumstances surrounding it have been considered by the Council's Licensing Sub-Committee.

Making a Determination

In making its determination the Council shall consider, amongst other things, the following matters: -

1. Would the person charged with making the decision, allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care to get into a vehicle with this person alone?
2. Would the Council grant a licence to a new applicant who declared the current issue on their application form?

PRIVATE HIRE DRIVER CONDITIONS

Change of Address

- PH1 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

- PH2 Drivers shall comply with the Code of Good Conduct for licensed drivers.

Convictions

- PH3 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

- PH4 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

- PH5 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

- PH6 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

- PH7 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

- PH8 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

- PH9 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.

Carrying Passengers

- PH10 Drivers must not:
- i) Carry more passengers in their vehicle than is permitted by the vehicle licence.
 - ii) Carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270mm 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.
 - iii) Without the consent of the hirer, carry any additional person in the vehicle.

Prompt Attendance

- PH11 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

- PH12 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

PH13 If the private hire vehicle is fitted with a meter the driver:

- i) 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).
- ii) 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.
- iii) Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
- iv) 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.
- v) 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

PH14 On those occasions where the Council 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 Council, at the authority's expense, within a reasonable period of time or, if considered necessary by the Council, as quickly as practicable.

CCTV & Other Recording Devices

PH15 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.

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

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:
- i) Complying with this Code of Good Conduct
 - ii) Complying with legislation, all the Conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy
 - iii) Behaving in a professional manner at all times

Responsibility to Clients

- GC3 Licence holders shall:
- i) Take the shortest available route. Where a diversion is to be taken, this must be clearly explained to the passenger.
 - ii) Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
 - iii) Treat passengers or any potential passenger with courtesy and respect at all times.
 - iv) Not engage in any dialogue or activities with a passenger that may, to any reasonable person, be considered offensive or inappropriate.
 - v) Maintain their vehicles in a safe and satisfactory condition at all times
 - vi) Keep their vehicles clean and suitable for hire to the public at all times
 - vii) Attend punctually when undertaking pre-booked hiring
 - viii) Assist, where necessary, passengers into and out of vehicles
 - ix) Offer passengers reasonable assistance with luggage and/or other bags

- x) Offer assistance to elderly/infirm or disabled passengers
- xi) 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:

- i) Not sound the vehicle's horn.
- ii) Keep the volume of radio/cassette/CD player and VHF/digital radios to a minimum.
- iii) Switch off the engine if required to wait.
- iv) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- v) Not deposit any litter other than into a bin.
- vi) 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:

- vii) Rank in an orderly manner and proceed along the rank in order and promptly.
- viii) Remain in the vehicle.

General

GC5 Drivers shall:

- i) Drive with care and due consideration for other road users and pedestrians.
- ii) Obey all Traffic Regulation Orders and directions at all time.
- iii) Comply with the rules and spirit of the Highway Code.
- iv) Ensure they do not smell of alcohol or drive whilst under the influence of alcohol.
- v) Pay attention to personal hygiene and dress in accordance with the Dress Code.
- vi) Behave in a civil and orderly manner at all times.
- vii) 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.
- viii) 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

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

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 can expect complete privacy and discretion when hiring a licensed vehicle.

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.

Any driver found breaching the above requirements will be referred to the Council's Licensing Committee with a recommendation that their driver's licence be revoked.

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.

DRESS CODE

- GC8 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

- GC9 As a minimum standard, drivers must wear either long legged trousers, knee length shorts, skirt or dress and T shirts which have a full body and short sleeves.

Footwear

- GC10 Footwear for all drivers shall be appropriate for safe driving.

Unacceptable Standard of Dress

- GC11 The following are deemed to be unacceptable:

- i) Clothing that is not kept in a clean condition, free from holes and rips.
- ii) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- iii) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.).
- iv) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- v) Drivers not having either the top or bottom half of their bodies suitably clothed
- vi) No headwear, 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, or for religious purposes.

**ADDITIONAL POLICY AND ADDITIONAL CONDITIONS FOR
STRETCHED LIMOUSINES, NOVELTY VEHICLES, CLASSIC VEHICLES
AND EXECUTIVE VEHICLES**

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

Each application will be assessed on its own merits and each vehicle will be inspected by an authorised council officer to ensure it complies with this policy.

Prior to being licensed, and in order to remain licensed, all vehicles to which this Appendix applies must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.

INTERPRETATION

Stretched Limousines

- AP1 For the purpose of licensing by the Council, a limousine is a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048mm (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 400mm wide.

Novelty Vehicles

- AP2 A novelty vehicle is any vehicle not traditionally used to carry fare paying passengers or, in any other way, is a vehicle to which licence conditions detailed in this policy cannot, by the vehicle's nature, reasonably apply.

Classic Cars

- AP3 A classic car is any vehicle that was first registered more than 25 years prior to the date of licence application.

Executive Cars

- AP4 An executive vehicle is equivalent to the European E-segment classification. It must be capable of carrying four or more passengers and be equipped to the highest standards of comfort and equipment.

The vehicle must be in pristine condition with no visible interior or exterior defects, dents or blemishes.

The vehicle must be used exclusively to provide transport under a written contract lasting not less than 7 consecutive days.

Exemption from Requirement to Display Licence Plate

- AP5 On application, vehicles to which this Appendix applies may be exempted from the general requirement to display a licence plate.

Vehicles exempted from the requirement to display a licence plate must, instead, fix their licence plate to the underside of the boot lid or to some other agreed location where it can be easily read if required.

Additionally, vehicles exempted from the requirement to display the licence plate must display the vehicle's licence number in the front windscreen where it can be seen from the exterior of the vehicle.

If an exemption from the need to display a licence plate is granted, the Council will issue the proprietor of the vehicle with an Exemption Notice.

Exemption Notices may be renewed annually (to coincide with the licence itself) subject to the vehicle undergoing, and passing, a re-inspection by an authorised officer to ensure it continues to be fit for purpose and further proof of the continuous contract arrangements.

Age Limits

- AP6 Limousines, classic cars and novelty vehicles may be of any age but must, at all times, satisfy this Policy's requirements in relation to safety, appearance and comfort.

Window Tint

- AP7 Window tinting restrictions do not apply to the rear passenger windows and rear windscreen for any vehicle type listed in this Appendix.

Seatbelts

- AP8 In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers

Stretched Limousines - Construction & Appearance

- AP9 Stretched limousines must satisfy the following requirements:
- i) The maximum length of the vehicle "stretch" shall not exceed 3048 mm.
 - ii) 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).
- iii) In addition, tyres on the same axle must be of the same nominal size and aspect ratio.
 - iv) The interior of the vehicle must be kept wind and watertight.
 - v) The seats in the passenger compartment must be kept properly cushioned and covered.
 - vi) The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering.
 - vii) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
 - viii) 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.
 - ix) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
 - x) The vehicle must have at least two doors for use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
 - xi) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

Stretched Limousines – Mechanical Inspections

AP10 Limousines are required to be mechanically tested at the Council's appointed depot every four months.

Stretched Limousines - Documentation

AP11 In addition to other documentation requirements detailed earlier in this policy, the following documentation, in original form or certified copies (not photocopies), shall be produced prior to licensing:

- i) Completed importation documentation – Single Vehicle Approval (SVA) or Individual Type Approval (ITA).
- ii) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
- iii) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).

Stretched Limousines - Passengers

AP11 Where the passengers in the vehicle consist solely of persons under the age of 16 they must be accompanied by a responsible adult, other than the driver, who is over the age of 16 years and is not connected to the driver.

All passengers must remain seated at all times when the vehicle is in motion.

With the exception of the responsible adult detailed above, passengers must not be carried in the front of the vehicle.

Stretched Limousines - Uniforms

AP12 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.

Appendix V

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

General

Prior to being licensed, and in order to remain licensed, all horse drawn carriages must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.

Making an Application - Essential Requirements

- HD1 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall complete and submit to the Council an application on the prescribed form together with the required licence fee no later than 14 days prior to the licence being required.

If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

The Vehicle - External Construction and Markings

- HD2 The vehicle shall be purpose built and suitable for the carriage of passengers.
- HD3 The vehicle shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing.
- i) 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.
 - ii) 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:
 - a) Bodysell/paintwork – free from rust, broken metal and other visible damage.
 - b) Door hinges – shall be in good working order and to be seated correctly when closed.
 - iii) 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.

- iv) The carriage must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.
- v) All tack and fixtures must be kept in good order and be available for inspection by authorised officers.

The Vehicle - Internal construction and markings

HD4 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).

HD5 Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.

HD6 Blankets shall be provided for the comfort of passengers.

HD7 No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council.

HD8 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.

The Vehicle - Additional Requirements

HD9 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.
- vi) Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.

Material Alterations

HD10 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.

Insurance

HD11 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.

Routes

HD12 The carriage may only be used on previously approved routes.

The Horse

HD13 The horse must be a minimum of three years old.

HD14 Horses must be appropriately shod at all times.

HD15 If a horse is considered to be lame, or in any other way unwell, it shall be removed from service immediately.

HD16 Horses must be provided with regular access to drinking water.

HD17 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.

HD18 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.

HD19 Certified horses should be easily identified by means of microchip or permanent marking.

HD20 The horse must have a current passport.

HD21 The horse should be stabled in appropriate accommodation with access for inspection at all reasonable times.

HD22 Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.

HD23 No horse shall be used for drawing a carriage during the hours of darkness.

HD24 Sufficient horses must be provided to power the licensed carriage.

The Driver

HD25 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.

HD26 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).

HD27 The driver of a carriage is exempted from the requirement to pass the locations element of the driver's examination.

Fares

HD28 A table of fares to be charged by the operator must be approved by the Council.

HD29 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.