

LICENSING COMMITTEE

AGENDA



Friday 10 March 2023

at 10.00 am

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

TO ALL MEMBERS OF LICENSING COMMITTEE:

Councillors Cassidy, Clayton, Cook, Cowie, Feeney, Fleming, Hall, Jackson, Little, Martin-Wells, D Nicholson and Thompson.

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 6 January 2023.

3.2 To confirm the minutes of the Licensing Sub-Committee meeting held on 8th February 2023

3.3 To confirm the minutes of the Regulatory Sub-Committee meetings held on 22nd December 2022 and 20th January 2023.

4. ITEMS REQUIRING DECISION

4.1 Hackney Carriage Tariffs – *Assistant Director (Regulatory Services)*

5. ITEMS FOR INFORMATION

No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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.

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

6 January 2023

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

Present:

Councillor: Andrew Martin-Wells (In the Chair)

Councillors: Tom Cassidy, Ben Clayton, Brian Cowie, Tim Fleming, Ged Hall, Peter Jackson, Sue Little, David Nicholson and Carole Thompson

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

8. Apologies for Absence

Apologies were submitted for Councillor Tom Feeney

9. Declarations of interest by Members

None

10. Confirmation of the minutes of the Licensing Committee meeting held on 27th May 2022

Minutes confirmed

11. Confirmation of the minutes of the Licensing Sub-Committee meetings held on 18th May 2022, 30th May 2022, 12th July 2022, 28th July 2022 and 10th August 2022

Minutes confirmed

12. Confirmation of the minutes of the Regulatory Sub-Committee meeting held on 16th November 2022

Minutes confirmed

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

The Democratic Services Officer reported that Councillor Carole Thompson had been appointed by Council to Licensing Committee on 28th September 2022 following the departure of Councillor Amy Prince. This required some changes to two of the Committees sub committees.

It was proposed that Councillor Thompson replace Councillor Prince on Licensing Sub-Committee No. 2 and Regulatory Sub Committee No.2. There would also need to be a new Chair appointed to Licensing Sub-Committee No. 2 from the revised membership of Councillors Ben Clayton, Tim Fleming and Carole Thompson. Councillors Clayton and Fleming both put themselves forward for the position therefore a member vote was taken.

Decision

That Councillor Johnson be appointed to Licensing Sub-Committee No. 2 and Regulatory Sub Committee No. 2.

That Councillor Fleming be appointed as Chair of Licensing Sub-Committee No. 2.

The meeting concluded at 10:05 am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

8th February 2023

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

Present:

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

16. Meeting abandoned

Following the withdrawal of the representations, the meeting was abandoned. The Chair and his colleagues had been advised of the situation prior to the meeting.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

22nd December 2022

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

Present:

Councillor: Brian Cowie (In the Chair)

Councillor: Tom Feeney

Also Present: Councillor Tom Cassidy as substitute for Councillor Andrew Martin-Wells in accordance with Council Procedure Rule 4.2.

Officers: Ian Harrison, Trading Standards and Licensing Manager
Chloe Bartley, Public Protection Support Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

18. Apologies for Absence

Apologies were submitted by Councillors Rob Cook and Andrew Martin-Wells

19. Declarations of interest by Members

None

20. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 21 – Hackney Carriage/Private Hire Drivers Licence NM – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or

business affairs of a particular person (including the authority holding that information) (para. 1).

20. Hackney Carriage / Private Hire Drivers Licence NM

(Assistant Director (Regulatory Services)) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information)

Members were asked to consider an application for a dual hackney carriage/private hire drivers licence. Further details are supplied in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 10:25am

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

20th January 2023

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

Present:

Councillor: Tom Cassidy (In the Chair)

Councillors: Ged Hall, Sue Little and David Nicholson

Officers: Ian Harrison, Trading Standards and Licensing Manager
Chloe Bartley, Public Protection Support Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

21. Apologies for Absence

None

22. Declarations of interest by Members

None

23. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 24 – Private Hire Drivers Licence JR – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

- 24. Private Hire Drivers Licence JR** (*Assistant Director (Regulatory Services)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information).

Members were asked to consider an application for a private hire driver's licence. Further details are contained in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 10:50am

CHAIR

LICENSING COMMITTEE

10th March 2023



Report of: Assistant Director (Regulatory Services)

Subject: HACKNEY CARRIAGE TARIFFS

1. PURPOSE OF REPORT

1.1 To consider a request from the hackney carriage trade to change some of the times at which current tariffs are charged and to increase the 'soiling charge'.

2. BACKGROUND

2.1 By virtue of the Town and Police Clauses Act 1847 licensing authorities are responsible for the setting of hackney carriage tariffs that may be charged in its area.

2.2 Members of the hackney carriage trade have submitted a request that the times at which some of the current tariffs are charged should change and that there be an increase in the maximum charge that can be levied if a passenger's actions require the hackney carriage to be cleaned (a 'soiling charge').

2.3 The current tariff rates are attached as **Appendix 1** and the proposed rates are attached as **Appendix 2**.

2.4 The proposed changes have been considered and approved by the Taxi Owners Working Group which is a small group of hackney carriage owners, elected by the trade, which meets with Council officers on a periodic basis.

2.5 All 81 hackney carriage owners have been consulted on the proposed rise and, at the time of writing this report, a small number of objections have been received. Exact details on the number and nature of objections will be clarified on the day of the committee meeting itself.

2.6 Experience has shown that it is extremely difficult to obtain 100% trade agreement for any proposed change to tariffs. As such, as the elected Taxi Owners Working Group has proposed the increase it is recommended that the Licensing Committee consider the proposal that has been put forward.

- 2.7 Members are reminded that the proposed tariffs represent the highest fare that can be legally charged and it is entirely permissible for a hackney carriage driver to charge a lower fare if they wish.

3. ISSUES FOR CONSIDERATION

- 3.1 Licensing authorities are responsible for the setting of hackney carriage tariffs.
- 3.2 The proposal received from the hackney carriage trade consists of a change to the days and times that current tariff rates can be charged. If approved, these will result in an increase in costs for the travelling public only on the specified dates/times. Exact details of the increases are as follows: -
- a) Sundays (7 a.m. – midnight) will be charged at tariff 2 rather than tariff 1. This would increase the cost of a 2 mile journey between those times on a Sunday by £1.40.
 - b) Between 7:00 a.m. and 6:00 p.m. on 24th December and 31st December tariffs will be charged at tariff 3 rather than tariff 1. This would increase the cost of a 2 mile journey on those days by £3.20.
 - c) Between 7:00 a.m. and 6:00 p.m. on 18th – 23rd December tariffs will be charged at tariff 2 rather than tariff 1. This would increase the cost of a 2 mile journey by £1.40 on those days.
- 3.3 In addition to the above, the trade has requested an increase in the ‘soiling charge’ from £35 to a maximum of £100. The ‘soiling charge’ is a discretionary levy imposed by the driver if they believe that their passenger has soiled the vehicle and that subsequent cleaning is required.
- 3.4 As the amount of cleaning required will vary, depending on the amount of soiling that has occurred, the proposed increase is for there to be a maximum charge of £100 but where the cleaning required is less serious, the driver should charge less.
- 3.5 The council rightly demands that licensed vehicles are of a high quality and fit to carry the travelling public and therefore drivers must ensure that any soiled vehicles are cleaned before they carry further passengers. On occasion, this may require the vehicle to be ‘off the road’ for a number of hours – denying the driver any further fares during this time. An increase in the soiling charge to a maximum of £100 will provide greater compensation for the driver where there is a significant loss of work due to the fault of a passenger.
- 3.6 Should Members approve the proposed changes, a public notice will be placed in a local newspaper to inform the general public. Should any objections be received within 14 days of the notice being published, the matter will be referred back to the Licensing Committee before any increase is implemented.

- 3.7 Members should note that hackney carriage drivers are prevented by law from charging more than the maximum approved tariff for journeys beginning and ending in the town.
- 3.8 According to the taxi trade magazine *Private Hire Monthly* Hartlepool's Hackney Carriage tariffs remain some of the lowest in the country.
- 3.9 Any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income whilst representing value for money for the travelling public.
- 3.10 There is no prohibition on a taxi driver charging less than the approved tariff and it would therefore be possible for a driver to charge a lower rate if they believed the proposed tariff increase was too high.
- 3.11 The proposed increase in tariffs applies only to hackney carriages as licensing authorities have no power to set fares for private hire vehicles.

4. RECOMMENDATIONS

- 4.1 That the Licensing Committee approves the proposed increase in hackney carriage tariffs as detailed in Appendix 2.

5. BACKGROUND PAPERS

- 5.1 There are no background papers

6. CONTACT OFFICER

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Appendix 1

Current Tariffs

Tariff	Flag fall (plus initial distance)	Subsequent cost of journey	Cost for first mile	Cost for subsequent miles	Total cost for a 2 mile journey
T1	£2.50 + 30p for first 120m	20p for every 240m	£4.10	£1.30	£5.40
T2	£2.50 + 30p for first 80m	20p for every 160m	£4.80	£2.00	£6.80
T3	£4.00 + 30p for first 80m	20p for every 120m	£6.00	£2.60	£8.60
T4	£5.00 + 20p for first 100m	20p for every 100m	£8.20	£3.20	£11.40

Tariff 1 – 7:00 a.m – 6:00 p.m.

Tariff 2 – 6:00 p.m. – midnight

Tariff 3 – midnight – 7:00 a.m.

Tariff 4 – Only between 6:00 p.m. on Christmas Eve until 7:00 a.m. on 27th December and 6:00 p.m. on New Year's Eve until 7:00 a.m. on 2nd January.

All bank holidays (unless covered by tariff 4) will be tariff 3

Waiting time will be 30p per minute

Soiling Charge £35

Appendix 2

Proposed Tariffs

Tariff	Flag fall (plus initial distance)	Subsequent cost of journey	Cost for first mile	Cost for subsequent miles	Total cost for a 2 mile journey
T1	£2.50 + 30p for first 120m	20p for every 240m	£4.10	£1.30	£5.40
T2	£2.50 + 30p for first 80m	20p for every 160m	£4.80	£2.00	£6.80
T3	£4.00 + 30p for first 80m	20p for every 120m	£6.00	£2.60	£8.60
T4	£5.00 + 20p for first 100m	20p for every 100m	£8.20	£3.20	£11.40

Standard Tariffs

Tariff 1 – 7:00 a.m. – 6:00 p.m. except for Sundays

Tariff 2 – 6:00 p.m. – midnight plus between 7:00 a.m. and 6:00 p.m. on Sundays

Tariff 3 – midnight – 7:00 a.m.

Non-Standard Tariffs

Tariff 2 - Between 7:00 a.m. and 6:00 p.m. on 18th – 23rd December

Tariff 3 - Between 7:00 a.m. and 6:00 p.m. on 24th December and 31st December and all bank holidays (unless covered by tariff 4)

Tariff 4 – Only between 6:00 p.m. on Christmas Eve until 7:00 a.m. on 27th December and 6:00 p.m. on New Year's Eve until 7:00 a.m. on 2nd January.

Waiting time will be 30p per minute

Soiling Charge Maximum £100