

# **REGULATORY SUB-COMMITTEE**

## **AGENDA**



**Thursday 5 December 2024**

**at 10.00am**

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

MEMBERS: REGULATORY SUB-COMMITTEE:

Councillors Clayton, Darby, Dunbar (C) and Nelson

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To approve the minutes of the meeting of Regulatory Sub-Committee held on 17 October 2024
- 4. ITEMS FOR DECISION**
  - 4.1 Private Hire Operators Licence – *Assistant Director (Regulatory Services)*
- 5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE 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.

# **REGULATORY SUB COMMITTEE**

## **MINUTES AND DECISION RECORD**

17 October 2024

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

**Present:**

Councillor: Gary Allen (In the Chair)

Councillor: Michael Jorgeson

Also Present: In accordance with Council Procedure Rule 4.2.Councillor Tom Feeney as substitute for Councillor Quewone Bailey-Fleet

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Neil Wilson, Assistant Chief Solicitor  
Jo Stubbs, Democratic Services Officer

### **6. Apologies for Absence**

Apologies were submitted by Councillors Quewone Bailey-Fleet and Rob Darby.

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

None

### **8. Minutes of the meeting held on 16 February 2024**

Minutes confirmed

### **9. Minutes of the meeting held on 16 May 2024**

Minutes confirmed

### **10. Minutes of the meeting held on 29 July 2024**

Minutes confirmed

## 11. Private Hire and Hackney Carriage Driver TB

Members were asked to defer this item to a future date to allow the driver to attend. Should they fail to attend on a future date the case would be considered in their absence.

### Decision

That this item be deferred to a future date.

## 12. 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 13 – Private Hire Driver Licence LAW – 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).

## 13. Private Hire Driver Licence LAW *(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 what action should be taken against a licensed private hire driver. Details are included in the exempt minutes.

### Decision

Detailed in the exempt minutes.

The meeting concluded at 10:10am

CHAIR

## REGULATORY SUB-COMMITTEE

5<sup>th</sup> December 2024



**Report of:** Assistant Director (Regulatory Services)

**Subject:** PRIVATE HIRE OPERATORS LICENCE

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### 1. COUNCIL PLAN PRIORITY

<b>Hartlepool will be a place:</b>
- where those who are vulnerable will be safe and protected from harm.

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### 2. PURPOSE OF REPORT

- 2.1 To invite members to consider a report for the grant of a new Private Hire Operator Licence, which falls outside the scope of Hartlepool Borough Council Private Hire and Hackney Carriage Licensing Policy.

### 3. BACKGROUND

- 3.1 The Department for Transport Private Hire Vehicle Licensing Guidance defines a private hire operator as '*a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.*'
- 3.2 The objective in licensing private hire vehicle operators is to protect the public. They are trusted to safely dispatch drivers and vehicles, so it is important for licensing authorities to be sure that those who are granted a Private Hire Operators licence pose no threat to the public. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed, which will maintain the safety benefits of the driver/vehicle licensing regime

- 3.3 Hartlepool Borough Council impose Essential Requirements and Conditions of Licence for Private Hire Operators, they can be viewed at **Appendix 1**.
- 3.4 On 14<sup>th</sup> October 2024, Mr Matthew Freckleton submitted an application for a Private Hire Operators licence on behalf of Uber Britannia Limited (Uber), which is at **Appendix 2**. Uber Britannia Limited are registered with Companies House and have two Directors and one Company Secretary appointed, the details of which are contained within the application.
- 3.5 The applicant wishes to operate from Hartlepool Enterprise Centre: Brougham Terrace, Hartlepool TS24 8EY, which is in the controlled area of Hartlepool Borough Council. A map of this location can be viewed at **Appendix 3**.
- 3.6 This is an application for a five year Private Hire Operators licence.
- 3.7 Uber have a business premises located in Hartlepool, and their application is broadly compliant with our Policy. The only aspect of the Policy which Uber do not comply with is in relation to taking private hire bookings at their Operating Base:

*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.*

- 3.8 Clarification was sought on how Uber would satisfy point 4.6 within our Policy and they have provided the below response:

**Use of Operating Base:** All private hire bookings will be managed through our app and records will be maintained within Uber's computerised record system. Bookings are allocated algorithmically and records are stored in 'the cloud'. As a result, there will be no need for members of the public or drivers to visit the office for booking or waiting purposes. Our compliance team will have 24-hour access to these systems and associated booking records should the licensing authority ever require this information. For the avoidance of doubt, Uber does not intend to have a physical server located in its Hartlepool office.

- 3.9 As this falls outside of our Private Hire and Hackney Carriage Licensing policy, the decision to grant a Private Hire Operators licence is removed from Officers delegated authority and it is for Members to make a determination.
- 3.10 It is acknowledged that technology has now progressed to include app based technology. To reflect these changes in our Private Hire and Hackney

Carriage Licensing policy it will require Policy review with full public consultation, which will not be reasonably practicable for this application.

#### 4. PROPOSALS

4.1 Having considered the contents of this report, and any other information disclosed at the hearing, Members may choose to take the following steps: -

- (i) Grant the Licence with Standard Conditions
- (ii) Grant the Licence with Standard Conditions and any conditions considered reasonably necessary
- (iii) Refuse the Licence

#### 5. OTHER CONSIDERATIONS/ IMPLICATIONS

<b>Risk Implications</b>	None
<b>Financial Considerations</b>	Legal appeal from applicant
<b>Legal Considerations</b>	Legal appeal from applicant
<b>Equality and Diversity Considerations</b>	None
<b>Staff Considerations</b>	None
<b>Asset Management Considerations</b>	None
<b>Environmental, Sustainability and Climate Change Considerations</b>	None

#### 6. RECOMMENDATIONS

- 6.1 That Members consider the facts detailed in the report and any other evidence presented and consider the request for a new Private Hire Operators Licence.
- 6.2 Members should ensure that any decision they take is proportionate and necessary in order to ensure compliance the Human Rights Act.

#### 7. REASONS FOR RECOMMENDATIONS

- 7.1 None

#### 8. BACKGROUND PAPERS

- 8.1 Private Hire and Hackney Carriage Licensing Policy

[https://www.hartlepool.gov.uk/info/20023/licences\\_and\\_permits/284/taxis](https://www.hartlepool.gov.uk/info/20023/licences_and_permits/284/taxis)

Department for Transport Private Hire Vehicle Licensing Guidance Note

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note>

## 9. CONTACT OFFICERS

Rachael Readman  
Trading Standards and Licensing Manager

Sylvia Pinkney  
Assistant Director (Regulatory Services)

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



- 4.11 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.
- 4.12 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.
- 4.13 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**

- 4.14 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**

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

### **Planning Consent**

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

### **Record Keeping**

- 4.17 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).

- 4.18 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.
- 4.19 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**

- 4.20 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.
- 4.21 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.
- 4.22 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**

- 4.23 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**

- 4.24 The operator, or in the case of a company or limited liability partnership, the directors, secretary or members/partners as the case may be, must advise the Council in writing of any change of his home address within 7 days of such a change taking place.

### **Material Change**

- 4.25 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**

- 4.26 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**

- 4.27 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**

- 4.28 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**

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

### **Parking**

- 4.30 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**

- 4.31 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**

- 4.32 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**

- 4.33 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.
- 4.34 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**

- 4.35 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.
- 4.36 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**

- 4.37 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.

- 4.38 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. The only exception to this requirement shall be those call handlers and despatch operators that were employed in those positions prior to 1<sup>st</sup> October 2021.
- 4.39 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**

- 4.40 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.**
- 4.41 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.



## OFFICIAL USE ONLY

Expiry Date \_\_\_\_\_

Licence No. \_\_\_\_\_

## PRIVATE HIRE VEHICLE OPERATORS LICENCE

Before completing this form please read notes overleaf.

FULL NAME	ANDREW PETER DAVID BREM
HOME ADDRESS	
TEL NO.	
DATE OF BIRTH	
NAME OF FIRM	UBER BRITANNIA LIMITED
ADDRESS	ALDGATE TOWER - FIRST FLOOR, 2 LEMAN STREET, LONDON E1 8FA

1. Have you previously held an Operators Licence? ☒ Yes ☐ No\* (if yes, give details)
2. Have you previously had an application for an Operators Licence refused? ☒ Yes ☐ No\* (if yes, give details)
3. Have you previously had an Operators Licence revoked/suspended? ☒ Yes ☐ No\* (if yes, give details)
4. Have you (or if the application is in the name of a limited company any Directors of that company ) ever been cautioned or convicted of a criminal offence ?  
Yes ☒ No\* (if yes, give details )

Offence	Date of Conviction	Penalty

I certify that all the details given are true to the best of my knowledge and belief.

I have read the Council Policy relating to Hackney Carriage/Private Hire Licensing and certify that I will comply with all terms and conditions therein.

Signed:

Date: 14/10/2024

Print:

ANDREW BREM

Position: DIRECTOR

\* Delete as appropriate



## OFFICIAL USE ONLY

Expiry Date \_\_\_\_\_

Licence No. \_\_\_\_\_

## PRIVATE HIRE VEHICLE OPERATORS LICENCE

Before completing this form please read notes overleaf.

FULL NAME	NEIL GERRARD MCGONIGLE
HOME ADDRESS	
TEL NO.	
DATE OF BIRTH	
NAME OF FIRM	UBER BRITANNIA LIMITED
ADDRESS	ALDGATE TOWER - FIRST FLOOR, 2 LEMAN STREET, LONDON E1 8FA

1. Have you previously held an Operators Licence? ☒ Yes ☐ No\* (if yes, give details)
2. Have you previously had an application for an Operators Licence refused? ☒ Yes ☐ No\* (if yes, give details)
3. Have you previously had an Operators Licence revoked/suspended? ☒ Yes ☐ No\* (if yes, give details)
4. Have you (or if the application is in the name of a limited company any Directors of that company ) ever been cautioned or convicted of a criminal offence ?  
Yes ☒ No\* (if yes, give details )

Offence	Date of Conviction	Penalty

I certify that all the details given are true to the best of my knowledge and belief.

I have read the Council Policy relating to Hackney Carriage/Private Hire Licensing and certify that I will comply with all terms and conditions therein.

Signed:

Date: 14/10/2024

Print: NEIL MCGONIGLE

Position: DIRECTOR

\* Delete as appropriate



## OFFICIAL USE ONLY

Expiry Date \_\_\_\_\_

Licence No. \_\_\_\_\_

## PRIVATE HIRE VEHICLE OPERATORS LICENCE

Before completing this form please read notes overleaf.

FULL NAME	OYINLOLA RASHIDAT AGBOOLA
HOME ADDRESS	
TEL NO.	
DATE OF BIRTH	
NAME OF FIRM	UBER BRITANNIA LIMITED
ADDRESS	ALDGATE TOWER - FIRST FLOOR, 2 LEMAN STREET, LONDON E1 8FA

1. Have you previously held an Operators Licence? ☒ Yes ☐ No\* (if yes, give details)
2. Have you previously had an application for an Operators Licence refused? ☒ Yes ☐ No\* (if yes, give details)
3. Have you previously had an Operators Licence revoked/suspended? ☒ Yes ☐ No\* (if yes, give details)
4. Have you (or if the application is in the name of a limited company any Directors of that company ) ever been cautioned or convicted of a criminal offence ?  
Yes ☒ No\* (if yes, give details )

Offence	Date of Conviction	Penalty

I certify that all the details given are true to the best of my knowledge and belief.

I have read the Council Policy relating to Hackney Carriage/Private Hire Licensing and certify that I will comply with all terms and conditions therein.

Signed: \_\_\_\_\_

Date: 14/10/2024Print: LOLA AGBOOLAPosition: COMPANY SECRETARY

\* Delete as appropriate



**Private Hire Operators Licence Application****Additional Information (if applying as a Limited Company)**

I Mr/Mrs/Miss MATTHEW GRAHAM FRECKELTON.....

Address .....

Postcode.....Tel No.....

having applied for a Private Hire Operators Licence in the following Limited Company  
 Name/~~Names~~

UBER BRITANNIA LIMITED.....

.....

State the following person/s is/are (delete as applicable) associated with the Company.  
 Please include all Company Directors, Managing Director and Company Secretary.

ANDREW PETER DAVID BREM ..... Position DIRECTOR.....

NEIL GERRARD MCGONIGLE ..... Position DIRECTOR.....

OYINLOLA RASHIDAT AGBOOLA ..... Position COMPANY SECRETARY.....

..... Position.....

I declare that the above information is true

I understand the Hartlepool Borough Council will carry out any necessary check in order  
 to satisfy itself that the Company is fit and proper to hold a licence

Name MATTHEW FRECKELTON.....

Position HEAD OF CITIES.....

Date 14/10/2024.....

## Appendix 3 – Uber Operating Base Address

