

REGULATORY SUB-COMMITTEE

AGENDA



Friday 14 March 2025

at 10.00am

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

MEMBERS: REGULATORY SUB-COMMITTEE:

Councillors Allen (C), Bailey-Fleet, Dodds and Jorgeson

- 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-Committees held on 22 November 2024 and 5 December 2024
- 4. ITEMS FOR DECISION**

No items
- 5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE URGENT**
- 6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves 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) Act 1985

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.

7. EXEMPT ITEMS FOR DECISION

- 7.1 Private Hire Driver Licence DS (para 1) – *Assistant Director (Regulatory Services)*

8. ANY OTHER EXEMPT ITEMS THE CHAIR CONSIDERS ARE URGENT



LICENSING COMMITTEE

Procedure for Contentious Matters Relating To Regulatory Sub Committee

The hearing will be in private and not open to the press or members of the public. The applicant/ appellant will be entitled to be represented by a solicitor or other person.

In advance of the commencement of the meeting (or consideration of an individual case) the Democratic Services Officer shall establish the identity of those present, who they represent and who intends, or wishes, to speak. The officer should also if possible, outline the procedure to the representatives before the meeting commences.

1. Chairman's opening comments.
2. The Democratic Services Officer representative will indicate which parties are present at the meeting and will briefly outline the procedure (if not already done).
3. The Assistant Director (Regulatory Services), or representative, will outline the facts, adding any additional information as is necessary.
4. Members of the Committee will have an opportunity to ask any questions of the officer.
5. The Assistant Director (Regulatory Services), or representative will call any further witnesses or persons (including a Police Officer) to comment. Members will again have the opportunity to ask questions.
6. The applicant/appellant (or representative) will then put his/her case.
7. Members of the Committee will have an opportunity to ask any questions of the applicant/ appellant.
8. The applicant/appellant (or nominated representative) may call further witnesses or persons to comment. Members will again have the opportunity to ask questions.
9. All persons other than Committee members will then withdraw whilst the matter is considered and a decision reached.
10. Should members require further information at stage, all parties are to be invited to return.
11. All parties will be recalled to hear the decision of the members.

P.T.O.

12. Should the decision go against the applicant/appellant, he/she will be informed verbally of the right of appeal to the Magistrates Court.
13. The decision will then be communicated to the applicant/appellant in writing as soon as practicable together with details of the right of appeal to the Magistrates Court within 21 days.

NOTES

Members of the Committee should ask only specific relevant questions and avoid debating the issue until all parties have withdrawn.

Only members present during the whole of the hearing should be involved in the decision making process.

An application for adjournment should be granted by the Chairperson at any time during the proceedings, if it is felt that the applicant/appellant is not receiving a fair hearing.

NO CROSS EXAMINATION IS TO TAKE PLACE AT THE MEETING.

Each party is to be allowed to make representation to the Members without interruption.

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

22 November 2024

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

Present:

Councillor: Tom Feeney (In the Chair)

Councillors: Sue Little and Carole Thompson

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

14. Apologies for Absence

Apologies were submitted by Councillor Mike Young

15. Declarations of interest by Members

None

16. 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 17 – Private Hire Driver Licence MS – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

Minute 18 – Private Hire and Hackney Carriage Driver Licence TB – 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).

- 17. Private Hire Driver Licence MS** (*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. Further details in the closed minutes.

Decision

Detailed in the closed minutes

- 18. Private Hire and Hackney Carriage Driver Licence TB** (*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 dual badge driver. Further details in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 10.20am

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

5 December 2024

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

Present:

Councillor: Martin Dunbar (In the Chair)

Councillors: Ben Clayton, Rob Darby and John Nelson

Officers: Rachael Readman, Trading Standards and Licensing Manager
Laura Stones, Principal Legal Assistant
Jo Stubbs, Democratic Services Officer

Also present: Matthew Freckleton and Chelsea Thompson, Uber Britannia Ltd
Coby Jones and Kevin Pout, 23 Taxis
Michael Amerigo, Ray Lancaster and Andrew Sutherland, Hackney Carriage drivers

19. Apologies for Absence

None

20. Declarations of interest by Members

None

21. Minutes of the meeting held on 17 October 2024

Minutes approved.

22. Private Hire Operators Licence (*Assistant Director (Regulatory Services)*)

Members were asked to consider granting a new Private Hire Operator Licence to Uber which falls outside the scope of Hartlepool Borough Council Private Hire and Hackney Carriage Licensing Policy.

Matthew Freckleton submitted an application for a five-year Private Hire Operators licence on behalf of Uber Britannia Ltd. As part of this

application Uber would operate from Hartlepool Enterprise Centre on Brougham terrace which is in the controlled area of Hartlepool Borough Council. While this broadly complies with Hartlepool Borough Council's policy regards the need for an operating base in the controlled district of the Council it does not comply with 4/6 of the policy requiring that said base be used for the taking of private hire bookings. As such the decision cannot be delegated to officers and members must make the determination. Uber had advised that all private hire bookings would be managed through their app and records maintained within Uber's computerised record system. Uber did not intend to have a physical server located within the Hartlepool office but Uber's compliance team would have 24-hour access to the Uber record system should this information ever be required. Officers acknowledged that changes needed to be made to the Licensing policy to reflect these technological changes but this would require a full review with public consultation which would not be reasonably practicable for this application.

Mr Pout requested that this application not be granted as it was contrary to the current licensing policy. He asked that a full review of the policy be carried out, including public consultation, before the licence be granted.

Mr Sutherland raised concerns around the safety implications of granting a licence to Uber, specifically whether drivers were fit and proper people. The Trading Standards and Licensing Manager confirmed that licensing officers have cross border authorisations for enforcement purposes. Mr Freckleton advised that Uber would only employ drivers that the regulator deemed fit and proper via the national database. If this was not updated appropriately this was an issue for the regulator not Uber.

In response to member questions Mr Freckleton confirmed the following:

- Uber has 83 operating licences in the UK and Ireland with 83 physical bases. The majority are not manned while some are classed as green light bases where drivers can go for ID and documentation checks.
- Since TFL had removed Uber's licence to operate in London in 2017 improvements had been made and TFL had recently renewed their licence for 2 and a half years which was the maximum allowable in the capital.
- Uber use dynamic pricing which is not controlled by the local authority. This is based on supply and demand meaning passengers may pay more at busier times. The price quoted would be the lowest available for a journey which was guaranteed, something which other taxi companies may not be able to offer. The app offers a variety of vehicle options and prices for them which are confirmed to users at the time of booking.
- Uber drivers own their own vehicles so if any have disabled access these could be included as an option for users of the app. They

would not offer any specific incentives to drivers of accessible vehicle other than the incentives generally offered to their drivers.

Mr Sutherland reiterated his call that consideration of this application be postponed until the policy had been properly reviewed. He also raised concerns around the standard of Uber drivers. The Trading Standards and Licensing Manager clarified that the application could only be refused if Uber was not a fit and proper operator and had refused to accept the conditions of the licensing policy.

The Chair thanked everyone for their attendance at the hearing. All parties left the meeting and members deliberated in closed session. Members discussed the representations received before and during the meeting and made their decision based on these.

All parties then rejoined the meeting.

Decision

That the licence be granted with standard conditions. This was a majority decision.

The meeting concluded at 10.40am

CHAIR