

# LICENSING COMMITTEE

## AGENDA



**Friday 25 July 2025**

**at 10.00 am**

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

**MEMBERS: LICENSING COMMITTEE:**

Councillors Allen, Bailey-Fleet, Clayton, Dodds, Dunbar (C), Feeney, Little, Napper, Nelson, Reeve, Thompson and Young

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To approve the minutes of the Licensing Committee meeting held on 20 May 2025.
- 3.2 To confirm the minutes of the Licensing Sub-Committee meetings held on 14 February 2025, 5 March 2025, 11 March 2025 and 13 March 2025.
- 3.3 To confirm the minutes of the Regulatory Sub-Committee meeting held on 14 March 2025 and 2 May 2025.

**4. ITEMS REQUIRING DECISION**

- 4.1 Private Hire and Hackney Carriage Licensing Policy – *Assistant Director (Regulatory Services)*
- 4.2 Licensing Act 2003 – Statement of Licensing Principles – *Assistant Director, Regulatory Services)*

**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.

**5. ITEMS FOR INFORMATION**

None.

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

**FOR INFORMATION**

Date of next meeting – Friday 26 September 2025 at 10.00 am in the Civic Centre, Hartlepool.



# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

20 May 2025

The meeting commenced at 7.30 pm in the Civic Centre, Hartlepool.

### **Present:**

Councillor Dunbar (In the Chair)

Councillors: Gary Allen, Que Bailey-Fleet, Matthew Dodds, Sue Little, Amanda Napper, John Nelson, Carole Thompson and Mike Young

Officers Jo Stubbs, Principal Democratic Services and Legal Support Officer

### **1. Apologies for Absence**

Councillors Ben Clayton and Tom Feeney

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

None.

### **3. Minutes for the meeting on 28 March 2025**

To be considered at the next meeting

### **4. Licensing Sub-Committee and Regulatory Sub-Committee Memberships** *(Director of Legal, Governance and Human Resources)*

The Principal Democratic Services and Licensing Support Officer reported that the Licensing 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.

There is a need this year to determine the Sub Committee memberships at the very earliest opportunity as there has already been a request for a Regulatory Sub-Committee to be convened.

The Chair had been consulted on proposed memberships of the sub committees and had supported the following proposals which were submitted for the Committee's consideration.

Licensing Sub Committees:-

1. Councillors Dunbar (Chair), Bailey-Fleet and Vacancy
2. Councillors Nelson (Chair), Thompson and Young
3. Councillors Allen (Chair), Feeney and Little.
4. Councillors Clayton (Chair), Dodds and Napper

Regulatory Sub Committees: -

1. Councillors Bailey-Fleet (Chair), Clayton, Dunbar and Vacancy
2. Councillors Dodds (Chair), Allen, Little and Napper
3. Councillors Thompson (Chair), Feeney, Nelson and Young

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. The proposals submitted meet those requirements as far as possible.

### **Decision**

That the memberships of the Licensing Act Sub Committees and the Regulatory Sub Committees as set out above be approved.

The meeting concluded at 7.45 pm.

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

**14 February 2025**

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

**Present:**

Councillor: Carole Thompson (In the Chair)

Councillors: Quewone Bailey-Fleet and Mike Young

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Rachael Readman, Trading Standards and Licensing Manager  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Stuart Espin (Applicant)  
Linda Baker (Topsy Doorman)  
Scott Clements (Assistant Manager, Topsy Doorman)  
PC Clare Lawton (Licensing Support)  
Kate Scaife (Police Solicitor)

### **32. Apologies for Absence**

None

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

Councillor Mike Young highlighted that he had received 1 telephone call relating to this application. He retained an open mind.

### **34. Application for a new premises licence – Topsy Doorman, 56 Church Street** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for a new premises licence in respect of the Topsy Doorman on Church Street. This venue had previously benefitted from a premises licence held by a limited liability company. This company had been dissolved meaning that the licence lapsed unless an application to transfer the licence was made within 28

days. This had not happened meaning that a new licence application was needed to operate the premises legally. Three representations had been received objecting to the granting of the licence as requested by the applicant from Cleveland Police, the licensing Authority and Public Protection, Environmental Health (Environmental Protection). While none objected to the granting of the licence per se all felt that the requested closing time of 4am was too late and that a 2am closing time would be preferable. This was in line with the Council's Statement of Licensing Policy.

Mr Espin gave a detailed statement in support of the new premises application. It included the following:

- The lapsing of the licence had come about due to a misunderstanding on his part coupled with a lack of information/assistance on the part of the local authority. Since this had come to light the Topsy Doorman had been operating through the use of temporary event notices, a number of which had been amended by the licensing team after submission. There had been no issues raised during this time.
- This application was based on the premises licence previously held with additional conditions added. This included the retention of the original opening hours.
- Mr Espin had been unaware of the incidents linked to the Topsy Doorman which had been included within the papers as part of the police submission. While 26 were listed a number of these had not taken place after 2am or were not definitively linked to the Topsy Doorman at all. Additionally none of the reports referenced issues inside the premises only outside. It was unfair to attribute incidents taking place in the vicinity of the premises to the Topsy Doorman.
- Reference was made to an underage female attending the premises. She had used fake ID and was known for frequenting other premises. She had since apologised for her behaviour at the Topsy Doorman.
- Reference was made to the premises previously closing at 2am. However at that time it had been a takeaway not a drinking establishment.
- Reference was made to tables and chairs outside the building being a potential problem and it was noted that other premises with similar used fencing. However this fencing was not secure and could be used as a weapon. In any case Mr Espin was happy to remove the tables and chairs from the front of the building should this be required.

- Mr Espin would be happy to agree to a condition requiring 2 SIA trained staff on the premises from 2am to 4.30am to provide assistance in the safe and quiet dispersal of customers.
- A number of conditions regards protection from noise nuisance had been agreed including the display of clear and prominent notices, doors and windows to be kept closed and regular checks of the outside area to prevent loitering.
- The Council's Statement of Licensing Policy is not a legal document and can be deviated from should the sub-committee so decide.
- This meeting was being treated as a review of the premises rather than a new premises licence. It is in fact a re-application of what is already in place.
- The door supervisors for the Topsy Doorman regularly provided assistance should there be accidents and emergencies in the general area. They have first aid qualifications, access to a trauma first aid pack and often wear body CCTV. They also have hand held metal detectors onsite. Closing the premises at 2am would take this provision away from the area as a whole and remove a safe haven from people wanting to get away from external conflict. Door supervisors would wait outside when the premises closed to ensure patrons found a safe way home.
- The Topsy Doorman has a zero drugs policy, often to the detriment of Mr Espin and his team.
- There is a no glass policy meaning only plastic containers are used in the premises and glass containers cannot be brought in from outside. Litter outside the premises is kept to a minimum.
- A Challenge 25 scheme is in effect on the premises and all staff are made aware that nobody under age should be on the premises at any time. Staff
- There is an accident and incident book on site at all times.

Mr Espin concluded by highlighting the financial impact that his business had endured, both in terms of the covid pandemic and recent events. If closing hours were reduced it could be the end of the business resulting in job losses for 8 members of staff. He urged members to go against the policy on this occasion and allow them to remain open until 4am.

Responding to queries from members Mr Espin advised that he had been running the Topsy Doorman for less than a year. He confirmed that they did not tend to get busy on a Friday night until 11.30pm. The opening hour of 10am was to enable people to use the premises for private functions such as christenings. He confirmed that there was a period when the licence had

not been active meaning the business had been operating illegally. However this was a misunderstanding as he had believed the licence was active in his name during that time. When he had been informed this was not the case on 16<sup>th</sup> December they had stopped trading and only restarted on Boxing Day meaning they lost a busy week of trading.

Members queried what impact closing at 2am would have on the business. Mr Espin commented that there would clearly be a financial impact as the premises do the bulk of their business between midnight and 4am. Additionally their door supervisors had previously worked with the emergency services during incidents in the vicinity. Closing early would remove an asset and have an adverse effect as people would have nowhere to run for safety.

The Assistant Director (Regulatory Services) gave details of which premises in Church Street could trade past 2am as follows:

- Idols – 3am
- Hillcarter – 4am (currently closed)
- Club H – 4am

Mr Espin commented that half of their weekly trade occurs between 2am and 4am.

In addition to all the information provided by Cleveland Police the Police Solicitor elaborated on the reasons they had objected to the new licence. She did not dispute that the previous licence had allowed them to open until 4am but this premises was located in a hot spot which had been previously targeted by the police using public spaces disorder action and dispersal powers. A list of incidents linked to the Topsy Doorman had been provided which showed a peak time between midnight and 4am. These included fights and assaults inside and outside the premises, attacks against door staff and incidents of people collapsing due to excess alcohol intake, some underage. they were not claiming the Topsy Doorman was solely responsible it did demonstrate a high demand for police resources in that area. The premises had been running using Temporary Event Notices until 4am but the current policy must be applied to a new permanent licence. Club H was the only place in the vicinity that could open past 2am and the focus should be on preventing crime and disorder.

PC Lawton acknowledged the efforts Mr Espin had made to make the premises safe including the provision of metal detectors and trauma pack but the evidence supported the implementation of the policy. She appreciated Mr Espin was trying to make a living but the police focus was the safety of the public.

Mr Espin said the majority of his clientele were looking to enjoy themselves but a minority would spoil this. A member queried whether closing early would simply move problematic people elsewhere. They also wondered what impact this would have on the night time economy as a whole. PC



Lawton was unable to answer these questions. Efforts had been made to make Church Street safer including Pubwatch but so far they had been unsuccessful. If premises closed earlier would people start their night earlier? Mr Espin said when the police were present these issues tended not to happen. In terms of police initiatives they had not always been able to attend meetings but had contributed in other ways such as using additional security on busy nights.

A member queried whether staff were trained to identify when patrons were intoxicated and when they were stopped from drinking.

The Environmental Health Manager (Environmental Protection) expressed sympathy for Mr Espin's position but closing at 2am would be in line with Council policy. There had been complaints about noise in the past and there was a potential for this to continue if the premises continued to stay open past 2am. There needed to be a balance between the business and the community. A member commented that closing the premises at 2am might impact economically on the area as a whole. The majority of people were out for a good time and would not cause an issue. A balance needed to be struck. The Environmental Health Manager (Environmental Protection) acknowledged this but said economical concerns did not deter from the Council's obligations to the community.

The Trading Standards and Licensing Manager indicated that this hearing was about the 4 licensing objectives. The policy regards 2am had been in place since 2011 so a number of premises had later closing times because those licences had never lapsed or been reviewed since then. In terms of the misunderstanding around the lapsing of the licence she advised that an error had been made on the form submitted in 2022. The licensing team had requested clarity on this and been informed that the licence was under a limited liability company. It had been a genuine mistake on the part of the applicant and licensing had behaved correctly.

The Assistant Director (Regulatory Services) gave details of which premises in the wider vicinity could trade past 2am as follows:

- Bar 1 – 4am
- Loons – 4am
- Sky Bar – 4am
- Showroom – 3am

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That the application be granted as requested until 4am for 6 months. At which time the applicant must re-apply.

The Applicant (Stuart John Mark Espin of The Topsy Doorman) previously benefitted from a Premise Licence which was held by a Limited Liability Company, which lapsed when the Limited Liability Company was dissolved. No application to transfer the Premise Licence to a new entity was made within the 28 date period as set out in the Licensing Act 2003 and accordingly a fresh application for a new Premise Licence was required.

An application to transfer the Premise Licence was not made due to administrative oversight on the part of the Applicant, who mistakenly believed that the Premise Licence was not in the name of the Limited Liability Company for the Topsy Doorman, but rather in name of the Applicant and would therefore survive the dissolution of the Limited Liability Company.

The Premise Licence as previously held by the Limited Liability Company for the Topsy Doorman allowed for the sale of alcohol, supply of late night refreshments and regulated entertainment between the hours of 10am to 4am.

The Applicant, in making a fresh Premise Licence application, sought to replicate the timings for Licensable Hours of 10am-4am for Licensable Activities, as had been permitted under the previous Premise Licence. The application included a revised Operating Schedule.

The Application was advertised in the prescribed manner and three representations were received from Cleveland Police, Public Protection, Environmental Health (Environmental Protection) and the Licencing Authority. Further conditions to attach to the Operating Schedule had been proposed by the Relevant Authorities and agreed by the Applicant in advance of the Committee Meeting. The representations received made reference to concerns surrounding all 4 of the licencing objectives.

The representations received did not object to the granting of the Premise Licence in principle, but instead sought the Licensable Hours of 10am-4am for Licensable Activities be limited to 10am-2am in line with the Licencing Policy and in order to further the Licencing Objective.

The Premise Licence is granted to the Applicant with the following modifications to the Operating Schedule, as is proportionate and necessary to the promotion the Licencing Objectives as set out in the Hartlepool Borough Council Licensing Policy 2021.

Having considered the strong submissions of Cleveland Police it is acknowledged that these premises have been blighted by a number of incidents of crime and disorder, both in and outside of the premises. Such are the issues in this location that Cleveland Police have put in place a Public Space Protection Order to enable them to deal with incidents that have been occurring. We have considered the evidence put forward by the Applicant but remain gravely concerned that incidents will continue to arise in and around these premises. It is imperative that the Applicant works closely with both the authority and Cleveland Police to address these concerns. Whilst this is a finely balanced decision, we have balanced the significant concerns that

have been expressed alongside the legitimate business concerns and assurances of the Applicant. In order to further the licensing objectives it is necessary that there be an enhanced period of monitoring to encourage compliance and reassure the public. The Operating Schedule is to be modified to grant the licence on the condition that it is for a fixed period of 6 months by virtue of sections 17(4)(d), 18(3)(b), 18(4)(a)(i) and 18(5) and s26 of the Licensing Act 2003. The same would enable the effects of the Premise Licence to be monitored in advance of a fresh Premise Licence Application, with any further representations to be made with regards to the period in which the Premise is in effect, whereby Licence Reviews can be sought in the ordinary manner should the same become necessary. This is considered to be a proportionate response to the application rather than an outright rejection.

The Operating Schedule will include the proposed conditions as set out in Appendices 8 and 9 and exhibit CL/1 and those included in the amended Operating Schedule as provided by the Applicant.

The Licensable Hours for Licensable Activities are 10am-4am in line with the previously lapsed Premise Licence formerly held by the Limited Company on behalf of the Topsy Doorman.

Whilst the decision to grant the licence with Licensable Activities until 4am is contrary to the Licencing Policy 2021, it is consistent with the previous Premise Licence. Modification of the Operating Schedule to grant the Premise Licence for a fixed duration will enable the effects of the Premise Licence to be monitored and any appropriate matters raised in evidence at the time of a fresh application for a new Premise Licence being made in the ordinary course of the application process.

The meeting concluded at 12:40pm.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

**5 March 2025**

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

**Present:**

Councillor: Gary Allen (In the Chair)

Councillors: Tom Feeney and Sue Little

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Jane Kett, Environmental Health Manager (Commercial)  
Claire Robinson, Public Health Principal (Wider Determine)  
Josh Maitland, Graduate Trading Standards Officer  
Abigail Reay, Advanced Public Health Practitioner  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Sergeant Glyn Bavin (Cleveland Police)  
Amandip Kapoor (Premises Licence Holder)

### **35. Apologies for Absence**

None

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

None

### **37. Confirmation of the minutes of the meeting held on 21<sup>st</sup> January 2025**

Minutes confirmed

### **37. Application for the review of a premises licence – Belle Vue Convenience Store, Unit 1-2 Belle Vue Way, Hartlepool** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for a review of the premises licence for Belle Vue Convenience Store by Trading Standards. This was due to the alleged sale of counterfeit and dangerous bottles of vodka and illegal vapes. In September 2024 Trading Standards Officers had found 5 bottles of counterfeit vodka on open sale. It had later been found that the vodka contained isopropyl, an industrial solvent, consumption of which can lead to alcohol poisoning and in severe cases death. 194 illegal vapes were also found in various places on the premises. The premises licence holder Mr Kapoor stated that the vodka was purchased legitimately and that he had been unaware that the vapes were illegal. The review was supported by Cleveland Police and HBC's Public Health Department and Environmental Health.

The Graduate Trading Standards Officer informed members that a Food Standards Agency email alert had been received on 4<sup>th</sup> September 2024 advising of the possible sale of counterfeit vodka containing isopropyl alcohol and asking that checks be carried out to ensure the product was not on general sale. On 5<sup>th</sup> September as part of these checks Trading Standards Officers attended Belle Vue Convenience Store and saw bottles of suspect vodka behind the counter. These were examined and 5 bottles removed under suspicion that they might be counterfeit based on information in the FSA email. As part of further searches it became apparent that there were a number of disposable vapes which appeared to breach the Tobacco and Related Products Regulations 2016. 194 were seized.

It had subsequently been confirmed that the vodka was counterfeit and contained iso-propanol. In November 2024 Mr Kapoor stated he bought the vodka from legitimate sources and gave the names of 2 wholesalers, Booker and United Wholesale Grocers, as potential purchase points. Checks of these had shown that United Wholesale Grocers purchase their vodka direct from the brand holder while the bottle in question did not register on the Booker systems. This meant that counterfeit goods could not have been purchased from either retailer.

In terms of the vapes Mr Kapoor advised that he had bought some of these from someone attending his shop several months ago and others from a legitimate supplier. Mr Kapoor had not paid for those which he had purchased from the back of a van. An expected invoice had not arrived.

The Graduate Trading Standards Officer reminded members that the sale of dangerous counterfeit vodka places the public at serious risk of injury and is a criminal offence. Mr Kapoor claimed he had purchased the product from a legitimate supplier but there was no evidence of this and the origin could not be determined for certain. The sale of illegal vapes is also a criminal offence and both bring Mr Kapoor's suitability to hold a premises licence into

question. The sale of the vodka in particular was not acceptable by any standards.

In response to member questions the Graduate Trading Standards Officer confirmed that FSA alerts of this type were not common. This was the first time a product of this type had been discovered in Hartlepool although similar had been identified in Scotland and a number of people had died overseas previously following consumption of isopropyl. It would be impossible for a member of the public to identify this as a counterfeit product without the information given in the alert. He advised the public to only buy products of this type from genuine traders and to always question if a product was a lot cheaper than it should be. The Trading Standards and Licensing Manager confirmed that while licence holders would not be expected to identify counterfeit goods they were expected to buy from reputable sources.

The Environmental Health Manager spoke in support of the review of the licence. She felt the sale of the counterfeit vodka and illegal vapes breached all 4 licensing objectives and brought Mr Kapoor's suitability to hold a licence into doubt. She confirmed that 1 bottle of counterfeit vodka had been sold and she was not aware that there had been any hospital admissions related to this sale.

The Public Health Principal confirmed that the Director of Public Health was supportive of the review of the licence.

Sergeant Glyn Bavin spoke on behalf of Cleveland Police in support of the review. Any premises with a licence was subject to certain obligations laid down in the licence conditions, some of which are mandatory. It is the responsibility of the premises licence holder to be aware of what is happening on their premises. The trade in illicit tobacco has links to organised crime and anyone who engages in such cannot be viewed as sufficiently responsible. The licence holder is responsible for ensuring the safety of the public and sale of the counterfeit vodka could have led to illness or death. Sale of this product had clearly put the public at risk and the licence holder was therefore not a suitable person to hold that position. Had anyone died as a result of ingesting this product it could have led to his being arrested for murder or manslaughter.

Mr Kapoor addressed the Sub-Committee. He advised members that he was simply trying to provide for his family and would not have intentionally put that at risk by selling illegal or counterfeit products. He had purchased the vodka from a legitimate cash and carry and had not been aware that it was counterfeit, challenging anyone to be able to tell without the information supplied by the FSA. He had purchased the vapes from a supplier who had come to the shop. This was something he often did as reputable suppliers would often attend his premises and at the time he had been unable to go to the cash and carry to buy more stock due to his wife's pregnancy. He had been told that the supplier would email him an invoice but this had not happened. Had he known they were illegal he would have hidden them properly. Similarly if he had wanted to sell cheap counterfeit vodka he would

have purchased more than the 6 bottles he had. He disputed that the vapes had been hidden from sale, stating that they were in the usual place with the legal stock. He agreed that it was his responsibility to ensure the items sold in his shop were safe. While he had not been aware of the process of traceability at the time of purchase he was now and kept separate invoices. As per the conditions of his licence staff were trained every 6 months, there was a refusals register and age restriction procedures in place.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That Mr Kapoor's premises licence be revoked.

The Applicant, Trading Standards, sought a review of the Premise License of Belle Vue Convenience Store on the basis that the Licence Holder was selling dangerous and counterfeit bottles of vodka and illegal vapes.

The committee accepts that the sale of such items presents a danger to the public and is criminal. The Licence Holder failed in his due diligence of suppliers and allowed the sale of illegal and/or dangerous items. It is not accepted that the items could have been purchased from a legitimate and reputable supplier, notwithstanding the fact that the item's provenance could not be established by authorities.

Unanimous decision to revoke the Premise Licence of Belle Vue Convenience Store. The Licence Holder has sold counterfeit and dangerous vodka and illegal vapes and has failed to carry out proper due diligence with regards to the illegal items sold and their provenance. A short suspension of the Premise Licence would be insufficient to ensure that the Licensing Objectives were not undermined. To allow the Licence Holder to retain the Premise Licence would undermine all 4 licensing objectives, namely

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The meeting concluded at 12:40pm.

### **CHAIR**

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

**11 March 2025**

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

**Present:**

Councillor: Gary Allen (In the Chair)

Councillors: Tom Feeney and Sue Little

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Tony Dixon, Enforcement Officer  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Richard Arnot and Emily Stokor (Legal representatives for the Raby Arms)  
Ben Jack and Leanne Murray (Raby Arms Representatives)  
Mark Cannon, Peter Davies and David Stocks (Objectors)

### **38. Apologies for Absence**

None

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

None

### **40. Application for a new premises licence – The Barn, The Raby Arms, Front Street, Hartlepool** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for a new premises licence in respect of The Barn, a converted function room with its own bar located in the grounds of the Raby Arms. The licence was for live and recorded music (on premises only) from 10am to 11pm 7 days a week and the supply of alcohol (on and off premises) 9am to 11pm 7 days a week. Conditions had been agreed with Cleveland Police, Environmental Health (Commercial



Services) and Environmental Health (Environmental Protection). Representations had been received from 4 members of the public, 3 of whom were in attendance. These referred to the 4 licensing objectives. Members were also advised that The Barn does not benefit from Building Regulations for the proposed use and planning permission requirements are being investigated.

Mr Arnot presented on behalf of the applicant, Ms Murray. She had purchased the Raby Arms in 2017 with her husband and had refurbished it at great expense. A Village pub it is a food led premises and hub for the community, employing 39 staff members full and part time. There is a large external area which has extensive seating, a children's play area and The Barn Structure. The Barn had been built 5 years ago as a storage area but following a number of requests that it be used for events the decision had been made to convert it for this use. It had been built with acoustic insulation and since October 2024 a number of events had been held there based on the licence conditions applied to the main building. However it was now felt preferable that The Barn benefit from a separate licence with its own conditions. A number of conditions had been agreed with the Police and Environmental Health including that the original hours of application be amended to 11am-11pm and that all children would vacate the premises by 9pm unless accompanied by an adult for a pre-booked function. A noise limiter would be installed in The Barn which would shut down any recorded or live music should noise levels go above specified limit. This limit would be set by the Environmental Health Manager. All external doors and windows would be kept closed other than to allow patrons to enter and leave The Barn. There would be signage in place reminding patrons to leave quietly and external noise levels would be monitored and logged.

In terms of the objections Mr Arnot reminded members that the onus was on the objector to prove that the licensee would fail to promote the licensing objectives. He was confident that by adhering to the agreed conditions the licensing objectives would be adhered to. This was not a large venue suited to large bands and he was confident that no noise would escape. References had also been made to anti-social behaviour at the Raby Arms. This appeared to be specific to the parking area during closing hours which was difficult to prevent. The type of events which would take place at The Barn would not attract people who would cause problems of this sort. He also noted references to issues with rats but this was not the fault of the premises and could be the result of the general area being surrounded by fields and building developments.

A member queried the definition of background music as detailed in the conditions. Mr Arnot said there was no legal definition but it was generally identified as music at a level where you could have a conversation. This does not require a permit. A member queried what type of events The Barn would accommodate. Mrs Murray confirmed this would cover baby showers, christenings, birthdays and similar family type events. The Barn would only be open for pre-booked events.

The objectors referred to their concerns should a licence be granted in this case. They referred to an event the previous month when the music was excessively loud. Mrs Murray confirmed that the people who had booked the event had brought a disco and had been asked to turn it down on numerous occasions. The noise limiter would prevent this in future.

The objector living closest to the premises indicated he would be happy for his home to be used as the basis for the setting of the noise limiter levels. He had previously submitted complaints regards excessive noise when screens had been erected in the garden area to show films and world cup matches. Mrs Murray confirmed that these screens had since been removed while the Environmental Health Manager advised that there had been no recent noise complaints relating to this premises.

An objector referred to concerns around drug use in the parking area after the premises has closed. Mr Arnot confirmed that any drug users would be removed from the premises. It was also noted that Cleveland Police had not objected to this application. While current CCTV did not extend to the car park Mr Jack indicated this would happen in future.

The objector raised concerns around the heat in the Barn during the summer months leading to windows being opened. Mrs Murray confirmed that 2 air conditioning units had been installed.

The objectors clarified that they were not opposed to the Raby Arms itself and had attended the premises previously but did not want this application to result in an increase in noise and disturbance in their homes.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That the application be approved in its entirety. The Chair urged all parties to engage in future discussion to ensure that there be no future concerns and complaints around noise levels.

The Applicant, The Barn, The Raby Arms, Front Street, Hartlepool, sought a new and separate Premises Licence for a converted shed/barn located in the garden of The Raby Arms in order to use the converted premises as a function room.

At the time of the application the Applicant was working with Planning and Building Control to address the absence of Building Regulations being in place for the structure.

In advance of the hearing, conditions for the Premise Licence were agreed with Cleveland Police, Environmental Health (Commercial Services) and Environmental Health (Environmental Protection).

Representations were received from 4 local residents citing all 4 Licensing Objectives as reasons for objections to the granting of the Premise Licence.

Unanimous decision to grant the Premise Licence with conditions as agreed with the relevant authorities and the Applicant. The agreed Licence conditions are sufficient to ensure that the Licensing Objectives are not undermined.

The committee accepts that the Planning /Building Regulations are a separate albeit linked matter and that the Licensing Decision does not bind any future decisions regarding the same.

The meeting concluded at 11:20am

CHAIR

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

**13 March 2025**

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

**Present:**

Councillor: Ben Clayton (In the Chair)

Councillors: Matthew Dodds and John Nelson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Ashley Musgrave, Advanced Public Health Practitioner  
Abigail Reay, Advanced Public Health Practitioner  
Daniel Briggs, Senior Trading Standards Officer  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Hadi Azagh (Designated Premises Supervisor, Belle Vue Booze)  
Glyn Bavin (Cleveland Police)

#### **41. Apologies for Absence**

None

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

None

#### **43. Application for the review of a premises licence – Belle Vue Booze, 10 Sydenham Road, Hartlepool** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for the review of the premises licence for Belle Vue Booze on Sydenham Road. Trading Standards had requested the review as they stated the licence holder was supplying illicit tobacco for sale and failing to comply with conditions attached to the licence.

In August 2023 following receipt of intelligence Trading Standards Officer had attended the premises and purchased tobacco in non-standardized

packaging. On the same day a number of counterfeit tobacco goods were found in the premises along with high strength lager and cider for sale, in breach of the terms of the licence. These were removed from sale and a formal warning issued.

In September 2024 following receipt of intelligence a further test purchase of illicit tobacco was made. In October 2024 a further inspection showed high strength lager and cider was again being sold in breach of the terms of the licence. These were removed from sale by a member of staff who later that month made a further sale of illicit tobacco as part of a test purchase. The DPS Mr Azagh was interviewed and stated that the sale of high strength lager was due to an error in his understanding. He had not been in the country when the test purchases were made and was unsure who had completed the sales.

The Advanced Public Health Practitioner confirmed that the Director of Public Health was fully supportive of this review based on the licencing objectives relating to the prevention of crime and disorder and public safety. This was due to the harm that the sale of these items could cause to communities.

Cleveland Police Licensing Supervisor Glyn Bavin was fully supportive of this review. The DPS is legally obligated to abide by the conditions in his licence and should be fully aware of what is happening there. Home Office guidance refers to concerns that the trade in illicit tobacco and alcohol may have links to international organised crime groups and anyone who engages in this cannot be viewed as sufficiently responsible to uphold the 4 licensing objectives. These objectives had been undermined on at least 2 occasions and profit was being put above public safety.

The DPS, Mr Azagh, explained the background to the 2 test purchases. The initial sale of illicit tobacco had been a result of him being offered cheap tobacco to sell which he had not been aware was illegal at the time. At the time of the second incident he had been out of the country getting his son medical treatment. He was unsure who had made the sale as he did not recognise the description but acknowledged some friends of his employees had been helping out in his absence. He had been unable to provide CCTV for that time as he did not know how to download it and had subsequently had to pay someone to download it for him. Members noted that the ability to transfer downloads of CCTV was in the licence conditions and the onus was on Mr Azagh to comply. Officer Bavin commented that ignorance of the system was not an excuse.

In terms of the sale of high strength lager and cider Mr Azagh had not been aware of this rule and had understood that the initial removal of goods in August 2023 was for a 6-month period and he could sell high strength products after this. Officer Bavin noted that the ban on the sale of anything over 6.5% was in the conditions which the licence holder had agreed. The Senior Trading Standards Officer advised that the 6-month time limit had never been in the conditions or referred to by the licensing contact.

Members queried what proportion of sale in the shop related to alcohol and tobacco. Mr Azagh estimated that of £800 per day, £200 would be on alcohol, £100 on tobacco and the rest on grocery type goods. He confirmed that he controls the purchase and replenishment of stock. Members queried the background to the sale of illicit tobacco. Mr Azagh advised that 2 men had come to his shop when he had first opened and offered him cheap tobacco for sale. When he was informed that he should not be doing this he had stopped immediately.

Mr Azagh said he was a single father of a son with health needs and had been struggling at the time. He asked members to give him another chance as the shop was his only income and way to support himself and his son.

Regards the CCTV the Senior Trading Standards Officer noted that at the time there had been no camera covering the till area, something that had been discussed with Mr Azagh. Mr Azagh confirmed that he would make this change as soon as possible. He had moved the camera to the door due to the high number of incidents of shoplifting that had occurred.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That the licence held by Belle Vue Booze Ltd in respect of these premises be revoked.

The Applicant, Trading Standards, sought a review of the Premise Licence of Belle View Booze on the basis that the Licence Holder was selling illicit tobacco products and has failed to comply with the conditions as attached to the Premise Licence.

The committee accepts that the sale of such items presents a danger to the public and is criminal. The Licence Holder failed in his due diligence of suppliers and allowed the sale of illicit items on more than one occasion. Further the Licence Holder also had for sale high strength lager and cider on more than one occasion contrary to the Premise Licence conditions and despite warnings over breaches of the Premise Licence. Further breaches of the Premise Licence conditions have been observed pertaining to the operation of CCTV systems within the premises.

Unanimous decision to revoke the Premise Licence of Belle View Booze. The Licence Holder has sold illicit cigarettes on more than one occasion and has operated contrary to the Premise Licence conditions. A short suspension of the Premise Licence would be insufficient to ensure that the Licencing Objectives were not undermined. Previous warnings have not prevented the behaviour as has been observed which undermines the Licensing Objectives and has not prevented breaches of the Premise Licence conditions. To allow

the Licence Holder to retain the Premise Licence would undermine Licensing Objectives, namely.

- the prevention of crime and disorder; and
- public safety.

The meeting concluded at 11:10am

CHAIR

## **REGULATORY SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

14 March 2025

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

**Present:**

Councillor: Gary Allen (In the Chair)

Councillors: Quewone Bailey-Fleet, Matthew Dodds and Michael Jorgeson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **23. Apologies for Absence**

None

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

None

#### **25. To approve the minutes of the meetings of Regulatory Sub-Committee held on 22 November 2024 and 5 December 2024.**

Minutes approved

#### **26. 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 27 – Private Hire Driver Licence DS – 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).

- 27. Private Hire Driver Licence DS** (*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, if any, should be taken against a licensed Private Hire driver. Further details in the exempt minutes.

#### **Decision**

Detailed in the exempt minutes.

The meeting concluded at 10:40am.

CHAIR

## **REGULATORY SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

2 May 2025

The meeting commenced at 10am in the Civic Centre, Hartlepool

#### **Present:**

Councillor: Martin Dunbar (In the Chair)

Councillor: Rob Darby and John Nelson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Gemma Redfern, Solicitor  
Claire McPartlin, Democratic Services and Legal Support  
Officer  
Jo Stubbs, Principal Democratic Services and Legal Support  
Officer

#### **28. Apologies for Absence**

Apologies were submitted by Councillor Ben Clayton

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

None

#### **30. Minutes of the meeting held on 14 March 2025**

Minutes approved

#### **31. 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 32 – Private Hire Driver Licence JBA – 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 33 – Private Hire Driver Licence VC – 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).

- 32. Private Hire Driver Licence JBA** (*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 determine whether an applicant was a fit and proper person to hold a private hire drivers licence. Further details in the closed minutes.

#### Decision

Detailed in the closed minutes

- 32. Private Hire Driver Licence VBA** (*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 determine whether an applicant was a fit and proper person to hold a private hire drivers licence. Further details in the closed minutes.

#### Decision

#### Decision

Detailed in the closed minutes

Detailed in the closed minutes

The meeting concluded at 11:05am

CHAIR

# LICENSING COMMITTEE

25<sup>th</sup> July 2025



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

**Subject:** PRIVATE HIRE AND HACKNEY CARRIAGE  
LICENSING POLICY

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## 1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
- where people will be safe and protected from harm.
- that is connected, sustainable, clean and green.
- that has an inclusive and growing economy.

## 2. PURPOSE OF REPORT

- 2.1 To provide feedback following the formal consultation exercise relating to the Private Hire and Hackney Carriage Licensing Policy.
- 2.2 To seek formal approval of the Private Hire and Hackney Carriage Licensing Policy.

## 3. BACKGROUND

- 3.1 Hartlepool Borough Council is the statutory licensing authority for hackney carriage and private hire vehicles, drivers and operators that work within the borough.
- 3.2 The Council has a Private Hire and Hackney Carriage 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.

- 3.3 A petition was brought to the Licensing team on the 29<sup>th</sup> October 2024 requesting an amendment to our current Policy in regards to our requirements for vehicles to be Euro 6 compliant by the 1<sup>st</sup> April 2025.
- 3.4 The petition was brought to Licensing Committee on the 13<sup>th</sup> December 2024 this meeting was attended by members of the trade who had signed the petition. The decision was that a revised Private Hire and Hackney Carriage Policy be brought to the next Licensing Committee meeting based on the potential removal of age limits for licensed vehicles. It was also decided that the requirement for licensed vehicles to be Euro 6 compliant be extended to June 2025.
- 3.5 The proposed changes to the Policy were discussed with licensees at the Private Hire and Hackney Carriage Annual General Meeting in February 2025.
- 3.6 A Draft Private Hire and Hackney Carriage Policy was brought to Licensing Committee on the 13<sup>th</sup> March 2025. The key change to the Policy were discussed and approval was sought for the commencement of a public consultation exercise. Members of both the Private Hire and Hackney Carriage trade attended this meeting. The decision was That the Draft Private Hire and Hackney Carriage Licensing Policy be approved and that commencement of consultation on the Draft Private Hire and Hackney Carriage Licensing Policy be approved
- 3.7 A copy of the Draft Private Hire and Hackney Carriage Licensing Policy can be found at **Appendix 1**.
- 3.8 The key changes to the policy are:
- All vehicle age requirements have been removed. Following recommendation by Licensing Committee members on the 13<sup>th</sup> December 2025, this aligns our policy with The Government Department for Transport Taxi and Private Hire vehicle licensing best practice guidance for Licensing Authorities.
  - All vehicles licensed must be Euro 6 compliant by 1<sup>st</sup> September 2025 (Wheelchair accessible vehicles must be Euro 6 Complaint by 1<sup>st</sup> September 2026). A six month postponement to the requirements outlined in the Private Hire and Hackney Carriage 2022 Policy was agreed by members at Licensing Committee on the 13<sup>th</sup> December 2024.
  - Insurance Write Off's updated to reflect the S and N categories replacing the old C and D categories. Both Category S and N cars can be repaired and put back on the road, but the two are defined as follows: A Category S vehicle suffered structural damage, and has been written off by the insurer as it was uneconomical to repair. This damage could be to any part of the

vehicle's structural frame, including the chassis. A Category S vehicle will not be licensed by the authority.

A Category N vehicle has also been written off by the insurer as it was uneconomical to repair, but the difference is that it suffered non-structural damage. The vehicle's structural frame or chassis did not suffer any damage. Category N may be considered as a licensed vehicle, subject to a satisfactory independent engineers report and independent mechanical examination.

- On application new drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council. The current 2022 policy allows new drivers to undertake this assessment within their first twelve months of being a licensed driver. Unfortunately, under this current regime we have experienced a number of failures due to safety and speeding.

- 3.9 The Government Department for Transport Taxi and Private Hire vehicle licensing best practice guidance for Licensing Authorities contains two sections with relevance to the draft Policy; Vehicle Age limits **Appendix 2** and Environmental Considerations **Appendix 3**.
- 3.10 Hartlepool Borough Council currently licences 219 Private Hire and Hackney Carriage Vehicles of which 29 are not Euro 6 compliant. (Figures correct as of 7<sup>th</sup> July 2025)
- 3.11 The draft Private Hire and Hackney Carriage Licensing Policy was published for public consultation between 31<sup>st</sup> March 2025 and 23<sup>rd</sup> May 2025. Responses to the consultation have been analysed and 22 responses were received.
- 3.12 The consultation responses can be found at **Appendix 4**. The majority of responses were received from the taxi trade and they expand on how the policy changes will impact on their individual circumstances.
- 3.13 One comprehensive response from a local taxi operator outlines their concerns regarding the proposed changes to the taxi assessment. Whilst the authority appreciates the assessment is an upfront cost for new drivers the primary and overriding objective of licensing must be to protect the public. Examples of taxi assessment failures can be provided.
- 3.14 The majority of the consultation responses were from drivers who currently drive non Euro 6 compliant vehicles, these drivers are requesting a further extension to the deadline.
- 3.15 The Euro 6 Emission Standard was initially introduced into Hartlepool Borough Council's Policy in 2019 with an implementation date of 1<sup>st</sup> April 2023.

- 3.16 Taking into consideration the financial strains placed upon the trade by COVID-19 the implementation of the 1<sup>st</sup> April 2023 date was postponed to 1<sup>st</sup> April 2025, with the agreement that any future changes to emission standards be reported back to the Licensing Committee so that the Council's policy can remain relevant and up to date. This has provided the trade with six years to financially plan and implement the changes which the majority of vehicle owners have achieved.

#### 4. PROPOSALS

- 4.1 Hartlepool Borough Council will use its role as licensing authority to protect the public. This will be achieved by, amongst other things:

*Maintaining public confidence in the hackney carriage and private hire trade so that it remains, safe, reliable and sustainable transport option for the travelling public.*

- 4.2 Hackney carriage and private hire vehicles are an essential form of transport in the Hartlepool area. Many people depend on such vehicles for trips that buses or other forms of public transport are incapable of making. It is for this reason that we do not want our fleet numbers to reduce. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.
- 4.3 The current emission standards were first introduced into the Policy in 2019, therefore providing vehicle owners five years to financially prepare for the change. The financial strains from COVID19 resulted in the proposals being postponed from 2023 to 2025. This five year implementation period has provided the balance required for advancing environmental goals whilst allowing the trade sufficient time to adjust.

#### 5. OTHER CONSIDERATIONS/ IMPLICATIONS

<b>Risk Implications</b>	None
<b>Financial Considerations</b>	Yes – Some vehicle owners will need to update their vehicles. Some vehicle owners may decide not to upgrade their vehicles and cease working within the PH/ HC trade.
<b>Legal Considerations</b>	None
<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>	Yes – Environmental Implications.

## 6. RECOMMENDATIONS

- 6.1 That Members formally approve the Private Hire and Hackney Carriage Licensing Policy 2025 as detailed in **Appendix 1**.

## 7. REASONS FOR RECOMMENDATIONS

- 7.1 Hartlepool Borough Council's Private Hire and Hackney Carriage Licensing Policy is formally approved by the Licensing Committee, it is imperative that this Policy remains relevant and progressive to encourage the trade to be environmentally mindful with their vehicle choices.
- 7.2 It is entirely appropriate and reasonable for a Licensing Authority to require and expect licensed vehicles that will be used to transport the general public to be of a high standard.
- 7.3 The Private Hire and Hackney Carriage Licensing Policy is a considered document, this is reflected in the previous alterations that have assisted vehicle owners and allowed time for them to make the necessary adjustments.

## 8. BACKGROUND PAPERS

- 8.1 Department for Transport Statutory Taxi and Private Hire Vehicles Standards  
[Statutory taxi and private hire vehicle standards - GOV.UK](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)
- 8.2 Department for Transport Taxi and Private Hire vehicle licensing best practice guidance for Licensing Authorities  
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england>
- 8.3 Hartlepool Borough Council Private Hire & Hackney Carriage Licensing Policy (7<sup>th</sup> January 2022)  
[https://www.hartlepool.gov.uk/info/20023/licences\\_and\\_permits/284/taxis](https://www.hartlepool.gov.uk/info/20023/licences_and_permits/284/taxis)
- 8.4 Licensing Committee Report from 13<sup>th</sup> December 2024  
[Agendas, reports and minutes | Hartlepool Borough Council](#)
- 8.5 Licensing Committee Report from 28<sup>th</sup> March 2025, including the Minutes and Decision Record from Licensing Committee held on 13<sup>th</sup> December 2024.



[Agendas, reports and minutes | Hartlepool Borough Council](#)

**9. CONTACT OFFICERS**

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# **PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY**

**APPROVED BY HARTLEPOOL BOROUGH COUNCIL**

**Date TBC**

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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, in the Borough of Hartlepool, 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 including the DFT Statutory Taxi and Private Hire Vehicles Standards (published July 2020).

### **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 **TBC**. 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 consulted with:  
  
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 which could include suspension or revocation of the licence.**
- 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](http://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) **New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council. Guidance on booking an appropriate assessment is included on the council's website.**
  - 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 or obtainable by a licensing officer.

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. Anyone wishing to be licensed must produce to the Council all of the documentation described in this policy.

### **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 **New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council. Guidance on booking an appropriate assessment is included on the council's website.**
- 2.9 **Where there are specific concerns about the driving ability of a driver, for example through passenger complaints, the licensing authority may consider whether the driver in question should undertake a further assessment to address those concerns.**

### **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 who have registered under the EU Settlement Scheme have the right to work in the UK providing they can provide evidence of their right to work in the UK.
- 2.17 All other 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 work 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.
- 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, or provide a means of access to 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. Guidance on 'protected convictions' can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance>.

### **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 GP 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 45<sup>th</sup>, 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> 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](https://www.hartlepool.gov.uk/info/20023/licences_and_permits/284/taxis).

2.63 Information will be processed in accordance with the Data Protection legislation 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](mailto: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. For the proprietor of multiple vehicles, this requirement shall apply to only one vehicle.
- 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) Have a comprehensive service history, or a history of mechanical checks and a history of spot checks carried out by licensing officers.
  - iv) Be safe.
  - v) Be comfortable in the opinion of a licensing officer.
  - vi) Comply with all statutory requirements applicable to that vehicle.

- vii) 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.
- viii) Prominently display the Council's internal licence plate on either the dashboard or the top left corner of the windscreen.
- ix) Permanently attach the appropriate 'decals', issued by the Council, centrally to both front doors of the vehicle.
- x) 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. All vehicle conditions and safety requirements must be satisfied throughout the vehicles time on the fleet, the Local Authority

reserves the right to remove a vehicle from the fleet if the vehicle no longer complies with this Policy. 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) Bodyshell/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 or wrapped 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.
- 3.23 **Subject to satisfying all other relevant requirements detailed in this policy, the Council has no age restriction provided all vehicles comply with Euro 6 engine standards or emission free from 1st September 2025. (Wheelchair accessible vehicles will be exempt from this requirement until 1<sup>st</sup> September 2026)**

#### **Term of Licence**

- 3.24 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**

- 3.25 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.
- 3.26 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.
- 3.27 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**

- 3.28 **Vehicles that have at any time been declared an 'insurance write off' in category A, B, and S and/or have their V5 document endorsed as being 'accident damaged' will not be licensed. Category N (non-structural damage) may be considered, subject to a satisfactory independent engineers report and independent mechanical examination. If a licensed vehicle is involved in an accident which results in the vehicle being declared an insurance write off (other than category N) then the licence will be revoked and the no further application to licence the vehicle will be permitted.**

#### **Wheelchair Accessible Vehicles**

- 3.29 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.
- 3.30 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'.
- 3.31 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).
- 3.32 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.
- 3.33 If the vehicle to be replaced is a wheelchair accessible vehicle, it must be replaced by another wheelchair accessible vehicle.
- 3.34 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.
- 3.35 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.
- 3.36 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.
- 3.37 All equipment must be kept in good working order for the safe carriage of passengers.
- 3.38 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**

- 3.39 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**

- 3.40 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**

- 3.41 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.**

- 3.42 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](http://www.asa.org.uk)
- 3.43 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.
- 3.44 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.

- 3.45 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.
- 3.46 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.
- 3.47 To avoid confusion for the general public, no vehicle, other than a hackney carriage, shall have a roof sign.

### **Swivel Seats**

- 3.48 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**

- 3.49 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.
- 3.50 Tyres on the same axle must be of the same nominal size and aspect ratio.

### **Tinted Windows**

- 3.51 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).

- 3.52 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.
- 3.53 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.
- 3.54 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.
- 3.55 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.
- 3.56 Nothing shall be attached to any window that may detrimentally affect visibility.

### **Sliding Doors**

- 3.57 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.

### **Alteration of Vehicle**

- 3.58 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**

- 3.59 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**

- 3.60 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**

- 3.61 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**

- 3.62 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.
- 3.63 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.
- 3.64 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.
- 3.65 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.
- 3.66 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**

- 3.67 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**

- 3.68 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.
- 3.69 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.
- 3.70 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.
- 3.71 Any failure of a driver to do so will result in this allowance being removed in respect of that vehicle.
- 3.72 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**

- 3.73 When carrying out pre-booked work, a hackney carriage shall be used predominantly for journeys that will either begin or end in Hartlepool.
- 3.74 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.
- 3.75 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)

3.76 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**

3.77 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**

3.78 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.

3.79 The expiry date on the ‘new vehicle’ licence will be 12 months from the grant of the ‘new’ licence.

#### **Change of Ownership**

3.80 If a proprietor wishes to transfer the ownership of a vehicle to which a licence relates, the following procedures must be followed within 14 days of the transfer taking place: -

- 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**

- 3.81 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**

- 3.82 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.
- 3.83 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.
- 3.84 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 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.

## 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.

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 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.**

## **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 in-car entertainment systems 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 with 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 taken 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 six 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) Bodyshell/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 14 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.

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

## **Guidance**

### **Taxi and Private Hire Vehicle Licensing best practice guidance for Licensing Authorities in England**

**(Updated 17 November 2023)**

#### **8.4 Vehicle age limits**

The frequency of testing required (see [frequency of vehicle tests](#)) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle.

The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

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

## **Guidance**

### **Taxi and Private Hire Vehicle Licensing best practice guidance for Licensing Authorities in England**

**(Updated 17 November 2023)**

## **8.6 Environmental considerations**

The UK is committed to a 2050 net zero target. This puts the UK on track to end our contribution to climate change, becoming one of the first major economies to legislate for net zero emissions. On transport, government is phasing out the sale of new petrol and diesel cars and vans, from 2035 all new cars and vans must be zero emissions at the tailpipe.

Where clean air zones are introduced, authorities will already be working to address local environmental considerations under the [Clean Air Zones Framework](#). More widely, licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how its vehicle licensing policies can and should support any environmental policies adopted by the local authority. This will be particularly important in designated air quality management areas or low/ultra-low emission zones.

Licensing teams should work with council colleagues with air quality and climate responsibilities to ensure taxi and private hire vehicle fleets play their part in work to tackle local emissions. Leading areas cite large-scale change in these fleets needs a longer-term strategy, with a coordinated approach across council teams and local trades, that considers licensing requirements, other supportive policies (for example, try-before-you-buy scheme), and, in the context of moving to a fully zero emission vehicle fleet, a strategy for supporting the installation of electric vehicle charge points.

Taxis and private hire vehicles that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and regularly checked, due to their higher usage.

Licensing authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future. The short-term



## Appendix 3 – DfT Guidance, Environmental Considerations

objective should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards for example, EURO 6 but, in the long-term, the trade will need to be fully prepared for the end of the sale of new petrol and diesel cars and the need to transition to zero emission vehicles. Licensing authorities should set out their own long-term plan in good time.

In response to local air quality concerns, many licensing authorities are considering how to support the use of [ultra-low or zero emission vehicles given the growing range of vehicles](#) available. As stated in the [vehicle age limit section of this guidance](#), greater flexibility regarding the age of vehicles licensed can result in more rapid improvement in air quality than mandating new 'clean' internal combustion engine vehicles.

## Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

### Positive Responses (1 and 2)

1. I am replying in regards to draft changes on age policy and euro 6 and new driver assessment I agree this is fair and give my support to these changes thank you
2. Euro 5 I think as you have said as long as it's a euro 6 and it can be 16 reg and up over I think this is fair.

### Euro Six / Age limit Removal Responses (3 - 19)

3. I would appreciate if you could lift the 4 year limit and extend it for another year. Trade at the minute is quiet and it is difficult for us to afford a 4 year old vehicle.
4. I use the yellow taxis a lot due to been a career and the people I support use them if they been the town to get shopping home. This is strange that use are on about changing cars saying by September this year that is not enough time for drivers to get new cars. The taxi drivers don't make a lot of money so how would u expect them to afford new cars in like 3 months that's not good by changing this am worried you are going to lose a lot of drivers and this is concerning when I use the taxis a lot. People who take care of like to have a yellow taxi cause they understand these are taxis and can pay cash due to the people I support only get cash payments and they can't carry shopping it's a lot for staff to carry when getting on buses. There is more things use could be looking at like making sure the cars are clean and tidy some newer cars are scruffy and not nice some of the older cars are much nicer. Just think at the time this town needs taxis and changing rules u not thinking of the cost on drivers and by doing this use will be butting people out of a job and as a town that does struggle think changing rules is daft as long as the cars pass the mot and are clean and tidy don't get what the issue is really cause other towns aren't doing this they have pushed there plans back due to costs on drivers and there towns are much bigger then ours
5. To whom it concerns am writing today to voice my concern about the Hackney Carriage the E6 edmissions. I have a old car that will have to come off but if use aren't making this decision until June and all have to be off by 1st of September this is not giving us Drivers enough time to purchase a car that is suitable in your opinion for this job. My issue is why is our council considering this but other councils in bigger areas that supply more taxis then our area are

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not until 2028 so why can't we do the same. My car is very maintained and passes very easily and I also run on LPG gas which runs 0 emissions so how is my car not suitable but the newer ones are. I was only expecting another year and the car to be off by end of next year and would replace with a suitable one. Your time frame is not doable and I am looking that when you have your meeting you take into consideration that Hartlepool is not a high finance town that a lot of people struggle and sometimes in this job we could work all day for very little money so purchasing a new car is going to take a massive strain on people or people are going to be without jobs and surly in keeping people in work is more important at the minute due to the massive finance that the town is in.

6. What is the point of taking cars off the road and potentially putting drivers out of work these cars will not be taxis anymore but they will still be on the road there are thousands of vehicles on the road that should be off the road because of high emission these cars will come off by natural means they will cost more on repairs than they are worth it is already a shoestring trade please don't make it worse
7. Is it possible for you to reconsider the extension on vehicles that are not euro 6 and should extend it by a year, it's impacting drivers with a big burden and agree with changing the age limits regarding euro 6 cars
8. I strongly disagree with the proposals as there are many many other vehicles including cars owned and run by the council that are still on the public roads older. This proposal will likely put me out of work come september as I lease a car and it will be one of them affected. the licence plate is taken off and many Uber cars are licenced in newcastle and operated in this town and they are the same age or older so will not be included or have to come off the road. This policy seems to be effecting yellow cabs in particular and is a literal drop in the ocean as to the vehicles in this town that are older. Car owners and car lease holders will not be able to afford to change engines as such and hartlepool seems to be the only one to be adopting this policy this will be losing livelihoods as we have no other trade to fall back on and there is high unemployment in the town. I urge you to reconsider this policy
9. I was told that wheelchair vehicles were exempt from the euro 6 so if my vehicle has to come off in sept 2026 there should be grants to cover the cost of change to take off if not we should be given a plate so can put a normal car on that is not wheelchair as they are just too expensive to put on with Uber etc in town as there is no way I could afford to put a wheelchair vehicle on so u

## Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

would be left with only one wheelchair hackney carriage in Hartlepool and I would be out of work because of a stupid euro engine rule that most town councils have not taken up as it was designed for cities and clean air zones why pick on the taxi trade when stagecoach run a 20 year old bus that chokes u when in traffic behind When u finally tell us what is happening if not happy I will take legal advice as got a barrister in the family

10. I would like to request if you could delay the changeover to Euro 6 taxis. I want to express serious concern about the planned September 2025 deadline to be Euro 6 compliant. This change will cause a devastating impact on owner-drivers and license holders in Hartlepool.

With just months remaining, this timeline threatens to leave countless drivers jobless while also creating severe financial hardship for vehicle owners like myself. The current September cutoff simply does not allow sufficient time for most owner-drivers to source, purchase, and certify compliant vehicles.

I would like to suggest a delay of year from the date of announcement giving everyone enough time to make the switch.

I have spoken to most drivers and they are happy with a year extension from the date of announcement. They feel a year extension is reasonable for everyone to comply with giving us enough time to find a complying vehicle.

Also feel removing the age vehicle limit is a good idea as long the car meets the new criteria of being a euro 6 vehicle. Removing the age limit would make it less stressful and won't be as much of a financial burden. Removing the age limit straight away will allow the drivers to start looking at the markets to find a vehicle.

I know we where given time previously to change the vehicles but we have been through the corona virus pandemic and that caused a major impact to everyone lives and financial strain. In the covid period we lost any savings we had to daily running costs and had 0 income coming in as there was no work. The recovery has been long and feel like this is an erupt change to get everything sorted by September. Another year will give us enough time to save enough capital and search for a new complying vehicle. Iv talked to many of the drivers and they have similar views and they feel a year is sufficient enough time to save up and purchase a Euro 6 vehicle.

## Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

If you feel you need to see a petition to get an indication of what everyone's views are we can get that arranged. All euro 5 owners are willing and share these views and we also have the support from the current euro 6 owners as well. As you may be aware majority councils have not made the changes as of yet and other councils have provided financial support for drivers to make the changes. We are requesting another year and the age limit to be removed.

I would like for you to consider the request and try to understand the implications the changes could have on owner drivers and licence holders renting vehicles. This change with a quick turnaround is a massive financial strain on all taxi drivers. We are worried come September we won't have jobs or an income to provide for our families as well as the day to day running costs.

11. In regards to the policy changes I believe that the euro 6 change for hackney vehicles is a right decision with no age requirement, however I feel the time for 1st of September 2025 is too rushed and could affect the amount of drivers that will be on the road and the lack of taxis as the public say it is quite difficult as it is at times to get taxis. Therefore it should be considered to be pushed back to the same date as wheelchair accessible vehicles and have all euro 6 vehicles on the road by 1st September 2026.

12. would like an extension for at least another year or two before this happens

13. I'm replying about the private hire and hackney licensing policy consultation. I have a few concerning issues regarding Euro 5 hackney taxis to come off in September.

I found a Euro 6 car at an affordable price a week ago a 2017 reg, I thought it would be ok to purchase, before purchasing I rang the licensing team only to find out, that it's not officially been announced that you can purchase a car older than 5 years.

My concern is that I will not be able to purchase a new car by September, if the announcement is done in June/July, for Euro 5 cars to come off in September, leaving me with no job, to support myself or my family.

Preferably I would like the licensing team, should give Euro 5 cars another year, meaning any Euro 5 car plated in month of 2025 would have to come off

## Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

in the same month the following year 2026 which gives everyone enough time to find a replacement car.

I would also like to propose, that the age restrictions need to come off, as long as the car meets necessary requirements, purchasing a car not older than 5 years just isn't possible with lot of taxi drivers myself included.

Being a taxi driver has never been harder In Hartlepool, public with less disposable income and Uber operating in the town, with none Hartlepool plates, is challenging times. I therefore ask the council/Licensing Committee, to help Hartlepool hackney taxis drivers.

14. I just wanted to address my concerns in regard to vehicles being Euro 6 compliant By 1st September 2025 and the age limit on Euro 6 cars. I feel more time is needed to adjust to this proposed change. For myself personally it will likely lead to me looking for alternative career path. The owner I rent the car from has outlined he will not be able to purchase a Euro 6 compliant car for me at this moment. Similarly, I can't afford to purchase a Euro 6 compliant car at this time. Furthermore, After discussion with the business owner I rent my car from , they have outlined a 1-year extension will give them sufficient time to purchase Euro 6 compliant cars. Another concern for me is the age restriction/limit on the Euro 6. In my opinion if the car is Euro 6 then the age limit should not apply. I also feel like a year extension will also give me time to save up funds for a euro 6 car. I would appreciate if you could consider these concerns as I'm sure it affects many other drivers too.
15. I would like the Licensing Committee to listen to my thoughts on enforcing Euro 6 by the 1st of September 2025 and maybe give drivers more time to replace euro 5 vehicles by adding 12 months extra time to help the trade out at this time as the trade are struggling especially with the influx of out of town Private Hire vehicles swamping Hartlepool with old Euro 5 vehicles and operating on uber. I agree with bringing in euro 6 in and also removing the age restriction so the trade will be allowed to replace any Euro 5 vehicles with any Euro 6 vehicle as long as been well maintained and passes all mechanical and safety tests beforehand. Maybe you could allow the trade another 12 month to replace vehicles to 1st September 2026 as Euro 5 Disabled access vehicles are allowed to stay licensed till 1st September 2026, in the meantime allow all euro 5 vehicles to be replaced with any euro 6 vehicle before 1st September 2026 as im sure that will help the trade at this time which is needed.

Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

16. Can you please extend the euro 5 cars for another year and take of the age restrictions aswell I have spoken to my friends and we are all in the same boat we are finding it very difficult to earn a living the taxi business is very quiet at the moment since Uber have come in to town and have taken a lot of business of us We all would be very grateful if you could extend the old cars for another year and get rid of the age restrictions

17. I am writing as a licensed taxi driver in Hartlepool who rents a vehicle, to express my grave concerns about the impending Euro 6 compliance deadline of September 2025. This rushed implementation threatens the livelihoods of countless drivers like myself who depend on rented vehicles for our income.

The current timeline presents an impossible situation. Many vehicle owners, facing significant financial pressures, are unable to upgrade their cars within this short timeframe. As a renter, this means I face the very real prospect of being left without a vehicle to operate - and consequently, without any means to earn a living. My income supports my family, pays my mortgage, and covers all our daily expenses. The sudden loss of this income would be devastating.

While I fully support environmental improvements, the current transition period is simply unworkable. Owners need more time to source and finance compliant vehicles, and drivers need protection from sudden unemployment. I respectfully request that the Council considers extending the compliance deadline by at least 12 months.

The thing from the proposal I agree with is the removing of age restrictions for vehicles that already meet Euro 6 standards. If this was to be implemented straight away then drivers can broaden their vehicle search. This would make a quicker switch over.

This is not just about vehicles - it's about people's lives and families. I urge you to take immediate action to prevent this policy from causing widespread hardship among Hartlepool's taxi drivers.

Thank you for taken the time to reading my concerns.

18. I would like a 1 year extension to my vehicle as at the moment the taxi business is very slow due to Uber coming to Hartlepool and I cannot afford a new car. There should be no age limit, it should just be Euro 6.

19. I would just like to voice my concerns over the removal of none euro 6 vehicles.

My main concern is that I am going to be forced into unemployment due to this rule.

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My vehicle is a euro 5, just 6 months short of euro 6 and is currently road tax exempt due to being a low emissions engine.

When I purchased the vehicle, it was with the knowledge at the time that it would see me through to retirement.

I have therefore looked after the vehicle well and spent a lot of money on it to keep it compliant with licensing standards.

It has never failed a mechanical or MOT.

I am deeply concerned about the fact that other vehicles that are flooding Hartlepool from other authorities are making it hard enough for the local taxi drivers to earn a living. These taxis are not licensed in Hartlepool but are given a free pass to park up all over the town and being from a multi-national company, can dramatically undercut our prices forcing local drivers out of business. These vehicles (not being licensed in Hartlepool) are not tied to the same strict licensing rules as the local taxis which I find very unfair.

Taking all of the above, it is no way affordable for me to purchase another vehicle.

### **Taxi Assessment Response (20)**

20. I am writing to express our concerns about the proposed changes to licensing policy.

We are a very well established and reputable firm and have successfully served the people of Hartlepool with reliable taxi, minibuss and wheelchair access services for many years and we currently employ approx. 150 staff of which nearly every one lives in Hartlepool. We are proud that we can retain staff long term, many of our Drivers and office staff have well over 20 years service under their belts. However, we are an ageing workforce and we do rely on a steady flow of new drivers to replace retirees and try to increase our capacity, particularly on a weekend. Our fear is that if HBC insist on putting the Driving Test (It is a test, not an assessment) up front, it will severely curtail our recruitment.

Whenever I chat to potential candidates, especially the more mature ones they are invariably worried about the driving test. Currently I can allay their fears by saying don't worry about that now, we will get you started and then will have months before you have to face up to the test, and usually by the time that their test comes around they are usually so happy in their work that they are much more comfortable with it.



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The whole process of getting a Private Hire Badge has become much more onerous and so much more elongated and expensive. It often takes at least two weeks to get a DBS appointment at the Civic Centre and then another 4 to ten weeks for the DBS to process it. Getting a GP appointment can easily take two to three weeks and then once all is in place it takes a week for licensing to 'process' the badge. What is the availability of these Driving Tests ? Who really knows but it could easily add a few weeks to the interminable waiting time. This will also cost the candidate around £360.00 up front plus now they will have to stump up another £65.00 ? for the driving test, so that's well over £400.00 and potentially 10 to 12 weeks before you earn a penny. This is a massive amount of money and time for an unemployed person with no wage coming in. We have lost countless good employees because they have taken up alternative employment part way through their PH application. Of course we often pay the fees for them because they cannot but we then lose the money as they drop out.

A driving licence over the years has also much more difficult to obtain so surely it can be argued that this should be enough now that the candidates have passed, theory, hazard perception and practical tests and the more mature drivers who only had to pass a practical test have now had the benefit of many years of driving experience. Putting these people through the wringer of another practical test is only a snapshot and can be failed by a simple error that any one of us could make on any given day or situation. Add to this that their livelihood and investment of over £400.00 is on the line simply puts unfair pressure on them.

I know that the Council has a responsibility towards public safety but this really does look like a box ticking exercise at no real expense to the Council. Has the Council ever gathered statistics of any kind on taxi and private hire accidents? We keep our own accident stats. and we are very proud of our record. We also carry out our very own driving assessments out on new drivers and seek feedback from the public on their driving, the very last thing we need is dangerous drivers. Its more about how they drive day to day, job to job than how they perform on a one off Driving Test when they are being careful. We have parted company with several drivers over the years as their driving was not up to our standards but they had all passed a driving test. Potential Uber drivers will not seek to gain a Hartlepool licence they will simply pick the easiest authority to pick up a badge from and they will still be able to work in Hartlepool without impediment.

## Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

At the meeting at the start of this process a Councillor spoke of the importance of taxis, minibuses and disabled access vehicles to the public of Hartlepool. This up front test will strangle our supply of drivers and reduce employment opportunities for Hartlepool people but it will open the door still wider for the proliferation of out of town plates which will flood in as our fleet reduces and the Council will have no real control over the driving standards or compliance of all of these drivers in Newcastle, Wolverhampton, Stockton or wherever else plated cars. The net result of this policy change will;

Deprive local people of job opportunities.

Reduce our capability to meet demand at busy times and we offer wheelchair access and buses

Lead to an influx of out of town drivers with no real knowledge of Hartlepool, some driving on foreign licenses or maybe no licence at all.

These out of town drivers are a real problem forming illegal ranks at potentially busy spots, I have even seen them approaching passengers waiting at bus stops offering their services. They have no real fear of touting for business as there is no real enforcement.

I would like to suggest a working committee to be set up to introduce a real driver assessment and improvement programme.

### **Additional Responses (21 and 22)**

21. All private hire vehicles must be able to carry 4 passengers in comfort and their luggage., so no small vehicles .

22. Removal of all vehicle age requirements. \*\* vehicle should be no older than 10 years old with isofix capability for car seats.  
passenger car seat requirement to be observed.

All vehicles licensed must be Euro 6 (emissions standards) compliant by 1st September 2025 (Wheelchair accessible vehicles must be Euro 6 compliant

## Private Hire and Hackney Carriage Licensing Policy Consultation Responses – 2025

by 1st September 2026). \*\* annual emmison checks alongside side valid MOT unless vehicle is under 3 years old

An updated approach to insurance write-offs.

On application, new drivers must provide evidence of satisfactory completion of a driving assessment approved by Hartlepool Borough Council.

all drivers to provide ENHANCED DBS to protect vulnerable passengers.

drivers should have no more than 6pts on driving licence.

internal/external dash cam fitted for driver and passenger safety. External cameras front and rear.

1st aid certificate every year to be updated

carry 1st aid kits.

no smoking or vaping from drivers or passengers in the vehicle.

# LICENSING COMMITTEE

25<sup>th</sup> July 2025



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

**Subject:** LICENSING ACT 2003 – STATEMENT OF  
LICENSING PRINCIPLES

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## 1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
- where people will be safe and protected from harm.
- that is connected, sustainable, clean and green.
- that has an inclusive and growing economy.

## 2. PURPOSE OF REPORT

- 2.1 To seek approval of the proposed draft Statement of Licensing Policy as required by the Licensing Act 2003, attached as **Appendix 1**.
- 2.2 To seek approval for the commencement of a consultation exercise relating to the draft Statement of Licensing Policy.

## 3. BACKGROUND

- 3.1 Section 5 of the Licensing Act 2003 states that each licensing authority must determine and publish a licensing policy every five years
- 3.2 The current licensing policy became effective as of 1st January 2021 and, as such, a new or revised policy must be published no later than 1st January 2026.

- 3.3 A licensing policy details how the licensing authority intends to discharge its licensing functions and also details how it expects licence holders to contribute towards the promotion of the Act's four licensing objectives which are: -
- Prevention of public nuisance
  - Public safety
  - Prevention of crime and disorder
  - Protection of children from harm
- 3.4 A licensing policy does not create new obligations for existing licence holders but can be referred to when considering new applications or variations to existing licences.

#### **4. PROPOSALS**

- 4.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 4.2 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police;
  - the fire and rescue authority;
  - the local authority's Director of Public Health in England (DPH)
  - persons/bodies representative of local premises licence holders;
  - persons/bodies representative of local club premises certificate holders;
  - persons/bodies representative of local personal licence holders; and
  - persons/bodies representative of businesses and residents in its area.
- 4.3 The views of all these persons or bodies will be given appropriate weight when the policy is determined. It is recognised, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but as a licensing authority we must make reasonable efforts to do so.
- 4.4 A new paragraph has been introduced to the Policy referencing "Martyn's Law". Martyn's Law has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would

expect all licensees to comply with any requirements set out within the Act as and when it comes into force.

- 4.5 A new section has been introduced to the Policy referencing Public Health as a Responsible Body. There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 4.6 The Authorities stance on Cumulative Impact remains the same as the 2021 Policy. The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and has determined not to publish any Cumulative Impact Assessments.

## 5. OTHER CONSIDERATIONS/ IMPLICATIONS

<b>Risk Implications</b>	None
<b>Financial Considerations</b>	None
<b>Legal Considerations</b>	None
<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 note the contents of this report and approve the draft Statement of Licensing Policy required by the Licensing Act as details in **Appendix 1**.
- 6.2 That members approve the commencement of consultation on the draft Statement of Licensing Policy as contained in **Appendix 1**.

## 7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a legal obligation for Hartlepool Borough Council to publish a Statement of Licensing Policy every five years and, as such, a new policy must be published no later than January 2026.

## 8. BACKGROUND PAPERS

- 8.1 Revised guidance issued under Section 182 of Licensing Act 2003

[Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

- 8.3 Hartlepool Borough Council Statement of Licensing Policy 2021

[Licensing Policy | Alcohol, Entertainment & Late Night Refreshment | Hartlepool Borough Council](#)

## 9. CONTACT OFFICERS

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# HARTLEPOOL BOROUGH COUNCIL

## STATEMENT OF LICENSING POLICY

2026



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## APPENDIX ONE

## **1. INTRODUCTION**

- 1.1 This policy statement is based on the provisions of the Licensing Act 2003 and has taken full account of the guidance issued under **Section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport (DCMS)**.
- 1.2 This policy will apply for a period of five years from **1<sup>st</sup> January 2026**. It will be kept under review and revised/amended if considered appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation.

### **The Borough of Hartlepool**

- 1.3 Hartlepool Borough Council, acting as the licensing authority for the Licensing Act, recognises the benefits to Hartlepool of a thriving service economy and wishes to promote, wherever possible, a town that meets and exceeds the requirements of its residents and visitors. However, the licensing authority recognises that certain types of licensed premises, particularly those offering alcohol and/or music, may have a detrimental impact on those who live nearby through the escape of noise or the actions of patrons both on and off the premises.
- 1.4 The licensing authority intends to seek a balance between the needs of residents and local businesses by using this Licensing Policy, and other strategies, to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in Hartlepool.

### **Legal Background to this Policy Statement**

- 1.5 Hartlepool Borough Council, acting as the licensing authority, is able to grant or reject applications for the sale of alcohol, the provision of regulated entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime, disorder and public nuisance will be attached to licences where appropriate. However, the ability of licensing authorities to grant licences and attach conditions is limited by provisions in the Act, Regulations made under the Act and by guidance from the Secretary of State. The licensing authority must have regard to the guidance and will deviate only where there are justifiable reasons for doing so.
- 1.6 In formulating this policy document the licensing authority has had regard to the provisions of the European Convention on Human Rights, recognising that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions.

- 1.7 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which will be incompatible with a convention right. The licensing authority will endeavour to ensure that any licensing decision does not cause a breach of a convention right.
- 1.8 The licensing authority in taking into account the provisions of the Crime & Disorder Act 1998 will also have regard to the likely effect of the exercise of their functions on crime and disorder in their area.

## **2. PURPOSE AND SCOPE OF THE LICENSING POLICY**

### **Purpose**

- 2.1 The licensing policy has four main purposes:
- To reinforce to elected Members on the Licensing Committee, the boundaries and powers of the local authority, and to provide them with parameters under which to make their decisions.
  - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within the area. (Note however that each case will be examined on an individual basis.)
  - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs and concerns will be addressed.
  - To support decisions made by the licensing authority when these decisions are challenged in a court of law.

### **Scope**

- 2.2 The Act is concerned about the supply and sale of alcohol, the provision of certain entertainment and late night refreshment.
- 2.3 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:
- Retail sale of alcohol
  - Supply of hot food or drink from a premises from 23.00 to 05.00 hours
  - Supply of alcohol or provision of regulated entertainment to club members or guests
  - Provision of regulated entertainment listed below to the public or section of the public, or club members or with a view to profit:

- Performances of a play
- Exhibition of a film
- Indoor sporting events
- A boxing or wrestling entertainment
- Live music performances
- Playing of recorded music
- Dance performances

- 2.4 The scope of the policy covers new applications, renewals, transfers, variations and reviews of both premises licences, personal licences and club premises certificates. The policy also applies to temporary events notices (TEN's).

### **3. TYPES OF LICENCES**

#### **Personal Licences**

- 3.1 A personal licence will be granted where an applicant:
- a) is aged 18 or over
  - b) possesses an accredited licensing qualification
  - c) has not forfeited a personal licence in the last 5 years
  - d) has not been convicted of a relevant offence
- 3.2 The licensing authority will, however, reject any application where the applicant fails to meet a), b) or c) above.
- 3.3 Where an applicant has an “unspent” relevant conviction, the police may oppose the application. If such an objection is lodged a licensing hearing will be held. Where no such objection is received from the police, the licensing authority will grant the licence.
- 3.4 At a hearing the licensing authority will consider carefully whether the granting of a licence will be in keeping with the promotion of the crime and disorder objective. Considerations will include the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The licensing authority will only grant the application if it is satisfied that doing so will promote this objective.
- 3.5 Reason(s): Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. The holder of a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will, in many cases, undermine rather than promote the crime and disorder objective.

## **Premises Licences and Club Premises Certificates**

- 3.6 An application for a premises licence or club premises certificate must consist of: -
- an application form, in the prescribed format, detailing the licensable activities and proposed operating hours
  - an operating schedule
  - a plan of the premises to which the application relates
  - the appropriate fee
- 3.7 If the licensable activities include the sale of alcohol, a consent form from the individual agreeing to be the designated premises supervisor (DPS) will also be required (not required for club premises certificates).
- 3.8 The application must be advertised in the prescribed manner.

## **4. LICENSING PRINCIPLES**

### **General**

- 4.1 In carrying out its licensing functions the authority will promote the licensing objectives set out in the Act. These are:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm
- 4.2 To achieve these objectives the authority will use its full range of powers and consider all relevant responsibilities including its planning controls, transport controls and crime and disorder policies. The authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 4.3 In determining a licence application the overriding principle adopted by the licensing authority will be that each application will be determined on its individual merits.
- 4.4 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment and late night refreshment (premises licences), the supply of alcohol and/or the provision of regulated entertainment and late night refreshment from certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

- 4.5 In general a reference in this policy to a licence will include a club premises certificate.

### **Duplication**

- 4.6 So far as is possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that are already placed on employers and operators, e.g. Health and Safety at Work etc. Act 1974. Conditions in respect of public safety will be attached to licences only if they are considered necessary for the promotion of the licensing objectives.
- 4.7 It is accepted that licensing and planning regimes are separate and distinct and it is therefore possible that duplicate, or similar, conditions may be applied to a premises under both regimes. It is also possible that contrary decisions about the granting or refusal of a licence/planning permission may occur as such decisions must take into account differing legislative matters.

### **Licence Conditions**

- 4.8 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations.
- 4.9 Conditions will be specifically tailored to the premises and activities to be undertaken, with a view to ensuring the licensing objectives are achieved.
- 4.10 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 4.11 The licensing authority will not impose blanket standard conditions. Where there are outstanding representations regarding a licence application, licence conditions will be tailored to the individual application to help promote the licensing objectives. They will not be imposed where it is considered that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 4.12 In the spirit of openness, transparency and reasonableness, the licensing authority encourages all parties to a licence application to discuss concerns during the statutory consultation period so that any necessary conditions can be agreed without the need for the intervention of the licensing authority.
- 4.13 To assist applicants, the licensing authority has published a range of model conditions that applicants are encouraged to consider as part of their risk assessment process. These model conditions can be found at [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing).

## **Alcohol Harm Reduction**

- 4.14 The licensing authority recognises that for most people alcohol represents an enjoyable addition to well-balanced social activities. However, there is increasing concern that, for some people, alcohol misuse is leading to self harm and social nuisance.
- 4.15 In determining licence applications, the licensing authority will have regard to any relevant Government guidance relating to alcohol consumption, alcohol misuse and alcohol harm.

## **Protection of Children**

- 4.16 Whilst the protection of children from harm is a licensing objective, the licensing authority will not normally impose conditions restricting or prohibiting the admission of children to licensed premises. However, conditions designed to protect children will be imposed where necessary if relevant representations have been received.
- 4.17 The licensing authority will not impose any licence conditions requiring the admission of children to licensed premises.
- 4.18 Examples of premises where the introduction of additional controls are likely to be necessary are:
- Where entertainment or services of an adult or sexual nature are provided.
  - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
  - Where there is a known association with drug taking or dealing.
  - Where there is a strong element of gambling on the premises.
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
  - Where entertaining or providing facilities for the entertainment of children is a significant part of the premises' operation.
- 4.19 In such circumstances, additional conditions may be expected where considered necessary for the prevention of harm to children. These may include: -
- Limitations on the hours when children may be present
  - Age limitations
  - Limitations on the parts of premises to which children will be given access
  - Requirements for accompanying adults
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place

- 4.20 Where the exhibition of films is permitted, the licensing authority will impose a condition requiring the exhibition of films to be limited to only those age groups recommended by either the British Board of Film Classification or the licensing authority. For such films, licensees must indicate in their operating schedules how such action will be assured. Only in exceptional cases will variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.
- 4.21 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the licensing authority will, provided adequate notice has been given, classify the films concerned. Information regarding such classifications will be available for inspection at the Civic Centre, Victoria Road, Hartlepool. To achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.
- 4.22 In connection with the protection of children from harm, the licensing authority will provide details of which body is responsible for such matters. Details of licence applications, where relevant, should be forwarded to this nominated body for examination.
- 4.23 Where there is provision of entertainment specifically for children (e.g. a children's disco) the licensing authority will expect the presence of sufficient appropriate adults to control the entertainment and the access and egress of the children to ensure their safety.
- 4.24 Where it is the intention of the licensee to offer responsibility for the supervision of children as part of a licensable activity, the licensing authority will expect licensees to take appropriate measures to ensure the suitability of employees for such purposes – this may involve employees providing a Criminal Records Bureau Disclosure.

### **Designated Premises Supervisors**

- 4.25 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 4.26 Because of this the licensing authority expects that the designated premises supervisor (DPS) for a licensed premises will be able to demonstrate that they are in day to day control of the premises, playing an active role in its operation through a regular personal presence.



## **Licensing Hours**

- 4.27 The licensing authority does not accept that longer opening hours for licensed premises have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 4.28 Whilst zoning will not be adopted, the licensing authority will impose stricter conditions with regard to noise control in areas which have denser residential accommodation.

## **Live Music, Dancing & Theatre**

- 4.29 The licensing authority recognises that traditional cultural activities such as music and dancing should be encouraged as part of a wider cultural strategy. Account should be taken of the need to encourage and promote entertainment such as live music, dancing and theatre for the wider cultural benefits of communities generally.
- 4.30 Only conditions considered necessary, proportionate and reasonable for the promotion of the licensing objectives will be attached to licences for activities of this nature. The authority will avoid measures that may deter live music, dancing and theatre by imposing unjustified indirect substantial costs. The licensing authority will closely monitor the impact of licensing on such activities and, where a negative impact can be identified, will re-visit the Licensing Policy with a view to investigating how the situation might be reversed.

## **Enforcement**

- 4.31 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Code and the Council's Enforcement Policy.
- 4.32 In particular, regard will be had to the following principles:

- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
  - Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
  - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
  - Proportionality - i.e. action taken should be proportional to the risk presented.
- 4.33 The authority will establish protocols with the local police and the fire brigade on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, police and fire officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 4.34 Furthermore the policy of the Council will be a light touch inspection regime for well managed and maintained premises with a targeted and increased inspection and enforcement regime for “high-risk” premises and those suspected of not being operated within the terms and conditions of the licence.

### **Integration of Strategies and Other Policies**

- 4.35 Hartlepool Borough Council fully recognises and endorses the value of good relations between persons of different racial groups. The licensing authority recognises the obligations placed upon it by the Equality Act 2010 and will ensure that this Policy promotes race equality and the elimination of unlawful discrimination.
- 4.36 The Council will integrate its various strategies to achieve consistency and transparency in the achievement of the licensing objectives.
- 4.37 Arrangements for reporting to local authority transport committees will be made to ensure transport strategies take account of the need to quickly disperse people from busy town centre areas to reduce the potential for nuisance and disturbance.
- 4.38 Arrangements will be made for the reporting of Hartlepool’s employment situation and the needs of the local tourist economy to the licensing committee to ensure that these issues are taken into account when licensing matters are being considered.

## **5. CONSIDERATIONS**

### **General Requirements**

- 5.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, (as required under the Act). The operating schedule will have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, the times during which it is proposed that relevant licensable activities are to take place and details of other times during which it is proposed that the premises are to be open to the public.
- 5.2 In many cases it may be helpful to all concerned for council officers to discuss with applicants and/or their advisers a draft operating schedule before it is formally submitted. This will help ensure it properly addresses all the issues of concern to the council. Where licensable activities include the supply of alcohol, specified information on the individual identified as premises supervisor shall be supplied as well as whether the supply of alcohol is proposed for consumption on and/or off the premises and operational procedures.

### **Nuisance**

- 5.3 The licensing authority will expect the operating schedule to clearly demonstrate actions intended to ensure the operation will be “neighbour friendly”. In particular, the applicant shall propose adequate practical steps to prevent disturbance to local residents.
- 5.4 The licensing authority does not accept that longer opening hours for licensed premises have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.
- 5.5 Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.
- 5.6 In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.
- 5.7 In relation to noise from within the building the licensing authority will expect the applicant to have carried out acoustic tests to ascertain whether there is sound leakage. This noise could relate not only to entertainment but also from

air handling equipment or patrons. The licensing authority will expect potential noise breakout to have been addressed in practical ways such as:

- Keeping doors and windows closed and providing suitable mechanical ventilation
- Installing soundproofing measures to control noise breakout and vibration to an acceptable level.

5.8 The licensing authority will expect venues that attract queues to formulate a scheme to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

5.9 However, possible excessive noise generated by customers and/or disorder requires more rigorous action. It is important that queues formed later in the evening or in early morning are adequately supervised to keep noise/disorder to a minimum. Such action can also help stop drug dealing during the queuing process but the prime purpose will be to prevent noise and disturbance. Door supervisors will generally be expected to carry out this role, but they must be adequately trained and given clear instructions as to their duties and responsibilities – where necessary they should be adequately supervised by a suitably nominated person or persons.

5.10 In terms of patrons leaving the premises, particularly late at night or early in the morning, the licensing authority will expect the applicant to indicate in their operating schedule that consideration has been given to, and included where appropriate, such practical steps as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, etc
- At appropriate times making announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
- The availability of licensed taxis or private hire vehicles to take patrons from the premises
- In appropriate cases door supervisors or a premises manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels
- Where there is a private forecourt, yard, etc, preventing patrons from using it for eating and drinking etc after a certain time. Planning conditions are usually imposed to restrict use after 8.00 pm or at sunset where adjacent to residential properties.

5.11 There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being

disturbed particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.

- 5.12 A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to above to prevent such nuisance.

### **Prevention of Crime and Disorder**

- 5.13 The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 5.14 The licensing authority will expect an applicant to indicate in their operating schedule the steps proposed to prevent crime and disorder such as:
- Use of CCTV both within and outside the premises
  - Procedures to prevent the supply of alcohol to those already drunk
  - Metal detection and search facilities
  - Procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks
  - Measures to prevent the use or supply of illegal drugs
  - Employment of licensed door supervisors and other appropriately trained staff
  - Participation in an appropriate scheme designed to ensure effective liaison with the local community
- 5.15 Reason(s): Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the licensing authority the practical steps that will be taken to further this objective.

- 5.16 Premises that are supplying alcohol for consumption on the premises after midnight and whose operation, at that time, is primarily or significantly of the 'vertical drinking' format, will be expected to provide all drinks in plastic glasses.
- 5.17 Reason: Standard drinking glasses are made of annealed glass that, when broken, can create long shards which can be used as a stabbing weapon. Toughened glass will shatter completely when broken but, due to its manufacturing process, is extremely hard and may cause blunt force injuries if thrown or used as a weapon.
- 5.18 Rigid or flexible plastic glasses will not shatter when broken and will not cause blunt force injuries. As such, the licensing authority believes such a condition is a reasonable and proportionate requirement that will prevent those serious injuries that occur when drinking glasses are used as weapons.

### **Construction/Maintenance and Safety**

- 5.19 The licensing authority will expect licensed premises to meet all legal safety requirements, but in addition wishes to promote the highest possible standards of safety for patrons and others who may be affected by a licensed premises. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, other technical standards that may be appropriate for the premises concerned.
- 5.20 The licensing authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 5.21 The licensing authority expects licensed premises to be a safe environment and applicants will be expected to consider how customers can be kept safe from foreseeable risks.

### **Pricing of Alcohol**

- 5.22 The Licensing Authority encourages all licensed premises to apply a minimum price of 50p per unit of alcohol to all products sold under their premises licence. (The unit pricing will be reviewed in line with national Guidance.)
- 5.23 Where licensed premises are found to be selling alcohol below this price, and problems associated with that premises are in breach of the licensing objectives, a responsible authority or interested party may bring a licence review. Following the review, the Licensing Committee may impose a condition in relation to the pricing of alcohol, in order to uphold the licensing objectives.

- 5.24 The Licensing Authority will expect applicants to demonstrate in their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.
- 5.25 **Reason:** The licensing authority believes the price of a product influences its demand and, where alcohol is sold cheaply, consumers may be encouraged to buy, and consume, more of it.
- 5.26 The expectation that licensees will not sell alcohol below the stated minimum unit price does not create a legally binding obligation but it does place a duty on licensees to take into account the price of the alcohol they sell and the effect that price may have on levels of alcohol consumption.
- 5.27 If a licence is reviewed and the Licensing Authority believes that one or more of the licensing objectives has been undermined because of the price that alcohol has been sold at, it may impose a condition on the licence to prevent irresponsible pricing in future.

### **Access for Persons with Disabilities**

- 5.28 All premises are expected to provide adequate facilities and access for people with disabilities. The needs of disabled people must therefore be addressed in the operating schedule.
- 5.29 Reason(s): Wherever practicable, persons with disabilities should not be treated in a less advantageous way. In addition, responsibilities under the Disability Discrimination Act 1995 will need to be considered and adequate facilities provided in premises where necessary.

### **Publicity**

- 5.30 All those affected by an application should be made aware of its existence and of the opportunity to make representations. In an attempt to ensure this is achieved, applications for a premises licence must be advertised in accordance with statutory requirements.
- 5.31 Reason(s): The grant of a licence can have a significant impact on the lives or businesses of those living or working in the vicinity of premises for which a licence is sought. Therefore, all those likely to be affected by an application have the right to be made aware of it and of the opportunity to make representations.

### **Other Policies, Objectives and Guidance**

- 5.32 Applicants for licences will be expected to have taken into account **new legislation**, relevant strategies and policies such as the local crime prevention

strategies, planning and transportation policies, tourism and cultural strategies in determining their operating schedules.

- 5.33 In addition to the above, applicants will also be expected to address the impact of their premises on the local community and demonstrate that matters such as the prevention and clearance of litter and other waste materials arising from the use of their premises have been considered.
- 5.34 **Martyn's Law' has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would expect all licensees to comply with any requirements set out within the Act as and when it comes into force.**

## **Planning**

- 5.35 Premises for which a licence is required must have a suitable, appropriate authorised use under planning legislation.
- 5.36 The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises has either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.
- 5.37 Reason(s): Licensing applications should not be a re-run of a planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that Committee. Proper integration will be assured by the Licensing Committee, where appropriate, by providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

## **Drug Awareness**

- 5.38 The licensing authority recognises that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed on certain venues where drug use is, or has been, taking place in order to reduce the sale and consumption of drugs and to create a safer environment for all.



- 5.39 The licensing authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into their premises; to take appropriate steps to prevent drugs changing hands within the premises; and to otherwise adopt precautionary measures to address the consequences of drug misuse.

### **Door Supervisors**

- 5.40 Whenever any persons are employed at licensed premises to carry out any regulated security activity, all such persons must be licensed with the Security Industry Authority.
- 5.41 The licensing authority may consider that certain premises require stricter supervision for the purpose of promoting the reduction of crime and disorder or other licensing objectives. In such cases, the licensing authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 5.42 Reason: Door supervisors, and others placed in a similar position, are often those first called upon to respond to issues of safety and disorder on licensed premises. The licensing authority intends to ensure that such people are equipped with the skills necessary for the discharge of this important role.

### **Public Health as a Responsible Authority**

- 5.43 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.

## **6. CUMULATIVE IMPACT**

- 6.1 The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and has determined not to publish any Cumulative Impact Assessments.

## **7. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS**

- 7.1 The licensing authority has delegated its decision-making functions to the Licensing Committee, Sub-Committees and officers in accordance with the guidance issued by the Secretary of State.

- 7.2 Many decisions and functions are purely administrative in nature and these will be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
- 7.3 Detailed information regarding the delegation of functions can be found in Appendix One.

## 8. CONTACT DETAILS

- 8.1 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](mailto:licensing@hartlepool.gov.uk)

## APPENDIX ONE

### Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made

Application for premises licence/club certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Application for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decisions regarding personal licence holder following conviction of offences	All cases	
Decision on whether a complaint is relevant frivolous vexatious etc.		All cases
Decision to make representations on behalf of the licensing authority acting as a Responsible Authority		All cases
Determination of a police objection to a temporary event notice	All cases	