

NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY COMMITTEE

At a meeting of the **Licensing and Regulatory Committee** held in
Committee Room , County Hall, Morpeth, NE61 2EF on **20 June 2018 at 1:30 pm**

PRESENT

Councillor J I Hutchinson
(Chair in the Chair)

COUNCILLORS

T Cessford
B Crosby
R M Gibson
J Lang
K Parry

W Pattison
M E Richards
G Roughead
C Seymour
T Wilson

OFFICERS IN ATTENDANCE

H Bowers
T Hardy
N Masson
D Sayer
P Soderquest

Democratic Services Officer
Licensing Manager
Solicitor, Regulation
Business Compliance & Public Safety Manager
Head of Housing and Public Protection

ALSO IN ATTENDANCE

Press - 1

01. MEMBERSHIP AND TERMS OF REFERENCE

The membership and terms of reference of the Licensing and Regulatory Committee as agreed by full Council on 2 May 2018 were reported for information.

RESOLVED that the information be noted.

02. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Purvis, Sharp and Stow.

03. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 25 April 2018, as circulated, be confirmed as a true record and signed by the Chair.

04. SUB-COMMITTEE MINUTES

RESOLVED that the minutes of the sub-committee held on 24 May 2018 be received for information.

05. REPORTS OF THE EXECUTIVE DIRECTOR OF PLACE

(1) Review of Hackney Carriage Tariffs

The Committee were provided with additional information concerning the existing hackney carriage fare tariff and to consider whether or not it was appropriate to increase the tariff to reflect increases in the general cost of living. (Report attached as **Appendix A**).

Members were informed of a typing error on the first page of the report and were advised that recommendation number 5 should read recommendation number 4.

David Sayer, Business Compliance and Public Safety Unit Manager introduced the report and advised that Members had considered the responses to the review of hackney carriage tariffs at a meeting on 28 February 2018 and requested that officers report back to the committee with a proposal that would harmonise the tariffs across Northumberland.

The Council currently had 6 hackney carriage zones which corresponded to the old district boundaries, each of which had its own tariff.

Officers had analysed the charges and formulated a tariff which would harmonise fees across the county (appendix A).

In response to a concern regarding the increase for the Berwick zone, it was advised that there was no obligation on operators to charge the maximum fare but would give them more flexibility.

It was further queried whether there had been a good response to the letters sent out to proprietors and what timeframe had been given for responses? Not many responses had been received and those that had been received

were attached to the report. Several weeks had been allowed for responses as this had not been a formal consultation.

Phil Soderquest, Head of Housing and Public Protection advised Members that the report set out the proposals for Committee to consider each recommendation which would in turn go through a formal consultation process.

Different tariffs were being charge across Northumberland. There had been no consistency with the former tariffs in urban and rural areas. It would be a matter of choice whether the operator wished to charge the maximum fare.

Members were asked to vote on each recommendation:

Recommendation 1 - Proposed by Councillor Parry and seconded by Councillor Crosby and unanimously agreed.

Recommendation 2 - Proposed by Councillor Cessford and seconded by Councillor Crosby. 10 voted in favour with 1 against the recommendation.

Recommendation 3 - Proposed by Councillor Parry and seconded by Councillor Pattison. 10 voted in favour with 1 against the recommendation.

Recommendation 4 - Proposed by Councillor Cessford and seconded by Councillor Roughead and unanimously agreed.

RESOLVED that the Committee agreed to:-

1. Grant an increase in the fare tariff currently in operation for each of the hackney carriage zones.
2. Harmonise the tariff structure across Northumberland and adopt the amalgamated tariff.
3. Authorise statutory notices.
4. Any representations to be considered be delegated to the Executive Director of Place, Head of Housing and Public Protection in consultation with the Chair and Vice Chair of the Licensing and Regulatory Committee.

(2) Hackney Carriage and Private Hire Licence Fees

Approval was sought of the Committee for officers to consult on the proposed new licence fees in respect of Hackney Carriage and Private Hire Drivers Fees and to confirm arrangement for the consideration of representations. (Report attached as **Appendix B**).

David Sayer, Business Compliance and Public Safety Unit Manager introduced the report and advised that the Council was responsible for setting its own fees for recovering the costs of the granting of a hackney carriage or private hire drivers licence with a fee that they considered reasonable with a view to recovering the cost of issue and administration.

Licence fees for hackney carriage and private hire driver licences were last amended in October 2015.

Officers had conducted an assessment of the actual cost of administering the driver licence application process and the table showed the costs together with the current fees and a proposed fee.

Councillor Parry moved the motion to accept the recommendation which was seconded by Councillor Gibson.

Councillor Gibson felt that the 10% increase in the fees was not proportional and proposed that the increase in the fees should cover the full cost of recovery.

Councillors Parry and Gibson withdrew their support to the original motion and the motion fell.

The amended proposal to increase the fees was moved by Councillor Lang and seconded by Councillor Cessford with 6 members voting in favour, 4 against and 1 abstention and it was therefore:-

RESOLVED that:-

- 1) Members approve to increase the fees to cover the full cost of recovery.
- 2) Consideration of any responses to the consultation be delegated to a meeting of the Executive Director of Place and Head of Public Protection in consultation with the Chair and Vice Chair of Licensing and Regulatory Committee.

(3) Guidance on the Determining the Suitability of Applicants for Hackney Carriage and Private Hire Licences

Members were informed of new guidance on determining the suitability of applicants and licensees in hackney carriage and private hire licensing. (Report attached as **Appendix C**).

David Sayer, Business Compliance and Public Safety Unit Manager introduced the report and information was circulated to Members regarding the comparison between the current Northumberland County Council Hackney Carriage and Private Hire Licensing Policy and the Institute of Licensing Guidance.

The Institute of Licensing had published guidance on determining the suitability of applicants and licensees in the hackney and private hire trades as a result of several sexual abuse cases.

In assessing whether an applicant was a 'fit and proper person' to hold a licence, the Council considered the relevance of convictions and fines.

The proposal was to incorporate suggestions from the report into the taxi policy and once agreed and consulted on, would be available on the website.

Some discussion took place on the information circulated.

RESOLVED that:-

- 1) Members note the content of the report.
- 2) Officers consult on the amendment of the Hackney Carriage and Private Hire Licensing Policy to adopt the recommended relevance of convictions section.

(4) New Regulations for Animal Licensing

Members were informed of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Members were informed that the Regulations were published on 1 February 2018 and expected to come into force on 1 October 2018.

The Regulations were to harmonise a number of existing Acts under one licensing regime.

NCC currently issued licences under the following Acts of Parliament:-

- Pet Animal Act 1951 as amended 1983
- Animal Boarding Establishment Act 1963
- The Performing Animals (regulation) Act 1925
- Breeding and Sales of Dogs (welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973

Since the report had been written DEFRA had produced some draft guidance.

The new regulations contained an annual fee and inspection regime

RESOLVED that Members note the content of the report.

(5) Milton Keynes Council v Skyline Taxis and others

Members were informed of a recent High Court Decision in relation to sub-contracting arrangements and were asked to note the information.

RESOLVED that Members note the contents of the report.

CHAIR:

DATE: