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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Heather Bowers

Email: heather.bowers@northumberland.gov.uk

Tel direct: 01670 622609

Date: 09 February 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **LICENSING AND REGULATORY SUB COMMITTEE** to be held in **CONFERENCE ROOM 1 - COUNTY HALL** on **THURSDAY, 16 FEBRUARY 2023** at **10.00 AM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To Licensing and Regulatory Sub Committee members as follows:-

T Cessford, B Gallacher, JI Hutchinson and K Parry



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
www.northumberland.gov.uk



AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. **APPOINTMENT OF CHAIR FOR THE MEETING**
2. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody

else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

PART II

It is expected that matters included in this part of the Agenda will be dealt with in private. Reports referred to are enclosed for members and officers only, coloured pink and marked "Not for Publication".

3. EXCLUSION OF PRESS AND PUBLIC

The Committee is invited to consider passing the following resolution:

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item	Paragraph of Part I of Schedule 12A
4	1
	The public interest in maintaining this exemption outweighs the public interest in disclosure because of any information relating to any individual.

4. REPORTS OF THE DIRECTOR OF HOUSING AND PUBLIC PROTECTION

(Pages 1
- 4)

Case No. 150223/443

5. PART 1

It is expected that the matters included in this part of the agenda will be dealt with in public

6. REPORTS OF THE DIRECTOR OF HOUSING AND PUBLIC PROTECTION

(Pages 5
- 12)

Case No. 160223/444

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body

	<p>where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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Agenda Item 4

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Case No. 160223/444

LICENSING AND REGULATORY COMMITTEE

16th February 2023

ITEM FOR DECISION

REPORT OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Local Government (Miscellaneous Provisions) Act 1976

1. SYNOPSIS

An application has been received which officers are unable to deal with under delegated powers. Elected Members are asked to consider the application and all supporting written and verbal submissions and determine whether or not the vehicle is suitable to be licensed as a private hire vehicle.

2. IMPLICATIONS (include references to budget and policy framework)

Policy:	None
Financial and Value for money	None
Personnel:	None
Property:	None
Crime and Disorder:	None
Equalities:	None
Customer Considerations	None
Human Rights:	Convention Rights – Article 6: Right to a fair trial, Article 8: Right to respect for private and family life, The First Protocol - Protection of Property

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

Article 6: Right to a fair and public hearing

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him
 - to have adequate time and facilities for the preparation of his defence
 - to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require
 - to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him
 - to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 8: Right to privacy

- Everyone has the right to respect for his private and family life, his home and his correspondence.
- There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

3. DETERMINATION OF APPLICATION

The Sub-committee having considered all relevant written and verbal submissions made by or on behalf of the licence holder may:

- Elect to grant the licence if they consider there is reasonable cause to do so.
- Elect to refuse to licence the Private Hire vehicle if they are not satisfied that the vehicle meets the policy criteria relating to private hire vehicles under the terms of the Local Government (Miscellaneous Provisions) Act 1976.

Or

- Reduce the number of passengers allowed to be licensed (ie from 4 to 3)

In reaching a decision the Sub-committee should be aware that:

- the standard of proof (i.e. the standard to which the matters in dispute have to be proved) in this case is the civil standard of proof (i.e. on balance of probability).

In all cases where the Sub-committee determine refuse a licence they must provide reasons for that decision.

4. BACKGROUND

An application for a private hire vehicle was received on 11th January 2023 from The applicant. The vehicle in question is a Red Jaguar XE R-Sport D Auto. Details of the vehicle are attached as appendix A.

Prior to submitted the vehicle application, The applicant's wife requested the vehicle be inspected for its suitability to be licensed as a Private hire vehicle. A licensing Officer had inspected the vehicle on 6th January 2023 and found that the headroom was inadequate in the rear of the vehicle and the applicant's wife was informed at the time of this inspection of the officer`s findings, at which point she requested a second opinion.

On Friday 13th January, the vehicle was presented for a second inspection at Stakeford Depot, to assess whether it was suitable to be licensed as a private hire vehicle. Both the applicant and his wife were present.

Officers found that although the back seat met the requirements of the policy there was an issue with the head room available for rear passengers. Three people, 2 males and a female sat in the rear of the vehicle and it was found that the roof slopes meant there was not enough head room height for the comfortable carriage of 3 people in the rear of the vehicle. Two passengers heads touched the roof and the other person had to bend his head forward when sitting in the vehicle.

It was concluded by Officers that this vehicle was not suitable in type, size or design for use as a private hire vehicle as the back seats were not comfortable for three rear passengers and therefore does not comply with the policy criteria.

5. ADDITIONAL INFORMATION

Any vehicle used as a private hire vehicle must be licensed under section 48(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976 which requires the Council to be satisfied that any vehicle is:

- ***suitable in type, size and design for use as a private hire vehicle;***
- *not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*
- *in a suitable mechanical condition;*
- *safe; and*
- ***comfortable.***

The Council has in place a hackney carriage and private hire licensing policy.

*The policy in relation to the licensing of private hire vehicles states that the seating capacity of the vehicle will be determined by the Council. Each individual seat must be a minimum of 400mm (16”) in width. Where the seating in the vehicle does not conform **or for other reasons associated with comfort and safety of the passengers**, the Council may reduce the permitted number of passengers which may be carried in the vehicle from that specified by the vehicle manufacturer.*

6. APPEAL

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, if the applicant is aggrieved by any or all of the decisions reached by the Sub-committee, he has the right of appeal within twenty-one days to the magistrate's court upon receipt of written notification of the decision of the Sub-committee.

7. BACKGROUND PAPERS

Appendix A- Private Hire Vehicle specification (Policy)
Appendix B - Jaguar XE specifications (headroom and legroom)
Local Government (Miscellaneous Provisions) Act 1976

8. CONTACT OFFICER(S)

Mrs Helen Tait, Senior Licensing Officer

For further information please contact Mrs Helen Tait
helen.tait01@northumberland.gov.uk

Appendix A;

Private Hire Vehicles

A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 which requires the Council to be satisfied that any vehicle is:

- ***suitable in type, size and design for use as a private hire vehicle;***
- *not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*
- *in a suitable mechanical condition;*
- *safe; and*
- ***comfortable.***

In addition to the statutory requirements as set out above, the Council has exercised its discretion and private hire vehicles must:

- *Not be fitted with a roof sign of any description. The Council wishes to provide a means by which in accordance with the law private hire vehicles are not of an appearance to lead any person to believe that the vehicle is a hackney carriage, the Council has required all hackney carriages to have a roof sign of a particular size and design and prohibits private hire vehicles from having a roof sign of any description.*
- *Clearly display a licence plate provided by the Council on the exterior of the rear of the vehicle, which must be securely attached to the vehicle by rivets, bolts or screws.*
- *Display a door decal supplied by the Council centrally on each of the front doors of the vehicle. The decals are to be securely fixed to the vehicle doors at all times.*

- *Display the vehicle licensing details internally within the vehicle in a form provided by the Council.*
- *If the vehicle is fitted with a meter, it must be properly tested and sealed and be of a type approved by the Council.*
- *Permit any passenger to communicate with the driver either directly or by means of an approved communication system.*
- *Have a boot or load carrying area with adequate space for the safe and secure storage of luggage. In the case of a saloon or estate vehicle this shall not be within the passenger compartment and in all other cases shall not interfere with the safe access and egress of passengers. The minimum space required will be such as to allow a folded wheelchair to be carried.*
- *The seating capacity of the vehicle will be determined by the Council. Each individual seat must be a minimum of 400mm (16") in width. Where the seating in the vehicle does not conform or for other reasons associated with comfort and safety of the passengers, the Council may reduce the permitted number of passengers which may be carried in the vehicle from that specified by the vehicle manufacturer.*

Appendix B;

Vehicle Specifications (data taken from Jaguar webpage)

Maximum front/rear headroom with standard roof (mm)	971 / 948
Maximum front/rear headroom with panoramic roof (mm)	941 / 940

Maximum front/rear legroom (mm)	1,055 / 889
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