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Northumberland County Council

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Enquiries to: Heather Bowers

Email:

Heather.Bowers@northumberland.gov.uk

Tel direct: 01670 622609

Date: 18 October 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **LICENSING & REGULATORY COMMITTEE** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **WEDNESDAY, 26 OCTOBER 2022** at **1.30 PM**.

Yours faithfully

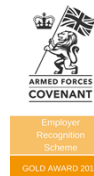
Rick O'Farrell
Interim Chief Executive

To Licensing & Regulatory Committee members as follows:-

**J Beynon, T Cessford, E Chicken, J Foster, B Gallacher, C Hardy (Vice-Chair),
C Humphrey, JI Hutchinson (Chair), S Lee, K Parry, C Seymour, A Sharp, M Swinbank
and A Wallace**



Rick O'Farrell, Interim 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. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

(Pages
1 - 6)

Minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 15 June 2022, as circulated, to be confirmed as a true record and signed by the Chair.

3. **SUBCOMMITTEE MINUTES**

(Pages
7 - 12)

To receive for information the following Minutes of the Licensing and Regulatory Subcommittees:

21 July 2022

5 October 2022

4. **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.

5. REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

(Pages
13 - 38)

(1) Hackney Carriage and Private Hire Licensing Policy – Fire Extinguishers and First Aid Kits

To update Members and seek approval for consultation in respect of the removal of the requirements for hackney carriage and private hire vehicles to carry fire extinguishers and first aid kits.

(2) Hackney Carriage and Private Hire Licensing Fees

To provide information to committee in relation to hackney carriage and private hire licensing fees.

(3) Street Trading Policy

To update Members and seek approval for consultation in respect of the Council's Street Trading Policy.

6. NEXT MEETING

The next meeting of the Licensing and Regulatory Committee is scheduled for Tuesday 20 December 2022.

7. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

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.

NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY COMMITTEE

At a meeting of the **Licensing and Regulatory Committee** held on Wednesday 15 June at 1.30 pm.

PRESENT

Councillor I Hutchinson
(Chair, in the Chair)

MEMBERS

E Chicken
J Foster
B Gallacher
C Humphrey
S Lee

C Seymour
A Sharp
A Wallace

OFFICERS

H Bowers
M Bulman
T Hardy
P Soderquest

D Wilson

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

01. MEMBERSHIP AND TERMS OF REFERENCE

The Membership and Terms of Reference, as agreed by Council at the meeting on 4 May 2022, had been circulated for information.

The Chair pointed out that the membership was currently with a vacancy for one member.

RESOLVED that the Licensing & Regulatory membership and terms of reference, as agreed by Council on 4 May 2022, be noted.

Ch.'s Initials.....

02. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beynon, Hardy, Parry, and Swinbank.

03. MINUTES

The minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 09 March 2022, as circulated be confirmed as a true record and signed by the Chair.

04. SUBCOMMITTEE MINUTES

RESOLVED that the Minutes of the Licensing and Regulatory Subcommittee held on 17 March 2022 be received for information.

05. REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

05.1 Hackney Carriage Tariff

Members were updated on the formal consultation that was undertaken with the Hackney Carriage Trade, on whether there should be changes to the current hackney carriage table of fares.

Phil Soderquest, Head of Housing and Public Protection informed members that paragraph 14 of the report had been incomplete and this had since been amended.

On 9 March 2022, the committee resolved to increase all 6 tariffs with an increase of 5%, to be reviewed in one year. In accordance with the request of the Committee consultation had been undertaken with the trade.

Mr Soderquest stressed that the requirement of the Local Government (Miscellaneous Provisions) Act 1976, was for an advert be placed in the local newspaper of notification of the proposed increase to the trade with the invitation to comment. The statutory requirement had been met and Licensing Services notified members of the trade of the proposed increase and invited them to comment, which was over and above the statutory requirement.

The actual response to the consultation had been very limited, with five comments received.

Additional information to consider would be shared with members of the committee.

Some additional comments had been received following the closure of the consultation process and Mr Soderquest referred to an email from Berwick Taxi Association to members direct which would be included with the information circulated to members. It had been disappointing that comments had not been received within the consultation period, and following a meeting with Berwick Taxi Association, comments had not been received. However, it would be wrong to ignore the comments.

In total, 8 consultation responses had been received from approximately 1000 individuals, which was a low consultation response.

Members were asked if the number, quality and content of the representations was enough to modify the position, if not, the original recommendation could still proceed. However, if members felt the representations were such to modify the position, that was up to members to decide. Mr Soderquest pointed out that since the last committee, there had been a significant increase in the cost of living and fuel, and if the consultation had been carried out as of today, more responses might have been received.

Mr Soderquest commented that previously there was no single trade body, or association which represented Northumberland as a whole and that it would be useful if there was such a body/association. Many of the representations received had come from organisations which may have a geographic base with members from other parts of Northumberland but there was not one single monogenous organisation which represented the views of all in Northumberland. The representations received had been from individuals or collectives which had made it challenging for the consultation exercise.

In legal terms, members would agree the tariff at the meeting and the tariff would be the maximum that could be charged for journeys in a particular zone. When the tariffs were set, the trade would set as they thought appropriate.

All representations had been advocating for a flag fall to be increased.

Mr Soderquest explained the various ways to increase the tariff, which historically had been around yardage.

The recommendations in the report were explained to members. The decision of the committee would be relayed to the trade and a date set upon which the agreed fares should come into effect, which in any event must be no later than 6 July.

Additional information was circulated to members of the committee.

In reply to a query regarding the responses from larger organisations, Berwick Taxi Association had sent comments via email, which had been forwarded to members. It was understood that Berwick Taxi Association had an affiliation with Berwick but it was not known who they represented, and as a body did not have a mandate to speak on behalf of all of the trade in Northumberland.

Tasmin Hardy, Licensing Manager explained the table of proposed tariffs.

In response to a comment regarding school runs and SEND and the request for an annual increase, Mr Soderquest explained that this was not dealt with in this process and could be dealt with separately through Local Services.

Members were informed that they should bear in mind when considering the fares, that drivers working in urban areas would make more and frequent journeys and benefit from flag fall increase. However, in the rural areas, journeys would be fewer but longer, and would only benefit from the flag fall once. A solution was required that worked for all of the trade.

In response to members' comments/questions, the following information was given:-

- No one had given a representation on the waiting times
- The consultation had been carried out appropriately and for the correct time. Berwick Taxi Association had not responded and following a meeting carried out with Licensing Officers, they still had not responded until after the consultation period ended. The consultation process had actually been extended by a further two weeks. The consultation had gone over and above and the level of responses had been disappointing.
- It had been agreed at the Licensing & Regulatory meeting on 9 March to increase all 6 tariffs with an increase of 5%, to be reviewed within one year.
- If a further Review was required, the process would take approximately 4 months, for public notice, consultation and comments as required by legislation.
- There was not a lot of support for hybrid cars.
- The majority of taxis were combustion engines.

Clarification and discussion took place on the yardage and the flag fall.

Councillor Wallace was mindful of Rep 2 for the reasons outlined in the report.

Councillor Foster put forward a suggestion for the following tariffs:-

Tariff 1	£2.80
Tariff 2	£3.30
Tariff 3	£5.35
Tariff 4	£3.10
Tariff 5	£3.65
Tariff 6	£5.35

Significant discussion and debate took place on the tariffs, hybrid vehicles and it was stated that the committee had taken into account everyone's concerns.

Councillor Lee proposed recommendation 1, which was seconded by Councillor Cessford.

On a show of hands, 6 voted in favour of the proposal, with 2 against and 1 abstention.

Councillor Foster proposed that the agreed fares should come into effect on Monday 4 July, this was seconded by Councilor Cessford and was unanimously agreed.

RESOLVED that:-

1. The table of fares proposed, be implemented without modification.
2. The agreed fares shall come into effect on Monday 4 July 2022.

05.2 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Members were notified of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the statutory guidance.

RESOLVED that the report be noted.

06. NEXT MEETING

RESOLVED that the next meeting of the Licensing and Regulatory on Wednesday 24 August 2022, be noted.

CHAIR _____

DATE _____

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NORTHUMBERLAND COUNTY COUNCIL

LICENSING AND REGULATORY SUB-COMMITTEE

At a meeting of the **Licensing and Regulatory Subcommittee held in Conference Room 2, County Hall, Morpeth, NE61 2EF on Thursday 21 July 2022 at 10.00 am**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford

C Hardy

OFFICERS

D Bambury
H Bowers
H Tait

Lawyer
Democratic Services Officer
Senior Licensing Officer

1. ELECTION OF CHAIR

RESOLVED that Councillor Hutchinson be elected as Chair for the duration of the meeting.

2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:-

(a) that under Section 100A 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 involved the likely discussion of exempt information as defined in Part 1 of the Schedule 12(A) 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 4, Paragraph 1 of Part 1 of Schedule 12A

"information relating to any individual."

Ch.'s Initials.....

PART II

3. REPORTS OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Case No. 21.07.22/438

The applicant was in attendance.

Introductions were made and the Chair explained the procedure to be followed.

The Senior Licensing Officer informed members that an application had been received which officers were unable to deal with under delegated powers.

The Subcommittee was asked to consider the application and the applicant's representations along with the written and oral report of the Senior Licensing Officer and relevant law and guidance policy to determine whether or not the applicant was a fit and proper person to hold such a licence. It was stated that the burden of proof rested upon the applicant and the standard of proof was the civil standard of proof.

The applicant submitted his case in support of his application and then answered questions from the Subcommittee.

Members of the Subcommittee retired to make their decision with the legal adviser and following this the applicant was advised:-

The Subcommittee has determined to **GRANT you** with the private hire driver's licence with the following warning:-

As you have previous convictions for motoring offences, we must warn you that our policy states any further offences for driving with no insurance, is that a licence should not be granted. We must also warn you that any further convictions will be taken seriously especially if they are related to motoring offences. Convictions or conduct of this nature may constitute a review of your licence, please be mindful that all future convictions must be disclosed and you must continue to co-operate with the licensing team.

Case No. 21.07.22/439

The applicant was in attendance.

Introductions were made and the Chair explained the procedure to be followed.

The Senior Licensing Officer informed members that an application had been received which officers were unable to deal with under delegated powers.

The Subcommittee was asked to consider the application and the applicant's representations along with the written and oral report of the Senior Licensing

Officer and relevant law and guidance policy to determine whether or not the applicant was a fit and proper person to hold such a licence.

The applicant submitted her case in support of her application and then answered questions from the Subcommittee.

Members of the Subcommittee and legal adviser retired to make their decision and following this the applicant was advised:-

The Subcommittee has determined to **GRANT** your private hire driver and hackney carriage licences, with the following warning:-

As you have previous convictions for motoring offences, we must warn you that any further convictions will be taken seriously especially if they are related to motoring offences. Further convictions or conduct of this nature may constitute a review of your licences, please be mindful that all future convictions must be disclosed.

CHAIR _____

DATE _____

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NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY SUB-COMMITTEE

At a meeting of the **Licensing and Regulatory Subcommittee held in Conference Room 1, County Hall, Morpeth, NE61 2EF on Wednesday 05 October 2022 at 10.00 am**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford	C Hardy
E Chicken (Reserve)	

OFFICERS

H Bowers	Democratic Services Officer
M Bulman	Lawyer, Legal Services
H Tait	Senior Licensing Officer

1. ELECTION OF CHAIR

RESOLVED that Councillor Hutchinson be elected as Chair for the duration of the meeting.

2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:-

(a) that under Section 100A 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 involved the likely discussion of exempt information as defined in Part 1 of the Schedule 12(A) 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 4, Paragraph 1 of Part 1 of Schedule 12A

Ch.'s Initials.....

"information relating to any individual."

PART II

3. REPORTS OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Case No. 05.10.22/440

The applicant was in attendance with his wife.

Introductions were made and the Chair explained the procedure to be followed.

The Senior Licensing Officer informed members that an application had been received which officers were unable to deal with under delegated powers.

The Subcommittee was asked to consider the application and the applicant's representations along with the written and oral report of the Senior Licensing Officer and relevant law and guidance policy to determine whether or not the applicant was a fit and proper person to hold such a licence. It was stated that the burden of proof rested upon the applicant and the standard of proof was the civil standard of proof.

The applicant and his wife submitted the case in support of his application and then answered questions from the Subcommittee.

Members of the Subcommittee retired to make their decision with the legal adviser and following this the applicant was advised:-

The Subcommittee has determined to **REFUSE** your private hire driver's licence as you are not considered to be a fit and proper person to hold a private hire driver's licence.

The Subcommittee's reasons for the decision were given verbally at the hearing and would be also provided in writing to the applicant after the hearing.

CHAIR _____

DATE _____



Northumberland County Council

COMMITTEE : LICENSING & REGULATORY

DATE: 26TH OCTOBER 2022

TITLE OF REPORT

Hackney Carriage and Private Hire Licensing Policy – Fire Extinguishers and First Aid Kits

Report of Philip Soderquest, Head of Housing & Public Protection

Cabinet Member: Cllr Colin Horncastle, Portfolio Holder, Community Service

Purpose of report

To update Members and seek approval for consultation in respect of the removal of the requirements for hackney carriage and private hire vehicles to carry fire extinguishers and first aid kits.

Recommendations

Members note the contents of the report and agree consultation with the relevant bodies and stakeholders in respect of removing conditions that hackney carriage and private hire vehicles must carry fire extinguishers and first aid kits.

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021.

Key issues

The Council has a policy in relation to Hackney carriage and Private hire licensing.

The current policy stipulates conditions are attached to all licensed vehicles. The standard conditions for both type of licences contain the following:

- A suitable and appropriate fully charged fire extinguisher shall be kept in all licensed vehicles in a secure position all times. All fire extinguishers must be checked every 12 months, prior to vehicle testing. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8 by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher, along with the vehicle registration number.
- Suitable and sufficient first-aid facilities must be carried at all times in the vehicle having regard to the maximum number of passengers that the vehicle has been licensed to carry.

Although the conditions require the licence holder to ensure the equipment is within the vehicle there has never been any requirement for them to be used or training to be undertaken.

The restriction on smoking in vehicles have reduced the need for the equipment and many local authorities are now removing such conditions.

Northumberland is now one of the only local authorities in the area to continue to stipulate these conditions.

Any changes to the policy should be subject to consultation and it is proposed this commences on 1st November for 12 weeks.

Background

The principal legislation associated with Hackney Carriage and Private Hire licensing and associated matters is contained within the:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985

Whilst the law provides a framework for licensing and sets out in general terms the standards to met before a licence may be approved, it is not prescriptive and allows local authorities to develop local arrangements and to attach conditions to licences which are considered “reasonably necessary”.

The licences administered by the Council under the above legislation are:

- Hackney Carriage Proprietors licence
- Hackney Carriage Drivers licence
- Private Hire Vehicle Proprietors Licence
- Private Hire Drivers Licence
- Private Hire Operators Licence

Implications

Policy	Changes to Policy
Finance and value for money	None at present
Legal	
Procurement	
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Not applicable
Risk Assessment	Not applicable
Crime & Disorder	No immediate or direct implications.
Customer Consideration	Not at present
Carbon reduction	Not applicable
Health and Wellbeing	None
Wards	All

Background papers:

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	Colin Horncastle

Author and Contact Details

Tasmin Hardy, Licensing Manager
Tasmin.hardy@northumberland.gov.uk



Northumberland

County Council

COMMITTEE: LICENSING AND REGULATORY

DATE: 26TH OCTOBER 2022

TITLE OF REPORT

Hackney Carriage and Private Hire Licensing Fees

Report of Philip Soderquest, Director of Housing & Public Protection

Cabinet Member: Cllr Colin Horncastle, Portfolio Holder, Community Service

Purpose of Report

To provide information to committee in relation to hackney carriage and private hire licensing fees.

Recommendations

Members note the content of the report.

Members to debate whether any changes to the current fees are required.

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021

Key issues

The Council may recover the cost of the granting of hackney carriage or private hire licences with a fee that they consider reasonable with a view to recovering the cost of issue and administration of the licences. In relation to vehicle licences the costs of enforcement may be included within the licence fees.

Licence fees for hackney carriage and private hire driver licences were last amended in 2018.

Licence fees for hackney carriage vehicles, private hire vehicles and private hire operators were last amended in 2015.

The table below shows the current fees.

Licence Type	Current Fee
Private or Hackney Carriage Vehicle Licence for vehicles	226
Private or Hackney Carriage Vehicle Licence for vehicles using "greener" fuels	204
Private Hire Operators Licence (1 year)	106
Private Hire Operators Licence (5 year)	502
Driver Licence (1 year)	78
Driver Licence (2 year)	112
Driver Licence (3 year)	146
Additional driver licence	30
Change of vehicle licence holder	33

For Private Hire and Hackney Carriage Vehicles and Private Hire Operators the Local Government (Miscellaneous) Provisions Act 1976, Section 70, requires that if the Council resolve to set/amend fees, they shall publish in at least one local newspaper circulating in the district a notice setting out the fees proposed, and specifying the period, within which and the manner in which objections to the variation can be made. The period of notice shall be at least 28 days.

Although it is not legally required for drivers licences, it is considered best practice to adopt the same practices in respect of drivers licence fees.

Where no representations are received to the consultation the new fees would normally come into force the day after the close of representations. Where representations are received the authority must make arrangements to consider the comments and make a final determination and agree a date of implementation which is within 2 months of the end of the consultation period.

The Council may remit the whole or part of any fee chargeable in any case in which they think it appropriate to do so.

It is envisaged that should the committee wish to amend the fees and formal public notices are published representations would be considered by the next Licensing and Regulatory Committee in December.

The committee is also due to consider any amendments to the hackney carriage tariff.

Implications

Policy	None
Finance and value for money	Any changes to fees will impact upon the income. However, it is expected that the licensing system will be cost recovery.
Legal	
Procurement	None
Human Resources	
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	None
Risk Assessment	None
Crime & Disorder	None
Customer Consideration	For some licence types there is a requirement for consultation
Carbon reduction	None
Health and Wellbeing	None
Wards	All

Background papers:

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	Colin Horncastle

Author and Contact Details

Tasmin Hardy
Licensing Manager
Tasmin.hardy@northumberland.gov.uk



Northumberland

County Council

COMMITTEE : LICENSING & REGULATORY COMMITTEE

DATE: 26TH OCTOBER 2022

TITLE OF REPORT

STREET TRADING POLICY

Report of Philip Soderquest, Head of Housing & Public Protection

Cabinet Member: Cllr Colin Horncastle, Portfolio Holder, Community Service

Purpose of report

To update Members and seek approval for consultation in respect of the Council's Street Trading Policy.

Recommendations

Members note the contents of the report and agree consultation with the relevant bodies and stakeholders in respect of the Street Trading Policy with particular focus on following areas:

- Introduction of a daily consent application process and fee.
- Current list of exemptions to the application process and fee
- Introduction of a requirement that applicants provide a DBS certificate with applications.

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021.

Key issues

The current Street Trading Policy was approved by Council on 19th June 2015. This policy sets out how the council intends to control and regulate street trading activities within Northumberland.

Whilst there have been no significant changes to legislation it is considered an appropriate time to reconsider and possibly update some areas of the policy.

Any changes to the policy should be subject to consultation and it is proposed this commences on 1st November for 12 weeks.

One of the main issues encountered by officers is that the current policy does not facilitate the issuing of consents for one off trading. It is proposed that the introduction of such a policy would encourage applications and discourage illegal trading in these instances. It would be envisaged that limits were set in order to limit disruptions and to discourage the misuse of the provision. Such limits could be applicants restricted to 1 daily consent per year per site, and that a total number of daily consents be limited at 6 per applicant and that a restriction of 6 consents per site.

The policy contains provision for a number of exemptions to the application process or payment of fees. These are currently

- Fetes, carnivals or similar community based and run events
- Non — commercial or charitable events
- Farmers' Markets (MARKET PLACE PRIMARILY FOR LOCAL PRODUCERS TO SELL THEIR OWN PRODUCE DIRECTLY TO CONSUMERS)
- Sales of articles by householders on land contiguous with their own homes.
- Community fairs and craft events
- Events celebrating local anniversaries
- Operators of statutory services whose trading is ancillary to its main activity e.g., mobile libraries who sell restricted goods to the community as part of their service.

At the introduction of policy, the Sub Committee determined not to require applicants to submit DBS certificates as it was considered an unnecessary burden upon the applicant. Applicants are required to provide a personal statutory declaration as to their "fitness and propriety" including the disclosure of unspent convictions. It is recommended that it may be appropriate to bring this into line with other statutory regimes where fitness and propriety are a consideration and require application to provide a DBS certificate as proof.

The current price of a basic DBS certificate is £18.

Background

The powers associated with the control and regulation of street trading are set out within the Local Government (Miscellaneous Provisions) Act 1982, Section 3 and Schedule 4. The legislation is adoptive and may not be applied unless the council follow the prescribed process and pass an appropriate resolution.

On the 6th July 2011, Northumberland County Council resolved, in accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 4 of the Act. These are powers to designate streets for the purpose of the Act and to establish a street trading scheme. It came into effect on the 22nd August 2011.

Street trading is defined as the selling or offering for sale of any article in the street. Certain types of trading are excluded from the definition of street trading and these traders are not required to obtain a licence or consent to trade on a licence or a consent street. These include Trading as a Pedlar under licence issued by a Police Authority, a market trader operating at a licensed market venue, a news vendor selling only newspapers and periodicals and trading on private land may not need a consent

For the purposes of the street trading provisions of the Local Government (Miscellaneous Provisions) Act 1982 the word “street” includes the any road, footway, beach or other area to which the public have access without payment or any part of a “street”. In addition, a service area within the Highways Act 1980 is also regarded as a “street”

In determining the matters relating to Street Trading the Council determined to control street trading via street trading consents rather than street trading licences or prohibited Streets or a combination.

There are currently 74 consents currently in place within Northumberland.

Implications

Policy	Changes to Policy
Finance and value for money	None at present
Legal	None
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Not applicable
Risk Assessment	Not applicable
Crime & Disorder	No immediate or direct implications.
Customer Consideration	Before making changes to policy consultation with those affected should take place.
Carbon reduction	Not applicable

Health and Wellbeing	None
Wards	All

Background papers:

Appendix 1 Current Street Trading Policy

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	Colin Horncastle

Author and Contact Details

Tasmin Hardy, Licensing Manager
Tasmin.hardy@northumberland.gov.uk



Northumberland County Council

STREET TRADING POLICY 2015 to 2016

Approved by Northumberland County Council on 19 June 2015

Version Control

Version	6.5
Owner	David Sayer
Author	Heather Gebbie
Date of next Review	June 2016

PUBLIC PROTECTION SERVICE
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1.0 Street Trading — Adoption of Legislation

1.1 On the 6th July 2011, Northumberland County Council resolved, in accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 4 of the Act. These are powers to designate streets for the purpose of the Act and to establish a street trading scheme. It came into effect on the 22nd August 2011. This policy sets out how the council intends to control and regulate street trading activities within the administrative area of Northumberland.

2.0 Objectives of the Policy

- To protect health through the control of street trading within the County of Northumberland.
- To improve standards of food safety, health and safety and environmental management and enhance the image of the district.
- Ensuring that traders operate within the law and act fairly in their dealings with the public.
- Preventing and detecting statutory nuisance, unsafe practices and anti-social behaviour.
- To set out in a fair and transparent manner, how the Council intends to harmonise the terms and conditions across Northumberland in licensing street trading provision.

3.0 Equal Opportunities Statement

3.1 This policy takes into account the aims Northumberland County Council's Equal Opportunities Policy which is committed to achieving equality for all by removing direct and indirect discrimination on the grounds of:

- Age
- Gender or transgender identity
- Race, colour, nationality, national or ethnic origin, being a traveller or gypsy
- Disability, including people with a hearing impairment, people with a visual impairment, people with learning disability, people with a mental illness, and people living with HIV and AIDS
- Religious belief or non-belief, or other beliefs
- Marital status, family circumstances, or caring responsibilities
- Sexual orientation
- Income, employment status or housing circumstances
- Membership or non-membership of trade unions, or involvement in trade union activity
- Offending Status

- Any other ground that cannot be shown to be justified

4.0 Definitions

"Authorised Officer"	An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
"Consent"	A consent to trade on a street granted by the Council, pursuant to Paragraph 7, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
"Consent Holder"	The person or company to whom the consent to trade has been granted by the Council.
"Consent Street"	Means a street in which street trading is prohibited without the consent of the Council.
"Council"	Means Northumberland County Council.
"Street"	Means any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment within the distance of 30 metres from the centre of those streets which are part of the public highway.

5.0 Street Trading Events for which fees are non-payable

5.1 Northumberland County Council will not require the payment of fees UNDER THIS POLICY for the following activities:

- Fetes, carnivals or similar community based and run events
- Non — commercial or charitable events
- Farmers' Markets (MARKET PLACE PRIMARILY FOR LOCAL PRODUCERS TO SELL THEIR OWN PRODUCE DIRECTLY TO CONSUMERS)
- Sales of articles by householders on land contiguous with their own homes.
- Community fairs and craft events
- Events celebrating local anniversaries
- Operators of statutory services whose trading is ancillary to its main activity e.g. mobile libraries who sell restricted goods to the community as part of their service.

5.2 Street trading events for which fees are not payable will be exempt from the full application process but organisers of such events must give prior notification of their event to the Council at least 14 days prior to the event taking place, stating:

- The name and address of the organiser
- Type/nature of event
- Day and time of event and
- Event duration.

5.3 Each application will be judged according to its merits.

6.0 Definition of Street Trading

6.1 The selling or exposing or offering for sale of any article (including a living thing) in any street.

6.2 The following are not street trading for the purposes of this policy:-

- A pedlar with a pedlars certificate
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant (including a presumed grant) acquired or established by virtue of an enactment or order.
 - ❖ Note: Special market events may fall within the scope of this policy but where the events are of a "charitable purpose" will be dealt with under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (street collections or sales). This policy is aimed at promoting events and encouraging more traders to attend them. (MARKET TRADERS SHOULD SEEK ADVICE FROM THE APPROPRIATE PAGES ON THE AUTHORITY'S WEBSITE, www.northumberland.gov.uk)
- Trading in a trunk road picnic area provided by the secretary of State under section 112 of the Highways Act 1980.
- Trading as a news vendor selling only newspapers/magazines
- Trading which is carried on at premises used as a petrol filling station or is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.
- Selling things, or offering or exposing them for sale, as a roundsman e.g. window cleaner.
 - ❖ Note: These have defined routes and defined customers. Ice cream sales will not normally be exempt from street trading controls on the grounds that they are not a roundsman.
- The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway.
- The operation of facilities for recreation and refreshment under Part VIIA of the Highways Act 1980
- The doing of anything authorised by regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions Act 1916)

- TRADING BY MEANS OF A PAVEMENT CAFÉ. PROPRIETORS SHOULD SEEK ADVICE FROM THE APPROPRIATE PAGES ON THE AUTHORITY'S WEBSITE, www.northumberland.gov.uk)

7.0 Fees

7.1 Street trading fees will be determined by the Council who will consider a range of payment options appropriate to the cost and duration of the consent sought.

7.2 A Street Trading consent cannot be issued for more than one year. The fees will be reviewed annually. The fees charged by the authority for consents to trade should cover the cost of administration and monitoring. The Consent shall be clearly displayed at the point of sale and produced for inspection at the request of an Authorised Officer of the Council or of an Officer from Northumbria Police.

7.3 Should the consent holder wish to vary the consent at any time during the life of the consent an administration fee will be charged. This includes the transfer of a consent.

7.4 Where a trading consent is surrendered during the life of the consent the authority will refund the fee paid on a pro rata basis, as appropriate, minus any administrative charge.

7.5 It is permissible for the authority to charge different fees for consents for different durations, different locations, (such as a pro rata rate for occasional consents), for concessionary consents in certain circumstances and for sales of different articles.

7.6 Registered charities and market traders (on market days only) who are authorised by the Council are exempt from the requirements to hold a street trading consent.

8.0 Duration of Consents

8.1 A Street Trading consent cannot be issued for more than one year but the council will consider granting consents for varying durations subject to the payment of the relevant

9.0 Tendered Locations

9.1 In respect of locations which have been subject to a formal tender process by the Council, best endeavours will be used to commence both the start of the tender and the street trading consent on the same date.

9.2 Note — Approval to trade from a specific location following submission of a successful tender will be subject to both payment of the agreed tender amount AND the appropriate street trading fee.

10.0 Types of Street Trading

10.1 For the purposes of this policy, the council have identified two types of street trading activity which may be defined as follows:

Fixed: the intention to trade from the same location for a continuous period in excess of thirty minutes

Mobile : the intention, having come to a stop, to undertake street trading, at that location for no more than fifteen minutes unless customers are in attendance and in any event no longer than thirty minutes.

10.2 In the case of a mobile trader, the trader shall not return to the same trading location or engage in street trading within 200 metres of a previous trading location within any twenty four hour period

11.0 Determination of the Application

11.1 The Public Safety Unit Manager, acting under delegated powers, will use the criteria listed below in determining any Street Trading Consent. Similarly, any objections received will be considered against these criteria. All criteria should normally be satisfied in each case, with equal weight applied to each of the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

12.0 Type of Goods for Sales

12.1 The suitability of goods to be sold will be determined on a case by case basis. The Council will be mindful of, and will take account of, all relevant matters, including local shopping needs, diversity, balance and conflict with nearby commercial shops and trading vehicles.

12.2 The following are likely to be considered not suitable:

- Age restricted products;
- Second hand gas and electrical appliances;
- Pets & livestock;
- Explosive and inflammable products;
- Motor vehicles;
- Alcohol
- Other goods as may be identified by the Licensing and Regulatory Committee

12.3 The types of goods approved as part of this policy for street trading will include those below (subject to the pitch location) but this list is not exclusive:

- Arts/Crafts
- Jewellery

- Candles
- Paintings (include portraits/face painting)
- Balloons
- Confectionary/Nuts/Doughnuts
- Ice cream
- Hot potato vendors
- Crepes/Waffles

13.0 Site Criteria including Conditions

13.1 When granting or renewing a trading consent the authority may attach such conditions as considered necessary to the individual application. The Council retains the right to vary the conditions of a street trading consent at any time. The conditions may specify the exact location trading may take place from and the times of trading.

13.2 The Council will normally grant a street trading consent unless, in its opinion:-

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is a conflict with Traffic Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway, or
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff or customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff;
- If the area stated is in a residential location where trading would not normally take place;
- If the consent holder is trading in a manner that is likely to cause a nuisance or annoyance;
- That any site does not have written permission from the landowner or this permission has not been submitted to the appropriate licensing department of the Council with the application; or
- The site is within the immediate vicinity of a school. The sale of food and confectionary may not be allowed between the hours of 10 am and 2pm Monday to Friday in circumstances where there is adverse impact upon the school or the pupils

who attend the school. This restriction will be lifted outside of term time as defined by Northumberland County Council.

13.3 All applications will be considered individually and on merit. Consents will be valid for a maximum period of one year.

13.4 It is the responsibility of each individual trader to seek advice from the Council's Planning Services as to whether planning consent is required. This is likely to be more pertinent if the trader is likely to operate for more than 28 days in any one year.

14.0 Locations

14.1 In considering the suitability of a street trading location account will be taken of:

- Road safety
- Existing traffic restrictions
- Obstruction of free and safe passage
- Loss of public amenity.

15.0 Application Process

15.1 An application for a street trading consent must be made in writing on the Council's approved application form. Application forms and information packs are available from the authority or are downloadable from the website.

15.2 An applicant for a licence must be aged eighteen or over.

15.3 A "duly" made application must include or be accompanied by the following:

- 1) A completed and signed Street Trading Consent Application Form.
- 2) The fee as appropriate for the periods of trading applied for.
- 3) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:125 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- 4) For any fixed site, written permission from the landowner for the use of the land.
- 5) One colour photograph of the stall, van, barrow, cart etc. that will be used for the street trading activity.
- 6) An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks.
- 7) A personal statutory declaration as to the applicants "fitness and propriety" including the disclosure of unspent convictions.
- 8) If relevant, evidence of registration under the Food Safety Act 1990.

15.4 On receipt of the application form an acknowledgment will be sent to the applicant.

15.5 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.

15.6 The application will be determined within 28 days of receipt, unless an objection is received from a consultee. If that all consultees confirm that they do not wish to object to an application, the application may be determined before the end of the 28 day period.

15.7 Until the application has been formally determined it is an offence to trade in the areas requiring consent to trade.

15.8 The application will either be;

- 1) Granted and a trading consent will be issued with conditions attached, upon receipt of the appropriate fee, or
- 2) Refused, in which case the administration fee will not be returned.

15.9 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.

15.10 Additional visits may be made to holders of trading consents throughout the consent period to assess compliance with the conditions or to undertake any other duty placed on the Authority, such as food hygiene inspections.

15.11 Trading consents are granted to individuals. The person who is the consent holder is required to be present at the vehicle, barrow, cart, van, portable stall or other vehicle or premises which are traded from during trading hours. The consent holder may nominate an assistant to cover their absence. Advice on this should be sought from the Licensing team.

15.12 For special events such as Christmas Markets or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader.

16.0 Renewal of Trading Consents

16.1 An application to renew a trading consent must be received by the authority at least 14 days before the expiry of an existing consent and must be accompanied by the appropriate fee and relevant documentation.

17.0 Revocation of a Trading Consent

17.1 If an authorised officer of the authority is of the opinion that the holder of the trading consent has contravened the conditions attached to the consent, the consent may be revoked.

17.2 The authorised officer will present a report to the Public Safety Unit Manager who will consider this in consultation with the Chair of the Licensing and Regulatory Committee for consideration.

17.3 Comments from the consent holder would be sought to accompany the report.

18.0 Consultations on Applications Made

18.1 On receipt of the application form, the Licensing Authority will send a copy of the application to each of the following consultees:

- o The Highway Authority
- o Northumbria Police
- o The local town or parish council
- o Trading Standards Service
- o Community Safety Team
- o N.C.C. Planning Authority

- o Parish and Town Councils would not normally be consulted in the case of mobile Ice Cream Sellers requesting a 'Whole Northumberland County Council ' consent*

18.2 In addition to the above, further consultation may also be carried out with property owners within 100 metres of the proposed site.

18.3 Written observations from the above organisations and occupiers of properties will be sought and taken into consideration when determining an application.

18.4 In the event that the Public Safety Unit Manager, following consideration of any representations arising from the consultation or otherwise, is minded to refuse, modify or attach conditions to a consent, those representations will be made available to the applicant unless it would not be in the public interest to do so or they contain sensitive or confidential information.

18.5 Further, in the event of an appeal against the decision of the Public Safety Unit Manager the representations will be published and made publically available unless it would not be in the public interest to do so or they contain sensitive or confidential information.

18.6 No consultation will be required for renewals of consent provided there are no significant material changes to intended manner of trading and there have been no reasons for refusal or modification during the consent period.

19.0 Consent Holder

19.1 The consent holder shall not dispose or transfer his/her consent for street trading to another person without the consent of the Council. In the event of the death of the consent holder, the consent may be operated by the next of kin for up to fifty-six days until such time as a formal consent transfer can be undertaken.

20.0 Amendments or Variations to Trading Consents

20.1 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading consent. If this is the case then the authorised officer will notify the consent holder of their intention and the consent holder will be given the opportunity to make any representations against this variation of the trading consent.

20.2 The authorised officer will present a report to the Public Safety Unit Manager for consideration and they will take into consideration the representations made, if any.

20.3 Any amendments or variations to consents or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made.

20.4 There is no statutory right of appeal against the Council's decision to refuse, amend or vary a consent, but the Council will, as set out in this policy, make provisions for appeals to be heard by a sub-committee of the Licensing and Regulatory Committee.

21.0 Guidance on the Relevance of Convictions

21.1 The details of any convictions will be treated in strict confidence. If an applicant has previously been convicted of an offence this will not necessarily debar them from holding a consent unless the authority considers that the conviction renders them unsuitable. In making this decision the Council will consider the nature of the offence and how long it has been since they were convicted in accordance with the following information. In considering previous convictions the following matters will be taken into account:

- a) Whether the conviction is relevant;
- b) The seriousness of the offence;
- c) The length of time since the offence occurred;
- d) Whether there is a pattern of offending behaviour;
- e) Whether that person's circumstances have changed since the offence occurred;
- f) The circumstances surrounding the offence and the explanation offered.

22.0 Dishonesty

22.1 The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and any assistant to be honest and trustworthy. For these reasons a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely to be granted a street trading consent where the application is made within 3 years from the date of conviction. Similarly a person wishing to be registered as an assistant to a street trading consent holder is unlikely to be registered where registration is sought within 3 years from the date of conviction.

23.0 Violence

23.1 As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. Generally, a period of 3 years free of conviction will be required before an application is likely to be considered favourably.

24.0 Drugs

24.1 An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

25.0 Indecency Offences

25.1 As street traders regularly come into contact with young children, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (minimum of 5 years) free of such offences. More than one conviction of this kind should preclude consideration for a minimum of 5 years. In either case if consent is granted a strict warning as to future conduct will be issued.

26.0 Motoring Convictions

26.1 Motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances where the offences are not isolated and are of a very serious nature. In such circumstances the applicant should be required to show a period of 2 years free of conviction.

27.0 Formal Cautions and fixed penalty notices

27.1 For the purposes of these guidelines, the Council may treat Simple Cautions (previously Formal Cautions), issued in accordance with Home Office guidance, and fixed penalty notices as convictions.

28.0 Regulatory Sub-Committee Hearings

28.1 A Sub-Committee comprised of members from the Licensing and Regulatory Committee will be set up to hear any appeal of a decision of the Public Safety Unit Manager following the refusal, modification, or attachment of a condition imposed on a consent. The panel of members will be made up of not less than three elected members.

28.2 In all cases, the hearing will be conducted in accordance with the Licensing and Regulatory Committee general hearing rules. The Committee will consider the matter as if it is making the decision without it previously having been decided.

29.0 Offences

29.1 Under the Local Government (Miscellaneous Provisions) Act 1982, a person who;

- Engages in street trading in a consent street without being authorised to do so;
- Being authorised by a street trading consent to trade in a consent street, trades in that street o from a stationary van, cart, barrow or other vehicle; or o from a portable stall, without first having been granted permission to do so;
- Contravenes a condition imposed in agreeing to permit street trading

shall be guilty of an offence.

29.2 It shall be a defence for a person charged with an offence above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

29.3 Any person who, in conjunction with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence.

29.4 Any action taken by the authority with regard to the above offences will have regard to the Councils appropriate enforcement policy.

29.5 A person found guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on standard scale.

30.0 Further Information

30.1 For further information in relation to street trading please contact:-

PUBLIC PROTECTION SERVICE
Northumberland County Council
Licensing Department
County Hall
Morpeth
Northumberland
NE61 2EF

Tel: 0845 600 6400