

## **NORTHUMBERLAND COUNTY COUNCIL**

### **LICENSING & REGULATORY COMMITTEE**

At the meeting of the **Licensing & Regulatory Committee** held at Conference Room 2 - County Hall on Wednesday, 15 February 2023 at 1:30 pm.

#### **PRESENT**

(Councillor C Humphrey Vice Chair in the Chair)

#### **MEMBERS**

T Cessford  
B Gallacher  
C Humphrey  
K Parry  
A Sharp  
A Wallace

E Chicken  
C Hardy  
S Lee  
C Seymour  
M Swinbank

#### **OFFICERS**

H Bowers  
M Bulman  
T Hardy  
P Soderquest  
D Wilson

Democratic Services Officer  
Solicitor  
Licensing Manager  
Head of Housing & Public Protection  
Head of Public Protection

#### **12 MINUTES**

The minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 20 December 2022, as circulated be confirmed as a true record and signed by the Chair, and to note that Councillors Beynon, Chicken, Humphrey and Seymour were in attendance.

#### **13 SUBCOMMITTEE MINUTES**

RESOLVED that the Minutes of the Licensing and Regulatory Subcommittee held on 15 December 2022, be received for information.

#### **14 REPORTS OF THE DIRECTOR OF HOUSING AND PUBLIC PROTECTION**

#### **15 STREET TRADING POLICY**

Members were updated on the 12 week consultation undertaken in respect of the Council's Street Trading Policy which ended on 25 January 2023.

Following approval by the committee on 26 October 2022, a consultation which

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included Parish and Town Councils and current licence holders ran for 12 weeks.

Three responses had been received (one anonymous, one from Pegswood Parish Council and one from Forged Flavours Limited). Appendix A of the report.

One of the main issues encountered by officers was that the current policy did not facilitate the issuing of consents for one off trading.

The recommendations were listed in the report.

The following questions were raised by members:

- How the figures were arrived at - an assessment had been carried out with similar permits.
- Were there discretionary powers to waiver fees – the fees for exemptions had been reviewed.
- The proposed fee for a static trader should be treat with caution, eg market stalls – a number of consents were in place with Market Managers.
- The determination of the fee for mobile trader, 6 months – this was a typographical error and should state 605.
- The proposed fee of 85 for static trader – there had previously been no provision for this and was a new fee.

The Solicitor advised that each recommendation should be considered separately.

Councillor Wallace moved recommendation 1 for approval, which was seconded by Councillor Sharp and unanimously agreed.

Councillor Wallace moved recommendation 2 for approval, which was seconded by Councillor Parry and unanimously agreed.

In respect of recommendation 3, Councillor Wallace moved that applicants be required to submit a basic disclosure and barring certificate and was seconded by Councillor Parry. Upon being put to the vote, 10 members voted in favour to accept the proposal and 1 voted against.

Councillor Wallace moved acceptance of the proposed fees for street trading as per Appendix B of the report and was seconded by Councillor Gallagher. Upon being put to the vote, 10 members voted in favour to accept and 1 voted against.

**RESOLVED** that:

1. Approval of the following amendments to the policy:
  - a) The introduction of daily consent for street trading.
  - b) Daily consents be limited to 6 per applicant and 6 per site per year.
  - c) The requirement for consultation for daily consents be removed and replaced with a notification.
2. The current list of exemptions to the application process and fee be amended to the following:
  - a) An event that is community-based and run, for non-commercial purposes,

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such as a fete or school fund raising activity. Where any of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the trader will not benefit from the fee exemption (unless a fee is charged to those entering the event);

b) Sales of articles by householders on land within the boundary of their home providing that this is not a commercial concern eg, selling home grown fruit and vegetables, homemade jams, etc. Such sales are seen as disposal of surplus domestic produce rather than trading.

3. Applicants be required to submit a basic disclosure and barring certificate.

4. Fees for street trading be amended as per the Proposed Fees of Annex B of the report.

A review to be carried out in 18 months.

## 16 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – FIRE EXTINGUISHERS AND FIRST AID KITS**

Members were updated on the consultation regarding the requirements for hackney carriage and private hire vehicles to carry fire extinguishers and first aid kits.

Tasmin Hardy, Licensing Manager reminded members that the current policy stipulated that all current licensed vehicles to have within it, a fire extinguisher and first aid kit.

On 26 October 2022, the committee agreed to a consultation on the proposal to remove the relevant conditions.

The consultation ran for 12 weeks, up to 25 January 2023. 90 responses had been received. Out of the responses received, 77 had agreed with the proposal to remove the condition and 13 had disagreed.

The report contained information from the National Fire Chief Council as part of a consultation report for the Department of Transport in 2022, regarding the Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England in reference to Emergency Equipment.

Information had also been provided by Northumberland Fire and Rescue Service contained in the report.

Under the Health & Safety (First Aid) Regulations 1981, referred to the fact that first aid kits might be a legal requirement and needed to be provided by employers for employees.

The following questions/comments were raised by members:

- It was essential to retain the fire extinguishers and training could be carried out via DVD .
- A first aid kit was important when transporting children.

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- Drivers should have first aid kit and fire training and modules could be done virtually.
- The fire equipment should be retained.
- What were other authorities doing?
- Specific fire extinguishers for combustion and electric vehicles.

Phil Soderquest, the Director of Housing and Public Protection stated that if the committee were minded to retain the fire extinguisher condition, and required training was provided commensurate with the use of equipment, a report could be brought back to the next committee on what the training would be. The committee would have to consider how the training was delivered and assurance that training had been undertaken for existing drivers.

Councillor Sharp proposed recommendation B of the report and stated that a report should be brought back to the next meeting on training requirements. This was seconded by Councillor Seymour and unanimously agreed.

**RESOLVED** that:

1. The conditions to be retained and a report be brought back to the next committee on training requirements.

#### 16a HACKNEY CARRIAGE TARIFF

Members views were sought on a review of the current hackney carriage tariffs.

On 15 June 2022, the committee agreed to increase the hackney carriage tariffs by approximately 5%. The new tariff came into force on 4 July 2022.

An undertaking was made to review the tariff within one year.

A table of fees with the current tariff and alternative tariffs showing an increase of approximately 5% and 10% was circulated to members.

The following comment/questions were raised by members:

- Feedback from the increase of 5% - there was a level of trade who had not been happy with the increase.
- Taxi and private hire journeys were essential for many people.
- The cost of living.

Councillor Sharp proposed to increase the tariff by 5% as set out in the table circulated to members. This was seconded by Councillor Wallace.

Upon being put to the vote 10 members voted in favour of the proposal, with 1 member voting against.

**RESOLVED** that a new tariff of an approximate 5% increase be proposed for consultation.

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17 **NEXT MEETING**

**RESOLVED** that the next meeting of the Licensing and Regulatory on Wednesday 26 April 2023, be noted.

18 **URGENT BUSINESS**

Mr Soderquest informed members of an urgent issue which had arisen at the Tyne Mills Depot at Hexham in relation to a machinery break down which was likely to be out of order for the next 6-8 weeks. This would mean that no MOTs could take place with a third of the county's MOT capacity lost which was causing disruption to the taxi trade.

As Director of Housing and Public Protection, members' approval was sought for him to authorise two garages in the west of the county to undertake MOT testing and taxi compliance relating to hackney carriage and private hire licences, for a time limited period only on an interim basis.

Councillor Parry moved approval, which was seconded by Councillor Gallagher and unanimously agreed.

**RESOLVED** that the Director of Housing and Public Protection be given authorisation for a maximum of two garages in the west of the county to undertake MOT testing and taxi compliance relating to private hire vehicles and hackney carriages on an interim basis until such time that the Tyne Mills depot is operational again.

**CHAIR**.....

**DATE**.....

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