



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Heather Bowers

Email:

Heather.Bowers@northumberland.gov.uk

Tel direct: 01670 622609

Date: 15 August 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **LICENSING & REGULATORY COMMITTEE** to be held in **CONFERENCE ROOM 1 - COUNTY HALL** on **WEDNESDAY, 23 AUGUST 2023** at **1.30 PM**.

Yours faithfully

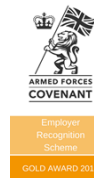
Dr H Paterson
Chief Executive

To Licensing & Regulatory Committee members as follows:-

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



Dr H 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. TERMS OF REFERENCE

The committee is asked to note the following membership and terms of reference for the Licensing & Regulatory Committee which were agreed by Council on 17 May 2023.

15 Members (7:4:2 Ind Gp, 1 LD, 1 Min Gp)
(same membership and chair/vice chair as Licensing Committee)

Quorum – 4

Chair: C. Humphrey

Vice Chair: E. Chicken

Conservative	Labour	Independent Group	Liberal Democrats	Green Party	Ind Non-Grouped
J Beynon	B Gallacher	S Lee	A Sharp	M Swinbank	
T Cessford	J Foster				
E Chicken	K Parry				
C Hardy	A Wallace				
C Humphrey					
I Hutchinson					
C Seymour					

Terms of Reference

(1) Except where the matter is delegated either expressly to the Head of Housing and Public Protection, or alternatively to officers in accordance with the Public Protection internal scheme of management, the Licensing and Regulatory Committee has the following delegated powers:-

(a) to be responsible for licensing matters relating to the following areas, including suspension and revocation of licences and applications where there has been a refusal to grant, renew or vary a licence, or where there are relevant objections to grant, vary or renew:-

(i) animal boarding establishments	(xiii) sex establishments
(ii) betting tracks	(xiv) street collections
(iii) dangerous wild animals	(xv) street trading – prohibited areas
(iv) dog breeding establishments	(xvi) theatres and cinemas
(v) game dealers	(xvii) film classification
(vi) hackney carriage drivers and proprietors	(xviii) use of land as a caravan site
(vii) hypnotism	(xix) use of moveable dwellings and camping sites
(viii) lotteries	(xx) premises for acupuncture, tattooing, ear piercing and electrolysis
(ix) motor salvage operators	(xxi) safety certificates for sports grounds
(x) pet shops	(xxii) zoos
(xi) pleasure boats and navigators	(xxiii) knackers yards
(xii) private hire vehicle drivers, proprietors and operators	(xxiv) scrap metal

- (b) to be responsible for any other licensing matters, including applications for licenses or registrations which are not delegated to any other body;
 - (c) to make recommendations on licensing policy;
 - (d) to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
 - (e) to make recommendations to full Council in respect of bye-laws, including making new, or amending or revoking existing bye-laws;
 - (f) to consider and respond on behalf of the Council to consultation exercises where it is appropriate to do so following agreement with the Chairman of the Committee.
- (2) Where the Licensing and Regulatory Committee exercises the function of determining any application or similar matter, it may do so through a Sub Committee.

2. APOLOGIES FOR ABSENCE

3. 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.

- 4. MINUTES** (Pages 1 - 4)
- Minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 26 April 2023, as circulated, to be confirmed as a true record and signed by the Chair.
- 5. SUBCOMMITTEE MINUTES** (Pages 5 - 6)
- To receive information the Minutes of the Licensing and Regulatory Subcommittee held on Thursday 27 April 2023.
- 6. REPORTS OF THE HEAD OF PUBLIC PROTECTION** (Pages 7 - 14)
- TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022**
- To update members on the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (Sian's Law) and the statutory guidance.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - AUTHORISED TESTING STATIONS

To seek approval for independent garages to be authorised to complete taxi and private hire vehicle testing in circumstances where the current garages cannot fulfil the demand.

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.

Agenda Item 4

NORTHUMBERLAND COUNTY COUNCIL LICENSING AND REGULATORY COMMITTEE

At a meeting of the **Licensing and Regulatory Committee** held on Wednesday, 26 April at 1:30 pm.

PRESENT

Councillor C Humphrey
(Vice Chair, in the Chair)

MEMBERS

T Cessford
J Foster
B Gallacher
C Hardy

K Parry
C Seymour
A Sharp
M Swinbank
A Wallace

OFFICERS

H Bowers
M Bulman
T Hardy
D Wilson

Democratic Services Officer
Solicitor
Licensing Manager
Business Compliance and Public
Safety Manager

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beynon, Chicken and Lee.

22. MINUTES

The minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 15 February 2023, as circulated be confirmed as a true record and signed by the Chair.

23. SUBCOMMITTEE MINUTES

RESOLVED that the Minutes of the Licensing and Regulatory Subcommittee held on 16 February, be received for information.

Ch.'s Initials.....

24. REPORTS OF THE DIRECTOR OF HOUSING AND PUBLIC PROTECTION

(a) Hackney Carriage Review Tariff 2023

Members were updated on the consultation following the agreement of the Committee on 15 February to increase the Hackney Carriage tariff of fares, and in doing so, determine whether there are grounds to adopt a different approach to that which was agreed and consulted upon.

A request was made to record the thanks of members for the hard work carried out by the Licensing team.

Members were reminded that the tariff had last been reviewed in 2022, where it had been agreed on an increase of 5% with an agreement to review after 12 months.

The Licensing & Regulatory Committee on 15 February 2023, had agreed to increase the tariff by approximately 5% and authorised the licensing section to consult with the licensed trade and publish the required public notices.

Responses/comments were attached in Appendix A to the report.

In response to questions, the following comments were made:

- The re-setting the meter was carried out independently
- Public notices were published accordingly and approximately 1000 people were invited to comment.
- Drivers could charge more, but this would only come into effect if there was more than 4 passengers

Councillor Parry moved acceptance of the proposed revised hackney carriage tariff of 5%, this was seconded by Councillor Gallacher and unanimously agreed.

Councillor Foster proposed that the tariff to come into force on 22 May, this was seconded by Councillor Sharp and unanimously agreed.

RESOLVED that:

1. The proposed revised hackney carriage tariff increase of 5% be agreed.
2. The tariff to come into force on 22 May 2023.

The Chair conveyed his thanks to Phil Soderquest, Director of Housing and Public Protection who was leaving the authority for all the hard work he had contributed to licensing committees. This was echoed by members.

25. NEXT MEETING

RESOLVED that the next meeting of the Licensing and Regulatory on Wednesday 14 June 2023, 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 1, County Hall, Morpeth, NE61 2EF** on **Thursday, 27 April 2023** at **10.00 am**

MEMBERS

T Cessford
K Parry

C Hardy
A Sharp (Reserve)

OFFICERS

H Bowers
M Bulman
T Hardy

Democratic Services Officer
Solicitor
Licensing Manager

1. ELECTION OF CHAIR

RESOLVED that Councillor Cessford 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 item 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	Paragraph 1 of Part 1 of Schedule 12A
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4	Information relating to any individual.
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The public interest in maintaining this exemption outweighs the public interest in disclosure because of any information relating to any individual

PART II

3. REPORTS OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Case No. 270423/445

The applicant was in attendance.

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

The Licensing Manager 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 the applicant was a fit and proper person to hold such a licence.

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

Members of the Subcommittee retired to make their decision with the legal adviser and determined the following:-

The Subcommittee has considered all of the evidence before it, including that you have previously held a licence between November 2015 - July 2022, and is not satisfied that you are a fit and proper person to hold a licence.

The Subcommittee reviewed an incident from May 2022 as extremely serious and is not the behaviour of a fit and proper person.

The Subcommittee is concerned regarding your comments and attitude in respect of the same and **REFUSE** your application for a private hire and hackney carriage drivers licence."

Under the provisions of the Local Government (Miscellaneous) Provisions Act 1976 Section 52, if you are aggrieved by the decision of the Subcommittee, you have the right to appeal within 21 days to the Magistrate's Court of receipt of written notification of the decision of the Subcommittee.



LICENSING AND REGULATORY COMMITTEE

DATE: 23 AUGUST 2023

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

Report Darin Wilson, Head of Public Protection

Cabinet Member: Councillor Gordon Stewart– Portfolio Holder Community Services

Purpose of report

To update members on the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (Sian's Law) and the statutory guidance.

Recommendations

Members note the content of the report.

Link to Corporate Plan

This report is relevant to the achieving value for money and driving economic growth priorities of the NCC Corporate Plan 2023-2026.

Key issues

Local Authorities are responsible for licensing of hackney carriage and private hire drivers, and therefore need to ensure that members of the public are safeguarded when travelling in licensed vehicles.

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent on 31st March 2022.

The aim of the Act is to protect passengers but also aid drivers of taxis and private hire vehicles by guaranteeing high standards to any would-be passengers.

The Act requires Licensing Authorities that have information relating to safeguarding concerns about a driver licensed by another authority to share the information with the other authority

The Act requires licensing authorities to search the national licensing database of driver revocations and refusal for entries relating to applicants prior to granting drivers licences.

The Department for Transport has published [statutory guidance for licensing authorities](#) relating to the requirement to share information with other authorities. Further guidance is expected in relation to the use of the National Register (NR3S)

Background

From 31 May 2022, if any licensing authority in England has information about a taxi or PHV (Private Hire Vehicle) driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence. Guidance has recently been issued by the Department of Transport relating to this matter.

Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

Once the licensing authority becomes aware of the safeguarding or road safety concerns, it has 10 working days to provide the relevant information and any other information to identify the driver to the licensing authority that issued the driver's licence.

Within 20 working days of receiving the concerns, the licensing authority must inform, in writing, the licensing authority that reported the concerns whether it has suspended or revoked the driver's licence (or intends to suspend or revoke the licence).

The act allows the Secretary of State for Transport to provide or designate someone to provide a database which licensing authorities in England must use for the purposes of the act.

The designated database provider will ensure that every licensing authority in the United Kingdom has access to the designated database to create, amend, remove and reinstate entries in it. The legal requirement to use the database only applies to taxi and PHV licensing authorities in England.

The designated database provider will also ensure that records older than 11 years are removed.

The designated database provider is the National Anti-Fraud Network and the designated database is the National Register for Revocations, Refusals and Suspensions (NR3S).

[Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022)

Implications

Policy	None
Finance and value for money	None
Legal	
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) N/A	
Risk Assessment	none
Crime & Disorder	none
Customer Consideration	Enhanced procedures for safeguarding the Public
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	Graeme Binning
Chief Executive	
Portfolio Holder(s)	Gordon Stewart

Author and Contact Details

Helen Tait – Senior Licensing Officer
Helen.tait01@northumberland.gov.uk



LICENSING AND REGULATORY COMMITTEE

DATE: 23 AUGUST 2023

Hackney Carriage and Private Hire Licensing - Authorised Testing Stations

Report Darin Wilson, Head of Public Protection

Cabinet Member: **Cllr Gordon Stewart, Portfolio Holder, Looking After our Communities**

Purpose of report

To seek approval for independent garages to be authorised to complete taxi and private hire vehicle testing in circumstances where the current garages cannot fulfil the demand.

Recommendations

Members delegate to officers authority to approve six garages within Northumberland to conduct the testing and inspection of vehicles where the current NCC garages are unable to provide adequate provision within an acceptable timescale.

Link to Corporate Plan

This report is relevant to the achieving value for money and driving economic growth priorities of the NCC Corporate Plan 2023-2026

Key issues

In 2016 the Council's hackney carriage and private hire licensing policy was amended to state that the testing and inspection of licensed vehicles must be completed by one of Northumberland County Councils MOT testing Stations.

The Garages are currently at Hexham, Stakeford and Alnwick

It is estimated that this financial year there would be 1339 test required.

Issues arise where there are unexpected surges in demand or mechanical problems at the garages. This was most recently seen at Hexham where the brake roller needed to be replaced and the garage had to be closed for 8 weeks. The other garages struggled to accommodate all the vehicles requiring a test. The matter was brought as an urgent item to the committee on 15th February 2023 where it was agreed to authorised 2 independent garages on a temporary basis.

Background

Northumberland County Council is responsible for the licensing of hackney carriages plying for hire and private hire vehicles operating within its administrative area.

Before granting or renewing a vehicle licence, the Council must be satisfied that the vehicle is mechanically safe and suitable in size and passenger comfort and complies with the requirements of the Council's Licensing Policy.

To establish whether a vehicle meets these conditions it must be tested and inspected, at a Northumberland County Council Mot Testing station, prior to the application for the licence or renewal.

In addition to this initial test, the Council has the power to require the discretionary testing of vehicles up to three times a year. The Council's policy requires that vehicles over five years old or with a mileage in excess of 200,000 must undergo a further, annual, mid-year test, with an additional routine test for vehicles over eight years old

In 2016, in order to ensure impartially, consistency, greater communication and to ensure public safety the Council determined that all mechanical inspections shall be conducted at a Northumberland County Council Depot. At the time of the introduction of the requirement the garages were based at Stakeford and Hexham. A further garage was then added in Alnwick.

On 26th April 2023, the Committee agreed a temporary authorisation for independent garages to be authorised to complete hackney carriage and private hire vehicle following issues with equipment at the Hexham garage which were not expected to be resolved quickly. This helped alleviate the issues until the garage resumed testing.

Implications

Policy	Amendment to the policy.
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Finance and value for money	None for licensing service.
Legal	
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) N/A <input type="checkbox"/>	
Risk Assessment	none
Crime & Disorder	none
Customer Consideration	Enhanced procedures for safeguarding the Public
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	Graeme Binning
Chief Executive	
Portfolio Holder(s)	Gordon Stewart

Author and Contact Details

Tasmin Hardy

Licensing Manager