



REGULATORY COMMITTEE AGENDA

Tuesday, 7 June 2016 at 1.30 pm in the Bridges Room - Civic Centre

From the Chief Executive, Jane Robinson

Item Business

1. Apologies

2. Constitution (Pages 3 - 4)

The constitution of the Committee and the appointment of the Chair and Vice Chair as approved by the Council for the current municipal year is attached.

3. Minutes (Pages 5 - 8)

The Committee is asked to approve the minutes of the last meeting.

4. The Role of the Committee

Presentation by Tim Briton, Solicitor

5. Making decisions in Regulatory Committee

Presentation by Tim Briton, Solicitor

6. Gateshead International Stadium: Special Safety Certificate (Pages 9 - 10)

Report of the Strategic Director, Communities and Environment

7. Application for Approved Premises Status - Shipley Art Gallery (Pages 11 - 14)

Joint report of the Strategic Director, Corporate Services and Governance and the Strategic Director, Communities and Environment

8. Exclusion of the Press and Public

The Committee may wish to exclude the press and public from the meeting during consideration of the following items on the grounds indicated:-

Item No

**Paragraphs of Schedule 12A to the
Local Government Act 1972**

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9. Hackney Carriage and Private Hire Licensing Issues (Paragraph 7) (Pages 15 - 38)

Report of the Strategic Director Communities and Environment

	Reference	Issue
1.	RC/10/16	Application for the Grant of Private Hire Driver Licence
2.	RC/11/16	Review of Dual (Hackney Carriage and Private Hire Driver Licence)

Contact: Helen Conway email: Helenconway@gateshead.gov.uk, Tel: 0191 433 3993
Date: Friday, 27 May 2016



TITLE OF REPORT: **Constitution**

REPORT OF: **Jane Robinson, Chief Executive**

The constitution of the Committee and the appointment of the Chair and Vice Chair as approved by the Council for the 2016/17 municipal year is as follows:

Chair	K Dodds (C)
Vice Chair	B Dick (VC)
Councillors	C Bradley M Charlton D Davidson D Duggan J Graham B Goldsworthy J Kielty C McHatton R Mullen B Oliphant M Ord A Thompson N Weatherley

Recommendation

The Committee is asked to note the information.

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

REGULATORY COMMITTEE MEETING

Tuesday, 26 April 2016

PRESENT: Councillor

Councillors: W Dick, M Charlton, D Davidson,
B Goldsworthy and A Thompson

APOLOGIES: Councillors K Dodds, C Bradley, M Brain, B Oliphant and
P Ronan

RC56 APOLOGIES

Apologies for absence were received from Councillors K Dodds, C Bradley, M Brain, B Oliphant and P Ronan.

RC57 MINUTES

RESOLVED - That the minutes of the last meeting be approved as a correct record.

RC58 NEW APPLICATIONS FOR VEHICLES OVER 3 YEARS OLD TO BE LICENSED

RESOLVED - the Committee decided not to grant a Private Hire licence in respect of the vehicle for the following reasons:-

The Committee had regard to the information contained in the Licensing Officer's Report dated 19 April 2016, including that the vehicle had been tested by the Council's vehicle inspector on 18 April 2016 and had been found to be roadworthy.

The Committee were mindful that holding a Private Hire Vehicle licence is a privilege and not a right, and that under the Local Government (Miscellaneous Provisions) Act 1976, licensing authorities must not permit a vehicle to be licensed unless they are satisfied that the vehicle is suitable to be licensed.

The Committee noted that the starting point in the Council's policy is that the vehicle's age indicated that it was not suitable to be licensed. The applicant was asked whether there was anything exceptional about the individual circumstances that could justify deviating from the Council's policy. The applicant stated that he was aware of the Council's policy when he purchased the vehicle, but did so in any event as it was cheaper to buy that vehicle than one that would have satisfied the Council's policy.

The applicant was asked if he had any information concerning the vehicle's current level of emissions, and stated that he did not.

The Committee found that the information provided by the applicant did not provide good reason to deviate from the Council's policy as the economic factors relevant to the vehicle's purchase were irrelevant to the vehicle's suitability to be licensed.

The applicant was also advised that as he was aggrieved by the Committee's decision he has the right to appeal to Gateshead Magistrates' Court within 21 days of the decision. As the applicant was in attendance at the hearing and was duly notified of the decision at that time, any such appeal should be brought within 21 days of the hearing date.

RC59 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the remaining business in accordance with the indicated paragraphs of Schedule 12A of the Local Government Act 1972.

RC60 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ISSUES (PARAGRAPH 7)

- RESOLVED -
- i) the Committee decided to adjourn determination of application RC/07/16 (Renewal of Private Hire Driver Licence) until the next available hearing following the outcome of the criminal proceedings in respect of the alleged speeding offence that occurred on 8 December 2015; and
 - ii) should the applicant's DVLA licence be endorsed with three penalty points as a result of his acceptance of a Fixed Penalty Notice in respect of the offence, then the Service Director of Development and Public Protection shall be duly authorised to grant the licence for a period of one year, subject to the Council's standard Private Hire Driver licence conditions.
 - iii) the Committee decided to approve application RC/08/16 (Review of Private Hire Driver Licence) but the applicant will be issued with a strict warning in respect of his future driving conduct

Chair.....

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TITLE OF REPORT: Gateshead International Stadium: Special Safety Certificate

REPORT OF: Paul Dowling, Strategic Director, Communities & Environment

Purpose of Report

1. This report seeks approval to authorise the issue of a Special Safety Certificate No. 14 for the Nitro Circus event at Gateshead International Stadium.

Background

2. Gateshead International Stadium is a Designated Stadium under the terms of the Sports Ground Act 1975 (the Act). The existing General Safety Certificate for Gateshead International Stadium (the Stadium) allows the use of the stadium for spectator events, restricted to those specified activities listed in Appendix 3 of the General Safety Certificate.
3. The proposed Nitro Circus is an event that is not covered in those specified activities listed in Appendix 3 of the General Safety Certificate. The Act requires that a Special Safety Certificate is obtained for the Stadium for events that are not listed as a specific activity.

Recommendations

4. It is recommended that the Service Director of Development, Public Protection and Transport be authorised to issue Special Safety Certificate No. 14 for the Stadium, subject to submission by the applicant and acceptance by the Council of the additional documentation described in Clause 5 (ii) of the Special Safety Certificate and of comments received from Police, Fire and Ambulance Authorities.

CONTACT: N Burn extension 3079

Consultation

1. Following consultation with the Service Director of Development, Public Protection and Transport, Police, Fire and Ambulance Authorities, a Special Safety Certificate for the Nitro Circus event has been prepared.

Implications of Recommended Options

2. **Financial Implications** – The Strategic Director of Finance and ICT confirms that there are no financial implications arising from this report.
3. **Risk Management Implications** – None
4. **Human Resource Implications** - None
5. **Equality and Diversity Implications** - None
6. **Crime and Disorder Implications** - The terms and conditions of the Special Safety Certificate should secure reasonable safety at the Stadium when it is in use for the Specified Activity.
7. **Sustainability Implications** - None
8. **Human Rights Implications** - By issue of a Special Safety Certificate, the Council is positively promoting the safety of spectators at special events.
9. **Ward Implications** - Gateshead International Stadium is located in Felling Ward.

TITLE OF REPORT: **Application for Approved Premises Status –
Shipleigh Art Gallery, Prince Consort Road, Gateshead**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and
Governance
Paul Dowling, Strategic Director, Communities and Environment**

SUMMARY

This report advises the Committee of an application on behalf of the Tyne and Wear Archives and Museums, Blandford Square, Newcastle upon Tyne NE1 4JA for the premises to be approved as a venue for the solemnisation of civil marriages and registration of civil partnerships.

Statutory Context

1. Premises may be approved as a venue for the solemnisation of marriages under the provisions of the Marriage Act 1949 and the registration of civil partnerships under the Civil Partnership Act 2004. Premises are approved for a three-year period, subject to their being seemly and dignified and to satisfactory public order, fire and health and safety checks.

Application

2. Tyne and Wear Archives and Museums, has made application on behalf of the Shipleigh Art Gallery, Prince Consort Road, Gateshead NE8 4JB

Inspection and Consultation

3. The premises have been inspected by the representative of the Strategic Director, Corporate Services and Governance and reviewed by the Service Director, Development and Public Protection. The premises satisfy the requirement to be a seemly and dignified venue for the proceedings in accordance with the Marriages and Civil Partnerships (Approved Premises) Regulations 2005. Consultative arrangements are set out in the appendix. There are no objections to the application.
4. Approval is recommended to marriages and civil partnerships taking place in
 - Gallery A** (maximum occupancy 120)
 - Gallery B** (maximum occupancy 15)
 - Gallery C** (maximum occupancy 15)
 - Shipleigh Lounge** (maximum occupancy 15)

Recommendation

5. The Committee is asked to approve the application.
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CONTACT: Jean Eggleston extension 2200

Policy Context

1. The proposal supports the vision for Gateshead as outlined in the Sustainable Communities Strategy and the Council Plan, in particular supporting the building of cohesive and diverse communities.

Background

2. Premises may be approved as a venue for the solemnisation of marriages under the provisions of the Marriage Act 1949 and the registration of civil partnerships under the Civil Partnership Act 2004, in accordance with the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.

Consultation

3. In accordance with the regulations, the application has been advertised in the local press. The councillors for the Saltwell ward have been consulted and the cabinet member with responsibility for safer stronger communities and culture has been advised. There are no objections to the application.

Alternative Options

4. Premises meeting the criteria under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and guidance issued by the Registrar General must be considered for approved premises status. There is no alternative to considering the application.

Implications of Recommended Option

5. **Financial Implications** – The costs of processing the application and public advertisement are met from fee income. The Strategic Director, Corporate Resources, confirms that there are no financial implications arising from this report.
6. **Risk Management Implications** – The Service Director, Development and Public Protected has consulted with Tyne and Wear Fire Service, Northumbria Police and on building control for purposes of health and safety and public order. There are no objections to the application.
7. **Human Resources Implications** - There are no human resources implications arising from the proposal.
8. **Equality and Diversity Implications** - The approval of premises for the solemnisation of civil marriages and registration of civil partnerships provides opportunities for people to enter into secular and civil proceedings in a location of their choice, rather than at the offices of the district registrar.
9. **Crime and Disorder Implications** - The Service Director, Development and Public Protected consulted with Northumbria Police on matters relating to public order. There are no objections to the application.

10. **Health Implications**
The approval of premises for the solemnisation of civil marriages and registration of civil partnerships increases the opportunities for couples to enter into legally recognised relationships, with their attendant benefits, which, support personal and social stability and contribute to wellbeing.
11. **Sustainability Implications** – There are no sustainability implications arising directly from the proposal. Those attending at an approved premise would be likely to travel to the premises for a celebration of the event even if the marriage ceremony or civil partnership registration was to take place at a separate location.
12. **Human Rights Implications** - The approval of premises for solemnisation of civil marriages enhances the right to marry under Article 12 of the European Convention on Human Rights.
13. **Area and Ward Implications** – Shipley Art Gallery is in the Saltwell ward in the Bensham South neighbourhood. The ward members have been consulted on the application. There are no objections.
14. **Background Information**
 - 1 .The Registrar General's Guidance to Authorities for the Approval of Premises as Venues for Civil Marriages and Civil Partnerships - Fourth Edition (Revised December 2011).
 2. Application form for Shipley Art Gallery, Prince Consort Road, Gateshead.

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