

REGULATORY COMMITTEE AGENDA

Wednesday, 14 December 2016 at 1.30 pm in the Bridges Room - Civic Centre

From the Acting Chief Executive, Mike Barker

Item Business

1 Apologies

2 Minutes (Pages 3 - 4)

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

3 Appeals and Prosecutions (Pages 5 - 6)

Report of the Acting Chief Executive

4 Proposed Vehicle Licensing Review (Pages 7 - 12)

Report of the Strategic Director, Communities and Enterprise

5 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
6	7
7	7
8	7

6 Summary of Decisions from Last Committee (Pages 13 - 40)

Report of Acting Chief Executive

7 Application for a Licence to Keep a Dog Breeding Establishment
(Pages 41 - 54)

Report of the Strategic Director, Communities and Environment

8

Hackney Carriage and Private Hire Licensing Issues (Paragraph 7)
(Pages 55 - 66)

Report of the Strategic Director Communities and Environment

Reference	Issue
1. RC/35/16	Application for dual (Hackney Carriage and Private) Hire Driver Licence

GATESHEAD METROPOLITAN BOROUGH COUNCIL

REGULATORY COMMITTEE MEETING

Tuesday, 15 November 2016

PRESENT: Councillor W Dick (Chair)
Councillor(s): C Bradley, M Charlton, D Davidson,
B Goldsworthy, J Kielty, R Mullen, B Oliphant, M Ord,
A Thompson and N Weatherley

APOLOGIES: Councillor(s): K Dodds, D Duggan and J Graham

RC96 MINUTES

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

RC97 APPEALS AND PROSECUTIONS

RESOLVED - That the licensing related appeals and prosecutions during the period 18 to 31 October 2016 be noted.

RC98 EXCLUSION OF THE PRESS AND PUBLIC

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

RC99 SUMMARY OF DECISIONS FROM LAST COMMITTEE

RESOLVED - That the summary of decisions from last committee be noted.

RC100 NEW APPLICATION FOR VEHICLE OVER 3 YEARS OLD TO BE LICENSED

RESOLVED - The Committee agreed to grant the Private Hire Licence.

RC101 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ISSUES

RESOLVED - i) The Committee were satisfied that the applicant (RC/29/16) was a fit and proper person to hold a Private Hire Driver licence at this time and as such to grant a licence with the following conditions:-
(a) that the licence shall be for a duration of one year and

otherwise subject to the Council's standard conditions; and
(b) that the licence shall be suspended until such a time as the applicant produces evidence of having completed a speed awareness course in the last six months

- ii) The Committee were satisfied that the applicant (RC/30/16) was a fit and proper person to hold a Private Hire Driver Licence at this time and as such to grant a licence; however that the licence shall be for a duration of one year and otherwise subject to the Council's standard conditions
- iii) The Committee were not satisfied that the applicant (RC/31/16) was a fit and proper person to hold a Private Hire Driver Licence at this time; and as such that the application be refused.
- iv) The Committee were not satisfied that the applicant (RC/32/16) was a fit and proper person to hold a Hackney Carriage or Private Hire Driver licence at this time, and as such the application be refused.
- v) The Committee were satisfied that the applicant (RC/33/16) was a fit and proper person to hold a Private Hire Driver licence at this time and as such, a licence shall be granted for a three year duration subject to the Council's standard licence conditions.

Chair.....

TITLE OF REPORT - **Appeals and Prosecutions**

REPORT OF - **Mike Barker, Acting Chief Executive**

The Committee is requested to consider the attached report on licensing related appeals and prosecutions during the period 1 to 28 November 2016.

Appeals against Committee decisions

Appellant	Court	Date	Decision being appealed	Court's decision
Trevor Richardson	Gateshead Magistrates' Court	30 November 2016	Refusal to grant Private Hire Driver licence	Preliminary hearing to take place on whether the Court has jurisdiction to hear the appeal – decision pending
Basharat Khan	Gateshead Magistrates' Court	5 December 2016	Refusal to grant Private Hire Driver licence	Decision pending
Maurice Pilcher	Gateshead Magistrates' Court	5 December 2016	Refusal to grant Dual (Hackney Carriage and Private Hire) Driver licence	Decision pending

Prosecutions

Defendant	Court	Date	Offence	Result
n/a				

Appeals against Court decisions

Defendant	Court	Date	Offence	Result
n/a				

This page is intentionally left blank

TITLE OF REPORT: Proposed Vehicle Licensing Review

REPORT OF: Paul Dowling, Strategic Director, Communities and Enterprise

Purpose of the Report

1. To commence discussions with Regulatory Committee Members on a planned review of Vehicle Licensing.

Background

2. Both Hackney Carriage and Private Hire Vehicles are required to be licensed by the Council. The licences are issued annually. In order to be granted a licence initially the vehicle must meet certain criteria. If the vehicle does not meet one or more of the criteria the Constitution allows the vehicle proprietor to have their application considered by Committee who can decide to grant a licence based on the individual circumstances of the case.

Vehicle requirements

3. There are a range of requirements that must be met in order for a licence to be granted under delegated powers, this includes that:
 - The vehicle must be under three years old
 - The vehicle must pass an examination by a Council vehicle examiner
 - The vehicle must comply with the Council's standard conditions

Current position

4. There are currently 708 vehicles in the Council's taxi fleet, of these 211 are Hackney Carriages and 497 are Private Hire Vehicles. Since Officers' delegated powers to approve vehicles over three years old were removed, there have been 6 applications to add a vehicle to the fleet aged over three. Of these 5 have been approved and 1 has been refused. There have also been 14 vehicles aged 8 years that have applied for a one year extension to their Licence which is still dealt with under delegated powers.

Direction of change

5. As with all policies changes in circumstances, including changes in legislation and the advent of new technology mean that they need to be updated and improved. The Council are proposing to begin a review of the Vehicle Licence policies for a number of different reasons. Some of the main reasons are set out below.

Emissions

6. Vehicle technology has evolved significantly resulting in cleaner more efficient engines and lower emissions. It is proposed that any changes to the Vehicle Policies would enshrine the need to have a fleet which adopts the latest and cleanest vehicle technology as it emerges, particularly improvements relating to Nitrogen Dioxide and Particulate Matter. These pollutants are particularly harmful to health. Nitrogen Dioxide is a specific cause for concern in Gateshead Town Centre, with an Air Quality

Management Area (AQMA) having been declared due to exceedances of permissible levels.

New technology

7. It is recognised that new technology is always being developed, the electric car and the driverless car are just two examples. The Council is keen to support innovation and the use of new technology where there are clear benefits and where there is no risk to public safety. It is suggested that any changes to the Vehicle Policies would support this position. As an example of how this may develop in practice the Council have made a bid to the Departments for Transport and Environment, Food and Rural Affairs for an Air Quality Grant to support the introduction of a number of measures aimed at improving air quality in the Borough, which will include measures relating to the Hackney Carriages and Private Hire Vehicles that the Council licenses; this could include for example the installation of vehicle charging points in taxi waiting areas.

Vehicle safety

8. Standards of vehicle safety are constantly changing and vehicles are becoming increasingly safer for both those travelling in them and pedestrians who may come into contact with them. It is proposed that any changes to the Vehicle Policies would be made with a view to improve the safety of the vehicles being added to the fleet.

Passenger safety

9. There have been a number of recent high profile cases where taxis and more generally the taxi trade have become embroiled in cases of child sexual exploitation. Within our own area Northumbria Police has conducted an operation into such matters. As part of the recommendations from other areas and the suggestions being made by Northumbria Police new measures to protect passengers such as CCTV are being considered.

Cross border issue

10. There is a clear issue, which has recently been highlighted in the national press, that efforts to increase standards in one area can be undermined if other areas do not introduce equivalent policies. For example the maximum age that a vehicle can be licensed could be 8 in one area but if in an adjoining area the limit was for example 15 this vehicle could still work in the area with the 8 year limit through sub-contracting arrangements.
11. In July 15 the North East Public Protection Partnership document entitled 'Working together to make taxis safer across the region' set out agreed actions for the 12 North East authorities to achieve consistent and complimentary policies for vehicles.
12. The Department for Transport have indicated that they will be issuing statutory guidance to licensing authorities under new powers to be introduced through the Policing and Crime Bill, and it is anticipated that this will refer to CCTV as being best practice following the examples set by Southampton, Warrington, Northumberland, etc.

Conclusion

13. There is a clear need to review and update the Vehicle Licence Policies. It is proposed that a preliminary review is conducted and proposed amendments in the form of an

initial draft are then circulated for comments to Committee Members prior to undertaking a more formal and full scale consultation following approval from Cabinet. In addition, it is proposed to work with the North East Strategic Licensing Group on cross-border issues and to attempt to develop region-wide consistency with policies.

Recommendation

14. It is recommended that the Committee note the report and provide any comments they have in relation to the proposed way forward.

Contact: John Bradley - extension 3905

Appendix 1

Resources

Financial Implications – None

Human Resources Implications – None.

Property Implications - None

Risk Management Implications – None.

Equality and Diversity Implications – None

Crime and Disorder Implications – None.

Health Implications – None.

Sustainability Implications – None

Human Rights Implications – None

Area and Ward Implications – No specific area or ward implications.

Background Information

Private Hire Vehicle Policy

Hackney Carriage Vehicle Policy

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank