

REGULATORY COMMITTEE AGENDA

Tuesday, 26 June 2018 at 1.30 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item Business

1 Apologies

2 Minutes (Pages 3 - 6)

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

3 Appeals and Prosecutions (Pages 7 - 8)

Report of the Strategic Director Corporate Services and Governance

4 Suspensions and Revocations under Delegated Powers (Pages 9 - 10)

Report of the Strategic Director of Communities and Environment

5 Application for Approved Premises Status - Tanfield Railway, Old Marley Hill, Gateshead (Pages 11 - 14)

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

6 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**

7

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7 Summary of Regulatory Committee Decisions (Pages 15 - 24)

Report of the Strategic Director Corporate Services and Governance

GATESHEAD METROPOLITAN BOROUGH COUNCIL

REGULATORY COMMITTEE MEETING

Tuesday, 22 May 2018

PRESENT: Councillor K Dodds (Chair)

Councillor(s): M Charlton, D Duggan, B Goldsworthy,
R Mullen, M Ord, D Bradford, Gibson, Kelly and McClurey

APOLOGIES: Councillor(s): W Dick, J Kielty, B Oliphant, N Weatherley
and J Green

RC178 CONSTITUTION

RESOLVED - That the constitution of the Committee and the appointment of the Chair and Vice-Chair for the municipal year 2018/19 were noted.

RC179 MINUTES

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

RC180 GATESHEAD INTERNATIONAL STADIUM SAFETY CERTIFICATE

The Committee received a report providing an update regarding the implementation and review of Gateshead International Stadium (GIS) Safety Certificate.

Certificate 25A was updated and replaced by certificate 25B on 2 May 2017 and since then a number of improvements have been initiated to ensure that the requirements of the safety certificate are embedded into all elements of the operation of the facility.

The proposed amendment was outlined to the Committee as follows:

In order to ensure that Gateshead International Stadium can continue to attract and facilitate a wide range of events, an amendment is proposed to certificate 25B relating to clause 7(b);

The requirement of clause 7:

Unless a notified Safety Officer or Deputy Safety Officer, whose appointment has been notified to the Council, is present, the capacity of the sports ground will be zero for the specified activities, except for the following:

(b) that when the public is admitted to the sports ground for a specified activity

where the holder estimates less than 500 spectators will be admitted, the Holder shall ensure the attendance of a minimum of two safety stewards.

The Certificate Holder requests an amendment of 7(b) as follows:

An industry established risk assessment scoring matrix is used to determine the number of stewards required for a spectator event.

RESOLVED - that the Committee approved the amendments to Gateshead International Stadium General Safety certificate 25b Clause 7(b)

RC181 APPEALS AND PROSECUTIONS

The Committee received a report detailing licensing related appeals and prosecutions during the period 3 March 2018 and 4 May 2018.

RESOLVED – that the information be noted.

RC182 SUSPENSIONS/REVOCATIONS UNDER DELEGATED POWERS

The Committee received a report on suspensions and revocations that have taken place during the period 9 March 2018 to 3 May 2018.

RESOLVED – that the information be noted.

RC183 GUIDANCE ON DETERMINING SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES

The Committee received a report informing them of new guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades.

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, applicants for certain Hackney Carriage and Private Hire licences must be ‘fit and proper’, and that licensees must remain ‘fit and proper’ throughout the currency of their licence failing which their licence may be suspended or revoked.

The Act does not specify the criteria by which a person’s fitness and propriety shall be assessed, however in 1992 the Home Office and Department for Transport issued joint guidance regarding the relevance of convictions to a person’s suitability to be licensed. It is widely acknowledged that the 1992 guidance is outdated, and the Home Office and Department for Transport have been invited to formally withdraw it in light of the fact that there is an apparent and unjustifiable inconsistency between those Councils that continue to rely on the guidance and those that have implemented their own policies which invariably take a less lenient approach regarding matters of serious criminal conduct.

Gateshead Council last revised its policy in 2015, and has worked closely with the Local Government Association in respect of its best practice guidance – <https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>

On 26 April 2018 the Institute of Licensing published guidance which has been produced in conjunction with Lawyers in Local Government, the Local Government Association and the National Association of Licensing Enforcement Officers. It is hoped that Councils will use the new guidance as the basis of reviewing their existing policies or introducing new policies where they are currently relying on the 1992 guidance, to achieve a greater degree of consistency across the country – <https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsOrJob=news&NewsID=11318>

The guidance was appended to the report for information for the Committee.

- RESOLVED -
- i) That the information be noted
 - ii) That at the request of the chair, the guidance handbook be circulated to all members of the council for their information.

RC184 EXCLUSION OF THE PRESS AND PUBLIC

- RESOLVED - That the press and public should be excluded from the meeting during consideration of the remaining business in accordance with paragraph 7 of Schedule 12A of the Local Government Act 1972.

RC185 SUMMARY OF REGULATORY COMMITTEE DECISIONS

RESOLVED – that the summarise of decisions from last committee be noted.

RC186 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ISSUES (PARAGRAPH 7)

- RESOLVED -
- i) That the Committee were not satisfied that applicant RC/09/18 was a fit and proper person to hold a Private Hire Driver licence with the Council, and that such his application be refused.
 - ii) That the Committee were not satisfied that applicant RC/10/18 was a fit and proper person to hold a Private Hire Driver licence with the Council, and that such his application be refused.
 - iii) That the Committee were not satisfied that applicant RC/11/18 was a fit and proper person to hold a Private Hire Licence with the Council, and that such his application be refused.

Chair.....

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TITLE OF REPORT - **Appeals and Prosecutions**

REPORT OF - **Mike Barker, Strategic Director Corporate Services & Governance**

The Committee is requested to consider the attached report on licensing related appeals and prosecutions during the period 4 May 2018 to 13 June 2018.

Appeals against Committee decisions

Appellant	Court	Date	Decision being appealed	Court's decision
Wayne Brannen	Gateshead Magistrates' Court	4 July 2018	Refusal of Hackney Carriage & Private Hire Driver licences	Pending

Prosecutions

Defendant	Court	Date	Offence	Result
LD Europe Ltd	Gateshead Magistrates' Court	13 June 2018	Use of premises at Design Works William Street Gateshead as a sex establishment without a licence being in force, contrary to Paragraph 20(1)(a) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982	Guilty - £10,000 fine, £600 costs

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TITLE OF REPORT - **Suspensions / Revocations under Delegated Powers**
REPORT OF - **Paul Dowling, Strategic Director of Communities & Environment**

The Committee is requested to consider the attached report on suspensions and revocations that have taken place under the powers delegated to the Service Director of Development, Transport and Public Protection during the period 4 May 2018 to 11 June 2018

Suspensions

Licensee	Type of Licence	Reason for suspension	Date of suspension	Suspension lifted
Kobir Ahmed	Hackney Carriage	DBS	18 May 2018	No
Patrick McGough	Hackney Carriage	DBS	31 May 2018	No

Revocations

Licensee	Type of Licence	Reason	Date of revocation

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TITLE OF REPORT: Application for Approved Premises Status – Tanfield Railway, Old Marley Hill

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 Tanfield Railway, Gateshead, 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. Tanfield Railway Ltd, Marley Hill Engine Shed, Old Marley Hill, Gateshead, NE16 5ET

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, Transport 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. Consultation has been carried out with Northumbria Police and Tyne and Wear Fire and Rescue Service they have no objections or comments regarding the proposal.
5. Approval is recommended for marriages and civil partnerships taking place in:
Andrews House (Maximum occupancy 45)
The Engine Shed (Maximum occupancy 522)

Recommendation

6. The Committee is asked to approve the application.
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CONTACT: John Bradley extension 3905

APPENDIX 1

Policy Context

1. The proposal supports the vision for Gateshead as outlined in the Sustainable Communities Strategy and the Council's Corporate 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 Whickham South and Sunnyside ward have been consulted. 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, Finance and ICT, confirms that there are no financial implications arising from this report.
6. **Risk Management Implications** – The Head of Communities and Environment 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, civil, proceedings in a location of their choice, rather than at the offices of the district registrar.
9. **Crime and Disorder Implications** - The Head of Communities and Environment has 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 and registration of civil partnerships provides opportunities for people to enter into secular, civil, proceedings in a building of their choice, rather than at the offices of the district registrar.
13. **Area and Ward Implications** – Tanfield Railway Ltd is in the Whickham South and Sunnyside ward. 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 - Third Edition (Revised April 2007).
 2. Application for Tanfield Railway.

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

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