

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Certificate 25A was updated and replaced by certificate 25B on 2 May 2017 and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.....