

**At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 23<sup>rd</sup> FEBRUARY, 2015 at 2.00 p.m.**

**Present:-**

Councillor Blackburn in the Chair

Councillors Emerson, Farthing, P. Gibson, MacKnight, Marshall, D. Smith, Thompson and Wiper

**Declarations of Interest**

Item 7

Councillor Wiper declared that he knew the applicant in a professional capacity. As such he withdrew from the meeting during this item.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors D. Dixon, Galbraith and Waller

**Minutes of the Last Meeting of the Committee held on 26<sup>th</sup> January, 2015  
Part I**

1. RESOLVED that the minutes of the last meeting of the Committee held on 26<sup>th</sup> January, 2015, Part I (copy circulated) be confirmed and signed as a correct record.

**Local Government (Miscellaneous Provisions) Act 1982 – Application for an Annual Consent to Trade in a Designated Area – Land between Maplins and WH Smiths, Market Square, Sunderland**

The Deputy Chief Executive submitted a report (copy circulated) which requested Members consideration of an application submitted by Mr Sabahat Hussain for the grant of consent to trade in a designated area in respect of the land between Maplins and WH Smiths, Market Square, Sunderland.

(For copy report – see original minutes)

Mr Hussain was in attendance to speak in support of his application. He advised that he had worked in catering for the last 6 or 7 years and he was now looking to start

his own hot food business. Within Sunderland there was not the provision for purchasing jacket potatoes and he wanted to fill this gap in the market; his wife had studied at Sunderland University and she had told him that there was a need for this sort of provision. He wanted his stall to fit in with the area and he referred to Middlesbrough where all street traders needed to have their stall painted the same colour. In response to questioning from Councillor Thompson he stated that he hoped that he would be able to make use of the mains electricity hookup in the market square otherwise he would use a portable generator.

Councillor Wiper queried whether Mr Hussain had done much research into the location; within a very close area there were a significant number of fast food outlets and cafes. Mr Hussain acknowledged that there was a significant number of other outlets however he felt that he provided a different service; he provided very quick food which was intended to be taken away to be eaten. He would be specialising in Jacket Potatoes and he knew that some people would come into the city centre for jacket potatoes and would then visit other shops within the centre.

Councillor P. Gibson queried whether Mr Hussain had done any research into the footfall in the area; he was concerned that there was a lot of footfall in the area and that it was a main route through the city centre. Mr Hussain stated that he had; he knew that there was a high level of footfall in this area which was part of why he had chosen this site as the high footfall would help to create more passing trade. He also advised that the trailer was only small and would not cause an obstruction.

Councillor Marshall asked whether Mr Hussain had looked at any other sites. Mr Hussain stated that he had looked at three locations and due to the footfall and the space available he felt that this would be the most appropriate location.

The Chairman then introduced Mr David Groark who was in attendance to speak against the application on behalf of the City Centre Management Group. Mr Groark advised that the management group worked closely with the Council's partners to increase footfall in the city centre and ensure that the resources were used efficiently. There were a number of events were being planned for the Market Square; there was a desire to ensure that the right activities were held in the right areas and it was not considered that this hot food stall was an appropriate use for this location. Existing shops did not like having street traders selling food in this area. The space was intended to be used for vibrant events and although there was currently no policy in place to reflect this it was intended that a proposed policy would be presented to the next meeting of the Committee.

Councillor Emerson queried whether it was just food stalls which were a concern. Mr Groark advised that there had been problems with food and non-food stalls in the past. There had been events held in the past which had met all of the requirements but had then been low quality events. There were also people who traded without seeking consent. There was a need to ensure that all events were of the high standard that the city needed.

Councillor Thompson queried whether there was electricity available at this location. Mr Groark advised that there were power points available in the square.

Councillor Farthing commented that street food was growing in popularity in other cities. She queried whether there was an area of the city centre which was designated as being an area for street food. Mr Groark advised that there was not a designated area for street food however there were food events planned. Each application would be considered on its own merits.

Members discussed the application and Councillor P. Gibson moved that the application be rejected as it was not an appropriate location and that officers should work with Mr Hussain to identify a location which would be suitable for him to operate from. With all Members being in agreement it was:-

2. RESOLVED that the application be rejected as it was not considered that this was an appropriate location.

### **Objections to Proposed Hackney Carriage Fare Structure**

The Deputy Chief Executive submitted a report (copy circulated) which requested the Committee to set a date for the coming into operation of a proposed table of hackney carriage fares, with or without modifications, after giving consideration to objections which had been received.

(For copy report – see original minutes)

Richard Reading, Trading Standards and Licencing Manager, presented the report and advised that the Committee were recommended to set the date of 24<sup>th</sup> February 2015 for the coming into operation of the table of hackney carriage fares.

Mr Huddlestone, an independent hackney carriage driver from Washington then addressed the Committee in objection to the proposed table of fares. He advised that his Washington hackney carriage licence did not allow him to pick up passengers from ranks in Sunderland. He also stated that the reports referred to the rank at the Galleries however this rank did not exist anymore and had not been there for around 10 years. Within Washington there was a lot of competition from Private Hire drivers as they had agreed to use a fixed fare system which hackney carriages could not compete with, especially as it was now so easy for people to book a private hire taxi due to the widespread use of smartphones. Private hire fares had increased by 20p this year however this had been the first increase in 7 years while hackney carriages had increased fares every year. Running costs for vehicles including fuel and insurance costs had reduced.

Councillor P. Gibson stated that the fare structure was the maximum that could be charged; individual drivers would be able to offer a lower fare if they wished. Mr Huddlestone stated that it was possible to agree a fare in advance but the meter needed to be set to the rate as detailed in the fare structure. Mr Humphrey added that hackney carriages needed to display they table of fares and the meter needed to reflect the table of fares; drivers could however offer a discount on the metered fare if they wished.

Mr Hines then addressed the Committee on behalf of the Sunderland independent hackney carriages association. He advised that a few years ago there had been

issues caused by leaving too long between fare increases which had resulted in there being a need for a large increase; since then it had been encouraged that applications to make small increases should be made each year. The increase was based on information around all of the costs involved in operating a hackney carriage; not just fuel and insurance; the cost of repairs had increased as had the cost of buying cars, especially as white cars commanded a premium price at the moment. He stated that he attended meetings with representatives of the Bank of England and they had forecast that there would be 2 percent inflation by the end of the year. There was a need to look to the future and not just look at the current situation; although fuel costs had reduced they were now increasing again. While insurance premiums had reduced this had often been at the expense of losing features such as any driver being allowed to use the vehicle which meant further expense on adding extra drivers should the regular driver be unable to work for any reason. Should individual drivers wish to offer discounts on the maximum fare then they could display signage to show potential passengers that they offer the discount.

Councillor Wiper queried how the increase could be justified; Mr Hines stated that there was a need to look to the future; there had been times when the fares had been set based on current costs and then there had been steep increases in costs which drivers had needed to absorb themselves.

Mr Huddlestone then commented that as Mr Hines had attended meetings with the Bank of England he should be able to predict what is likely to happen with the economy. He expressed concerns that placing stickers or signs on vehicles advertising discounted fares could lead to problems as people would seek out cheaper taxis rather than getting the taxi which was at the front of the queue which would go against the unwritten rule that passengers always be directed to the first vehicle in the queue.

Councillor Thompson commented that fuel prices were not the only factor affecting taxi drivers; other costs such as insurance and maintenance had increased. He felt that a small increase would help with futureproofing and was better than keeping the fares the same which was a very short term view.

Members discussed the proposal and Councillor Wiper moved that the fares should not be increased. No Member seconded this proposal and then Councillor P. Gibson seconded by Councillor Thompson moved that the proposed table of fares be implemented without any modification. This motion having been put to the Committee it was therefore:-

3. RESOLVED that 24<sup>th</sup> February, 2015 be set as the date for the coming into operation of the table of hackney carriage fares as set out in paragraphs 3.2 to 3.4 of the report.

### **Local Government (Access to Information) (Variation) Order 2006**

4. RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered likely to include the disclosure of

exempt information relating to an individual and the financial or business affairs of a particular person (including the Authority holding that information). (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1 and 3).

(Signed) J. BLACKBURN,  
Chairman.

**Note:-**

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.