

REGULATORY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 6) on Monday, 2nd October, 2006 at 2.15 p.m.

Please note the meeting will commence at the earlier time of 2.15 p.m.

Part I

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Minutes of the meeting of the Committee held on 4th September, 2006 – Part I (Copy herewith).	1
4.	Gaming Act 1968 – Section 34(5e) Application for Grant of a permit for all cash Amusements with Prizes Machines – The Pizza Place, 3-4 Stockton Road, Sunderland, SR1 3NR Report of the Director of Community and Cultural Services (copy herewith).	4
5.	Gaming Act 1968 – Application for Grant of Section 34(1) Permit – TNT Express UK Ltd., Rainton Bridge Industrial Estate, Houghton-le-Spring, Tyne and Wear, DH4 5PH Report of the Director of Community and Cultural Services (copy herewith).	6

**This information can be made available on request in other languages.
If you require this, please telephone 553 1008**

6. **Hackney Carriage Fare Structure** 8

Report of the Director of Community and Cultural Services (copy herewith).

Local Government (Access To Information) (Variation) Order 2006

The reports contained in Part II of the Agenda are not for publication as the Committee is considered likely to exclude the public during consideration thereof as they contain information relating to any individual and the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).

Part II

7. **Minutes of the meeting of the Committee held on 3rd July, 2006, Part II** 17
(Copy herewith).
8. **Local Government (Miscellaneous Provisions) Act 1976 – Section 51 – Consideration of an Application for a Licence to Drive Private Hire Vehicles – Mr.J.R.** 18
Report of the Director of Community and Cultural Services (copy herewith).
9. **Local Government (Miscellaneous Provisions) Act 1976 – Section 59 – Consideration of an Application for a Licence to Drive Hackney Carriages – Mr.P.R** 24

R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND.

21st September, 2006.

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 4TH SEPTEMBER, 2006 at 2.15 p.m.

Present:-

Councillor Mrs. Higgins in the Chair

Councillors Bohill, P. Gibson, Gofton, Grey, J. Heron, Peter Maddison, T. Martin, Richardson, J.B. Scott, Trueman, J. Walton, Whalen and Wilson

Declarations of Interest

Item 4 - Minutes of the Sunderland Stadium of Light Safety Advisory Group held on 4th July, 2006

Item 5 - Sunderland Stadium of Light – Restriction on General Safety Certificate

Councillor J. Heron declared a personal interest as a Sunderland AFC season ticket holder.

Councillor J. Walton declared a personal interest as a Sunderland AFC shareholder.

Councillor Richardson declared a personal and prejudicial interest as an employee of a security firm providing services for Sunderland AFC.

Apology for Absence

An apology for absence was submitted to the meeting on behalf of Councillor M. Smith.

Minutes of the Last Meeting of the Committee held on 3rd July, 2006 – Part I

1. RESOLVED that the minutes of the last meeting of the Committee held on 3rd July, 2006 – Part I (copy circulated) be confirmed and signed as a correct record subject to the deletion of the reference in the declarations of interest to Councillor Walton being an SAFC season ticket holder.

Minutes of the Meeting of the Sunderland Stadium of Light Safety Advisory Group held on 4th July, 2006

2. RESOLVED that the minutes of the last meeting of the Group held on 4th July, 2006 be received and noted.

Sunderland Stadium of Light – Restriction on General Safety Certificate

The Director of Development and Regeneration submitted a report (copy circulated) which sought the Committee's approval to impose a limit upon the number of tickets made available by Sunderland Association Football Club to visiting fans of Sheffield Wednesday on 30th September, and Cardiff City on 31st October, 2006.

(For copy report – see original minutes).

3. RESOLVED that:-

- (i) approval be given to the setting of a limit of 2,700 visiting fans for the Sheffield Wednesday fixture on 30th September, 2006 and 1,500 visiting fans for the Cardiff City fixture on 31st October, 2006 on the grounds of authorising the Club to take all necessary precautions for the reasonable safety of spectators at these games as per Condition 4 of the General Safety Certificate.
- (ii) the Director of Development and Regeneration be authorised to follow such procedure and issue such notice needed to obtain compliance with the proposed restriction.

Gaming Act 1968 – Application for Grant of Section 34(1) Permit – SACCO's, 9 Front Street, Concord, Washington

The Director of Community and Cultural Services submitted a report, (copy circulated) on an application received from Northumbria Leisure Ltd., for the grant of a Section 34(1) permit for amusements with prizes machines in respect of SACCO's, 9 Front Street, Concord, Washington.

(For copy report – see original minutes).

Consideration having been given to the application, it was:-

4. RESOLVED that approval be given to the granting of a Section 34(1) permit to Northumbria Leisure Ltd. in respect of 9 Front Street, Concord, Washington.

Gaming Act 1968 – Section 34(5e) – Application for Grant of a Permit for All Cash Amusements with Prizes Machines, The Pizza Place, 3-4 Stockton Road, Sunderland, SR1 3NR

The Director of Community and Cultural Services submitted a report (copy circulated) on an application received from Mr. Mohammad Teramizadeh and Mrs. Selina Teramizadeh for the grant of a Section 34(5e) gaming permit in respect of the Pizza Place, 3-4 Stockton Road, Sunderland.

(For copy report – see original minutes).

5. RESOLVED that consideration of the application be deferred to the next meeting of the Committee, pending a Members' Site Inspection.

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

At the instance of the Chairman, it was:-

6. 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) M. HIGGINS,
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.

Item No. 4

REGULATORY COMMITTEE

2 OCTOBER 2006

GAMING ACT 1968 – SECTION 34(5e) APPLICATION FOR GRANT OF A PERMIT FOR ALL CASH AMUSEMENTS WITH PRIZES MACHINES
THE PIZZA PLACE, 3-4 STOCKTON ROAD, SUNDERLAND, SR1 3NR

Report by the Director of Community and Cultural Services

1. INTRODUCTION

- 1.1 An application has been received from Mr Mohammad Teramizadeh and Mrs Selina Teramizadeh of 61a Hylton Road, Sunderland for the grant of a Section 34(5e) gaming permit for the above-mentioned premises. The application is for the grant of a permit for all cash amusements with prizes machines.
- 1.2 Members originally considered this matter at their meeting on 4 September 2006 where they deferred consideration of this matter in order for a site visit to take place.

2. CONSULTATION REPLIES

- 2.1 Northumbria Police have been consulted with regard to the application and have no objection to the application.
- 2.2 The Director of Community and Cultural Services has been consulted with regard to Health and Safety matters has no objection to the application.

3. RELEVANT STATUTORY PROVISIONS

- 3.1 Section 34(5e) of the Gaming Act 1968 allows applications to be made to the local authority for permits for the use of all cash amusements with prizes. The maximum payout permitted for these machines is £25.00 and they can only be installed either in premises where access is restricted to persons aged 18 years or over, or, in premises which admit under 18's, in "age controlled designated areas" within the premises.
- 3.2 The local authority has a discretion as to whether or not a permit should be granted but consideration of an application for the grant of a permit should be restricted to such matters as the suitability of the applicant and the premises, the social effects of the proposal, the number of amusement centres in the area and matters of public order. Questions relating to planning issues, for example traffic and amenity questions, should not be taken into account.

- 3.3 Applicants for the above type of permit may not be refused unless the applicant has been given the opportunity to attend before the Committee to make representations.

4. CONCLUSION

Members are requested to consider the above application.

Background Papers

1. Application dated 31.07.06
2. Letter to the applicant dated 08.08.06
3. E-mail from Northumbria Police dated 08.08.06

Item No. 5 STATUTORY COMMITTEE

2 OCTOBER 2006

GAMING ACT 1968
APPLICATION FOR GRANT OF SECTION 34(1) PERMIT

TNT EXPRESS UK LTD, RAINTON BRIDGE INDUSTRIAL ESTATE, HOUGHTON LE
SPRING, TYNE AND WEAR, DH4 5PH

Report by the Director of Community and Cultural Services

1. INTRODUCTION

1.1 An application has been received from TNT Express UK Ltd., for the grant of a Section 34(1) permit in respect of TNT Express UK Ltd., Rainton Bridge Industrial Estate, Houghton le Spring, Tyne and Wear, DH4 5PH for the use of one Amusement with Prizes Machine.

2. CONSULTATION REPLIES

2.1 Northumbria Police have no objections to the application.

2.2 The Director of Community and Cultural Services has been consulted with regard to Health and Safety matters and has no objections to the application.

2.3 The Director of Development and Regeneration has been consulted with regard to planning matters and has no objections to the application.

3. STATUTORY PROVISION

3.1 Under Schedule 9 to the Gaming Act 1968, the Council is the Licensing Authority for permits for amusements with prizes machines under the Act.

3.2 Where a permit is granted in respect of premises, which are to be used wholly, or mainly for the provision of amusements by means of machines (i.e. amusement centre or arcades) the local authority may not impose any conditions on the grant of the permit. For other types of premises, the authority may impose a condition limiting the number of machines which may be provided.

3.3 If granted, a permit remains in force for a period of not less than three years. It is personal to the applicant and cannot be transferred. If a new occupier were to take over the premises a fresh application would need to be made.

3.4 The maximum payout for Section 34(1) machines is a money prize not exceeding £5.00 and a non-money prize not exceeding £8.00. There is no restriction on the age limit and access of persons to use Section 34(1) machines.

3.5 The local authority has a general discretion whether or not to grant an application for permits of this type. However, the discretion to refuse an application is limited to the extent that only matters relevant to the purpose of the licensing requirements should be taken into account. Matters, which are relevant to other

areas of statutory control, should be disregarded. Relevant matters for consideration include the need for the proposal and its social effects.

- 3.6 An application for a permit under Section 34(1) of the Gaming Act 1968 may not be refused unless the applicant has been given the opportunity to attend before the Committee to make representations.
- 3.7 Where an application is refused, the applicant has a right of appeal to the Crown Court within 21 days of the notification of the decision.

4. RECOMMENDATION

Members are requested to consider the above application.

Background Papers

1. Application for Section 34(1) permit received 28.6.2006
2. Acknowledgement letter sent to applicant's solicitor dated 11.8.2006
3. Copy of consultation memorandum sent to Director of Community and Cultural Services, Health and Safety Section dated 11.8.2006
4. Copy of Consultation memorandum sent to Director of Development and Regeneration, Development Control Section dated 11.8.2006
5. Copy of consultation letter sent to Northumbria Police dated 11.8.2006

Item No.6

REGULATORY COMMITTEE – 2 OCTOBER 2006

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

HACKNEY CARRIAGE FARE STRUCTURE

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Members' consideration of an application received from the Sunderland Hackney Carriage Operators' Association (SHCOA), for increases to the present scale of fares (attached at Appendix 1).

2.0 BACKGROUND

- 2.1 Members may be aware that usually, annually, they are asked by SHCOA to consider an increase in the scale of fares that the Council allows hackney carriages to charge.
- 2.1 Should Members be minded to alter the current fare structure, known as tariffs, they are advised that under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, any such proposal must be published in a local newspaper and a period of not less than 14 days allowed for objections to be made. Any objections received must be given full consideration before the revised fares can come into operation. If no objections are received, the revised fares come into effect upon expiry of the objection period.

3.0 TARIFF ONE

- 3.1 This charge currently applies to journeys undertaken Monday – Saturday 7.00am to 11.00pm with the exception of Public and Bank Holidays and the Christmas / New Year period.
- 3.2 The current Tariff One is as follows:-

If the distance does not exceed 228.6m (250yds), for the whole distance £2.00.

If the distance exceeds 228.6m (250yds), for the first 228.6m (250yds) £2.00,
and each subsequent 292.61m (320yds) or uncompleted part thereof £0.20.

- 3.3 The proposed new Tariff One, based upon the request of SHCOA, is:-

If the distance does not exceed 228.6m (250yds), for the whole distance £2.20.

If the distance exceeds 228.6m (250yds), for the first 228.6m (250yds) £2.20,
and each subsequent 292.61m (320yds) or uncompleted part thereof £0.20.

4.0 TARIFF TWO

4.1 This charge applies to journeys undertaken between 11.00pm and 7.00am each day and all day Sunday and Public and Bank Holidays; and from 6.00pm on 24 December to 7.00am on 27 December and from 6.00pm on 31 December to 7.00am on 2 January.

4.2 The current Tariff Two is as follows:-

If the distance does not exceed 192.02m (210yds), for the whole distance £2.20.

If the distance exceeds 192.02m (210yds), for the first 192.02m (210yds) £2.20, and each subsequent 237.74m (260yds) or uncompleted part thereof £0.20.

4.3 The proposed new Tariff Two, based upon the request of SHCOA, is:-

If the distance does not exceed 192.02m (210yds), for the whole distance £2.60.

If the distance exceeds 192.02m (210yds), for the first 192.02m (210yds) £2.60, and each subsequent 237.74m (260yds) or uncompleted part thereof £0.20.

5.0 OTHER REQUESTED TARIFF CHANGES

5.1 As may be seen in SHCOA's letter, that body has also requested a third tariff to cover the Christmas/New Year period from 6.00pm on 24 December to 7.00am on 27 December and 6.00pm on 31 December to 7.00am on 2 January. As may be seen at paragraph 4.1 above, the current tariff for this period is Tariff Two.

5.2 The proposed new Tariff Three for this period, based upon the request of SHCOA is: -

If the distance does not exceed 192.02m (210yds), for the whole distance £3.60.

If the distance exceeds 192.02m (210yds), for the first 192.02m (210yds) £3.60, and each subsequent 237.74m (260yds) or uncompleted part thereof £0.20.

6.0 DETAIL

6.1 The last increase to Tariffs One and Two was in December 2005.

6.2 The proposed changes to Tariff One would result in a 4.3% increase over an average journey of 4.02km (2.5miles).

6.3 The proposed changes to Tariff Two would result in a 7% increase over an average journey of 4.02km (2.5miles).

6.4 The proposed changes to the tariff currently charged over the festive period would

result in a 25% increase over an average journey of 4.02km (2.5miles).

6.5 I am advised by the City Treasurer that the most recent available indication for the general rate of inflation i.e. that for the past 12 month period was reported at 3.4%.

6.6 For Members' information, Appendix 2 shows the present scale of charges, together with the proposals from SHCOA.

6.7 Appendix 3 gives comparison of some other Councils' hackney carriage fare scales.

7.0 CONSULTATION

7.1 Representatives of other Hackney Carriage proprietors throughout the city have been requested to forward any comments on SHCOA's proposals to the Authority. Any comments received prior to the meeting will be reported at that event.

7.2 The City of Sunderland Private Hire Operators' Association (COSPHOA) have been informed of our receipt of SHCOA's proposals. Any comments received prior to the meeting will be reported at that event.

8.0 CONCLUSION

8.1 Members are requested to consider the following proposals, subject to statutory advertising:-

- i. An increase in the Tariff One charges as set out in paragraph 3.3;
- ii. An increase in the Tariff Two charges as set out in paragraph 4.3; and
- iii. The implementation of a Third Tariff as set out in paragraph 5.2.

SUNDERLAND HACKNEY CARRIAGE OPERATORS ASSOCIATION

C/o 11 Riverside Road, Southwick, Sunderland, SR5 3JG
Tel: 0191 516 5070 Fax: 0191 516 5071

Mrs N Johnstone
Community & Cultural Services Director
Civic Centre
Burdon Road
Sunderland
SR2 7DN

18 September 2006

Dear Mrs Johnstone

It has been agreed by members of Sunderland Hackney Carriage Operator's Association to request that the Licensing Committee consider the approval of amendments to the tariffs charged by hackney carriages as follows:

Tariff One:

7.00am to 11pm Monday to Saturday

If the distance does not exceed 250 yards (228.6 metres)

For the whole distance £2.20

If the distance exceeds 250 yards (228.6 metres)

For the first 250 yards (228.6 metres) £2.20

Each subsequent 320 yards (292.61 metres)

or uncompleted part thereof £0.20

Tariff Two:

11.00pm to 7.00am and all day Sunday, Public and Bank Holidays

If the distance does not exceed 210yards (192.02metres)

For the whole distance £2.60

If the distance exceeds 210yards (192.02metres)

For the first 210 yards (192.02 metres) £2.60

Each subsequent 260 yards (237.74 metres)

or uncompleted part thereof £0.20

Waiting Time:

For each period of 60 seconds or uncompleted part thereof £0.20

You may wish to note that the increase on an average journey of 2.5 miles is 4.3% on tariff one and 7.0% on tariff two.

It is further requested that consideration be given to the introduction of a third tariff to operate between the hours of 6pm on 24th December and 7am on 27th December and between 6pm on 31st December and 7am on the 2nd January each year. All charges for tariff three to be as those for tariff two but with an initial flag fall of £3.60.

C) Tariff Three: 6.00pm on 24th December to 7.00am on 27th December and 6.00pm on 31st December to 7.00am on 2nd January.

If the distance does not exceed 210yards (192.02 metres)	
For the whole distance	£3.60
If the distance exceeds 210yards (192.02metres)	
For the first 210 yards (192.02 metres)	£3.60
Each subsequent 260 yards (237.74 metres)	
or uncompleted part thereof	£0.20

This request is made with a view to encouraging more drivers to work during the unsocial hours specified above.

We look forward to your response in due course.

Yours sincerely

D G Blyth
For and on behalf of
Sunderland Hackney Carriage
Operators Association

TARIFF PROPOSALS

SUNDERLAND PRESENT	TARIFF ONE (Monday to Saturday 7.00am to 11.00pm)	TARIFF TWO (11.00pm and 7.00am each day and all day Sundays and Public and Bank Holidays; from 6.00pm on 24 December to 7.00am on 27 December and from 6.00pm on 31 December to 7.00am on 2 January)
4.02km (2.5 mile) Journey	First 228.6m (250yds) = £2.00 Then 292.61m (320yds) = £0.20	First 192.02m (210yds) = £2.20 Then 237.74m (260yds) = £0.20
	£4.60	£5.60

S.H.C.O.A. PROPOSALS	TARIFF ONE (Monday to Saturday 7.00am to 11.00pm)	TARIFF TWO (11.00pm and 7.00am each day and all day Sundays and Public and Bank Holidays)
4.02km (2.5 mile) Journey	First 228.6m (250yds) = £2.20 Then 292.61m (320yds) = £0.20	First 192.02m (210yds) = £2.60 Then 237.74m (260yds) = £0.20
	£4.80	£6.00

S.H.C.O.A. PROPOSED TARIFF 3	
6.00pm on 24 December to 7.00am on 27 December and 6.00pm on 31 December to 7.00am on 2 January	First 192.02m (210yds) = £3.60 Then 237.74m (280yds) = £0.20
4.02km (2.5 mile) Journey	£7.00

OTHER AUTHORITIES

AUTHORITY	TARIFF ONE	TARIFF TWO	TARIFF TWO OPERATING TIME
Gateshead M.B.C.	First 265m (290yds) = £1.90 Then 275m (301yds) = £0.20	First 252m (275yds) = £2.30 Then 230m (251yds) = £0.20	Between 11.00pm and 7.00am Monday to Saturday inclusive, all day on Sundays, Bank and Public Holidays and from 6.00pm on Christmas Eve and New Year's Eve
4.02km (2.5 mile) Journey	£4.70	£5.70	
North Tyneside Council	First 248.7m (272yds) = £1.40 Then 248.7m (272yds) = £0.20	First 221.3m (242yds) = £2.00 Then 221.3m (242yds) = £0.20	Between 10.00pm and 7.00am, all day on Sundays, Bank Holidays and on December 27 th , 28 th , 29 th , 30 th and 31 st in each year
4.02km (2.5 mile) Journey	£4.60	£5.60	
South Tyneside M.B.C.	First 631m (690yds) = £1.90 Then 114m (124yds) = £0.10	First 402m (440yds) = £2.20 Then 189m (206yds) = £0.20	Between 10.00pm and 7.00am Monday to Saturday inclusive, all day Sundays, 8.00pm on the eve of all Bank and Public holidays until 10.00pm on those days and from 7.00pm on 24 December until 7.00am on 2 January
4.02km (2.5 mile) Journey	£4.90	£6.20	
Newcastle City Council	Minimum Hire Charge £2.20 Then 213.9m (234yds) = £0.20 or part thereof	Minimum Hire Charge £2.20 Then 184.7m (202yds) = £0.20 or part thereof	Between 11.00pm and 7.00am and all day on Sundays
4.02km (2.5 mile) Journey	£6.00	£6.60	
Chester le Street D.C.	First 495.6m (542yds) = £1.60 Then 123.4m (135yds) = £0.10	First 366m (400yds) = £2.00 Then 101m (110yds) = £0.10	Between 10.00pm and 7.00am and all day on Sundays, Bank Holidays and on December 27 th , 28 th , 29 th , 30 th and 31 st in each year
4.02km (2.5 mile) Journey	£4.50	£5.70	
Easington D.C.	First 365.76m (400yds) = £1.40 Then 164.59m (180yds) = £0.10	First 365.75m (400yds) = £2.10 Then 164.59m (180yds) = £0.15	Between Midnight and 7.00am Monday to Saturday, all day Sundays, Bank or Public holidays and from 6.00pm to Midnight on Christmas Eve
4.02km (2.5 mile) Journey	£3.70	£5.55	

OTHER AUTHORITIES WITH A THIRD TARIFF

NEWCASTLE CITY COUNCIL TARIFF 3	
<p>All Day on Public Holidays 6.00pm on 24 December to 7.00am on 27 December and 6.00pm on 31 December to 7.00am on 2 January</p>	<p>Minimum hire charge = £2.20 Then 159.1m (174yds) = £0.20</p>
4.02km (2.5 mile) Journey	£7.40
EASINGTON DISTRICT COUNCIL TARIFF 3	
<p>For all hirings on Christmas Day, Boxing Day, New Year's Day and between the hours of 6.00pm and Midnight New Year's Eve Midnight Boxing Day to 7.00am on 27th December also Midnight New Year's Day to 7.00am on 2 January</p>	<p align="center">100% Above Tariff 1</p>
4.02km (2.5 mile) Journey	£7.40