

REGULATORY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 6) on
Monday, 2nd April, 2007 at 2.00 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 5th March, 2007 – Part I (Copy herewith). | 1 |
| 4. | Consideration of an amendment to the guidance relating to the relevance of convictions with regard to the licensing of Hackney Carriage and Private Hire Vehicle Drivers Report of the Director of Community and Cultural Services (copy herewith). | 3 |

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The reports contained in Part II of the Agenda are not for publication as the Committee is considered likely to exclude the public during consideration thereof as they contain information relating to any individual and the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

This information can be made available on request in other languages.
If you require this, please telephone 553 1055

Part II

5. **Minutes of the meeting of the Committee held on 5th March, 2007, Part II** 5

(Copy herewith).

6. **Section 51 - Local Government (Miscellaneous Provisions) Act 1976 – Consideration of an Application for a Licence to Drive Private Hire Vehicles – Mr. J.A.D** 8

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

R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND.

22nd March, 2007.

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 5TH MARCH, 2006 at 2.15 p.m.

Present:-

Councillor Higgins in the Chair

Councillor P. Gibson, Gofton, Grey, J. Heron, T. Martin, Richardson, J.B. Scott, J.W. Walton, Whalen and Wilson

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Bohill, Peter Maddison and Trueman.

Minutes of the last meeting held on 5th February, 2007 – Part I

1. RESOLVED that the minutes of the last meeting of the Committee held on 5th February, 2007 – Part I (copy circulated) be confirmed and signed as a correct record.

Gaming Act 1968 – Section 34(5e) – Application for Grant of Permit for All Cash Amusement with Prizes Machines, 8 Blandford Street, Sunderland

The Director of Community and Cultural Services submitted a report (copy circulated) on an application received from Arcadia Leisure Limited for the grant of a permit for all cash amusements with prizes machines for 8 Blandford Street, Sunderland.

(For copy report – see original minutes)

2. RESOLVED that the application to grant a permit for all cash amusements with prizes machines for 8 Blandford Street, Sunderland, received from Arcadia Leisure Limited be approved.

Application for a House-to-House Collection Permit

The Director of Community and Cultural Services submitted a report (copy circulated) on an application received from Samantha Grace of Clothes Aid (Collections) Ltd. on behalf of the Great Ormond Street Hospital Children's Charity to carry out four house-to-house street collections.

(For copy report – see original minutes)

3. RESOLVED that the application for a house-to-house collection permit received from Samantha Grace of Clothes Aid (Collections) Ltd. on behalf of the Great Ormond Street Hospital Children's Charity to hold the following collections be approved:-

- Hetton - 30th April to 5th May 2007
- Sunderland - 9th to 14th July, 2007
- Houghton - 23rd to 28th July 2007
- Washington - 24th to 29th September 2007

Application for a Street Collection Permit on Behalf of Kidscan

The Director of Community and Cultural Services submitted a report (copy circulated) on an application received from Chris Swinton of 43 Dene Hall Drive, Bishop Auckland, County Durham, to hold a street collection in Sunderland on Tuesday, 27th March, 2007 on behalf of Kidscan.

(For copy report – see original minutes)

4. RESOLVED that the application for a street collection permit received from Chris Swinton of 43 Dene Hall Drive, Bishop Auckland, County Durham to hold a street collection in Sunderland on Tuesday, 27th March, 2007 on behalf of Kidscan be approved.

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

At the instance of the Chairman, it was:-

5. 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.

REGULATORY COMMITTEE – 2 APRIL 2007

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

CONSIDERATION OF AN AMENDMENT TO THE GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS WITH REGARD TO THE LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to request Members' consideration of an amendment of the guidance used with regard to the relevance of convictions when considering the suspension or revocation of licences to drive hackney carriages and/or private hire vehicles.

2.0 CHANGE IN LEGISLATION

- 2.1 On 1 March 2007 the City Council received information from the Department for Transport ('The Department') in relation to changes to taxi and private hire vehicle legislation made by the Road Safety Act 2006.
- 2.2 Ministers take the view that there is a significant safety risk contained in the legislative framework within which licensing authorities carry out their licensing duties with regard to the power to suspend or revoke a driver's licence with immediate effect.
- 2.3 At present, a licensed hackney carriage or private hire driver can continue to work as a licensed driver whilst appealing to the Magistrates' Court against a decision by the local licensing authority to suspend or revoke their licence. Section 52 of the Road Safety Act 2006 gives licensing authorities the power to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect where they are of the opinion that the interests of public safety require such a course of action.
- 2.4 Section 52 came into effect on 16 March 2007. This means that licensing Authorities may, should they so choose, use the power in relation to decisions to suspend or revoke which are made on or after that date. They cannot use the power in relation to suspension or revocation decisions which had been made before then.
- 2.5 The Department for Transport has not issued any guidance on this issue. However, Ministers will keep under review whether general guidance to authorities on the use of this new power would be appropriate or necessary. It will be a matter for individual local licensing authorities to determine how they wish to make use of this new power.

3.0 PROPOSAL

- 3.1** In order to assist Members when considering the suspension or revocation of a person's licence to drive hackney carriage or private hire vehicles, it is proposed that the following paragraph be included as part of the guidance used relating to the relevance of convictions:-

"Where Members are of the opinion that the interests of public safety requires such a course of action, a hackney carriage or private hire driver's licence may be suspended or revoked with immediate effect."

4.0 RECOMMENDATION

- 4.1** The Committee is recommended to consider the amendment of the guidance relating to the relevance of convictions used by Members when considering the suspension or revocation of licences to drive hackney carriages and/or private hire vehicles as outlined in paragraph 3.1 above.