

REGULATORY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 6) on Monday, 5th June, 2006 at 2.30 p.m.

Part 1

ITEM	PAGE
1. Receipt of Declarations of Interest (if any)	
2. Apologies for Absence	
3. Minutes of the meeting of the Committee held on 3rd April, 2006 – Part I	1
(Copy herewith).	
4. Applications for the Grant of Hackney Carriage Vehicle Licences and Private Hire Vehicle Licences	3
Report of the Director of Community and Cultural Services (copy herewith).	
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This information can be made available on request in other languages.
If you require this, please telephone 553 1008

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The reports contained in Part II of the Agenda are not for publication as the Committee is considered likely to exclude the public during consideration thereof as they contain information relating to any individual and the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

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| 7. | Minutes of the meeting of the Committee held on 3rd April, 2006, Part II | 9 |
| | (Copy herewith). | |
| 8. | Local Government (Miscellaneous Provisions) Act 1976 – Consideration of Suspension or Revocation of a Licence to Drive Private Hire Vehicles – Mr. D.B. | 12 |
| | 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 Private Hire Vehicles – Mr. C.E.C. | 15 |
| | Report of the Director of Community and Cultural Services (copy herewith). | |
| 10. | Section 61 – Local Government (Miscellaneous Provisions Act 1976 – Consideration of Suspension or Revocation of a Licence to Drive Hackney Carriage and Private Hire Vehicles – Mr. D.J. | 17 |
| | Report of the Director of Community and Cultural Services (copy herewith). | |
| 11. | Section 59 – Local Government (Miscellaneous Provisions) Act 1976 – Consideration of an Application to Renew a Licence to Drive Hackney Carriage Vehicles – Mr. I.A.J. | 20 |
| | Report of the Director of Community and Cultural Services (copy herewith). | |

12. **Section 61 – Local Government (Miscellaneous Provisions) Act 1976 – Consideration of an Application for the Grant of Licences to Drive Hackney Carriage and Private Hire Vehicles**
Mr. A.T.
Report of the Director of Community and Cultural Services (copy herewith).

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R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND.

25th May, 2006

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 3RD APRIL, 2006 at 2.00 P.M.

Present:-

Councillor Mrs. Higgins in the Chair

Councillors Bohill, P. Gibson, J. Heron, Kirby, T. Martin, Richardson, J. B. Scott, Trueman, J. Walton, Whalen and Wilson

Mr. Gowan Scott

The Chairman informed Members of the recent death of Mr. Scott, a former Member of the Licensing Committee and ex-Mayor. The Committee stood for a minutes silence as a mark of respect.

Declarations of Interest

There were no declarations of interest

Apologies for Absence

Apologies for absence were received from Councillors Adshead and Tansey.

Minutes of the Meeting of the Committee held on 6th March, 2006 - Part I

1. RESOLVED that the minutes of the meeting of this Committee held on 6th March, 2006 - Part I (copy circulated) be confirmed and signed as a correct record.

Hackney Carriages and Private Hire Finance – Proposed Licence Fees and Charges 2006/07

The Director of Community and Cultural Services submitted a report (copy circulated) which informed Members of the proposed fees and charges for Hackney Carriage and Private Hire Licences for the year 2006/07.

(For copy report – see original minutes).

2. RESOLVED that the report be received and noted.

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

At the instance of the Chairman, it was:-

3. 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.

REGULATORY COMMITTEE – 5 JUNE 2006

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE VEHICLE LICENCES AND PRIVATE HIRE VEHICLE LICENCES

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to request Members' consideration of the Council's policy relating to the age of hackney carriages and private hire vehicles.

2.0 CURRENT AGE POLICY

- 2.1 Presently the Council's policy relating to the licensing of vehicles as a hackney carriage or private hire vehicle states:-

"In respect of vehicles submitted for licensing as hackney carriages or private hire vehicles with the exception of purpose built taxi vehicles and minibuses:-

(a) Except for those vehicles "exceptionally well maintained" as defined in (b) below:

- (i) no vehicle over 5 years old, i.e. from the date of first registration, be accepted for initial licensing;
- (ii) with effect from the 1st July 1992, no vehicle, licensed as a hackney carriage or private hire vehicle, be accepted for further licensing once it has reached 7 years of age from the date of first registration;
- (iii) as from 2nd March 1998, no purpose built wheelchair accessible vehicle or minibus over 5 years old, i.e. from the date of first registration, be accepted for initial licensing;
- (iv) as from 2nd March 1998, no purpose built wheelchair accessible vehicle or minibus licensed, be accepted for further licensing once it has reached 10 years of age from the date of first registration;
- (v) All vehicles as specified above currently licensed and outside of the Council's 'Age Policy' be subjected to three mechanical inspections per year.

(b) the following definition of "exceptionally well maintained" be adopted:-

- the vehicle to be in excellent mechanical condition;
- the vehicle to be in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.

- evidence to be produced, i.e. the vehicle service record, that the vehicle has been correctly and regularly serviced, by a reputable garage, in accordance with the manufacturers' service specification;
- the exterior of the vehicle to be in near perfect condition with no dents, damage or signs of corrosion. The paintwork to be in excellent condition;
- the interior of the vehicle to be in near perfect condition. The upholstery, linings, seats and floor coverings to be perfectly clean with no holes, tears or signs of wearing;
- the boot or luggage compartment to be in good condition, clean and uncluttered.

3.0 BACKGROUND

3.1 At present, vehicles are occasionally presented for licensing after their age exceeds our policy limits. Applicants typically assert that their vehicle is "exceptionally well maintained" thus seeking to take advantage of the exception embodied within our policy. The question of whether the vehicle is "exceptionally well maintained" is routinely forwarded to Members for their decision.

4.0 PROPOSAL

4.1 In order to simplify our procedures where a vehicle presented for licensing as a Hackney Carriage or Private Hire vehicle falls outside the Council's Age Policy, it is proposed that the decision as to whether a vehicle is "exceptionally well maintained" is made in the first instance by Licensing Officers. Should they be so satisfied, Members are requested to delegate power to officers to grant a licence in these circumstances. However, should they not be satisfied, the question will be referred to the Committee to consider the rejection of the application.

5.0 RECOMMENDATION

5.1 The Committee is recommended to consider the proposal outlined in 3.1 above that the Director of Community and Cultural Services be delegated power to grant a hackney carriage or private hire vehicle licence where the vehicle falls outside the Council's Age Policy if Licensing Officers consider the vehicle to comply with the description of "exceptionally well maintained" as embodied in that policy.

REGULATORY COMMITTEE - 5TH JUNE 2006

REPORT BY THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

STREET COLLECTION PERMITS WITHIN THE VICINITY OF THE SUNDERLAND STADIUM OF LIGHT

1.0 INTRODUCTION

- 1.1 At a meeting of the Licensing Committee on 4th September 2000 it was agreed that the delegated power to issue street collection permits in the vicinity of the Sunderland Stadium of Light be given to the then Director of Administration. This delegated power was transferred to the Director of Community and Cultural Services during the Council's restructure in May 2002.
- 1.2 Over the past few years' street collections outside of the Sunderland Stadium of Light have become very popular with local organisations. So much so that demand is outstripping supply i.e. number of games against number of applications.

2.0 CURRENT ALLOCATION PROCESS

- 2.1 Applications are currently processed on a first come first serve basis. These applications are accepted by facsimile transmission, post or by hand on or after the date the fixture list is announced.
- 2.2 Last year the Licensing Section faced problems receiving and issuing permits due to the high demand, which resulted in many organisations being disappointed. Some applicants expressed their unhappiness to staff when they were not given the date they requested.

3.0 PROPOSED ALLOCATION PROCESS

- 3.1 In order to alleviate the problems mentioned in paragraph 2.2 above it is proposed to hold a draw to determine which organisations are granted a collection. It is proposed that officers will place in the draw fully completed applications received between 12 June and 30 June 2006.
- 3.2 The draw, to be made by the Chair of the Regulatory Committee, would allocate each fixture date to an organisation, at a meeting of the Regulatory Committee. A further ten applications will be drawn and put on a reserves list for any cup fixtures or other dates that may become available throughout the season.
- 3.3 As in previous years, a Police background check will be made on the applicants. Any applicants successful in the draw and attracting Police objections will be referred to the Regulatory Committee.

3.4 It is proposed that on this occasion every organisation that has applied for a street collection outside the Stadium of Light in the last two years will be sent a letter to inform them of the new process and enclosing an application form.

4.0 RECOMMENDATIONS

4.1 Members are recommended to consider the above allocation process for collections within the vicinity of the Sunderland Stadium of Light on match days and agree to the following procedure being used to process applications: -

- i) officers will accept fully completed applications received between 12 June and 30 June 2006.
- ii) the draw, to be made by the Chair of the Regulatory Committee, would allocate each fixture date to an organisation, at a meeting of the Regulatory Committee.
- iii) a further ten applications to drawn and put on a reserves list for any cup fixtures or other dates that become available throughout the season.
- iv) any applications successful in the draw and attracting an objection from the Police will be referred to the Regulatory Committee.

REGULATORY COMMITTEE – 5 JUNE 2006

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

PROPOSED MEMBERS TRAINING EVENT

1.0 PURPOSE OF REPORT

- 1.1 To invite Members to consider their attendance at a training event upon the laws administered by the Regulatory Committee.

2.0 BACKGROUND

- 2.1 As there are a number of new Members of the Committee and that the laws administered by the Committee have developed recently, Members may think it useful that a training event on the issues be arranged.

3.0 RECOMMENDATION

- 3.1 Members are recommended to consider requesting the Director of Community and Cultural Services to arrange a training event based upon the laws administered by the Regulatory Committee.

REGULATORY COMMITTEE

5TH JUNE 2006

APPLICATION FOR A STREET COLLECTION PERMIT THE CHILDREN'S FOUNDATION – YELLOW BRICK ROAD APPEAL ON BEHALF OF GRACE HOUSE

Report by the Director of Community and Cultural Services

1. INTRODUCTION

- 1.1 An application has been received from Carol Louise Botten of 15 Co-operative Terrace, Windy Nook, Gateshead to hold a street collection in Mowbray Park, Sunderland on Sunday 18th June 2006 on behalf of Grace House Children's Hospice Appeal selling t-shirts, cd's and pin badges.

2. COUNCIL POLICY

- 2.1 For purposes of administering street collection permits the City is divided into four areas: -

Sunderland, Hetton le Hole, Houghton le Spring and Washington.

- 2.2 The general policy of the council is to allow street collections on Saturdays only and then only one collection per area, for a charity in any one year.
- 2.3 Exceptions to this policy have been made in the past where collections have been proposed in connection with special events.
- 2.4 The Director of Community and Cultural Services has the authority to grant a permit for street collections to be held on Saturdays in the City Centre of Sunderland, Houghton le Spring, Hetton le Hole and Washington. However a permit for a street collection for any other day than a Saturday requires Committee approval.

3. CONSULTATION REPLIES

- 3.1 Northumbria Police have no objections to the application.
- 3.2 The Director of Development and Regeneration has been consulted with regards to traffic matters has no objections to the application.

4. CONCLUSION

- 4.1 Members are requested to consider the above application.

Background Papers

1. Application for Street Collection Permit received 22/5/2006
2. Reply via e-mail from Northumbria Police received 31/5/2006
3. Reply via e-mail from Director of Development and Regeneration, Traffic Section received 31/5/2006
3. Letter to applicant dated 31/5/2006