

**At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 27<sup>th</sup> FEBRUARY, 2012 at 2.00 p.m.**

**Present:-**

Councillor Wilson in the Chair

Councillors Bell, Bonallie, Emerson, Errington, Francis, P. Gibson, Macknight, Maddison, D. Richardson, Thompson and Waller.

**Declarations of Interest**

Councillor Waller declared a personal and prejudicial interest in item 7 as the applicant was known to her.

Councillor Bell declared a personal and prejudicial interest in item 8 as the applicant was known to him.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors D. Smith and Wiper.

**Minutes of the Last Meeting of the Committee held on 30<sup>th</sup> January, 2012**

1. RESOLVED that the minutes of the last meeting of the Committee held on 30<sup>th</sup> January, 2012, Part I (copy circulated) be confirmed and signed as a correct record.

**Updating of a Policy Relating to the Grant of a Hackney Carriage or Private Hire Vehicle Licence**

The Executive Director of City Services submitted a report (copy circulated) which requested the Committee to update one of the Council's Policies relating to the grant of a hackney carriage or private hire vehicle licence.

(For copy report – see original minutes)

Tom Terrett, Trading Standards and Licensing Manager, presented the report which related to the policy for licensing vehicles which had been modified from the manufacturers original specification, for example vehicles adapted to carry passengers in wheelchairs. Due to changes in the terminology used by the

Department for Transport the policy required updating to reflect this change in terminology.

2. RESOLVED that the policy relating to the grant of a hackney carriage or private hire vehicle be updated as set out at paragraph 4.1 of the report.

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

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) A. WILSON,  
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.

**SUNDERLAND STADIUM OF LIGHT – RESTRICTION ON GENERAL SAFETY CERTIFICATE**

**Report of the Deputy Chief Executive**

**1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to recommend to Committee that a limit be imposed upon the number of tickets made available by Sunderland Association Football Club to the visiting fans of Manchester United for the fixture on Sunday 13 May 2012.

**2.0 BACKGROUND**

- 2.1 The Safety of Sports Grounds Act 1975 requires that the General Safety Certificate contains a safe capacity relating to the maximum number of spectators permitted to enter the stadium for the specified activity.
- 2.2 The setting of that capacity involves assessment both of the design and physical conditions of the stadium together with the Club's ground safety management structure.
- 2.3 Since the advent of the "all seated" stadia which came about as a direct result of the recommendations made by Lord Justice Taylor into the Hillsborough Disaster, an emerging trend for fans, particularly those of visiting teams, to stand in seated areas has been noted.
- 2.4 This action of fans standing in seated areas is recognised as a major safety concern as it introduces the risk of injury to spectators and others from falls, surging and crushing.
- 2.5 The ability of the Club to manage the crowd, and access into the crowd by Police, Ambulance Service or St Johns is severely affected due to the blocking of stairways, gangways and vomitories.
- 2.6 The action also impacts upon customer care as spectators behind standing fans have no alternative but to do likewise whether they wish to stand or not.
- 2.7 The Football Licensing Authority recognises the problem and in August 2002 together with other representative bodies within Association Football produced a document "Standing in Seated Areas at Football Grounds" outlining the problems associated with such action. The

document is reviewed by all co-signatories at stocktaking meetings held every 6 months.

- 2.8 In 2005 the Chief Executive of the Football Licensing Authority wrote to all Chief Executives of Certifying Authorities reminding them of their roles and responsibilities in respect of fans standing in seated areas and requesting that they instruct Safety Advisory Groups to take up the issue. This instruction was repeated in 2008 due to an increase in the scale of the problem.
- 2.9 In 2009 Crowd Dynamics, a consultancy specialising in safety and crowd behaviour was commissioned by the Premier League to conduct a study into the safety issues arising from fans standing in seated areas.
- 2.10 The resulting report stated that progressive crowd collapse is not possible if the crowd is all seated and only standing at moments of excitement. However it said that a standing crowd jumping in excitement carries a higher risk of a progressive crowd collapse and that aggravating factors such as the rake of the deck and whether the crowd is dynamic or stable will significantly affect the likelihood of progressive crowd collapse.
- 2.11 The report went on to say that “the impact of this can be significant and as such, standing in seated areas must be regarded as a significant risk.”
- 2.12 The General Safety Certificate issued to the Club under the safety of Sports Grounds Act 1975 states in Condition 4 “The Holder (Club) shall retain control over the whole or each part of the sports ground and shall take all necessary precautions for the reasonable safety of spectators admitted to the sports ground. The responsibility for the safety of the spectators at the sports ground lies at all times with the Holder, who shall produce a written statement of Safety Policy”.
- 2.13 The Club’s own Ground Regulation 13 states that “Nobody may stand in any seating area whilst play is in progress. Persistent standing in seated areas whilst play is in progress is strictly forbidden and may result in ejection from the ground”.
- 2.14 At the beginning of season 2003/2004 the Football Licensing Authority introduced a proforma to be completed by football club safety officers throughout the Premier and Football Leagues recording the behaviour of both home and visiting fans. The recording of this information is now carried out by the Premier League.
- 2.15 The data built up from that reporting procedure and from information recorded by the council’s building control team from match day inspections has identified standing in seated areas as a trend by the visiting fans of a number of clubs including those of Manchester United.

2.16 The monitoring process will continue through the season 2011/2012 and the information received on the behaviour of the fans will be used to supplement information already held by the Council.

2.17 Committee will recall that at a number of previous meetings approval was given to set limits for the same reasons on visiting fans for fixtures against Clubs including West Ham United, Leeds United, Cardiff City, Aston Villa, Manchester United, Manchester City, Sheffield Wednesday, Liverpool and Newcastle United.

### 3.0 PROPOSALS

3.1 A safety management plan for the fixture was received from Sunderland Football Club on 9 March 2012. After examination of the plan and discussions with the Club and Northumbria Police it has been agreed that in an effort to manage the possibility of fans standing in seated areas, the maximum number of visiting fans for the fixture should be set at 1700.

3.2 This reduced number of visiting fans is set at a level which the Club through their safety management plan feel confident in being able to observe safety concerns and to carry out enforcement of Ground Regulation 13.

3.3 Details of the plan and the recommendation of Committee will be reported to the Safety Advisory Group at its meeting on 11 April 2012.

### 4.0 RECOMMENDATIONS

4.1 Committee is recommended:

- 1) To approve the setting of a limit of 1700 visiting fans for the fixture with Manchester United on Sunday 13 May 2012 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.
- 2) To authorise the Deputy Chief Executive to follow such procedure and issue such notice needed to obtain compliance with the proposed restriction.

## **Background papers**

Sunderland Stadium of Light General Safety Certificate

Football Licensing Authority document "Standing in Seated Areas at Football Grounds"

Crowd Dynamics report

Letters dated 8 April 2005 and 28 April 2008 from Chief Executive of Football Licensing Authority to Chief Executives of Certifying Authorities

## **REGULATORY COMMITTEE – 26 MARCH 2012**

### **REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES**

#### **HACKNEY CARRIAGE FARE STRUCTURE**

##### **1.0 PURPOSE OF REPORT**

**1.1** The purpose of this report is to seek the consideration of the Committee of a request received from the Sunderland Hackney Carriage Operators' Association (SHCOA) for increases to the present scale of hackney carriage fares.

##### **2.0 DESCRIPTION OF DECISION (RECOMMENDATIONS)**

**2.1** The Committee is requested to consider whether or not to agree the following requests, subject to statutory advertising:-

- i) An increase in the Tariff One charges as set out in paragraph 4.2.;
- ii) An increase in the Tariff Two charges as set out in paragraph 4.3.; and
- iii) An increase in the Tariff Three charges as set out in paragraph 4.4.

##### **3.0 INTRODUCTION/BACKGROUND**

**3.1** The Committee is, occasionally, are asked by the hackney carriage trade to consider an increase in the scale of fares that the Council allows hackney carriage drivers to charge. The last increase agreed by the Regulatory Committee came into force in December 2010.

**3.2** Should the Committee be minded to alter the current fare structure, 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.

##### **4.0 CURRENT POSITION.**

**4.1** Listed in paragraphs 4.2 to 4.4 below are the tariffs currently charged and those requested by SHCOA.

**4.2** TARIFF ONE - This charge applies to journeys undertaken Monday – Saturday 7.00 am to 11.00 pm with the exception of Public and Bank Holidays and the Christmas / New Year period.

The current Tariff One is:-

If the distance does not exceed 155.45m (170 yds), for the whole distance     £2.40.

If the distance exceeds 155.45m (170 yds), for the first 155.45m (170 yds) £2.40,  
and each subsequent 242.32m (265 yds) or uncompleted part thereof £0.20.

The Tariff One requested by SHCOA is:-

If the distance does not exceed 155.45m (170 yds), for the whole distance £2.40.

If the distance exceeds 155.45m (170 yds), for the first 155.45m (170 yds) £2.40,

and each subsequent 228.60m (250 yds) or uncompleted part thereof £0.20.

**4.3** TARIFF TWO - This charge applies to journeys undertaken between 11.00 pm and 7.00 am each day and all day Sunday with the exception of Public and Bank Holidays and the Christmas/New Year period.

The current Tariff Two is:-

If the distance does not exceed 155.45m (170 yds), for the whole distance £2.80.

If the distance exceeds 155.45m (170 yds), for the first 155.45m (170 yds) £2.80,

and each subsequent 187.45m (205 yds) or uncompleted part thereof £0.20.

The Tariff Two requested by SHCOA is:-

If the distance does not exceed 155.45m (170 yds), for the whole distance £2.80.

If the distance exceeds 155.45m (170 yds), for the first 155.45m (170 yds) £2.80,

and each subsequent 178.31m (195 yds) or uncompleted part thereof £0.20.

**4.4** TARIFF THREE- This charge applies to journeys undertaken from 6.00 pm on 24 December to 7.00 am on 27 December and 6.00 pm on 31 December to 7.00 am on 2 January and all day on other Public and Bank Holidays.

The current Tariff Three is: -

If the distance does not exceed 155.45m (170 yds), for the whole distance £3.80.

If the distance exceeds 155.45m (170 yds), for the first 155.45m (170 yds) £3.80,

and each subsequent 187.45m (205 yds) or uncompleted part thereof £0.20.



The Tariff Three requested by SHCOA is:-

If the distance does not exceed 155.45m (170 yds), for the whole distance £3.80.

If the distance exceeds 155.45m (170 yds), for the first 155.45m (170 yds) £2.80,

and each subsequent 178.31m (195 yds) or uncompleted part thereof £0.20.

## 5.0 ALTERNATIVE OPTIONS

5.1 None submitted.

## 6.0 RELEVANT CONSIDERATIONS/CONSULTATION

6.1 The effects of the tariffs requested by SHCOA would be as shown in the tables below

Tariff One

Journey distance (Miles)	Current Cost £	Cost under requested tariff £		Percentage Increase %
1	3.60	3.80		5.56
2	5.00	5.20		4.00
2.5	5.60	5.80		3.57
3	6.40	6.60		3.13
4	7.60	8.00		5.26
5	9.00	9.40		4.44

The average percentage increase of the above is 4.33%

Tariff Two

Journey distance (Miles)	Current Cost £	Cost under requested tariff £		Percentage Increase %
1	4.40	4.60		4.55
2	6.20	6.40		3.23
2.5	7.00	7.20		2.86
3	7.80	8.20		5.13
4	9.60	10.00		4.17
5	11.40	11.80		3.51

The average percentage increase of the above is 3.91%

### Tariff Three

Journey distance (Miles)	Current Cost £	Cost under requested tariff £	Percentage Increase %
1	5.40	5.60	3.70
2	7.20	7.40	2.78
2.5	8.00	8.20	2.50
3	8.80	9.20	4.55
4	10.60	11.00	3.64
5	12.40	12.80	3.23

The average percentage increase of the above is 3.4%

**6.4** The rate of inflation as at January 2012 using the Retail Price Index was 3.9%

**6.5** Traditionally, the journey distance used for comparison purposes in reports of this nature is 2.5 miles. To that end, attached at Appendix 2 is a table showing the cost of a 2.5 mile journey on our current tariffs, those requested and those of neighbouring councils.

**6.6** The organisation known as Independent Hackney Carriage of Sunderland (IHCOS) and representatives of the hackney carriage trade in Hetton, Houghton and Washington have stated that they support this request for an increase to the tariffs.

**6.7** The Council is entitled to prescribe only the maximum fares that may be charged by hackney carriages. Any individual hackney carriage driver is free to charge less if he so choose(s).

## **7.0 GLOSSARY**

**7.1** SHCOA – Sunderland Hackney Carriage Operators' Association.  
IHCOS - Independent Hackney Carriage of Sunderland

## **8.0 LIST OF APPENDICES**

Appendix 1 – Request from Sunderland Hackney Carriage Operators' Association (SHCOA)

Appendix 2 – Comparisons with some other councils' hackney carriage fare scales

## **9.0 BACKGROUND PAPERS**

**9.1** None.

# **APPENDIX 1**

# 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

13th March 2012

Dear Mrs Johnstone

Following a meeting with representatives of the Independent Hackney Carriage Operators of Sunderland (IHCOS) and Washington Taxi Association, it has been agreed by the three groups to make a request to the Regulatory Committee to consider amendments to the Hackney Carriage fare tariff as follows: -

## **Tariff One:**

Monday to Saturday 7.00am to 11.00pm with the exception of Public and Bank Holidays and the Christmas/New Year period

If the distance does not exceed 170 yards (155.45 metres)

**For the whole distance** **£2.40**

If the distance exceeds 170 yards (155.45 metres)

**For the first 170 yards (155.45 metres)** **£2.40**

Each subsequent 250 yards (228.60 metres)

**or uncompleted part thereof** **£0.20**

## **Tariff Two:**

Monday to Saturday 11.00pm to 7.00am and all day Sunday with the exception of Public and Bank Holidays and the Christmas/New Year period

If the distance does not exceed 170 yards (155.45 metres)

**For the whole distance** **£2.80**

If the distance exceeds 170 yards (155.45 metres)

**For the first 170 yards (155.45 metres)** **£2.80**

Each subsequent 195 yards (178.31 metres)

**or uncompleted part thereof** **£0.20**

### Tariff Three:

From 6.00pm on 24<sup>th</sup> December to 7.00am on 27<sup>th</sup> December. From 6.00pm on 31<sup>st</sup> December to 7.00am on 2<sup>nd</sup> January and all day on other Public and Bank Holidays

If the distance does not exceed 170 yards (155.45 metres) <b>For the whole distance</b>	<b>£3.80</b>
If the distance exceeds 170 yards (155.45 metres) <b>For the first 170 yards (155.45 metres)</b>	<b>£3.80</b>
Each subsequent <b><u>195 yards</u></b> (178.31 metres) <b>or uncompleted part thereof</b>	<b>£0.20</b>

We have sought to address the need to cover increased operating costs without penalising the general public unfairly. In submitting this application we have considered all factors; including the continued rise in fuel costs, increases in garage labour costs and parts, increases in public hire insurance premiums in the SR postcode area of anything between 50% and 100%, and also general living expenses. As we represent drivers who operate over a twenty four hour period we feel that it is only fair that any increase applies to both Tariff One and Tariff Two. It is with great reluctance that we are making this application, but it was in November 2010 that the last tariff increase application was submitted. We are attempting to keep the increase as close to the Retail Price Index (RPI) as possible, which stood at 3.9% for January. The average increase for the three tariffs equates to 3.8%. Most journeys undertaken within the City of Sunderland are usually anywhere between one mile and five miles long, so we feel that it is only fair to look at the average increase over those distances as follows:-

#### TARIFF ONE

Miles	Yards	Metres	Fare	Incr
1.0	1760	1609	£3.80	5.5%
2.0	3520	3219	£5.20	4.0%
2.5	4400	4023	£5.80	3.6%
3.0	5280	4828	£6.60	3.1%
4.0	7040	6437	£8.00	5.3%
5.0	8800	8047	£9.40	4.4%
<b>Average of Above</b>				<b>4.3%</b>

#### TARIFF TWO

Miles	Yards	Metres	Fare	Incr
1.0	1760	1609	£4.60	4.5%
2.0	3520	3219	£6.40	3.2%
2.5	4400	4023	£7.20	2.9%
3.0	5280	4828	£8.20	5.1%
4.0	7040	6437	£10.00	4.2%
5.0	8800	8047	£11.80	3.5%
<b>Average of Above</b>				<b>3.9%</b>

### TARIFF THREE

Miles	Yards	Metres	Fare	Incr
1.0	1760	1609	£5.60	3.7%
2.0	3520	3219	£7.40	2.8%
2.5	4400	4023	£8.20	2.5%
3.0	5280	4828	£9.20	4.5%
4.0	7040	6437	£11.00	3.8%
5.0	8800	8047	£12.80	3.2%
<b>Average of Above</b>				<b>3.4%</b>

Due to the complexity of the formula to calculate increases on all three tariffs, it is almost impossible to have the same average increase on every tariff as each 20p increase on the meter generates a fixed percentage increase.

We look forward to your response in due course.

Yours sincerely

T. E. Hines  
For and on behalf of  
Sunderland Hackney Carriage  
Operators Association

# **APPENDIX 2**

Comparison of cost of 2.5 mile journey

		Tariff 1	Tariff 2	Tariff 3
Sunderland	Current	5.60	7.00	8.00
Sunderland	Requested	5.80	7.20	8.20
Gateshead		5.40	6.90	N/A
North Tyneside		5.80	7.00	N/A
South Tyneside		5.20	6.40	N/A
Newcastle		6.60	7.40	8.00
Durham		6.45	8.40	12.60