

Regulation and Review Committee Panel

**17 February 2017
10.00am**

Present: Councillor K Osborne (Chair)
Councillor John Hunter, W Lott, G Madden and T Mulvenna

RQ43/02/17 Apologies for Absence

No apologies for absence were received.

RQ44/02/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ45/02/17 Review of North Tyneside Council Statement of Licensing Policy (Sex Establishments) – Conditions and Delegation Scheme.

The Committee considered a report seeking approval of standard conditions to be attached to licences for sex establishments.

Although there was no statutory requirement to have a policy concerning the licensing of sex establishments, it had been long established that it was good practice for Licensing Authorities to have a policy that assisted decision making and informed the licensing trade and the public of the approach of the Licensing Authority to such licensing in its area. The first Statement of Licensing Policy for Sex Establishments in North Tyneside had been adopted on 20 January 2011.

On 13 February 2017 Cabinet had adopted a revised Statement of Licensing Policy (Sex Establishments) (minute CAB131/02/17). The Policy had been updated to include references to local plans and data. The numerical limit of nil for the specified area of Whitley Bay in relation to sexual entertainment venues had been retained. The Policy included a set of proposed standard conditions which would be attached to a licence for a sex shop, sex cinema or sex entertainment venue. The policy also included a Delegation Scheme which set out which licensing decisions would be taken by officers, a panel of the committee or the full committee. This was unchanged.

Whilst the approval of the Policy itself was a matter for Cabinet, it was for the Regulation and Review Committee to consider the approval of standard conditions that would be attached to licences. This function was one of the matters which the Regulation and Review Committee determined could be exercised by a panel of the Committee with a reduced membership. The proposed standard conditions were set out in full for the committee and it was noted that no consultation responses had been received in respect of the proposed standard conditions.

Members asked questions of the officers and made comments.

Resolved that the proposed standard conditions for the North Tyneside Council Statement of Licensing Policy (Sex Establishments) attached as appendix 1 be approved; and (2) that the Delegation Scheme be noted.

RQ 47/02/17 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ48/02/17 Combined Hackney Carriage/Private Hire Driver's Licence Appeal

The committee received a report by the Senior Manager, Technical and Regulatory Services which outlined the background to an appeal by Mr H against the refusal of the licensing section to grant him a combined hackney carriage/private hire driver's licence as the Authority was not satisfied that he was a fit and proper person to hold such a licence.

Mr H was present at the meeting accompanied by his representative, Mr P.

A licensing officer presented the report to the committee which included information on the application, that he had successfully passed the knowledge test; that he had met the Group 2 standard medical, and the results of Mr H's disclosure certificate which had been received from the Disclosure and Barring Service.

After the presentation Mr P asked questions of the licensing officer to seek clarification on a number of matters.

Members then asked questions of the licensing officer.

Mr P then addressed the committee in support of Mr H's application and answered questions from Members. Mr H also answered questions.

Following a summing up from the licensing officer and Mr P and Mr H, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue the licence.

The committee's main concern was the need to maintain high standards amongst licensed drivers and to ensure the protection of the travelling public. In determining its response the committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

Resolved that the appeal be dismissed as the committee could not be satisfied that Mr H was a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

RQ49/02/17 Combined Hackney Carriage/Private Hire Driver's Licence Appeal

The committee received a report by the Senior Manager, Technical and Regulatory Services which outlined the background to an appeal by Mr G against the refusal of the licensing section to grant him a combined hackney carriage/private hire driver's licence as the Authority was not satisfied that he was a fit and proper person to hold such a licence.

Mr G was present at the meeting accompanied by his representative, Mr W.

A licensing officer presented the report to the committee which included information on the application, which included that Mr G had successfully passed the knowledge test and Group 2 standard medical, and the results of Mr G's disclosure certificate which had been received from the Disclosure and Barring Service.

After the presentation, Mr W asked questions of the licensing officer to seek clarification on a number of matters.

Members then asked questions of the licensing officer.

Mr W then addressed the committee in support of Mr G's application and answered questions from Members. Mr G also answered questions.

Following a summing up from the licensing officer and Mr W and Mr G, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue the licence.

The committee's main concern was the need to maintain high standards amongst licensed drivers and to ensure the protection of the travelling public. In determining its response the committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

Resolved that the appeal be dismissed as the committee could not be satisfied that Mr G was a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

RQ50/02/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral

Prior to any consideration of the matter, the committee was informed that Mr L had only received a copy of the papers that morning. The reasons for this were explained. Due to other items of business being dealt with by the committee there had been a couple of hours

for Mr L to read and digest the report in advance of coming before the Committee. Taking this and the reasons why delivery had not been possible into account, and with Mr L's agreement, it was agreed to proceed with the matter at the meeting.

The committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral in respect of Mr L, the holder of a combined hackney carriage/private hire driver's licence. The committee was requested to determine whether any disciplinary action was required and to assess Mr L's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr L and Mr P, a friend of Mr L, attended the meeting.

The Licensing Officer presented the report.

Mr L assisted by Mr P then addressed the committee.

Following a summing up from the Licensing Officer and Mr L and Mr P they all left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- take no action;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter and 7 which makes reference to convictions, cautions, conduct and medical fitness.

The committee considered that it was an established principle that a licence was a privilege and not a right and took a very serious view of the behaviour outlined in the report and seriously considered all the options available to it.

Resolved that Mr L be issued with a written warning and be reminded of the responsibilities which come with holding a combined hackney carriage and private hire drivers licence.