



North Tyneside Council

14 February 2020

Monday, 24 February 2020 0.02 Chamber - QE commencing at 6.00 pm.

Cabinet

Agenda Item	Page(s)
1. Apologies for Absence	
To receive apologies for absence from the meeting.	
2. To Receive any Declarations of Interest and Notification of any Dispensations Granted	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also invited to disclose any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3. Minutes	
To confirm the minutes of the meetings held on 20 January 2020 (Ordinary meeting), 3 February and 10 February 2020 (Extraordinary meetings) (previously circulated).	
4. Report of the Young Mayor	
To receive a verbal report on the latest activities of the Young Mayor and Young Cabinet.	

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about the meeting please call (0191) 643 5320.

Agenda Item	Page(s)
5. Determination of School Admission Arrangements from September 2021 including proposed catchment area changes	5 - 60
To consider a report seeking approval for the proposed admission arrangements for all Community Schools in North Tyneside for the 2021/2022 academic year including the co-ordinated admissions schemes.	
6. Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy	61 - 184
To consider a report seeking approval for the adoption of the revised North Tyneside Hackney Carriage and Private Hire Licensing Policy.	
7. Closed Circuit Television (CCTV) Policy	185 - 208
To consider a report seeking approval for North Tyneside Council's new Policy on CCTV.	
8. Date and Time of Next Meeting	
Monday, 30 March 2020 at 6.00pm.	

Circulation overleaf ...

Circulated to Members of Cabinet: -

N Redfearn (Elected Mayor)
Councillor B Pickard (Deputy Mayor)
Councillor G Bell
Councillor C Burdis
Councillor S Cox
Councillor S Day
Councillor P Earley
Councillor R Glindon
Councillor C Johnson
Councillor M Hall

**Young and Older People's Representatives and Partners of
North Tyneside Council.**

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North Tyneside Council Report to Cabinet Date: 24 February 2020

Title: Determination of School Admission Arrangements September 2021 including proposed catchment area changes

Portfolio(s): Children, Young People and Learning	Cabinet Member(s): Councillor Peter Earley
Report from Service Area:	Commissioning and Asset Management
Responsible Officer:	Mark Longstaff, Head of Commissioning and Asset Management (Tel:(0191) 6438089)
Wards affected:	All

PART 1

1.1 Executive Summary:

This is an annual report submitted to Cabinet to meet a statutory requirement to determine school admission arrangements before publication. This report is to approve the proposed admission arrangements for all Community Schools in North Tyneside for the 2021/2022 academic year including the co-ordinated admissions schemes.

The Authority has a duty to consult on all aspects of its proposed admission arrangements. This includes its oversubscription criteria and catchment areas. There are proposed changes to the catchment areas regarding Backworth Park, Holystone, New York and Shiremoor Primary Schools.

The reasons for the proposed changes are partly due to the successful relocation of Backworth Park Primary School and partly due to the new housing developments that have been built in the area.

There are no changes to the procedures for allocating school places.

1.2 Recommendation(s):

It is recommended that Cabinet

- (1) approve the 2021 proposed admission arrangements and limits for Community Schools, as outlined in Appendices 1 to 5, subject to the appropriate publication of Statutory Notices; including the proposed changes to catchment areas as outlined in Appendices 6 to 8.

- (2) agree the specified transition arrangements, set out in Appendix 9, for those families that could be affected by the changes to catchment area in respect of those living within the current catchment area with a sibling link;
- (3) authorise the Head of Commissioning and Asset Management to proceed in administering admission arrangements for the 2021/2022 academic year, subject to the publication of Statutory Notices and compliance with obligations required by the Secretary of State in accordance with the timescales set; and
- (4) authorise the Head of Commissioning and Asset Management, in consultation with the Cabinet Member for Children, Young People and Learning, to formally seek approval, as necessary, from the Schools Adjudicator in accordance with the School Admissions Code 2014 for any necessary variations to the determined arrangements for the 2021/22 academic year should these arise.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 29 November 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the 2018/20 Our North Tyneside Plan:

- (1) Our People will be supported to achieve their full potential, especially our children and young people.

1.5 Information:

1.5.1 Co-ordinated Admission Schemes (The Scheme)

All Local Authorities are required to formulate and consult on a scheme for each academic year for co-ordinating admission arrangements for all maintained schools within their area. This requirement includes maintained boarding schools but excludes maintained special schools and maintained nursery schools. Co-ordinated schemes are intended to simplify the admission process for parents whilst reducing the likelihood of any child being left without a school place. Co-ordination establishes a mechanism that ensures that, as far as is practical, every child living in a Local Authority (LA) area who has applied in the normal admissions round receives one, and only one, offer of a school place on the same day. While it is for each LA to decide the scheme that best suits its residents and its schools, authorities must ensure that they:

- a. comply with law and regulations, including all the process requirements (for example, the common application form allowing at least 3 preferences, information sharing with other Local Authorities, sending out not more than one offer to all seeking places at its maintained schools or academies on the same day); and
- b. do not disadvantage applications to their schools from families resident in other Local Authority areas.

The Scheme applies to applications received from September 2020 for entry into maintained schools in September 2021. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) require the LA to exchange specified information on applications with neighbouring Authorities.

The purpose of the Scheme is to co-ordinate admissions into all mainstream maintained first and primary, middle and high schools in North Tyneside. The Regulations also place a duty on all Local Authorities to make arrangements within their Scheme for cross-Authority border co-ordination of admissions.

The Co-ordinated Admissions Schemes are shown in Appendices 1 and 2.

1.5.2 Admissions Numbers

All schools must have an admission number for each 'relevant age group'. This is defined in law as 'an age group in which pupils are or will normally be admitted' to the school in question. Admission Authorities of maintained schools must set admission numbers with regard to the capacity assessment for the school under the Regulations.

The Planned Admission Numbers are shown at Appendix 3.

1.5.3 Admission Policies

Pupils will be able to go to their preferred school unless there are more applications to that school than there are places available. If there are more applications than places available at a school, oversubscription criteria will be used to allocate places after any children with a Statement of Special Educational Needs or an Education, Health and Care Plan have been provided for where the Statement or the Education, Health and Care Plan names a specific school.

Admissions Policies for admission to North Tyneside Community Schools and Nurseries for which the LA is the Admissions Authority are shown at Appendices 4 and 5.

1.5.4 Oversubscription Criteria

The oversubscription criteria used by the LA where there are more applications than places available are set out in Appendices 4 and 5 of this report.

1.5.5 Admissions to Year 12 (sixth form)

Where a secondary school operates a sixth form and admits pupils from other schools at age 16, for instance, an admission number will be required for Year 12 as well as for the main year or years. Admission numbers must refer to pupils being admitted to the school for the first time and not transferring from earlier age groups. The entry requirements for sixth form are largely dependent on the course of study that a student wishes to access. Details of specific requirements and courses available may be obtained for individual schools. All schools publish information about their post 16 provision.

1.5.6 Community Schools

The Authority is responsible for consultation and determining the admission arrangements for community schools in the North Tyneside area in accordance with the School Admissions Code 2014. Specific consultation has been undertaken in relation to the amendment of the catchment areas of Backworth Park Primary, Holystone Primary, New York Primary and Shiremoor Primary Schools.

1.5.7 Changes to catchment areas Backworth Park Primary, Holystone Primary, New York Primary and Shiremoor Primary Schools

The proposed changes to the catchment areas are partly due to the successful relocation of Backworth Park Primary School and partly due to the new housing developments that have been built in the area. Further details of the proposed changes are given below and set out in Appendices 6, 7 and 8.

Consultation on the proposed changes to catchment area has been undertaken in accordance with statutory requirements. The Authority consulted with the following as a part of that process:

- Headteachers/Governing Bodies of schools where proposals could directly affect parents of children between the ages of two and eighteen;
- Residents in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- All other admission authorities within the Local Authority area;
- Adjoining neighbouring Local Authorities where the admission authority is the Local Authority
- The Head of Commissioning and Asset Management meeting with West Allotment Resident/Parent representatives
- The Cabinet Member for Children, Young People and Learning with the Head of Commissioning and Asset Management meeting with West Allotment Resident/Parent representatives
- The Access Manager and the Manager - School Organisation and Investment met with the Headteachers of Backworth Park Primary, Holystone Primary and Shiremoor Primary Schools
- Access Manager and the Manager - School Organisation and Investment met with the Headteachers and representatives of the Governing Body of Backworth Park Primary, Holystone Primary and Shiremoor Primary Schools. The proposed changes were discussed with the Headteacher at New York Primary School.

There were 80 responses to the consultation. The general opinion from those who responded to the consultation was that they agreed there needed to be changes to the catchment areas within this area of the Borough.

However, there was a request to put in place some transitional arrangements to protect in-catchment children with an existing sibling link who will be out of catchment following the changes as outlined.

Set out below are the four main issues raised by the majority of respondents as set out by the Resident Association and the Governing Body of Holystone Primary School.

1. Transitional Provisions

Transitional Provisions are needed to protect in-catchment children with an existing sibling link who will be out of catchment following the changes.

2. Bayfield and Edgefield

Bayfield and Edgefield fall more logically into the Backworth or Holystone Catchments.

3. Effect on Parents

No parent with an existing in-catchment sibling link should be placed in a position where they consider that they have to:

- i change jobs or stop working; or
 - ii move house,
- because of the catchment change.

4. Lawfulness of the Consultation

The consultation is unlawful as it does not meet the criteria set out in caselaw such as R v. Brent LBC ex parte Gunning (1985) 84 LGR 168 and R. v Camden LBC Ex p. Cran (1996) 94 L.G.R. 8.

The Authority has responded to the four main issues listed above with the following consultation response:

1. Transitional Provisions

As part of the consultation exercise, the Local Authority is recommending that transitional arrangement be put in place to protect in-catchment children with an existing sibling link who will be out of catchment following the changes as outlined in Appendix 9.

2. Bayfield and Edgefield

There were 5 proposed options that were discussed with the Local Authority and Headteachers and representatives of the Governing Bodies of the schools affected. The preferred option as outlined in Appendix 8 was chosen by the Local Authority and the schools. The preferred option was determined by the analysis of a range of data and knowledge including:

- The need to ensure equal proportion of dwellings, as far as is reasonable, to sustain 3 no 2 form entry schools.
- Road layout and infrastructure
- Minimising the number of properties affected by change

3. Effect on Parents

See response to point 1 above

4. Lawfulness of the Consultation

The consultation process was compliant with the requirements of the law. The consultation period was for a period of 6 weeks and 3 days this was to allow for the bank holidays over the Christmas recess. This ensured that the consultation period was compliant with the statutory requirements of the School Admissions Code and the statutory timeframes for determining the admission arrangements for 2021.

1.5.8 The Learning Trust Schools

The North Tyneside Learning Trust was established in September 2010 and currently comprises 44 schools. The governing bodies of these schools are responsible for determining their arrangements in accordance with the School Admissions Code 2014.

Five of the schools in the Learning Trust are Special Schools and these arrangements do not apply to them.

1.5.9 Voluntary Aided Schools

The governing bodies of these schools are responsible for consultation and determining their own admission arrangements in accordance with the School Admissions Code 2014.

1.5.10 Academies

There are four academies in North Tyneside. The governing bodies of these four schools are responsible for consultation and determining their own admission arrangements in accordance with the School Admissions Code 2014.

Any school which subsequently changes their status and becomes an academy will be responsible for determining their own admission arrangements in accordance with the School Admissions Code 2014 following the change.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Approve the recommendations set out in section 1.2 of the report.

Option 2

Do not approve the recommendations set out in section 1.2 of the report and request Officers undertake further work to change proposed admission arrangements.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The recommendations contained in this report are made to secure compliance with statutory requirements as outlined in Section 2.2 of this report.

If the recommended option is not approved, the Authority may not be in compliance with statutory requirements as outlined in Section 2.2 of this report.

1.8 **Appendices:**

Appendix 1: Proposed Co-ordinated Admissions Scheme First and Primary Schools 2021

Appendix 2: Proposed Co-ordinated Admissions Scheme Middle and High Schools 2021

Appendix 3: Proposed Admissions Numbers Community First and Primary Schools
September 2021

Appendix 4: Proposed Admissions to Nursery Policy September 2021

Appendix 5: Proposed Admissions to Community First and Primary Schools Policy
September 2021

Appendix 6: Map of catchment area (existing)

Appendix 7: List of proposed street changes to catchment area September 2021

Appendix 8: Map of catchment area (proposed)

Appendix 9: Transitional Arrangements for siblings affected by changes in catchment areas

1.9 Contact officers:

Mark Longstaff, Head of Commissioning and Asset Management tel: 0191 643 8089

Barbara Patterson, Senior Manager – Facilities and Fair Access tel: 0191 643 8340

Val Johnson, Access Manager, tel: 0191 6438721

Rachael Coyne, Manager - School Organisation and Investment, tel: 0191 6438074

Claire Emmerson, Senior Manager Financial Strategy & Planning, tel 0191 643 8109

Stephen Ballantyne, Legal Manager – Governance and Employment, tel 0191 643 5329

1.10 Background information:

The following background papers/information have been used in the compilation of this report:

- (1) School Admissions Code December 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from this report.

2.2 Legal

The School Admissions Code 2014 (the Code) applies to admissions to all maintained schools and sets out certain mandatory requirements and prohibited practices according to the relevant law. The LA's determined admission arrangements must comply with the mandatory provisions of the Code. The Code is made under s.84 of the School Standards and Framework Act 1998.

The LA is only required to consult on the admission arrangements for those schools for which it is the Admissions Authority by 31 January 2020 if there are any changes to the previously agreed arrangements. The admission arrangements for 2021 must be determined by 28 February 2020.

In accordance with the Local Government Act 2000 and the regulations made under that Act in relation to responsibility for functions, Cabinet is responsible for determining this matter.

Each year, the LA is required to have in place a scheme for co-ordinating admission arrangements for maintained schools in the area (s.88M of the School Standards and Framework Act 1998). There is no requirement to co-ordinate applications for places in any other year groups including school sixth forms/year 12.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Cabinet Member responsible for Children, Young People and Learning has been consulted in relation to the proposals.

2.3.2 External Consultation/Engagement

External consultation and engagement was undertaken with the groups outlined in section 1.5.7.

2.4 Human rights

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admissions Authorities, however, do need to consider parents' reasons for expressing a preference when they make decisions about the allocation of school places, to take account of the rights of parents under the Human Rights Act 1998, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' right to ensure that their child's education conforms to their own religious or philosophical convictions (so far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

2.5 Equalities and diversity

Under Section 85 of the Equality Act 2010, it is unlawful for any education provider, including a private or independent provider, to discriminate between pupils on grounds of disability, sex, race, gender reassignment, sexual orientation, pregnancy and maternity, religion or belief. Discrimination on these grounds, which are known as 'protected characteristics', is unlawful in relation to admission arrangements. There are exceptions to these requirements set out in Schedule 11, including in respect of admissions to single sex schools, schools with a religious character and in respect of other types of education providers such as further and higher education. In addition, the Equality Act 2010 introduces the following duties on the responsible bodies of schools:

- (a) A duty not to harass a pupil or a person who has applied for admission (on the basis of protected characteristics, sexual harassment or less favourable treatment);
- (b) A duty not to victimise a person in its admission arrangements;
- (c) A duty to make reasonable adjustments in respect of the admission of prospective pupils who may be disabled and not to discriminate in respect of the same.

The arrangements that North Tyneside Council has in place are fully compliant with Section 85 of the Equality Act 2010. In addition, all maintained schools are also fully aware of their responsibilities associated with the Act.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy and Customer Service X

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PROPOSED

Co-ordinated Admissions Scheme for First and Primary Schools in the area of North Tyneside Local Authority 2021

Introduction

1. This Scheme is made by North Tyneside Council under the Education (Co-ordination of Admission Arrangements) (Primary) (England) Regulations 2008 and applies to all First and Primary Schools in North Tyneside.

Interpretation

2. In this Scheme -

"The LA" means North Tyneside Council acting in their capacity as Local Authority;

"The LA area" means the area in respect of which the LA is the Local Authority;

"Primary education" has the same meaning as in section 2(1) of the Education Act 1996;

"Secondary education" has the same meaning as in section 2(2) of the Education Act 1996;

"Primary school" has the same meaning as in section 5(1) of the Education Act 1996;

"Secondary school" has the same meaning as in section 5(2) of the Education Act 1996;

"School" means a community, foundation or voluntary school (but not a special school), which is maintained by the LA;

"VA schools" means such of the schools as are voluntary aided schools;

"Trust schools" means such of the schools have a trust status;

"Academy" means such of the schools have academy status;

"Admission Authority" in relation to a community school means the LA and, in relation to Trust and VA schools means the governing body of that school and in relation to an Academy means the Academy Trust of that school.

"The equal preference system" the scheme operated by North Tyneside Council whereby all preferences listed by parents/carers on the common application form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil may be offered a place at more than one school, the rankings are used to determine the single offer by selecting the one ranked highest on the common application form;

"The specified year" means the school year beginning at or about the beginning of September 2021;

"Academic year" means a period commencing with 1st August and ending with the next 31st July.

“The determination year” in relation to the proposed admission arrangements for a school, means the academic year beginning two years before the academic year to which the arrangements relate.

"Admission arrangements" means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered;

“Parent/Carer” means any person who holds parental responsibility, as defined under the 1989 Children Act, and with whom the child normally resides;

“Direct distance” means the distance measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council’s Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority;

“Appropriate school” means the nearest school identified by the authority in accordance with the home to school transport policy;

“Home” local authority means the local authority in whose area the parents live;

The Primary “National Offer Day” is 16 April or the next working day;

“In year “admission means any application for a place other than the normal year of entry;

School Admissions Code refers to the code published on 19 December 2014;

“Eligible for a place” means that a child has been placed on a school’s ranked list at such a point, which falls within the school’s published admission number.

Commencement and extent

This scheme applies in relation to the admission arrangements for the schools for admission year 2021-2022 (the specified year).

The LA will include in its admission arrangements for the specified year the provisions set out in Schedule 1 to this scheme, or provisions having the same effect.

The governing body of each of the Academies, VA and Trust schools will include in its admission arrangements for the specified year the provisions set out in the Schedule, so far as relevant to that school, or provisions having the same effect.

The Scheme

1. The Scheme shall be determined in accordance with the provisions set out in Schedule 1 and processed in accordance with the timetable set out in Schedule 2.
2. The scheme shall apply to every school in the LA area as identified in Appendix 1 (except special schools).
3. The Scheme will also include applications from parents seeking admission to North Tyneside schools who live within the following neighbouring LA’s:

- Newcastle Local Authority
- Northumberland Local Authority

We will also co-ordinate our admission process with any other Admission Authorities where relevant.

SCHEDULE 1

PART I -THE SCHEME

1. There will be a standard form known as the Common Application Form.
2. The Common Application Form will be used for the purpose of admitting pupils into the first year of First and Primary education in the specified year, and for applications made outside the normal year of entry i.e. 'In year' admissions leading up to, and during, the academic year 2021/2022.
3. The Common Application Form must be used as a means of expressing up to 3 preferences for the purposes of section 86 of the School Standards and Framework Act 1998, by parents resident in the LA area wishing to express a preference for their child-
 - a To be admitted to a school within the LA area (including Academies, VA and Trust schools);
 - b To be admitted to a school located in another LA's area (including Academies, VA, and Trust schools)
4. **The Common Application Form will -**
 - a Allow parents to express up to 3 preferences, including, where relevant, any schools outside the LA's area, in the rank order in which they wish their child to receive an offer of a place at the respective schools,
 - b Specify the closing date and where the application form must be returned in accordance with paragraph 10.
5. **The LA will make appropriate arrangements to ensure:**
 - a That the Common Application Form is available on request from the LA and on-line at www.northtyneside.gov.uk/schooladmission until the closing date and
 - b That the Common Application Form is accompanied by a written explanation of the key features of the co-ordinated admissions scheme.
6. **The LA will take all reasonable steps to ensure that:**
 - a Every parent resident in the LA area who has a child attending a nursery class or early years setting and is eligible to commence primary education receives a written explanation of how to apply either online or paper copy (on request only); and
 - b Every parent whose application falls within the category of an 'In Year' transfer receives a copy of the Common Application Form (and written explanation), on request, and understands the process.

Parents will be advised that they will receive no more than one offer of a school place and that:

- (i) If more than one school is nominated and two or more preferences can be offered the parent will be regarded as having ranked the schools in the order appearing on the form (the first-mentioned being ranked the highest); and
 - (ii) Places at any oversubscribed school will be offered on the basis of equal preference rank order and that where an offer is made it would be for the highest ranked school.
 - (iii) If a place cannot be offered at a nominated school, a place will be offered at an alternative school.
7. The Common Application Form will include an extra section to be completed by parents who express a preference for a Voluntary Aided School to enable them to provide additional relevant information.
8. Where a school receives a supplementary information form from a North Tyneside resident it will not be regarded as a valid application unless the parent has also completed a Common Application Form and the school is nominated on it. Where supplementary information forms are received directly by schools the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, the LA will contact the parent and ask them to complete a Common Application Form. Under the requirements of the scheme parents will not be under any obligation to complete an individual school's supplementary information form where this is not strictly required for the governing body to apply their oversubscription criteria.
9. Any school which operates criteria for selection by ability or aptitude must ensure that its arrangements for assessing ability or aptitude, to enable decisions to be made on nominations, conform to the timing requirements of the scheme as set out in Schedule 2. (N.B. no Community, Academy, Trust or Voluntary Aided School in North Tyneside operates criteria for selection based on ability or aptitude)

Processing of Common Application Forms

10. It will be the responsibility of parents to ensure that Common Application Forms are received directly to the LA by the closing date of **14 January 2021**. Common Application Forms may also be completed on-line by the closing date.

Determining offers in response to the Common Application Form

11. The LA will act as a clearinghouse for the allocation of places by the relevant admission authorities in response to the Common Application Forms. The LA will only make any decision with respect to the offer or refusal of a place in response to any preference expressed on the Common Application Form where-
- (a) It is acting in its separate capacity as an admission authority, or
 - (b) An applicant is eligible for more than one place and is allocated a place at the highest ranked school, or
 - (c) An applicant is not eligible for a place at any school that the parent has nominated.

The LA will allocate places in accordance with the provisions set out in paragraph 18 of this Schedule.

12. Completed application forms must be received by the closing date of **14 January 2021**.
13. Completed application forms, which are received after the closing date will be marked '**LATE**' and considered on an individual basis except that the procedure must not prevent the proper processing under the Scheme of application forms received on time.
14. The LA will process all application forms; any completed application forms must be treated as a confidential communication between the parent and the LA. All ranked applications received by the closing date will be considered before any ranked applications received after this closing date unless exceptional circumstances apply.
15. **By 3 February 2021** the LA will notify the admission authority for each of the schools of every nomination that has been made for that school, including all relevant details and any supplementary information received by this date, which schools require in order to apply their oversubscription criteria. Where parents have nominated a school outside the LA area, the LA will also similarly notify the relevant authority/authorities by this date.
16. **By 26 February 2021** the admission authority for each Trust, VA and Academy school will provide the LA with a list in rank order, in accordance with their admission criteria of all pupils who applied for a place at the school.
17. **By 8 March 2021** the LA will exchange responses to preferences with other LAs.
18. **By 12 March 2021** the LA will match the provisional offers of places against each parent's ranking and proceed as follows:
 - Where the child is eligible for a place at only one of the preferred schools, a place at that school will be offered to the child.
 - Where the child is eligible for a place at two or more of the preferred schools they will be offered a place at whichever school is the highest ranked and any lower offers will be disregarded.
 - Where none of the preferences can be met, the child will be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
 - The LA will allocate a school place to those pupils who have not submitted a Common Application Form after all other pupils who submitted a Common Application Form have been considered. The LA will allocate a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, as measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
19. **26 March 2021** -The LA informs its First and Primary Schools of the pupils to be offered places at their schools, and informs other LAs of places in North Tyneside schools to be offered to their residents.

20. On 16 April 2021 parents will be notified by email of the outcome of their application if they applied online and requested an email notification. If the parent completed a paper application form a letter will be posted 2nd class informing them of the school place allocated. This letter will give the following information

- The name of the school at which a place is offered;
- The reasons why the child is not being offered a place at any of the other higher ranked schools nominated on the Common Application Form;
- Information about their statutory right of appeal against the decisions to refuse places at the other nominated schools;
- Allow parents to request that their child's name is placed on a waiting list for any schools that they were refused that were ranked higher on the application form than the place that was offered.
- Contact details for the schools (in the case of nominated VA schools where they were not offered a place) so that they can lodge an appeal, with the governing body, and the relevant LAs.

The letter will not inform parents of places still available at other schools.

21. 1 May 2021: (1) the deadline for parents to accept the place offered. If they do not respond by this date the LA will assume that the offer of the school place is accepted and will notify the school accordingly where possible the LA will also continue to pursue parents for written confirmation of acceptance for oversubscribed schools. **(2)** the deadline for parents to request to place their child's name on a waiting list for any school they ranked higher on their Common Application Form than the school they were offered.

WAITING LISTS

Parents may ask for their children to be kept on a waiting list of children to be re-allocated places if they become available **after 16 April 2021** at any school they have ranked higher on their Common Application Form than the school they were offered. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form they may be placed on the list of all the schools they did nominate and can then be considered for places at those schools. If pupil numbers fall below the published admission number then children will be admitted from the waiting list according to the admission criteria regardless of when their application form was received. The LA will hold all waiting lists where requested. Waiting lists for schools will be kept for **one term** in the academic year i.e. **31 December 2021**. No list will be kept for any school thereafter either by the Local Authority or by any individual school.

22. 7 May 2021: The LA re-allocates any places that may have become vacant since 16 April, in accordance with the school admission criteria, which will include the following:

- Those who have not yet been offered any school place, for example, late applications from parents who have just moved into the area and have not been offered a school place.
- Those who have not been offered a school place at any of the schools they nominated on the Common Application Form and the place that has become available is at a school originally nominated on the Common Application Form.

- Those who have been offered a school place but who ranked the school at which a place has now become available higher on the Common Application Form.

Where there are more applicants than places available then the priorities used within the schools admission criteria will also be applied to all applicants on the waiting list to determine the allocation of places.

23. Where a parent has been allocated a place at their second ranked school, they may be placed on a waiting list of their first ranked school but not their third and so on. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form, they may be placed on the list of all the schools they did nominate, and can then be considered for places at those schools.
24. Waiting lists for schools will be kept by the Local Authority for **one term** in the academic year i.e. **31 December 2021**. No lists will be kept for any school thereafter, either by the LA or by individual schools.
25. Where parents have not returned their acceptance slip for oversubscribed schools or responded to the offer the LA will assume that the place has been accepted and the school will be notified accordingly.

PART 2 – LATE APPLICATIONS

26. The closing date for applications in the normal admissions round is **14 January 2021**. As far as is reasonably practicable applications for places in the normal admissions round that are received late for a good reason or in exceptional circumstances may be considered provided they are received before **31 January 2021**, the date the allocation procedures begin. Examples of what may be considered as good reason and exceptional circumstances include: when a lone parent has been ill for some time, or has been dealing with the death of a close relative; a family has just moved into the area or is returning from abroad (proof of ownership or tenancy of a North Tyneside property will be required in these cases). Other circumstances may be considered and each case will be decided on its own merits by each individual admission authority.

CHANGE OF SCHOOL PREFERENCE AFTER 14 JANUARY 2021:

27. Once parents have submitted their Common Application Form they cannot change their preferences without a genuine reason, for example if the family has recently moved address, proof of ownership or tenancy of a North Tyneside property will be required.

LATE APPLICATIONS RECEIVED AFTER 31 January 2021

28. Late applications received after 31 January 2021, which, are not deemed to be exceptional by the Authority, will not be processed until after 16 April.

NO COMMON APPLICATION FORM RECEIVED BY 16 APRIL 2021

29. Where no Common Application Form is submitted the child will **not** be offered a school place on 16 April 2021. The Local Authority will not offer a place until a form has been completed and after **7 May 2021**. The parent will then be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy.

APPLICATIONS RECEIVED AFTER 16 APRIL 2021

30. Applications received after 16 April at any school must be forwarded to the LA immediately. Where only the supplementary information form is received the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, contact the parent and ask them to complete a Common Application Form. The LA will enter the details onto its Education Management System (EMS) and, after consultation with the relevant admission authority, offer a place as soon as possible at the school highest in the parent's order of preference that has a vacancy or if this is not possible, at the nearest appropriate school with a vacancy (as defined in paragraph 18).

CHANGE OF SCHOOL PREFERENCE AFTER 16 APRIL 2021

31. Parents cannot change their original school preference(s) without a genuine reason, for example if the family has recently moved address. Where the LA agrees to accept a change of preference application the original school preference will be cancelled and a new application must be submitted which will be considered as 'Late'. Any place previously offered at a school in North Tyneside on 16 April 2021 will be withdrawn and the parent will be notified in writing of the outcome.

YEAR OF ENTRY APPEALS

32. All Admission Authorities must publish their appeals timetable on their website by **28 February each year**.
33. Where schools are their own admission authority i.e. Academies, VA and Trust the school will be responsible for presenting the schools case for any appeals lodged. However, for Academies and Trust Schools the LA can be present for stage 1 of the appeal to answer any questions on the admission process.

PART 3 - 'IN YEAR' ADMISSIONS**APPLICATIONS RECEIVED AFTER 16 APRIL 2021**

34. Applications received after 16 April 2021, and for places in year groups other than the normal year of entry to First and Primary schools, will be treated as 'In Year' admissions.

APPLYING FOR A SCHOOL PLACE OUTSIDE THE NORMAL YEAR OF ENTRY

35. Parents must apply to their 'home' local authority regardless of the school they are applying for.
36. The 'home' local authority will process all Common Application Forms and inform parents of the outcome of their application even if the school is an Academy, Trust or Voluntary Aided.
37. The local authority is unable to process applications for schools where the date that the place is required from, is more than 2 months from the date of the application (Service and Crown Personnel are exempt).
38. Children must be resident in the country before a Common Application Form can be considered (Service and Crown Personnel are exempt).
39. School places cannot be allocated on the basis of intended future changes of address unless a house move has been confirmed through the exchange of contracts or a rental

agreement. The admission authority reserves the right to seek further documentary evidence to support the claim to residence.

LOOKED AFTER CHILDREN

A Local Authority has the power to direct an admission authority (including Academies, Trust and Voluntary Aided schools) to admit a child who is Looked After by the Local Authority, even when the school is full. The Local Authority must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size. In respect of admissions for key stage 1 a Looked After Child would be admitted as an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

RESPONDING TO COMMON APPLICATION FORMS

40. If the application is for an Academy, Trust or Voluntary Aided school, the local authority will refer the application to the Governing Body of the school. In the case of applications for schools outside North Tyneside, the LA will contact the relevant authority.
41. All admission authorities must respond to the local authority within 5 working days of receiving the Common Application Form informing them of the decision. If there is a place available pupils **must** be admitted within 20 school days of the application being received by the local authority or at the beginning of a half term if appropriate.
42. Where a place is not available at the highest ranked school the local authority will co ordinate with the second and third preference schools until a place can be offered at one of the preferences.
43. If the pupil is not on the roll of a North Tyneside school and a place cannot be offered at any of the nominated schools, the parent will be informed of places available at other schools in the area.
44. If there are more applications than places available the published admission criteria must be applied.
45. Pupils can only be refused a place at a school if one of the statutory reasons in the School Admissions Code applies.
46. Pupils should not be placed outside the normal age group without written recommendation from an Educational Psychologist.
47. The LA will keep a track of any pupils who apply for 'In Year' admissions, and intervene as appropriate to ensure that they are placed in a school without undue delay particularly in respect of Looked After Children and disadvantaged children moving into the area i.e. Gypsy, Roma and Traveller children.
48. Where schools are their own admission authority i.e. Academy, Trust or VA, the school will be responsible for presenting the schools case for any in-year appeals lodged. The school should liaise directly with the Clerk to the Independent Appeal Panel, Legal, Governance and Commercial Services, North Tyneside Council, NE27 0BY. Tel: (0191) 643 5316.

DETERMINING OFFERS IN RESPONSE TO THE COMMON APPLICATION FORM

Pupils living in North Tyneside and applying for a school in the area (including Academies, Trust and Voluntary Aided Schools) The LA will notify the parent of the outcome of the place for all schools including Academies, Trust and VA schools.

Pupils living in North Tyneside applying for a school out of the area

The 'Home' authority (NorthTyneside) must contact the maintaining authority to confirm the availability of a place. The 'Home' authority (NorthTyneside) would then confirm the offer of the place in writing to the parent, with a copy to the maintaining authority.

Pupils living out of the area applying for a North Tyneside school

The 'Home' authority must contact North Tyneside LA to confirm the availability of a place. The 'Home' authority would then confirm the offer of a place to the parent, with a copy of the offer to North Tyneside LA.

Acceptance of the school place

Parents will be expected to respond to accept or decline the offer within 10 working days, failure to do so will result in the school place being assumed as accepted and the school notified accordingly.

WAITING LISTS

The LA will hold the waiting list where requested. The waiting list will be held for the year of entry only i.e. reception class for oversubscribed schools. The list will be held for **one term** in the academic year. No list will be held by the Local Authority for any school after **31 December 2021**.

SCHEDULE 2
TIMETABLE OF CO-ORDINATED SCHEME
FIRST AND PRIMARY SCHOOLS

DATE	EVENT
11 September 2020	Application Process begins for 2021/22
15 January 2021	Closing date for all applications to be received by the Local Authority
3 February 2021	Details of preferences to be sent to Trust, VA, Academies and other Local Authorities where preferences stated are for schools other than the home LA.
26 February 2021	The admission authority for each Trust, VA and Academy School will provide the LA with a list in rank order in accordance with their admission criteria of all pupils who applied for a place at the school.
8 March 2021	The LA will exchange responses to preferences with other LAs.
26 March 2021	The LA will inform all North Tyneside schools of children to offered places at their schools.
16 April 2021	National Offer Day for places
1 May 2021	Last date for parents to accept or refuse the offer that has been made.
1 May 2021	Last date for parents to request in writing that they want to place their child's name on the waiting list for any schools which they have applied for and been refused.
7 May 2021	The LA reallocates any places that have become available since offer day.

June/July 2021	Appeals to be heard

CO-ORDINATED ADMISSIONS SCHEME – FIRST AND PRIMARY SCHOOLS

Admission Authorities in the Area of North Tyneside to which the scheme applies

The Scheme applies to the Governing Body as the Admission Authority for the following Voluntary Aided Schools:

Christ Church C of E Primary School	Keilder Terrace North Shields NE30 2AD
St Bartholomew's C of E Primary	Goathland Avenue Longbenton NE12 8FA
Wallsend St Peter's C of E Primary School	North Terrace Wallsend NE28 6PY
St Aidan's RC Primary School	Coniston Road Wallsend NE28 0EP
St Bernadette's RC Primary School	Rising Sun Cottages Wallsend NE28 9JW
St Columba's RC Primary School	Station Road Wallsend NE28 8EN
St Cuthbert's RC Primary School	Lovaine Place North Shields NE29 0BU
St Joseph's RC Primary School	Wallsend Road North Shields NE29 7BT
St Mary's RC Primary School	Farringdon Road North Shields NE30 3EY
St Mary's RC Primary School	Great Lime Road Forest Hall NE12 7AB
St Stephens' RC Primary School	Goathland Avenue Longbenton NE12 8FA
Star of the Sea RC Primary School	Seatonville Road Whitley Bay NE25 9EG

The Scheme applies to the Governing Body as the Admission Authority for the following Learning Trust Schools:

Amberley Primary School	East Bailey Killingworth NE12 6SQ
Appletree Gardens First School	Appletree Gardens Whitley Bay NE25 8XS
Balliol Primary	Chesters Avenue Longbenton NE12 8QP
Battle Hill Primary School	Berwick Drive, Battle Hill Wallsend NE28 9DH
Benton Dene Primary School	Hailsham Avenue, Longbenton NE12 8FD
Burradon Primary School	Burradon Road Cramlington NE23 7NG
Carville Primary School	The Avenue Wallsend NE28 6AX
Denbigh Primary	Denbigh Avenue Wallsend NE28 0DS
Fordley Primary	Dudley Drive, Fordley Cramlington NE23 7AL
Forest Hall Primary School	Delaval Road Forest Hall NE12 9BA
Greenfields Primary School	Taylor Avenue Wideopen NE13 6NB
Hadrian Park Primary School	Addington Drive Wallsend NE28 9RT
Hazlewood Primary School	Canterbury Way, Woodlands Park Wideopen NE13 6JJ
Ivy Road Primary	Forest Hall Newcastle NE12 9AP
King Edward Primary	Preston Avenue

North Shields NE30 2BD

Monkhouse Primary School

Wallington Avenue
North Shields NE30 3SH

Preston Grange Primary	Chiltern Road North Shields NE29 9QL
Redesdale Primary School	Wiltshire Drive Wallsend NE28 8TS
Richardson Dees Primary	High Street East Wallsend NE28 7RT
Rockcliffe First School	Grafton Road Whitley Bay NE26 2NR
Stephenson Memorial Primary	Martin Road Wallsend NE28 0AG
Wallsend Jubilee Primary School	Mullen Road Wallsend NE28 9HA
Western Primary School	Rutland Road Wallsend NE28 8QL
Westmoor Primary School	Southgate Killingworth, NE12 6SA
Whitehouse Primary School	Whitehouse Lane North Shields NE29 7PE

The Scheme applies to the Governing Body as the Admission Authority for the following Academies:

Grasmere Academy	Grasmere Court Killingworth NE12 6TS
Kings Priory School	Huntington Place North shields NE30 4RF

Community Schools where the Local Authority is the Admission Authority

Coquet Park First	The Links Whitley Bay NE26 1TQ
Langley First	Drumoyne Gardens West Monkseaton NE25 9DL
Marine Park First	Park Road Whitley Bay NE26 1LT
Southridge First	Cranleigh Place Whitley Bay NE25 9UD

South Wellfield First	Otterburn Avenue Whitley Bay NE25 9QL
Whitley Lodge First	Woodburn Drive Whitley Bay NE26 3HW
Backworth Park Primary	Hotspur North Backworth NE27 0FZ
Bailey Green Primary	West Bailey Killingworth NE12 6QL
Collingwood Primary	Oswin Terrace North Shields NE29 7JQ
Cullercoats Primary	Marden Avenue, Cullercoats North Shields NE30 4PB
Holystone Primary	Whitley Road, Holystone Newcastle NE27 0DA
New York Primary	Lanark Close, New York North Shields NE29 8DP
Percy Main Primary	Nelson Terrace North Shields NE29 6JA
Preston Grange Primary	Chiltern Road, Preston Grange North Shields NE29 9QL
Riverside Primary	Minton Lane North Shields NE29 6DQ
Shiremoor Primary	Stanton Road, Park Estate Shiremoor NE27 0PW
Spring Gardens Primary	Brightman Road North Shields NE29 0HP
Waterville Primary	Waterville Road North Shields NE29 6SL

PROPOSED

Co-ordinated Admissions Scheme for Middle and High Schools in the area of North Tyneside Local Authority 2021

Introduction

1. This Scheme is made by North Tyneside Council under the Education (Co-ordination of Admission Arrangements) (Primary) (England) Regulations 2008 and applies to all Middle and High Schools in North Tyneside.

Interpretation

2. In this Scheme -

"The LA" means North Tyneside Council acting in their capacity as Local Authority;

"The LA area" means the area in respect of which the LA is the Local Authority;

"Primary education" has the same meaning as in section 2(1) of the Education Act 1996;

"Secondary education" has the same meaning as in section 2(2) of the Education Act 1996;

"Primary school" has the same meaning as in section 5(1) of the Education Act 1996;

"Secondary school" has the same meaning as in section 5(2) of the Education Act 1996;

"School" means a community, foundation or voluntary school (but not a special school), which is maintained by the LA;

"VA schools" means such of the schools as are voluntary aided schools;

"Trust schools" means such of the schools have a trust status;

"Academy" means such of the schools have academy status;

"Admission Authority" in relation to a community school means the LA and, in relation to Trust and VA schools means the governing body of that school and in relation to an Academy means the Academy Trust of that school.

"The equal preference system" the scheme operated by North Tyneside Council whereby all preferences listed by parents/carers on the common application form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil may be offered a place at more than one school, the rankings are used to determine the single offer by selecting the one ranked highest on the common application form;

"The specified year" means the school year beginning at or about the beginning of September 2021;

"Academic year" means a period commencing with 1st August and ending with the next 31st July.

Appendix 2

“The determination year” in relation to the proposed admission arrangements for a school, means the academic year beginning two years before the academic year to which the arrangements relate.

"Admission arrangements" means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered;

“Parent/Carer” means any person who holds parental responsibility, as defined under the 1989 Children Act, and with whom the child normally resides;

“Direct distance” means the distance measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council’s Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority;

“Appropriate school” means the nearest school identified by the authority in accordance with the home to school transport policy;

“Home” local authority means the local authority in whose area the parents live;

The Secondary “National Offer Day” is 1 March or the next working day;

“In year “admission means any application for a place other than the normal year of entry;

School Admissions Code refers to the code published on 19 December 2014;

“Eligible for a place” means that a child has been placed on a school’s ranked list at such a point, which falls within the school’s published admission number.

Commencement and extent

This scheme applies in relation to the admission arrangements for the schools for admission year 2021-2022 (the specified year).

The LA will include in its admission arrangements for the specified year the provisions set out in Schedule 1 to this scheme, or provisions having the same effect.

The governing body of each of the Academies, VA and Trust schools will include in its admission arrangements for the specified year the provisions set out in the Schedule, so far as relevant to that school, or provisions having the same effect.

The Scheme

1. The Scheme shall be determined in accordance with the provisions set out in Schedule 1 and processed in accordance with the timetable set out in Schedule 2.
2. The scheme shall apply to every school in the LA area as identified in Appendix 1 (except special schools).
3. The Scheme will also include applications from parents seeking admission to North Tyneside schools who live within the following neighbouring LA’s:

- Newcastle Local Authority
- Northumberland Local Authority

We will also co-ordinate our admission process with any other Admission Authorities where relevant.

SCHEDULE 1

PART I - THE SCHEME

1. There will be a standard form known as the Common Application Form.
2. The Common Application Form will be used for the purpose of admitting pupils into the first year of Middle and High School education in the specified year, and for applications made outside the normal year of entry i.e. 'In year' admissions leading up to, and during, the academic year 2021/2022.
3. The Common Application Form must be used as a means of expressing up to 3 preferences for the purposes of section 86 of the School Standards and Framework Act 1998, by parents resident in the LA area wishing to express a preference for their child-
 - a to be admitted to a school within the LA area (including Academies, VA and Trust schools);
 - b to be admitted to a school located in another LA's area (including Academies, VA, and Trust schools)
4. **The Common Application Form will -**
 - a Allow parents to express up to 3 preferences, including, where relevant, any schools outside the LA's area, in the rank order in which they wish their child to receive an offer of a place at the respective schools,
 - b Specify the closing date and where the application form must be returned in accordance with paragraph 10.
5. **The LA will make appropriate arrangements to ensure:**
 - a That the Common Application Form is available on request from the LA and on-line at www.northtyneside.gov.uk/schooladmission until the closing date and
 - b. That the Common Application Form is accompanied by a written explanation of the key features of the co-ordinated admissions scheme.
6. **The LA will take all reasonable steps to ensure that:**
 - a Every parent resident in the LA area who has a child attending year 4 of a First School year 6 of a Primary and year 8 of a Middle School and is eligible to commence secondary education receives a written explanation of how to apply either online or paper copy (on request only); and
 - b Every parent whose application falls within the category of an 'In Year' transfer receives a copy of the Common Application Form (and written explanation), on request, and understands the process.

Parents will be advised that they will receive no more than one offer of a school place and that:

- (i) If more than one school is nominated and two or more preferences can be offered the parent will be regarded as having ranked the schools in the order appearing on the form (the first-mentioned being ranked the highest); and
 - (ii) Places at any oversubscribed school will be offered on the basis of equal preference rank order and that where an offer is made it would be for the highest ranked school.
 - (iii) If a place cannot be offered at a nominated school, a place will be offered at an alternative school.
7. The Common Application Form will include an extra section to be completed by parents who express a preference for a Voluntary Aided School to enable them to provide additional relevant information.
 8. Where a school receives a supplementary information form from a North Tyneside resident it will not be regarded as a valid application unless the parent has also completed a Common Application Form and the school is nominated on it. Where supplementary information forms are received directly by schools the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, the LA will contact the parent and ask them to complete a Common Application Form. Under the requirements of the scheme parents will not be under any obligation to complete an individual school's supplementary information form where this is not strictly required for the governing body to apply their oversubscription criteria.
 9. Any school which operates criteria for selection by ability or aptitude must ensure that its arrangements for assessing ability or aptitude, to enable decisions to be made on nominations, conform to the timing requirements of the scheme as set out in Schedule 2. (N.B. no Community, Academy, Trust or Voluntary Aided School in North Tyneside operates criteria for selection based on ability or aptitude)

Processing of Common Application Forms

10. It will be the responsibility of parents to ensure that Common Application Forms are received directly to the LA by the closing date of **30 October 2020**. Common Application Forms may also be completed on-line by the closing date.

Determining offers in response to the Common Application Form

11. The LA will act as a clearinghouse for the allocation of places by the relevant admission authorities in response to the Common Application Forms. The LA will only make any decision with respect to the offer or refusal of a place in response to any preference expressed on the Common Application Form where-
 - (a) It is acting in its separate capacity as an admission authority, or
 - (b) An applicant is eligible for more than one place and is allocated a place at the highest ranked school, or
 - (c) An applicant is not eligible for a place at any school that the parent has nominated.

The LA will allocate places in accordance with the provisions set out in paragraph 18 of this Schedule.

12. Completed application forms must be received by the closing date of **30 October 2020**.
13. Completed application forms, which are received after the closing date will be marked '**LATE**' and considered on an individual basis except that the procedure must not prevent the proper processing under the Scheme of application forms received on time.
14. The LA will process all application forms; any completed application forms must be treated as a confidential communication between the parent and the LA. All ranked applications received by the closing date will be considered before any ranked applications received after this closing date unless exceptional circumstances apply.
15. **23 November 2020** the LA will notify the admission authority for each of the schools of every nomination that has been made for that school, including all relevant details and any supplementary information received by this date, which schools require in order to apply their oversubscription criteria. Where parents have nominated a school outside the LA area, the LA will also similarly notify the relevant authority/authorities by this date.
16. **11 January 2021** the admission authority for each Trust, VA and Academy school will provide the LA with a list in rank order, in accordance with their admission criteria of all pupils who applied for a place at the school. The LA will then match this ranked list against the ranked lists of the other schools nominated.
17. **25 January 2021** the LA will exchange responses to preferences with other LAs.
18. **25 January 2021** the LA will match the provisional offers of places against each parent's ranking and proceed as follows:
 - Where the child is eligible for a place at only one of the preferred schools, a place at that school will be offered to the child.
 - Where the child is eligible for a place at two or more of the preferred schools, they will be offered a place at whichever school is the highest ranked and any lower offers will be disregarded.
 - Where none of the preferences can be met, the child will be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
 - The LA will allocate a school place to those pupils who have not submitted a Common Application Form after all other pupils who submitted a Common Application Form have been considered. The LA will allocate a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, as measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
19. **15 February 2021** -The LA informs its Middle and High Schools of the pupils to be offered places at their schools and informs other LAs of places in North Tyneside schools to be offered to their residents.

- 20. 1 March 2021** parents will be notified by email if the parent applied online and if the parent completed a paper application a letter will be posted 2nd class informing them of the school place allocated. This letter will give the following information
- The name of the school at which a place is offered;
 - The reasons why the child is not being offered a place at any of the other higher ranked schools nominated on the Common Application Form;
 - Information about their statutory right of appeal against the decisions to refuse places at the other nominated schools;
 - Invite parents to contact the LA if they want to be considered for any places that might become available in schools, they ranked higher than the school they are offered, in the re- allocation process on 20 March 2019;
 - Contact details for the schools (in the case of nominated VA schools where they were not offered a place) so that they can lodge an appeal, with the governing body, and the relevant LAs.

The letter will not inform parents of places still available at other schools.

- 21. 15 March 2021: (1)** the deadline for parents to accept the place offered. If they do not respond by this date the LA will continue to pursue parents for written confirmation of acceptance for oversubscribed schools. **(2)** the deadline for parents to request to place their child's name on a waiting list for any school they ranked higher on their Common Application Form than the school they were offered.

WAITING LISTS

Parents may ask for their children to be kept on a waiting list of children to be re-allocated places if they become available after 1 March 2019 at any school, they have ranked higher on their Common Application Form than the school they were offered. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form they may be placed on the list of all the schools they did nominate and can then be considered for places at those schools. If pupil numbers fall below the published admission number, then children will be admitted from the waiting list according to the admission criteria regardless of when their application form was received. The LA will hold all waiting lists where requested. Waiting lists for schools will be kept for **one term** in the academic year i.e. **31 December 2021**. No list will be kept for any school thereafter either by the Local Authority or by any individual school.

- 22. 22 March 2021:** The LA re-allocates any places that may have become vacant since 1 March, in accordance with the school admission criteria, which will include the following:
- Those who have not yet been offered any school place, for example, late applications from parents who have just moved into the area and have not been offered a school place.
 - Those who have not been offered a school place at any of the schools they nominated on the Common Application Form and the place that has become available is at a school originally nominated on the Common Application Form.
 - Those who have been offered a school place but who ranked the school at which a place has now become available higher on the Common Application Form.

Appendix 2

Where there are more applicants than places available then the priorities used within the school's admission criteria will also be applied to all applicants on the waiting list to determine the allocation of places.

23. Where a parent has been allocated a place at their second ranked school, they may be placed on a waiting list of their first ranked school but not their third and so on. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form, they may be placed on the list of all the schools they did nominate and can then be considered for places at those schools.
24. Waiting lists for schools will be kept by the Local Authority for **one term** in the academic year i.e. **31 December 2021**. No lists will be kept for any school thereafter, either by the LA or by individual schools.
25. Where parents have not returned their acceptance slip for oversubscribed schools the LA will give the parent a further opportunity to respond however, the LA will explain that the offer may be withdrawn if they do not accept.

PART 2 – LATE APPLICATIONS

26. The closing date for applications in the normal admissions round is **31 October 2020**. As far as is reasonably practicable applications for places in the normal admissions round that are received late for a good reason or in exceptional circumstances may be considered provided they are received before **23 November 2020**, the date the allocation procedures begin. Examples of what may be considered as good reason and exceptional circumstances include: when a lone parent has been ill for some time, or has been dealing with the death of a close relative; a family has just moved into the area or is returning from abroad (proof of ownership or tenancy of a North Tyneside property will be required in these cases). Other circumstances may be considered, and each case will be decided on its own merits by each individual admission authority.

CHANGE OF SCHOOL PREFERENCE AFTER 31 OCTOBER 2020:

27. Once parents have submitted their Common Application Form, they cannot change their preferences without a genuine reason, for example if the family has recently moved address, proof of ownership or tenancy of a North Tyneside property will be required.

LATE APPLICATIONS RECEIVED AFTER 23 November 2020

28. Late applications received after 23 November 2020, which, are not deemed to be exceptional by the Authority, will not be processed until after 1 March. Parents will, nevertheless receive an offer of a school place on 1 March 2021 in accordance with the terms of the scheme.

NO COMMON APPLICATION FORM RECEIVED BY 1 March 2021

29. Where no Common Application Form is submitted the child will, on 1 March 2021 be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy.

APPLICATIONS RECEIVED AFTER 1 March 2021

30. Applications received after 1 March at any school must be forwarded to the LA immediately. Where only the supplementary information form is received the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, contact the parent and ask them to complete a

Common Application Form. The LA will enter the details onto its Education Management System (EMS) and, after consultation with the relevant admission authority, offer a place as soon as possible at the school highest in the parent's order of preference that has a vacancy or if this is not possible, at the nearest appropriate school with a vacancy (as defined in paragraph 18).

CHANGE OF SCHOOL PREFERENCE AFTER 1 March 2021

31. Parents cannot change their original school preference(s) without a genuine reason, for example if the family has recently moved address. Where the LA agrees to accept a change of preference application the original school preference will be cancelled, and a new application must be submitted which will be considered as 'Late'. Any place previously offered at a school in North Tyneside on 1 March 2021 will be withdrawn and the parent will be notified in writing of the outcome.

YEAR OF ENTRY APPEALS

32. All Admission Authorities must publish their appeals timetable on their website by **28 February each year**.
33. Where schools are their own admission authority i.e. Academies, VA and Trust the school will be responsible for presenting the schools case for any appeals lodged. However, for Academies and Trust Schools the LA can be present for stage 1 of the appeal to answer any questions on the admission process.

PART 3 - 'IN YEAR' ADMISSIONS

APPLICATIONS RECEIVED AFTER 1 March 2021

34. Applications received after 1 March 2021, and for places in year groups other than the normal year of entry to Middle and High schools, will be treated as 'In Year' admissions.

APPLYING FOR A SCHOOL PLACE OUTSIDE THE NORMAL YEAR OF ENTRY

35. Parents must apply to their 'home' local authority regardless of the school they are applying for.
36. The 'home' local authority will process all Common Application Forms and inform parents of the outcome of their application even if the school is an Academy, Trust or Voluntary Aided.
37. The local authority is unable to process applications for schools where the date that the place is required from, is more than 2 months from the date of the application (Service and Crown Personnel are exempt).
38. Children must be resident in the country before a Common Application Form can be considered (Service and Crown Personnel are exempt).
39. School places cannot be allocated on the basis of intended future changes of address unless a house move has been confirmed through the exchange of contracts or a rental agreement. The admission authority reserves the right to seek further documentary evidence to support the claim to residence.

Looked After Children

A Local Authority has the power to direct an admission authority (including Academies, Trust and Voluntary Aided schools) to admit a child who is Looked After by the Local

Authority, even when the school is full. The Local Authority must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size. In respect of admissions for key stage 1 a Looked After Child would be admitted as an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

RESPONDING TO COMMON APPLICATION FORMS

40. If the application is for an Academy, Trust or Voluntary Aided school, the local authority will refer the application to the Governing Body of the school. In the case of applications for schools outside North Tyneside, the LA will contact the relevant authority.
41. All admission authorities must respond to the local authority within 5 school days of receiving the Common Application Form informing them of the decision. If there is a place available pupil **must** be admitted within 20 school days of the application being received by the local authority or at the beginning of a half term if appropriate.
42. Where a place is not available at the highest ranked school the local authority will coordinate with the second and third preference schools until a place can be offered at one of the preferences.
43. If the pupil is not on the roll of a North Tyneside school and a place cannot be offered at any of the nominated schools, the parent will be informed of places available at other schools in the area.
44. If there are more applications than places available the published admission criteria must be applied.
45. Pupils can only be refused a place at a school if one of the statutory reasons in the School Admissions Code applies.
46. Pupils should not be placed outside the normal age group without written recommendation from an Educational Psychologist.
47. The LA will keep a track of any pupils who apply for 'In Year' admissions and intervene as appropriate to ensure that they are placed in a school without undue delay particularly in respect of Looked After Children and disadvantaged children moving into the area i.e. Gypsy, Roma and Traveler children.
48. Where schools are their own admission authority i.e. Academy, Trust or VA, the school will be responsible for presenting the schools case for any in-year appeals lodged. The school should liaise directly with the Clerk to the Independent Appeal Panel, Legal, Governance and Commercial Services, North Tyneside Council, NE27 0BY. Tel: (0191) 643 5316.

DETERMINING OFFERS IN RESPONSE TO THE COMMON APPLICATION FORM

Pupils living in North Tyneside and applying for a school in the area (including Academies, Trust and Voluntary Aided Schools) The LA will notify the parent of the outcome of the place for all schools including Academies, Trust and VA schools.

Pupils living in North Tyneside applying for a school out of the area

Appendix 2

The 'Home' authority (NorthTyneside) must contact the maintaining authority to confirm the availability of a place. The 'Home' authority (NorthTyneside) would then confirm the offer of the place in writing to the parent, with a copy to the maintaining authority.

Pupils living out of the area applying for a North Tyneside school

The 'Home' authority must contact North Tyneside LA to confirm the availability of a place. The 'Home' authority would then confirm the offer of a place to the parent, with a copy of the offer to North Tyneside LA.

Acceptance of the school place

Parents will be expected to respond to accept or decline the offer within 10 working days, failure to do so will result in the school place being assumed as accepted and the school notified accordingly.

WAITING LISTS

The LA will hold the waiting list where requested. The waiting list will be held for the year of entry only i.e. reception class for oversubscribed schools. The list will be held for **one term** in the academic year. No list will be held by the Local Authority for any school after **31 December 2021**.

SCHEDULE 2**TIMETABLE OF CO-ORDINATED SCHEME
MIDDLE AND HIGH SCHOOLS**

DATE	EVENT
10 September 2020	Application Process begins for 2021/22
30 October 2020	Closing date for all applications to be received by the Local Authority
23 November 2020	Details of preferences to be sent to Trust, VA, Academies and other Local Authorities where preferences stated are for schools other than the home LA.
11 January 2021	The admission authority for each Trust, VA and Academy School will provide the LA with a list in rank order in accordance with their admission criteria of all pupils who applied for a place at the school.
25 January 2021	The LA will exchange responses to preferences with other LAs.
15 February 2021	The LA will inform all North Tyneside schools of children to offered places at their schools.
1 March 2021	National Offer Day for places
15 March 2021	Last date for parents to accept or refuse the offer that has been made.
15 March 2021	Last date for parents to request in writing that they want to place their child's name on the waiting list for any schools which they have applied for and been refused.
22 March 2021	The LA reallocates any places that have become available since offer day.
June/July 2021	Appeals to be heard

CO-ORDINATED ADMISSIONS SCHEME – MIDDLE AND HIGH SCHOOLS**Admission Authorities in the Area of North Tyneside to which the scheme applies****The Scheme applies to the Governing Body as the Admission Authority for the following Roman Catholic Academy:**

St Thomas More RC Academy	Lynn Road North Shields NE29 8LF
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The Scheme applies to the Governing Body as the Admission Authority for the following Learning Trust Schools:

Marden Bridge Middle School	Lovaine Avenue Whitley Bay NE25 8RW
Monkseaton Middle School	Vernon Drive, Monkseaton Whitley Bay NE25 8JN
Valley Gardens Middle School	Valley Gardens Whitley Bay NE25 9AQ
Wellfield Middle School	Kielder Road, South Wellfield Whitley Bay NE25 9WQ
Burnside Business Enterprise College	St Peter's Road Wallsend NE28 7LQ
Churchill Community College	Churchill Street Wallsend NE28 7TN
George Stephenson High School	Southgate Killingworth NE12 6SA
John Spence Community High School	Preston North Road North Shields NE29 9PU
Longbenton High School	Hailsham Avenue Longbenton NE12 8ER
Marden High School	Hartington Road North Shields NE30 3RZ
Monkseaton High	Seatonville Road Whitley Bay NE25 9EQ

Norham High School

Alnwick Avenue
North Shields NE29 7BU

Whitley Bay High School

Deneholm
Whitley Bay NE25 9AS

The Scheme applies to the Governing Body as the Admission Authority for the following Academies:

Kings Priory School

Huntington Place
Tynemouth, North Shields, NE30 4RF

North Gosforth Academy

Dudley Lane
Seaton Burn NE13 6EJ

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Proposed

NORTH TYNESIDE COUNCIL

Admission Numbers September 2021 (updated)

North Tyneside Community First and Primary Schools

School No.	School Name	Published Admission Number 2018	Indicated Admission Number	Admission Number 2020	Comments
392/2032	Backworth Park Primary School	30	45	45 (Reception only)	
392/2054	Bailey Green Primary School	60	60	60	
392/2076	Collingwood Primary School	60	58	60	
392/2059	Coquet Park First School	30	30	30	
392/2000	Cullercoats Primary School	60	58	60	
392/2036	Holystone Primary School	60	60	60	
392/2060	Langley First School	60	60	60	
392/2058	Marine Park First School	75	75	75	
392/2081	New York Primary School	44	45	45	
392/2008	Percy Main Primary School	30	34	30	
392/2021	Riverside Primary School	30	30	30	
392/2031	Shiremoor Primary School	60	60	60	
392/2055	South Wellfield First School	60	58	60	
392/2046	Southridge First School	60	60	60	
392/2016	Spring Gardens Primary School	60	57	60	
392/2004	Waterville Primary School	30	30	30	
392/2074	Whitley Lodge First School	45	45	45	

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**PROPOSED ADMISSION POLICY- SEPTEMBER 2021 for
Sir James Knott Nursery School and
Community and Trust Schools which have
a Nursery Class attached
(Including Grasmere Academy)**

Applications for nursery places should be made directly to the school before the end of January preceding admission in September. Offers of place will be made as soon as possible after this date.

The LA provides nursery education to three year olds and four year olds leading up to their statutory school starting age.

Oversubscription Criteria

1. Looked after children in the care of a local authority or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements (formerly residence) or special guardianship order. **See Note 1 below.**
2. Pupils who live within the catchment area of the nursery school/class (pupils in this category with a sibling link (an older brother or sister) who will be attending the school in September 2021 will be given priority.
3. Sibling link (an older brother or sister) to include adoptive siblings, half siblings, step siblings and long term fostered children residing at the same address and who will be attending the nursery school/class in September 2021.
4. Shortest distance measured as a straight line from a single fixed central point of the home address (including flats) to the central point of the nursery school/class using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS) system.

N.B The above distance measurement will also be used as a 'tiebreaker' within each criterion, if necessary. In the case of flats if there is more than one home address with the same measurement the flat with the lowest number will be offered the place. In all other cases of the same measurement, random allocation will be used.

NOTE 1

A looked after child is a child who is in the care of a local authority in accordance with section 22 of the Children Act 1989 at the time the application for admission to school is made and whom the local authority has confirmed will still be looked after at the date of admission. This also includes children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

An **adoption order** is an order made under section 46 of the Adoption and Children Act 2002

A **child arrangements order** (formerly residence order) is an order outlining the arrangements as to the person with whom the child will live under section 8 of the Children Act 1989

It should be noted that places in a nursery school or nursery class should be on a part- time basis (5 mornings or 5 afternoon sessions per week) and this will be the maximum amount of funding allocated. One nursery session is based on three hours in length.

Full time places can only be agreed in exceptional circumstances and in agreement with the Head of Commissioning and Asset Management.

Waiting Lists

Where parents are refused a place schools will keep a waiting list of the names of applicants up to the start of the Autumn Term or ongoing. Children are placed on the waiting list according to the oversubscription criteria regardless of when their application was received. Within each criterion their place is ordered by shortest distance to the school measured in a straight line, from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS), with those living closer to the school receiving higher priority.

If a place becomes available it will be offered to the child at the top of the waiting list. This means a child who is on the waiting list will move down the list if another late application is received that falls within a higher priority under the oversubscription criteria.

There is no appeal procedure for parents refused a place in a nursery school/class but if parents feel that they have been unfairly treated then they can go through the Schools Complaints procedure through the Governing Body.

**PROPOSED
ADMISSION POLICY FOR COMMUNITY FIRST AND PRIMARY SCHOOLS
2021-22**

Where the Local Authority receives more applications than places available the following admission criteria are used to decide on admission to Community First and Primary Schools.

All Community First and Primary Schools operate an equal preference system for processing parental preferences.

In accordance with the Education Act 1996, children with a Statement of Special Educational Needs are required to be admitted to the school named in the statement and with effect from September 2014 those children with an Education Health and Care Plan (EHCP). Thereafter the following oversubscription criteria will apply.

Oversubscription Criteria

1. Looked after children in the care of a local authority or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements (formerly residence) or special guardianship order. **See Note 1 below.**
2. Pupils who live within the catchment area of the school (pupils in this category with a sibling link (an older brother or sister) who will be attending the school in September 2021 will be given priority).
3. Sibling link (an older brother or sister) to include adoptive siblings, half siblings, step siblings and long term fostered children residing at the same address and who will be attending the school in September 2021.
4. Shortest distance measured as a straight line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS) system.

N.B The above distance measurement will also be used as a 'tiebreaker' within each criterion, if necessary. In the case of flats if there is more than one home address with the same measurement the flat with the lowest number will be offered the place. In all other cases of the same measurement, random allocation will be used.

NOTE 1

A looked after child is a child who is in the care of a local authority in accordance with section 22 of the Children Act 1989 at the time the application for admission to school is made and whom the local authority has confirmed will still be looked after at the date of admission. This also includes children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

An **adoption order** is an order made under section 46 of the Adoption and Children Act 2002

A **child arrangements order** (formerly residence order) is an order outlining the arrangements as to the person with whom the child will live under section 8 of the Children Act 1989

A **special guardianship order** is an order appointing one or more individuals to be a child's special guardian or guardians.

Closing Date

In determining admissions, priority will be given to those applications where the parental application is received by the published deadline date **14 January 2021**.

Late Applications

If you return your application after the closing date your application will be classed as Late unless exceptional circumstances exist. The Governing Body will consider your reasons, provided they are received before 31 January 2021 and if they are exceptional, consider your application along with those received on time. Examples of what may be considered as exceptional circumstances are a family who have just moved into the area (proof of ownership or tenancy agreement will be required). If your reasons are not exceptional then your application will not be processed until after **16 April 2021**. You should be aware that this will reduce your chance at gaining a place at the school you want.

Offer Date

16 April 2021 parents will be notified of the outcome to their application. If you applied online and requested an email response, then you will be sent an email on this day. If you completed a paper application a letter will be sent out by 2nd class post on this day.

Equal Preference System

The Governing Body of each school operates an equal preference system for processing applications. This means at the first stage there will be no distinction between first, second or third preference applications. Therefore, all applications will be considered equally against the admission criteria. If a pupil qualifies for a place at more than one school the parent's highest ranked preference will be offered and any lower ranking offers will be disregarded.

Parental Responsibility

When considering your application, the Local Authority will use the parental home residence of the Parent/Carer who receives or would have received the child benefit for the child/ren.

Waiting lists

If you have been refused your preferred school(s), you will have the opportunity to place your child's name on a waiting list(s) for those schools. You may wish to place your child's name on a waiting list for more than one school. Children are placed on

the waiting list according to the oversubscription criteria regardless of when their application was received. Within each criterion their place is ordered by shortest distance to the school measured in a straight line, from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS), with those living closer to the school receiving higher priority.

If pupil numbers fall below the published admission number, the place will be offered to the child at the top of the waiting list. This means a child who is on the waiting list will move down the list if another late application is received that falls within a higher priority under the oversubscription criteria.

Waiting lists for schools will be held for one term in the academic year i.e. 31 December 2021; no list will be held by any individual school or the Local Authority after this date.

Catchment Areas

All Learning Trust Schools have a defined geographic area called a catchment area. To find out which catchment area you live in log onto www.northtyneside.gov.uk or contact the Access Team on telephone number 0191 643 8724

Sibling Link

If your child has an older brother or sister residing at the same address (including adoptive siblings, half siblings, step siblings, long term fostered children) attending your preferred school in September 2021, the governing body will consider this as a sibling link. However, no guarantee is given that siblings can transfer to the same school where the school is oversubscribed.

Admission of children below compulsory school age and deferred entry to school

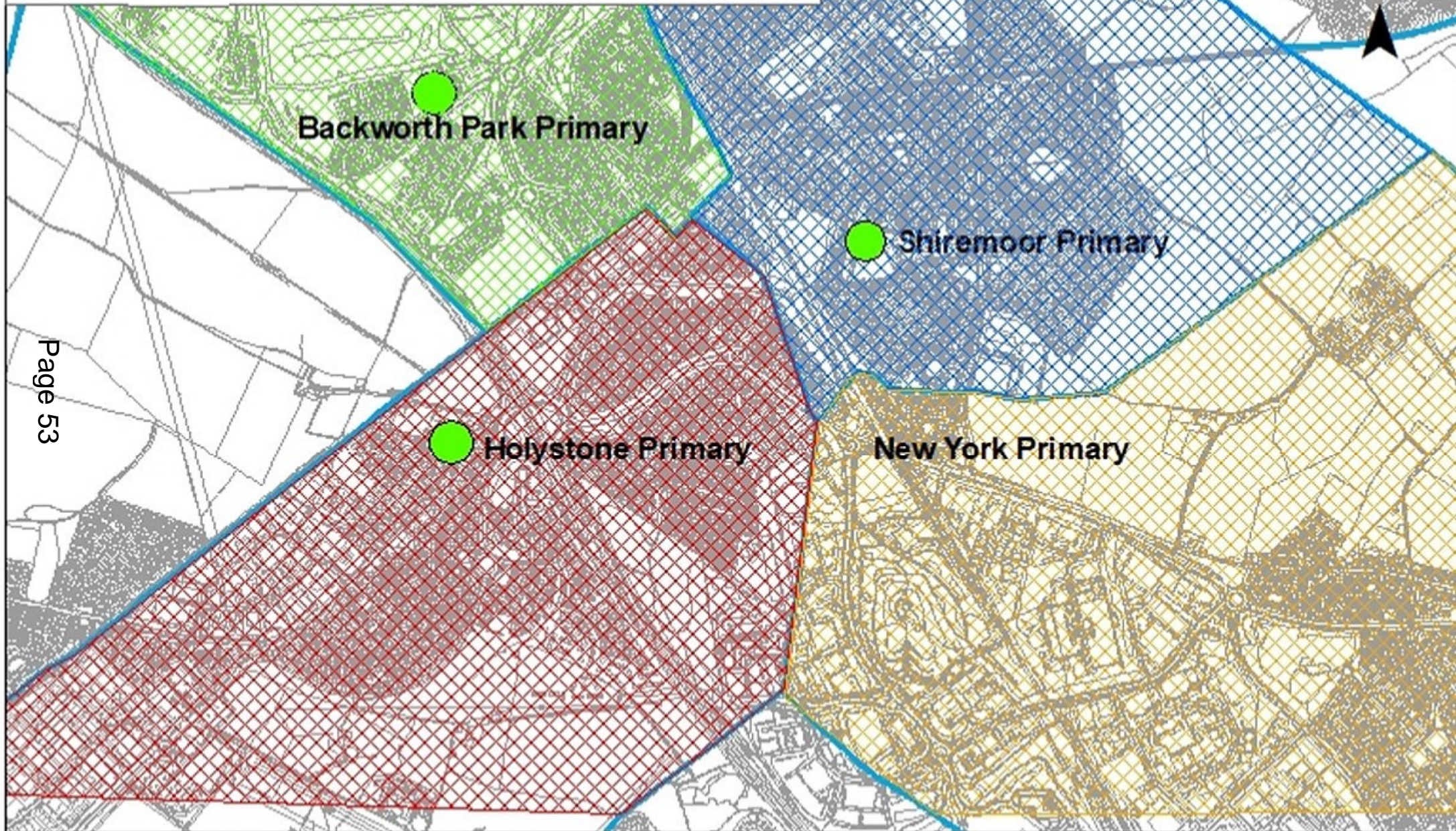
The School Admissions Code requires school admission authorities to provide for the admission of all children in the September following their fourth birthday. However, a child is not required to start school until they have reached compulsory school age following their fifth birthday. For summer born children this is almost a full school year after the point at which they could first be admitted.

Some parents may feel that their child is not ready to start school in the September following their fourth birthday. Parents can request that their child attends part-time until he/she reaches compulsory school age, or that the date their child is admitted to school is deferred until later in the same academic year. The child must, however, start school full time in the term after its fifth birthday.

Parents can request that the date their child is admitted to school is deferred until later in the academic year or until the term in which the child reaches compulsory school age

Further information/advice on the admission of summer born children is available on the school's website and North Tyneside Council's website at www.northtyneside.gov.uk

Catchment Review December 2019.
Existing Catchment Boundaries for Backworth Park, Shiremoor,
New York and Holystone Primary Schools



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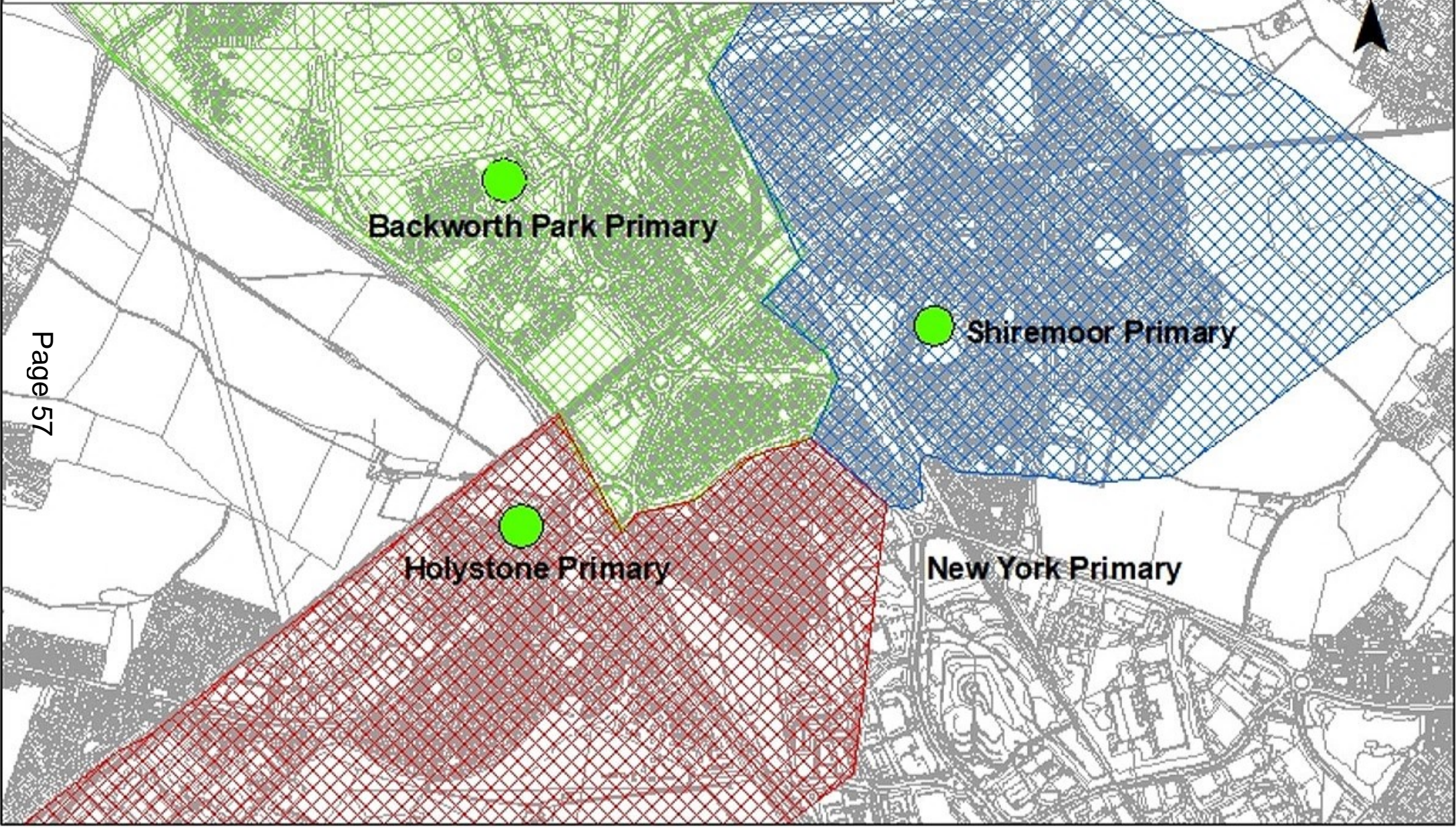
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**CONSULTATION PROPOSED CHANGES TO CATCHMENT
AREAS BACKWORTH/HOLYSTONE/SHIREMOOR/NEW YORK
16 DECEMBER 2019 – 29 JANUARY 2020**

NUMBERS	STREET	CURRENT CATCHMENT SCHOOL	PROPOSED CATCHMENT SCHOOL	COMMENTS
Nos 5 - 18, 23 - 56, 66 - 73, 89 - 93, 36A, 93A	BAYFIELD WEST ALLOTMENT	SHIREMOOR	SHIREMOOR PRIMARY	NO CHANGE
NOS 57 - 65	BAYFIELD WEST ALLOTMENT	NEW YORK PRIMARY	SHIREMOOR PRIMARY	PROPOSED CHANGE FOR ADMISSION SEPTEMBER 2021
Nos 1 - 4, 19 - 22, 75 - 88, 94 - 133	BAYFIELD WEST ALLOTMENT	HOLYSTONE	SHIREMOOR PRIMARY	PROPOSED CHANGE FOR ADMISSION SEPTEMBER 2021
	BROOKFIELD	HOLYSTONE	BACKWORTH PRIMARY	PROPOSED CHANGE FOR ADMISSION SEPTEMBER 2021
	CLOVERFIELD	HOLYSTONE	BACKWORTH PRIMARY	PROPOSED CHANGE FOR ADMISSION SEPTEMBER 2021
	HEATHFIELD	HOLYSTONE	BACKWORTH PRIMARY	PROPOSED CHANGE FOR ADMISSION SEPTEMBER 2021

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Catchment Review December 2019
Proposed changes to shared catchment boundaries for:
Backworth Park, Shiremoor, New York and Holystone Primary Schools



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Proposed Transitional Arrangements

This proposed catchment change would move the catchment area boundaries for those properties in Appendix 7.

Having carefully considered the responses to the consultation. A six-year transitional period is proposed by the Local Authority to mitigate the impact of this change for families currently living in the affected area with children already in the existing catchment schools, as follows:

- Transitional arrangements for admission to the four schools, Backworth Park Primary, Holystone Primary, New York Primary and Shiremoor Primary Schools:
 - A child starting school for the first time who has an older sibling on roll at the above schools; and who was on roll prior to the catchment change; and will still be on roll at the time of the younger child's admission will also be given in-catchment priority up to and including admission in September 2027.
- Families **must** be living in the affected area at the date of implementation of the changes September 2021.
- Families will **not** be eligible under these transitional arrangements if they move out of the affected area and keep their older child in the school or they move into another address which is affected by these changes.
- The Planned Admission Number for the school will remain at 60 and it must be stressed that these arrangements cannot guarantee a place at the school. If there are more applications than places available and all of these applications are covered by the criterion ***“in catchment with a sibling at the school”***, then a decision on places offered will come down to distance within that criterion.

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North Tyneside Council Report to Cabinet Date: 24 February 2020

Title: Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy

Portfolio: Community Safety and Engagement	Cabinet Member: Councillor Carole Burdis
Report from Service Area:	Environment, Housing and Leisure
Responsible Officer:	Phil Scott Head of Environment, Housing and Leisure
Wards affected:	All
	Tel: (0191) 643 7295

PART 1

1.1 Executive Summary:

At its meeting on 1 April 2019, Cabinet agreed that the North Tyneside Hackney Carriage and Private Hire Licensing Policy (“the Policy”) should be reviewed. On 14 October 2019 Cabinet authorised the Head of Environment, Housing and Leisure to commence public consultation on the revised draft Policy and for Cabinet to receive this further report at the conclusion of the consultation process so that Cabinet could be asked to agree to the adoption of the revised Policy.

The review of the Policy took into account the five principles of the North Tyneside Transport Strategy adopted by Cabinet on 8 May 2017, reflects the policies in the North Tyneside Local Plan and the recently adopted ‘An Ambition for North Tyneside – Regeneration Strategy’.

This report presents to Cabinet a revised draft of the Policy which has been developed following the conclusion of an eight-week consultation period for its consideration and adoption if considered appropriate to do so.

1.2 Recommendation:

It is recommended that the Cabinet:-

- a) approve the adoption of the revised North Tyneside Hackney Carriage and Private Hire Licensing Policy attached at **Appendix 1** to this report.

- b) agree that the Policy comes into effect on 1 April 2020 save for the Age/Emissions standards at pages 23 and 24 of the Hackney Carriage and Private Hire Licensing Policy which will come into force on 1 April 2021.

1.3 Forward Plan:

Twenty-eight day's notice of this report has been given and it first appeared on the Forward Plan that was published on 15 November 2019.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan:

Our Places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment

Our People will:

- Be healthy and well

Our Economy will:

- Grow by supporting new businesses and building on our strengths

1.5 Information:

1.5.1 Local context

The Authority is the licensing authority for hackney carriages (taxis) and private hire vehicles (PHVs), their drivers and their operators, for the Borough. The overall aim of the licensing scheme is to ensure the safety of the travelling public.

The North Tyneside Transport Strategy, approved by Cabinet in May 2017, commits to managing North Tyneside's transport network effectively, considering all forms of travel including taxis and PHVs and sets out that the Authority will support safeguarding of vulnerable people, for example through hackney carriage and private hire licensing policies and the design of infrastructure.

The Policy is listed in the Transport Strategy's action and delivery plan and is due for renewal.

The North Tyneside Local Plan notes that taxis and PHVs will continue to play an important role in the wider transport network and that opportunities to integrate them with other modes of transport will be explored. The regional North East Transport Manifesto sets out objectives to integrate taxis into the public transport network with better interchange and information, ensure high standards of licensing and provision, and encourage greater use of low emission technologies in taxi fleets.

1.5.2 Existing licenses in North Tyneside

The Authority licenses around 183 taxis, 1030 PHVs, 1097 drivers and 23 operators in the Borough. These licenses have been granted in accordance with national legislation and consideration of the existing Hackney Carriage and Private Hire Licensing Policy.

The licensing service is based at the Killingworth site and it is responsible for administrating and enforcing the taxi/PHV licensing scheme.

The Policy includes information on legal requirements, procedures and standards relevant to taxi and PHV licensing.

The Policy was last reviewed before the North Tyneside Transport Strategy was adopted. To meet the requirements of the commitment in the Transport Strategy, work has commenced to update the Policy. This work has included consideration of the proposed national statutory guidance (that guidance has not yet published), regional transport ambitions and the views of the local taxi and PHV trade and transport users.

In addition the Policy includes new requirements in relation to air quality. Through the Transport Strategy the Authority promotes environmental sustainability as part of delivering against its air quality targets. In order to reduce pollution caused by road vehicles, the Policy introduces common requirements for emissions from hackney carriages and private hire vehicles. The new age standards aim to assist in meeting the need to improve air quality in the Borough and the wider region.

1.5.3 National context

The legislation which governs taxi and PHV licensing has been in place for some considerable time. This has been subject to previous review and amendment. In 2014, the Law Commission was asked by the Government to consider this legislation. Whilst the Law Commission's report acknowledged that the licensing of taxis and PHVs is a "fiercely local" matter, it nevertheless recommended the introduction of national standards.

Some of the recommended changes were introduced through the Deregulation Act 2015, for example: extending licences from one year to three years, and allowing sub-contracting between operators.

In February 2019, the Department for Transport (DfT) commenced a public consultation, on statutory guidance to be issued to licensing authorities, which closed on 22 April 2019. Under a Cabinet Member delegated decision a formal response was submitted to this consultation, in accordance with the Scheme of Delegation for Cabinet Members. The statutory guidance has not yet been published and it is not clear at this time when the statutory guidance will be published, if at all.

As evidence of the added significance that environmental issues now have both regionally and nationally, in May 2019 The Air Quality (Taxis and Private Hire Vehicles Database)(England and Wales) Regulations 2019 were introduced. These Regulations require each licensing authority in England and Wales to provide to the Secretary of State, at least once a week, prescribed details of the hackney carriages and PHV's that each authority has licensed. The introduction of the Regulations forms part of the strategy adopted by the Government to ensure that it meets its legally binding air quality targets.

1.5.4 Review of licensing policy

It is in this context that a review of the Policy was commenced. Given that the current Policy was last reviewed before the North Tyneside Transport Strategy was adopted, the updated Policy now appropriately takes into account the five principles of the Transport Strategy, reflects the policies in the North Tyneside Local Plan and the recently adopted 'An Ambition for North Tyneside – Regeneration Strategy'. Should any relevant, statutory

guidance be published by the Government the Policy may be reviewed further to ensure compliance with any nationally set standards.

An officer working group was set up to commence the review of the Policy and make initial amendments to the Policy to bring it up to date. Officers also formed a working group and met with the North Tyneside Council Hackney Carriage and Private Hire Licensing Forum where members of the forum were asked to highlight any areas of the Policy that they would recommend to be updated.

In terms of engagement with Members, following Cabinet's agreement to the commencement of the consultation process, the Head of Law and Governance wrote to each Member of the Authority attaching a copy of the Cabinet Report and the draft Policy. Members were invited to provide any comments they may have had on the Policy to the Authority's Public Protection Manager or through the Regulation and Review Committee.

A report attaching a copy of the draft Policy was taken to Regulation and Review Committee on 24 October 2019. The proposed key amendments to the Policy and the questions that were to be asked of the taxi/PHV trade, general public and Members were included in the report. The Members of the Committee were asked to provide any comments on the Policy through the Chair of the Committee. No comments were received.

The key amendments to the draft Policy include:

- The inclusion of environmental considerations;
- Allowing on line applications;
- Mandatory sign up by drivers/operators to the Disclosure and Barring Service Update Service; and
- Additional offences to be considered as part of application process and the period of time that an applicant must be free from certain convictions before an application for a licence is granted.

In addition, nine consultation questions were included in the draft Policy on several other issues to gauge the views of the trade and wider community on some of the proposed elements of the Policy. These areas include:

- Use of in-car digital advertisements;
- Tinted windows when fitted as standard;
- Amendments to the knowledge test; and
- Introduction of a new objective - the promotion of environmental sustainability, along with age standards for new, replacement and renewal vehicles with lead in times.

1.5.5 Public engagement

A comprehensive eight-week consultation process was undertaken commencing on 28 October 2019.

An online survey was developed for respondents to make consultation responses as well as written responses. Information was made available on the Engagement Hub in addition to members of the Residents Forum advised of the consultation exercise.

The consultation was publicised using press and social media and correspondence to all licensed drivers and operators.

In total, 89 responses were received with 86 made through the online survey and 3 through written responses.

The online survey asked the questions on the issues detailed at paragraph 1.5.4 and asked for any other comment about the draft Policy.

1.5.6 Considering the Responses

The responses were considered with oversight by Cabinet Member for Environment and Transport.

A breakdown of the responses received are included in **Appendix 2** to this report.

As highlighted above, within the draft consultation Policy a question was asked on the introduction of age standards for vehicles.

Poor air quality is a national public health crisis, linked to around 40,000 early deaths every year in the UK, including an estimated 360 in Newcastle, Gateshead and North Tyneside. There are many different causes of pollution but traffic is one of the main contributing factors. Nitrogen dioxide and tiny invisible particles from exhaust fumes, tyres and brakes are present in the air we breathe. This in turn has been linked to serious health conditions, like cancer, heart disease and breathing problems, with those who are older, young children and people already living with long-term health issues more likely to be affected.

The responses to this question have been considered and due to the commitment by this Authority to improve air quality and the declaration of a Climate Emergency the draft Policy for consideration includes the proposed age standards. The responses received to the consultation advised of the financial impacts for the age standards to be introduced for new vehicles. It is considered that there may be vehicle grants available as part of the requirement to meet the new air quality targets however details of these are not yet known. With this in mind the commencement date for new vehicles has been amended from 1 April 2020 to 2021.

Taking into account the consultation responses the conclusions to all the questions asked are summarised at **Appendix 3**.

The amended draft Policy is set out at **Appendix 1** to this report.

1.6 **Decision Options:**

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet approves the recommendations at paragraph 1.2 of this report.

Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 3

To instruct officers to make amendments to the Policy and to bring a further report to Cabinet for it to consider those amendments.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended to ensure that the existing Policy is updated in accordance with the commitment in the North Tyneside Transport Strategy and wider guidance. This will also ensure that the Policy remains transparent, accountable, proportionate and consistent.

1.8 Appendices:

Appendix 1: Revised draft North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

Appendix 2: Report of responses to the Policy

Appendix 3: Summary of conclusions.

1.9 Contact Officers:

Colin MacDonald, Senior Manager Technical & Regulatory Services, (0191) 643 6620

Joanne Lee, Public Protection Manager, (0191) 643 6901

Alan Burnett, Trading Standards and Licensing Group Leader, (0191) 643 6621

John Cram, Integrated Transport Officer, (0191) 643 6122

John Barton, Lawyer, (0191) 643 5354

David Dunford, Senior Business Partner, (0191) 643 7027

1.10 Background Information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- 1) [North Tyneside Local Plan](#)
- 2) [North Tyneside Transport Strategy \(approved by Cabinet on 8 May 2017\)](#)
- 3) [DfT consultation document – Taxi and private hire vehicle licensing – protecting users](#)
- 4) [Written statement to Parliament 12 February 2019 – Government response and consultation on taxi and private hire vehicle licensing](#)
- 5) [Review of the North Tyneside Taxi and Private Hire Licensing Policy, Cabinet Report, April 2019](#)
- 6) [Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Institute of Licensing, April 2018](#)
- 7) Equality Impact Assessment
- 8) [Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy, Cabinet report 14 October 2019](#)

- 9) [Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy, Cabinet Report 1 April 2019](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications directly arising from the report. The costs of preparing the revised North Tyneside Council Hackney Carriage and Private Hire Licensing Policy and the associated consultation arrangements can be met from existing revenue budgets.

2.2 Legal:

Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The legislation provides a broad framework for the licensing of drivers, vehicles and operators whereas the detail of how this is done, including standards and conditions, is the responsibility of licensing authorities.

There are a number of other Acts which are also relevant: for example, the Equalities Act 2010 places a duty on local authorities to take steps to meet the needs of disabled people such as the need for the Authority to provide a list of wheelchair accessible taxis and PHVs.

Whereas Cabinet cannot make decisions in relation to the licensing of individual drivers, vehicles or operators under the legislation, it is permitted to adopt a Policy such as the Hackney Carriage and Private Hire Licensing Policy. The Policy will then be considered by the Regulation and Review Committee when decisions need to be taken in relation to individual drivers, operators and vehicles.

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

Internal consultation has taken place with the Cabinet Members, Members and service areas as set out in the report.

2.3.2 External Consultation

As outlined in section 1.5.5 of the report, an engagement process was undertaken to allow the Policy to be updated. An online survey was available for respondents to make consultation responses as well as written responses.

2.4 Human Rights:

There are aspects of the administration of licences that may impact on the human rights of individuals residing in the Borough and licence holders. Article 8 of the European Convention of Human Rights entitles a person to the right to enjoy a private and family life.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a Regulation and Review Panel will be given an opportunity to express their views.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include the goodwill that such a Licence would generate. However, balanced against that is the ability of the Licensing Authority to enforce such laws under the Act as is necessary to control the use of such property, including a licence.

2.5 Equalities and Diversity:

The proposed engagement process would ensure that all persons, groups and organisations will have an opportunity to participate, including those with protected characteristics. An Equality Impact Assessment has been prepared and subsequently reviewed following the consultation period.

2.6 Risk Management:

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

2.7 Crime and Disorder:

The North Tyneside Hackney Carriage and Private Hire Licensing Policy seeks to ensure the safety of the travelling public and therefore contributes to preventing crime and disorder.

2.8 Environment and Sustainability:

Journeys by taxis and private hire vehicles represent a significant number of daily trips on the local highway network both within the Borough and beyond. The local authorities in the area are currently working on measures to tackle air quality caused by roadside pollution. Measures to address this may include some form of road user charging that could be applied to taxis and private hire vehicles.

Within that wider context, the updated Policy proposes the introduction of a vehicle age standard for taxis and private hire vehicles which seeks to positively contribute to improving air quality.

PART 3 – SIGN OFF

- Chief Executive x
- Head of Service x
- Mayor/Cabinet Member(s) x
- Chief Finance Officer x
- Monitoring Officer x
- Head of Corporate Strategy and Customer Service x

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

DRAFT

Executive Summary

The aim of this Policy is to protect the public and ensure that drivers and operators are fit and proper persons for the role that they play in local transport provision.

The objectives of this Policy are as follows:

- a) The safety and protection of the public
- b) The protection of children and vulnerable adults from harm
- c) The promotion of environmental sustainability; and
- d) To provide clarity for licensees with respect to the Authority's expectations of them and its decision making process.

North Tyneside Council (the Authority) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the important role they play in local transport provision.

Hackney carriage and private hire vehicles are a highly flexible form of public transport and play an increasingly important role in improving accessibility. Hackney carriage and private hire vehicles are used by all social groups and play an essential role in the provision of the Authority's home to school transport provision.

This Policy supports the Authority's Transport Strategy for 2017-2032 and the principles within that Policy. As well as seeking the protection of the public, the Authority aims to improve the safety, health and well-being outcomes for the people of the Borough and the sustainability of communities and the environment across the Borough.

As the environmental and health impacts associated with emissions from transport operations are now more clearly understood, the Authority has an increased responsibility to ensure that drivers and passengers are protected as far as possible from the adverse impact of vehicle emissions.

Version Control

Version 1

Approved by Cabinet on:

DRAFT

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- A Hackney carriage and Private Hire Vehicle specifications
- B Conditions attached to a Hackney Carriage Proprietors Licence and Private Hire Vehicle Proprietors Licence
- C Vehicle testing arrangements
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Introduction

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1. Hackney Carriage and Private Hire Licensing

The Authority is responsible for the licensing of hackney carriage and private hire vehicles, their drivers and in the case of private hire vehicles their operators, in the Borough of North Tyneside.

The Authority currently licences up to 204 hackney carriage vehicles, approximately 1030 private hire vehicles and 1097 licensed drivers.

A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at ranks or be hailed in the street by members of the public. A hackney carriage can also be pre-booked. Private hire vehicles too must have no more than 8 passenger seats and must be booked in advance through an operator and may not ply for hire in the street.

2. Powers and Duties

In 1977, the Authority adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, (as amended). By adopting Part II of the 1976 Act the Authority is given the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing in the Borough of North Tyneside. As such the Authority is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles in the Borough. This document sets out how the Authority will exercise its licensing functions when making decisions about new licence applications, renewal of licence applications and licences currently in force.

3. Objectives

In setting out this Policy, the Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- a) The safety and protection of the public
- b) The protection of children and vulnerable adults from harm
- c) The promotion of environmental sustainability
- d) To provide clarity for licensees with respect to the Authority's expectations and its decision process.

In the promotion of the above objectives the Authority will consider the following matters:

- a) The safety and protection of the public:
 - Ensuring that vehicles are safe, clean, reliable and accessible to meet the varying needs of the public;
 - Providing confidence in the system for assessing whether a person is 'fit and proper' to drive a hackney carriage or private hire vehicle.
- b) The protection of children and vulnerable adults from harm.

This Policy:

- Puts protecting the safety and welfare of the public at its core;
 - Specifically takes account of the Authority's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and reflects best practice;
 - Makes it clear that the welfare of children and their protection from harm is everyone's responsibility, in particular that prospective and licensed drivers and operators have a duty to promote good safeguarding practices, including awareness of child sexual exploitation and trafficking.
- c) The promotion of environmental sustainability:
 - To encourage the uptake of zero and ultra-low emission vehicles;
 - To only permit licenses for vehicles that comply with the particular age requirements as set out in Chapter 2 paragraph 19 of this Policy.
 - d) To provide clarity for licensees with respect to the Authority's expectations and the decision making process:
 - Clarity of expectations with regards to former convictions and cautions.

This Policy shall apply in respect of new applications, renewals, and other matters connected to the following licences:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor

This Policy shall also apply in respect of disciplinary and enforcement measures and includes a Code of Conduct to be followed by all drivers licensed under this Policy.

4. **Methods**

The methods to be employed will be:

- Setting the standards for the licensing of drivers, vehicles and operators;
- Periodical licensing and routine inspection of vehicles, with appropriate follow up action if necessary;
- Routine inspection of insurance policies, with appropriate follow up action if necessary;
- Checks of driver's medical condition, criminal record (if any) knowledge of the law
- Investigation of complaints with appropriate follow up action;
- Liaison with the Police, the Home Office, Safeguarding and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees;
- Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, advice, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions;
- Conditions added to licences;
- Enforcement of the Byelaws;
- Liaison with the hackney carriage and private hire trade by way of open meetings;
- The issue of guidance notes.

When considering applications and taking enforcement action the Authority as a Licensing Authority is also subject to the Regulators' Code published by the Department for Business, Energy and Industrial Strategy and will have regard to the statutory principles of good regulation as required by the Legislative and Regulatory Reform Act 2006 and the Authority's Enforcement Policy.

Please see link below to the Authority's Enforcement Policy.

<http://my.northtyneside.gov.uk/category/691/statement-enforcement-policy>

In particular:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- Regulators should ensure that their approach to their regulatory activities is transparent.

5. **Best Practice Guidance**

In formulating this Policy consideration has been given to the available best practice guidance issued by the Department for Transport and the Department for Business, Energy & Industrial Strategy.

6. **Status**

In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this Policy and the objectives set out above.

Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart from the Policy, clear reasons will be given for doing so.

7. **Implementation and Review**

This Policy will take effect on 1 April 2020 save for save for the Age/Emissions standards paragraphs of the Policy which will come into force on 1 April 2021.

The Authority will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above.

Upon implementation of this Policy, the Authority requires licensees to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Authority information will be provided as to an implementation date for that part of the Policy.

From the effective date, this Policy overrides and supersedes all existing policies in relation to private hire and hackney carriage licensing.

The Authority may monitor and review this Policy or areas of the Policy prior to the five year review period.

After the introduction of this Policy, the Authority may make decisions which change the content of this Policy. The changes may have immediate effect or be expressed as coming into effect on a given date. This Policy document will be

regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Section and via the internet at www.northtyneside.gov.uk.

8. Consultation

In preparing this Policy the Authority has consulted with and taken into account the views of amongst others:

- Current licensees
- Northumbria Police
- Local businesses and their representatives
- Residents and their representative bodies
- Local transport providers
- Disability Groups
- Planning Authority
- Service users
- Environmental groups
- Neighbouring Authorities (including the North East Combined Authority, North of Tyne Combined Authority and the Tees Valley Combined Authority)
- Representatives from the charitable and voluntary sector
- Members of the Authority

The views of all of these persons and bodies have been taken into account in determining this Policy.

9. Area and Impact

North Tyneside is one of the five metropolitan districts that comprise the county of Tyne and Wear. North Tyneside is bounded by Newcastle upon Tyne to the west, the North Sea to the east, the River Tyne to the south and Northumberland to the north.

The A19 runs from north to south and the A1058 Coast Road runs from east to west within the Borough. Recent growth has come in the A19 corridor with new industrial estates and retail parks. There is also an International Ferry Terminal at North Shields.

The late night economy of the Borough is principally centred around Tynemouth and Whitley Bay where a number of entertainment premises are situated. Activity is also centred on restaurants, public houses and takeaway establishments in areas such as North Shields and Wallsend.

The Authority recognises and welcomes the contribution that the hackney carriage and private hire trade makes to the transport and tourism industry.

Hackney carriage and private hire vehicle journeys represent a significant number of daily trips on the local highway network both within North Tyneside

and the wider area. The majority of these journeys are made along key local and regional arterial routes on which air quality and in particular nitrogen dioxide (NO₂) issues have manifested themselves on some of these routes. Local Authorities in the area are working on measures to address the issue of poor air quality in the areas identified as having an issue with poor air quality which may include some form of road user charging that would be applicable to hackney carriage and private hire vehicles.

Improving local air quality forms part of the Authority's Transport Strategy for 2017-2032 and hackney carriage and private hire vehicles have an important role in helping the Authority deliver this outcome, particularly given the comparatively higher mileage undertaken by hackney carriages and private hire vehicles on local roads compared to other passenger vehicles.

10. **Partnership Working**

The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives and to safeguard the general public particularly vulnerable members of society when using the hackney carriage and private hire trade:

- Local Hackney Carriage and Private Hire Trade
- Safeguarding Services
- Northumbria Police
- Local Transport authorities and committees
- Local residents
- Disability Groups
- Service users and their representatives
- Driver and Vehicle Standards Agency (DVSA)
- HM Revenue and Customs
- Department for Work and Pensions
- Other Council Departments
- UK Border Agency/Home Office (Immigration Enforcement)
- Other Government Departments and Agencies

The Authority holds regular meetings with the hackney carriage and private hire trade to consider current and future licensing issues.

11. **Related Legislation and Strategies**

This Policy will be integrated as far as possible with local planning, transport, tourism, equality cultural and environmental strategies, and other plans introduced for the management of the Borough and night-time economy.

The Authority will work in partnership with other agencies.

12. **Equality**

As an employer and service provider the Authority is committed to ensuring equality in employment and service delivery. To achieve the above standard the Authority is aware of its duties and obligations under the following legislation:

- Human Rights Act 1998
- Equality Act 2010

13. **Duties and obligations under Equality Act 2010**

The Authority will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs. The Authority also recognises the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 (the 2010 Act) which it must have regard to when exercising its licensing functions.

In applying this Policy the Authority will at all times endeavour to comply with its obligations under the 2010 Act and the Human Rights Act 1998.

Providers of hackney carriage and private hire transport are deemed to be providers of services to the public for the purposes of Part 3 of the 2010 Act. A statutory Code of Practice has been published and provides guidance on specific issues associated with the 2010 Act. Licensees and applicants should read the Code of Practice and ensure that they operate having due regard to the Code and in compliance with the 2010 Act.

It is a condition of a vehicle licence that wheelchair accessible vehicles must have the appropriate equipment so as to transport passengers in wheelchairs at all times. In instances where this is not the case the licence for the vehicle may be suspended until such time as the Authority considers the vehicle is fit for purpose.

In accordance with the 2010 Act the Authority holds a list of wheelchair accessible vehicles (designated vehicles). The Act requires the drivers of such designated vehicles to carry passengers in wheelchairs provide assistance to such passengers and prohibits drivers from charging such passengers extra.

The Department for Transport has published statutory guidance called *Access for Wheelchair Users to Taxis and Private Hire Vehicles* and drivers of wheelchair accessible vehicles are encouraged to read and understand that guidance.

It is a criminal offence for drivers of wheelchair accessible vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra unless the driver has been issued with an exemption certificate by the Authority exempting them from performing the duties set out in section 165 of the 2010 Act.

All licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles and passengers with disabilities and provide assistance to such passengers without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the driver's own GP stating the details of their medical condition to the satisfaction of the Licensing Authority. A register will be kept by the Authority of exempted drivers.

Any drivers who consider that they should be exempt from the duties imposed on them by the 2010 Act in relation to carrying passengers in wheelchairs or passengers with assistance dogs should contact the Authority's Licensing Department at www.northtyneside.gov.uk

Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com.

14. **Right to live and work in the UK**

Under the Immigration Act 2016 all individual applicants for private hire operator and private hire and hackney carriage driver licences are required to prove that they have a right to live and work in the UK before being considered for a licence. A list of suitable documents that are required is available from the Licensing Section.

Please see the following link (information is contained on pages 25/26 of the attachment) <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

A licence will not be granted until the applicant is able to prove that they have a right to live and work in the UK. If an applicant has only limited leave to remain then any licence will only be issued for this period of time.

2. Vehicles – Hackney Carriage and Private Hire

Contents

1. Specifications
2. Private Hire Vehicles
3. Hackney Carriage Vehicles
4. Limitation of Numbers
5. Location of Applicant's Home/Business
6. Insurance
7. Advertisements, signs, notices etc.
8. Accident notification
9. Vehicle testing
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11. New applications and Replacement Vehicles
12. Renewal applications
13. Change of address
14. Transfer of interest
15. Limousines
16. Executive Hire Private Hire Vehicles
17. Tinted Windows
18. CCTV in vehicles
19. Environmental Considerations
20. Emission/Age standards
21. Insurance "Write Off" Vehicles
22. Conditions

1. Specifications

The Department for Transport Best Practice Guidance issued in 2010 recommends that licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the "type approval" rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate "type approval" which is either:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Individual Vehicle Approval (IVA).

As a guide, most large volume production vehicles produced in the UK and EU member states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU member state since its original manufacture will require separate IVA and/or Department for Transport approval and such documentation must be submitted with an application for a hackney carriage or private hire vehicle licence.

The seating capacity of a vehicle will be determined by the Authority. Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications

in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Where the seating in the vehicle does not conform with the specifications in this Policy or for other reasons associated with the safety and comfort of passengers, the Authority may reduce the permitted number of passengers that may be carried in the vehicle from that specified by the vehicle manufacturer.

Appendix A sets out the minimum standards which are expected in respect of licensed vehicles.

2. Private Hire Vehicles

A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. In determining what vehicles fall within this definition the Authority will give consideration to the 'Best Practice Guidance on Taxi and Private Hire Licensing' issued by the Department of Transport in 2010.

The Authority must be satisfied that the following criteria are met before granting a licence:

That the vehicle is:

- Suitable in type, size and design for use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- In a suitable mechanical condition
- Safe
- Comfortable

Conditions may be attached to the grant of a licence as are considered reasonably necessary. Vehicles which are licensed with another Authority will not be licensed by this Authority.

In addition to the above legislative requirements the Authority has imposed conditions relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

All private hire vehicles must:

- Not be black in colour; or be any colour, which, in the opinion of the Authority, closely resembles black.
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be properly tested and sealed and be of a type approved by the Authority.

- Display a yellow licence plate, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Authority.
- Display a yellow decal provided by the Authority and attached centrally to each front door of the vehicle as prescribed by a condition of the Authority.
- Display a disc in the top nearside corner of the front windscreen

General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

3. Hackney Carriage Vehicles

A hackney carriage is a wheeled carriage used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.

A hackney carriage can ply for hire within the Borough of North Tyneside and also wait at a hackney carriage stand within the Borough. In addition, a hackney carriage may also undertake work on a pre-booked basis.

Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Authority has byelaws to control the conduct of both proprietors and drivers. These Byelaws are attached at **Appendix I** to this Policy.

The Authority has imposed requirements relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

General conditions are attached to a hackney carriage vehicle proprietor's licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

All hackney carriages must:

- Be black in colour
- Be fitted with an approved roof sign bearing the word "TAXI" as prescribed by the Authority
- Be fitted with a meter of an approved type with the fares charged as determined by the Authority
- Meters, after being checked for accuracy, must be sealed by Officers of the Authority or an agent approved by the Authority.
- Display a white licence plate, which must be securely attached to the exterior rear of the vehicle in the vicinity of the bumper
- Display a white decal provided by the Authority and attached centrally to each front door of the vehicle as prescribed by a condition of the Authority.
- Display the current table of fares as prescribed by condition of the Authority.
- Display a disc in the top nearside corner of the front windscreen

4. Limitation of Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

The present legal provisions on quantity restrictions for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis “if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

Any new application for a hackney carriage proprietor’s licence that would be in excess of that number will be refused if the Authority is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.

The Authority is satisfied that there is no significant unmet demand for hackney carriage services within this area. Therefore, it has placed a limit on the number of hackney carriage vehicle licences issued. This limit has been placed at 204 following consideration of the results of an independent study.

The current limit includes grandfather rights granted to proprietors of saloon vehicles. These rights permit the continued use of a saloon vehicle by proprietors who were granted their hackney carriage proprietor’s licence prior to July 1992. These rights are to remain and encourage a mixed fleet of hackney carriage vehicles consisting of saloons and wheelchair accessible vehicles. It is recognised that users with some medical conditions will find saloons easier to access than wheelchair accessible vehicles.

This limitation of numbers will be periodically reviewed and this Policy will be amended to take account of the results as required.

5. Location of Applicant’s Home/Business

When an applicant wishes to licence a vehicle as a hackney carriage the Authority will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in the Authority’s area and also if the applicant intends to use the vehicle entirely or predominantly remotely from the Authority’s area on a pre-booked basis.

Whilst each application will be considered on its own merits, the Authority will have regard to the geographic location of an applicant’s home and business address.

If the Authority believes that the hackney carriage is to be used entirely or predominantly remotely from the Authority’s area on a pre-booked basis, then the application for a licence will normally be refused.

If the Authority believes that an existing hackney carriage is being used predominantly outside the Authority's area on a pre-booked basis with an Operator who is not licensed by this Authority, then having regard to the judgment in *Newcastle City Council v Berwick-upon-Tweed Borough Council [2008] EWHC 2369 (Admin)* the matter will be referred to the Regulation and Review Committee.

6. **Insurance**

All vehicles must have a current valid policy of insurance at all times appropriate to the use of the vehicle. The policy of insurance must be in place before a licence can be granted.

It is an offence to use a vehicle without the appropriate insurance in place.

Requests to produce evidence of the appropriate insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section of the Authority in writing immediately or in any event within 72 hours.

7. **Advertisements, signs, notices etc.**

No signs, notices, advertisements, digital or audio display etc. or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.
- Some in car digital advertising

Signs, notices or advertisements must not be of a content that the Authority deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, www.asa.org.uk.

The Head of Environment, Housing & Leisure can approve or refuse to allow advertisements in the areas permitted in this Policy. All advertisements have to be approved by the Head of Environment, Housing & Leisure prior to being displayed on or in a vehicle. Any unauthorised advertisements will be required to be removed and appropriate action taken.

The Head of Environment, Housing & Leisure can approve or refuse requests for advertising on the lower area of the front doors of private hire and hackney carriage vehicles. Such advertising to be for the purpose of promoting a private hire

operator, a hackney carriage proprietor (or group of proprietors) licensed by the Authority.

Any queries regarding advertisements must be referred to the Licensing Section of the Authority.

8. **Accident notification**

The proprietor shall notify the Licensing Section of the Authority in writing as soon as reasonably possible, or in any case within 72 hours, of any accident involving a licensed vehicle that results in damage materially affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of potential customers. In certain cases the vehicle licence will be suspended.

The proprietor must comply with any reasonable request to produce the vehicle for inspection at the Authority's offices or other specified location so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken. Following the repair the level of damage will be assessed and the Authority may require an engineer's report and / or the vehicle to be examined at the Authority's Test Station.

9. **Vehicle testing**

All vehicles must undergo and satisfy an inspection by the Authority's vehicle examiners or at a place specified by the Head of Environment, Housing & Leisure prior to being licensed.

It is the proprietor's responsibility to ensure that a licensed vehicle is roadworthy and fit for hire and reward purposes at all times.

Vehicles are to be tested in accordance with the Vehicle Testing Arrangements (attached at **Appendix C**). The Testing Station may also be directed to look at other issues identified by a Licensing Officer. In the event of the Testing Station being unavailable the Authority will put alternative arrangements in place.

Vehicles that are 4 years old and over at the time of the licence being granted will require an interim test. Vehicle proprietors will be required to produce their vehicle for testing when requested. The fee for this interim test will form part of the annual licence fee. Vehicles that are 3 years old on the date the licence is granted but turn 4 years old during the one year term of the licence are excluded from the routine requirement to undertake an interim test. Such vehicles may still be requested to be presented for inspection and test in accordance with the statutory provisions.

Vehicles failing to be presented for a test or presented late for the test will be required to be re-tested and a re-test fee paid. Where appropriate the licence will be suspended. A further test appointment will only be made when the retest fee has been paid.

The Lifting Operations and Lifting Equipment Regulations 1998 (often abbreviated to LOLER) place duties on people and companies who own, operate or have

control over lifting equipment. This includes all businesses and organisations whose employees use lifting equipment, whether owned by them or not.

The regulations require that the inspection interval is 6 months, for lifting equipment and any associated accessories used to lift people. Any licensed vehicles containing this equipment should provide evidence of a LOLER inspection report every 6 months.

10. **Application Procedure**

Applications are to be made in writing and may be made in person, by post, online or e-mail. Note: the Authority will not be responsible for any documents that may be lost in the post.

Applications will not be considered valid unless they contain all the relevant documentation and the appropriate licence fee has been paid.

For the purposes of licensing, a hackney carriage or private hire vehicle licence will be issued in the name of the registered keeper of the vehicle. The registered keeper can be an individual or a company. Where the registered keeper is a company, details of the person who will be responsible for the vehicle will be included on the licence.

The booking of vehicle tests may be done by telephone, in person, online or by e-mail at taxi.licensing@northtyneside.gov.uk. Postal or e-mail applications should be made at least 10 working days prior to the date of the vehicle test to allow for the application to be processed.

If the application is refused the fee will be refundable minus the proportion of the charge for the test fee.

The Head of Environment, Housing & Leisure has the discretion to attach, amend or remove a condition of licence.

Although applications may be made by post, fax or e-mail, licence plates must be collected in person.

11. **New Applications and Replacement Vehicles**

The following documents are to be submitted for new/replacement vehicle applications:

- Fully completed application form
- Pre-Test Inspection form (PTI) - approved
- Vehicle test certificate - pass
- Vehicle registration document in applicant's name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle). (An order form is insufficient for this purpose)
- Appropriate valid certificate of motor insurance for date of intended business use.

- LOLER certificate (where applicable)
- Conversion certificate (where applicable).
Note: the Authority provides a service to carry out LOLER testing and conversion/installation inspections. Additional fees apply. Further information is available from the Licensing Office or on the Authority's website.
- Taximeter certificate (where applicable)

Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle and the type of licence applied for.

12. **Renewal Applications**

The following documents are to be submitted for renewal vehicle applications prior to the expiry of the licence:

- Fully completed vehicle renewal form
- Vehicle test certificate – pass
- Appropriate valid certificate of motor insurance for date of intended business use.
- LOLER certificate (where applicable).
Note: the Authority provides a service to carry out LOLER testing. An additional fee applies. Further information is available from the Licensing Office or on the Authority's website
- Taximeter certificate (where applicable)

Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle and the type of licence applied for.

There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid vehicle proprietors the Licensing Section of the Authority will endeavour to do so. However, the responsibility rests with the proprietor to ensure documentation is provided within the appropriate timescales. Where an application to renew a vehicle licence is not received prior to the expiry of the licence, the licence will not be renewed. In such cases a new application will be required and a higher licence fee will apply.

13. **Change of address**

The proprietor must advise the Authority in writing within 7 days of a change of business or home address during the period of the licence. There is no fee for this process.

14. **Transfer of interest**

The proprietor shall notify the Authority in writing, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence.

Where a proprietor wishes to be removed from the licence the Authority should be notified in writing within 14 days. There is no fee for this process.

15. **Limousines**

A stretch limousine is a luxury saloon car with a lengthened wheelbase and an extended chassis.

The Authority recognises the role limousines have to play in the private hire trade to meet a public demand and as such it is necessary for them to come under the licensing system and the controls that this will allow. The Authority, however, has not developed a separate licensing regime for such vehicles. Rather it has widened the criteria of the current vehicle specifications that licensed vehicles must meet. Please see **Appendix A**.

Most limousines are imported for commercial purposes and are required to take an individual vehicle type approval (IVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

The Authority has no objection to licensing limousines that are safe and fit for the road. The Authority has given consideration to left hand drive vehicles and vehicles with side facing seats, however, it believes that such vehicles are not suitable due to the safety issues that exist with such vehicles and as such will not licence them.

There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force. Note: Under section 156 of the Licensing Act 2003 it is an offence to sell alcohol from a moving vehicle.

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

A vehicle does not need to be licensed while it is being used in connection with a wedding.

16. **Executive Hire Private Hire Vehicles**

Private hire vehicles (not hackney carriages) used solely and exclusively for executive hire can be exempted under Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged solely in the provision of an executive service.

The applicant must satisfy the Head of Environment, Housing & Leisure that the specification of the vehicle and the overall level of service provision constitutes an executive hire service. This is initially done by way of submission of a business plan, inspection of the vehicle and the proprietor of the vehicle in question being interviewed by a Licensing Officer. Guidance notes are available from the Licensing Section.

Applications for an exemption can be made in writing, in person or by post, fax or e-mail.

If granted, an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions attached at **Appendix D** and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at **Appendix D** to this Policy.

The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

Any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (two rear passenger windows, back window and any rear side windows if present).

Any vehicle granted an exemption, and which has tinted windows, must not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

17. **Tinted Windows**

In the case of vehicles where windows have been fitted as standard with a tint there will be no minimum light transmission for all windows to the rear of the B pillar.

The windows (excluding the windscreen which must have a minimum light transmission of 75% and 70% minimum light transmission for front side windows) of any vehicle shall not have been adapted so that less than the percentages detailed below of light is transmitted through it:

- 34% for all other windows

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34%. This discretion however does not apply to the front windscreen or the front side windows.

In addition to above, If the following criteria can be met in which case there will also be no minimum light transmission:

- The vehicle is an executive hire vehicle operating under an Exemption Notice, and
- The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of minors or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult, and
- Approval has been given by the Head of Environment, Housing & Leisure.

The Operator must, unless such a vehicle has been specifically requested, inform a hirer that a vehicle with tinted windows as detailed above will be supplied.

18. **Closed Circuit Television (CCTV) in vehicles**

The purpose of CCTV is to provide a safe environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police and Licensing Officers in investigating incidents of crime and/or complaints
- Assisting insurance companies in investigating motor vehicle accidents.

Where a CCTV system is in place it is a requirement that the proprietor must register their use of a CCTV system with the Office of the Information Commissioner in accordance with the requirements of the Data Protection Act 2018. (Further information is available at www.ico.gov.uk).

Any vehicle fitted with CCTV must display a sign approved by the Licensing Authority advising passengers that a CCTV system is in operation in the vehicle.

Where CCTV is in place in a vehicle it must be in full working order when passengers are being carried. The CCTV system must be maintained to manufacturers' standards.

The CCTV footage must be available for viewing by a Police Officer or an Authorised Officer of the Authority when a request to view the footage is made in compliance with the Data Protection Act 2018. Any failure to comply with such a request will be reported to the Licensing Section of the Authority for consideration of the appropriate action to be taken. Any reports of misuse of CCTV will be referred to the relevant authority, for example; the Surveillance Camera Commissioner and the Information Commissioner's Office as well as the Authority.

19. **Environmental Considerations**

This Policy is listed in the Authority's Transport Strategy for 2017-2032 as a Policy that supports the delivery of the Transport Strategy in the Borough. The North Tyneside Transport Strategy was approved by Cabinet in May 2017 and commits to managing the Borough's transport network effectively having regard to all forms of transport including that provided by hackney carriage and private hire vehicles. This Policy has therefore been developed having regard to the Authority's Transport Strategy. The Transport Strategy for 2017-32 can be found on the North Tyneside Council website.

As detailed in Chapter 1, one of the objectives of this Policy is the promotion of environmental sustainability. To meet this objective the Policy seeks to promote the uptake of zero and ultra- low emission vehicles and to permit licenses to be granted only for those vehicles that comply with particular age requirements within this Policy.

Emissions from hackney carriage and private hire vehicles can be immediately improved through encouraging the better maintenance of vehicles and by drivers switching off their vehicle's engine when stationary and so preventing the idling of engines, including in particular hackney carriages parked at ranks or licensed vehicles waiting for a fare. Non-idling technology is becoming more prevalent in newer vehicles and over time all licensed vehicles should be able to make use of this technology.

20. **Emission/Age standards**

As part of the need to promote environmental sustainability and reducing pollution caused by road vehicles, this Policy introduces common requirements for emissions from hackney carriages and private hire vehicles. The age standards set out below aim to assist in meeting the need to improve air quality in the Borough and the wider region.

The following age standards will be implemented over a four year period:

- (i) From 1 April 2021 no new vehicle licences will be granted for vehicles unless it is less than 4 years old
- (ii) From 1 April 2023 a vehicle licence will not be renewed unless the vehicle is less than 8 years old
- (iii) From 1 April 2025 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is less than 8 years old.

All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.

If any application is refused due to a vehicle failing to meet the age standard the licensee/applicant can appeal to Regulation and Review Committee against the decision to refuse to grant a licence or to the Magistrates' Court or Crown Court as appropriate.

21. **Insurance write offs**

Car insurance assessors use various categories of car insurance write off to rank the seriousness of accident damage. Two categories (A & B) represent very serious damage, but the remaining two categories (S & N) are for 'economic write offs' where the damage is considered too expensive to fix but does not necessarily amount to damage that is considered to be dangerous. Vehicles that have been declared to be an insurance write off in category A & B will not be licensed. Vehicles that have been declared either category S or N write off may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Authority, verifying the standard of repairs and that the vehicle is considered to be safe in all regards.

22. **Conditions**

It is the responsibility of hackney carriage proprietor licence holders and private hire vehicle licence holders to ensure that they have read and fully understood the conditions that form part of their licence and fully understand the requirements imposed on them by such conditions. Failure to adhere to the conditions could result in disciplinary action being taken against the licence holder. Any proprietor of a licensed vehicle who claims not to be aware of the existence of a licence condition will be considered as not having taken sufficient care to ensure the safety and care of their passengers.

3. Drivers

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1. Licences

The Authority issues the following driver licences:

- Hackney carriage driver
- Private hire driver

Licences are issued subject to proof of eligibility – driving licence, knowledge test, criminal records check, medical assessment and eligibility to live and work in the UK.

The statutory and practical criteria and qualifications for each licence are almost identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

Decision making in relation to licensing of drivers is an onerous duty requiring the Authority to take decisions in the interests of the wider community and not in the interests of the licensee or applicant. The safety of the public is paramount.

The Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a fit and proper person to be granted a licence.

Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is considered to no longer be a fit and proper person as a result of a conviction, caution fixed penalty or community resolution, complaint or other non-conviction information that comes to the Authority's attention.

2. **Experience**

All applicants must have held a full UK or European Economic Area (EEA) driving licence for at least 12 months before the date of the application. A full list of EEA Countries is available from the Licensing Section of the Authority.

3. **Right to work**

Applicants for a licence will be required to prove that they have a right to live and work in the UK before being considered for a licence and no licence will be granted/ renewed until the applicant is able to prove this requirement. If leave to remain in the country is for a period of less than 3 years a shorter licence will be issued.

All new applicants and on the first renewal for existing drivers a Right to Live and Work in the UK check will be carried out.

4. **Driver Knowledge/ Test**

In order to determine the fitness of a person to hold a licence, all new applicants are required to sit and pass a test on their knowledge of, driver conduct, licensing legislation, awareness of child sexual exploitation and the highway code. Applicants for a hackney carriage driver's licence will also be tested on their knowledge of the local geography.

Applicants will be permitted to have 3 attempts at passing the knowledge test within a 3 month period. If an applicant fails to pass the test after 3 attempts, they will be required to wait for a period of at least 6 months from the date of the last test taken by them before being permitted to sit the test again.

No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. If an applicant does not apply for the initial licence and 12 months elapses before an application for a licence is made the applicant will be required to sit a further knowledge test.

The Authority views candidates who cheat or attempt to cheat during the test to be acting dishonestly. Any candidate found cheating will be disqualified and the test fee will be forfeited. In addition, in such cases, the candidate's conduct will be taken into consideration when determining their application for a licence.

5. **Disclosure and Barring Service Check**

Given the role of a hackney carriage or private hire driver the Authority has determined that an Enhanced Disclosure provided by the Disclosure & Barring Service (DBS) is required by all new applicants for a licence. Once licensed, drivers will be required to undergo a further enhanced criminal record check at each three yearly renewal of their licence. A DBS check on a driver is an important measure in assessing whether or not an applicant is suitable to hold a hackney carriage, private hire or dual hackney carriage/private driver's licence.

The Enhanced Disclosure provides details of all convictions, cautions, fixed penalties and community resolutions held on the Police National Computer. The Enhanced Check will include information held on the DBS's Children and Adult Barred Lists of those individuals considered unsuitable or banned from working with children or vulnerable adults.

In addition, where appropriate the Disclosure Unit of the Police will share with the Authority other relevant information disclosed at the Chief Officer of Police's discretion.

These disclosures include details of spent and unspent convictions, cautions and intelligence. By virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1975, the Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driving licences and convictions of such drivers are never spent.

6. **DBS Process**

The Authority does not accept paper applications for Disclosures from the Disclosure & Barring Service (DBS). Applicants applying for a hackney carriage or private hire driver's licence must complete an on-line DBS form and this must be done before submitting the application for the licence to the Licensing Section of the Authority.

To complete an on-line DBS form, applicants will need access to the internet. There are four Customer First Centres located in the Borough where computer facilities are offered. Additional guidance on completing the online application is available from the Licensing Section or on the Authority website at www.northtyneside.gov.uk

DBS checks are not portable and only DBS checks applied for through North East Regional Employers Organisation (NEREO), the Authority's service provider, will be accepted. After completing the on-line application applicants will be given a submission reference number. Applicants will need to make a note of this reference number as the Licensing Section will require this at the time of submission of the application for the Licence.

A minimum of three forms of identity will be required in order to verify the identification of an applicant. The full list of approved documentation is available

from the Licensing Section or on the Authority's website at www.northtyneside.gov.uk.

The Authority requires applicants and existing drivers to subscribe to the DBS Update Service. An additional fee payable to the DBS will be required in relation to this service. The Update Service will allow criminal record certificates to be kept up to date.

Licensees will need to provide the Authority with their Disclosure Certificate when applying for a licence or renewal of a licence and complete and sign a mandate confirming that they consent to the Authority carrying out the online check.

The Update Service will then allow the Authority to carry out free, instant online checks of an individual's certificate to check it is up to date. The Authority will only have to seek a new criminal record check if the DBS advises that something has changed. Further information is available on the Disclosure and Barring Service website at www.gov.uk/dbs

7. Applicants who have spent time abroad

If an applicant is newly resident in the UK, they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.

Where an applicant has been continually absent from the United Kingdom and Channel Islands for 3 months or more an enhanced DBS disclosure in itself will be insufficient to satisfy the Authority that the applicant is a fit and proper person, as the DBS does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/ domiciled.

A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual.

The Head of Environment, Housing & Leisure may approach the relevant Embassy or appropriate body directly to verify documents provided. The applicant will be advised of any costs involved (e.g. in relation to translation) and these costs must be met by the applicant.

The Authority may require the applicant to submit additional information and references.

At all times, the Authority's aim is to protect members of the public who are using vehicles and drivers licensed by the Authority and thus if the documentation produced does not satisfy the Authority then the application will be refused.

Asylum seekers or persons granted asylum/refugee status will not be required to produce a Certificate of Good Conduct from the country they are claiming asylum from. To gain this exemption the applicant must provide a Certificate of Registration

or a letter issued by the Border and Immigration Agency confirming the above and must submit a written request to the Authority for the exemption to apply. A DBS for time spent in the UK will still be required.

The Head of Environment, Housing & Leisure may determine such applications or refer them to the Regulation & Review Committee.

8. **Relevance of Convictions, Fixed Penalties, Community Resolutions Cautions and Conduct**

In relation to the consideration of convictions, cautions, fixed penalties and community resolutions recorded against a person and concerns about their conduct please refer to Section A of Chapter 7 of this Policy – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions and Section B of Chapter 7 - Conduct.

In assessing whether the applicant is a fit and proper person to hold a licence, or if an existing driver continues to be a fit and proper person the Authority will consider each case on its own merits.

In some cases, the Authority may require additional DBS checks at a cost to the licensee.

9. **National Register of Taxi Licence Refusals and Revocations (NR3)**

North Tyneside Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3). On receipt of an application for a hackney carriage or private hire driver's licence this register will be checked for any information concerning the applicant. In addition, should an application for a hackney carriage or private hire driver's licence (new and renewal) be refused, or when an existing drivers' licence is revoked, that information will be placed upon the register.

The Policy that covers the use by the Authority of the information contained on the NR3 register can be found at www.nortytneside.gov.uk.

10. **Medical Assessment**

Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate Form MC1. This must be completed by the applicants own G.P or a Medical Practitioner with access to the applicant's full medical history. The applicant is responsible for paying the fee for the examination. If necessary, the G.P. may return the completed form direct to the Licensing Section.

Group 2 Medical Standard of Fitness applies. Please refer to Chapter 7 for more details with regard to medical fitness.

Applicants attaining 45 years of age must provide evidence of their medical fitness to hold a licence every five years up until the age of 65 years, after which a medical examination is required every year.

Where a medical examination is due within the term of the licence, the Authority will contact the driver in writing to advise of this. Should the medical certificate not be provided within the relevant timescale, the driver's licence will be suspended until such time as a medical certificate is provided and in certain cases the suspension will be with immediate effect.

Holders of DVLA Group 2 Licences will not be required to provide a medical certificate provided their licences are valid and evidence is produced to confirm this. In other cases where a more in depth medical has been undertaken for a specific profession (e.g. pilot's licence) then this will be considered on a case by case basis by the Licensing Section.

11. **Child Sexual Exploitation**

Child Sexual Exploitation is 'everybody's business' and the Authority is committed to working in partnership with and supporting local businesses and the community to raise awareness of this issue. Licensed drivers may see, hear or recognise situations or behaviour that may be of concern to them. As well as being in a position of trust drivers play an important role in helping to safeguard vulnerable people. It is important therefore that licensed drivers and applicants undergo awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information sexual exploitation can be prevented, children and young people are protected, and perpetrators of sexual offences prosecuted.

It is a requirement that all new applicants for a hackney carriage/private hire driver's licence to undertake child sexual exploitation awareness training prior to being issued a licence.

All existing drivers are required to undertake a sexual exploitation awareness refresher training every three years, with regular updated information leaflets circulated to drivers when required. If training is not completed the driver will be referred to Regulation and Review Committee.

12. **Three Year Driving Licences**

In the majority of cases the Authority will issue driver licences for up to three years. In certain cases, a three year licence will not be appropriate but the Licensing Section will advise if this is the case.

13. **Application Procedure**

14. **New Applications**

The following documents are to be submitted in person or online as applicable for a **new** application:

- Fully completed application form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis.
- DBS Submission Reference Number together with appropriate identity documents or Evidence provided to confirm subscription to the DBS Update Service
- Knowledge Test pass certificate
- Driving Licence
- Fully completed mandate for DVLA licence check
- Evidence of a right to reside and work in the UK
- Evidence of completion of CSE awareness training
- Any additional information requested by the Licensing Section

Fees:

- Licence fee including DBS Check fee

The application will not be determined until the knowledge test has been taken and passed, a medical certificate and Enhanced Disclosure and where applicable a Certificate of Good Conduct and any additional information requested are received. Any incorrectly completed forms will be returned.

If the application is withdrawn or refused the fee will be refunded minus the proportion of the charge for the DBS and knowledge test fee and an administrative charge. Should the application be appealed the administrative charge will be higher.

Fees paid in relation to driver licences will be subject to a partial refund on the unexpired portion of the licence should the driver choose to surrender their licence. Refunds will be payable in relation to each full year remaining on the licence and an administration fee will be levied.

15. **Renewals**

Applications to renew a licence must be submitted in person or on line as applicable prior to the expiry date of the current licence.

The following documents are to be submitted for a **renewal** application:

- Fully completed renewal form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis, if required

- DBS Submission Reference Number together with appropriate identity documents, as required
- Driving licence and/or fully completed DVLA mandate
- Evidence of a right to reside and work in the UK (where required)
- Evidence of completion of a refresher CSE awareness package (when required)
- Any additional information requested by the Licensing Section

Holders of existing driver's licences must apply to renew their licence in the four weeks preceding the expiry date and the licence holder is encouraged to submit the application at least 10 working days prior to the expiry of the existing licence to allow the application to be processed. Renewal applications submitted after the expiry date will not be accepted. Any late renewals will be classed as a New Application with Grandfather Rights.

Fees:

- Licence fee including disclosure application fee if required

There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid drivers the Licensing Team will endeavour to do so. However, the responsibility rests with the driver to ensure documentation is provided within the appropriate timescales. If the required documents are not produced the application will not be determined.

If the application is refused the fee will be refunded minus the proportion of the charge for the DBS and an administrative charge. Should the application be appealed the administrative charge will be higher.

16. **Incomplete applications**

An application to renew a licence that has been submitted with the appropriate licence fee prior to the expiry of that licence, but is incomplete, will not be processed.

In such cases the Authority will issue a written request to the licensee for the additional information to be provided within 14 days of the expiry of the licence. During this time the licensee can continue to drive.

If the licensee fails to provide the information within this time period the application will be refused, to which the licensee will have a right of appeal. During this time the licensee can also continue to drive. If no appeal is received within 21 days then the driver must cease driving.

Renewal applications will be processed and a driver's licence issued pending any required enhanced DBS check unless the Authority has reasonable grounds for concern in which case the renewal will not be granted until or unless these concerns have been resolved.

Any licence that is issued pending the result of a DBS check will be on a “without prejudice basis” meaning such licences are issued without prejudice to any subsequent decision that the Authority may make when all of the relevant information from the DBS check is to hand.

If no evidence is provided of an enhanced DBS check having been submitted and sufficient accompanying documents to proceed with the renewal application, the application will not be accepted and no “without prejudice” licence issued.

If convictions, cautions etc. or charges are disclosed in the DBS check, the Head of Environment, Housing & Leisure will make a decision as to their relevance. The Authority may require further information from the Police, Crown Prosecution Service or other agencies prior to making a decision. If the information received is deemed relevant according to this Policy the application for renewal of a licence may be refused. Appeals against a refusal must be made in writing to the Regulation and Review Committee and/or Crown Court or Magistrates Court and be received within 21 days of receipt of the decision.

If details of any convictions, cautions etc. are received through the DBS check process and these were not disclosed by the applicant on the signed declaration form stating that there are no new convictions, cautions, fixed penalties or community resolutions then this will be treated seriously and the appropriate action taken in accordance with the Authority’s Enforcement Policy.

The Head of Environment, Housing & Leisure may refer a decision to renew a driver’s licence to the Regulation and Review Committee.

If a renewal of a licence is refused the decision and reasons for the decision will be notified in writing to the applicant or licensee within 5 working days of the decision.

Where a licence is issued, drivers will be issued with two identity badges detailing their name, licence number, expiry date of the licence and a photograph of the licensee. One badge must be worn at all times when the driver is working. Drivers are required to display the other badge in the vehicle where it is clearly visible to passengers.

Lost or damaged badges must be notified to the licensing Section by the next working day. A fee will be charged for each replacement badge.

17. **Grandfather Rights**

The Authority will take account of the previous DBS check and medical history held of any driver who has not renewed their driver’s licence but re-applies within 6 months of the expiry date. If a knowledge test has been passed, then a period of 12 months will apply in relation to this.

18. **Conditions of Licence/Byelaws**

The conditions set out at **Appendix E** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

The Authority is not permitted to attach conditions to a hackney carriage driver's licence. The Authority has adopted Byelaws which regulate hackney carriage drivers. It is, however, empowered to attach conditions to a private hire driver's licence as are considered necessary.

It is the responsibility of a private hire driver on the grant of a driver's licence to ensure that they have read the conditions attached to the licence and to fully understand the requirements imposed on them by such conditions. Failure to adhere to the conditions could result in disciplinary action being taken against the driver.

No private hire driver should be operating as a licensed driver without being aware of the conditions attached to their licence and all drivers will be expected to have read the conditions on receipt of their licence.

It is the responsibility of a hackney carriage driver on the grant of a driver's licence to ensure that they have read the Byelaws adopted by the Authority which regulate their driver's licence. Please see Appendix I for Byelaws. Failure to adhere to the Byelaws could result in disciplinary action being taken against the driver including prosecution.

No hackney carriage driver should be operating as a licensed driver without being aware of the Byelaws adopted by the Authority in relation to hackney carriage drivers and all drivers will be expected to have read the Byelaws on receipt of their licence.

19. **Code of Good Conduct**

The Authority has introduced a Code of Good Conduct for all drivers that the Authority encourages drivers to operate in accordance with. This serves to promote the objectives set out in this Policy in respect of hackney carriage and private hire licensing. This Code of Good Conduct will be taken into consideration when determining disciplinary matters.

The Code of Conduct is attached at **Appendix F** to this policy.

20. **Driver's Dress Code**

A dress code serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers.

In order to raise the standard of the licensed trade, drivers should operate at all times in a professional manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore in place and attached at **Appendix G** to this Policy. The Authority will not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

4. Private Hire Operators

Contents

1. Requirements and obligations
2. Criminal Record Checks
3. Conditions
4. Other obligations
5. Application Procedure
6. Licence Duration
7. Address from which an operator may operate
8. Record Keeping
9. Change of Address
10. Convictions/Cautions

1. Requirements and obligations

Any person who operates one or more private hire vehicles must apply to the Authority for a private hire operator's licence.

The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every private hire vehicle despatched by him/her is licensed and driven by a person who holds a private hire driver's licence. All three licences (operator, vehicle and driver) must be issued by the Authority.

It is a criminal offence to operate a private hire vehicle without an operator's licence.

Operators and prospective operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

Applications for an operator's licence must be made on the prescribed form, and the appropriate fee paid. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence. It is accepted that an operator does not have the same level of direct contact with the public as a licensed driver (unless s/he holds a hackney carriage or private hire driver's licence). However, it is acknowledged that the operator will be in possession of information about a person's whereabouts and movements and will deal with the public either face to face, over the telephone or by other means and therefore there is a need for them to be fit and proper persons to hold an operator's licence.

When determining the fitness and propriety of operators, Officers and Members will consider the following test:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

If the answer to this question is an unqualified yes, then the test is satisfied. If Officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person to hold an operator’s licence.

The Licensing Officer may also require additional information including a business plan.

2. **Criminal Record Checks**

Private hire operator’s licences will only be granted to persons that the Authority is satisfied are fit and proper. This will be ascertained by way of a Basic Disclosure of any criminal convictions from the Disclosure and Barring Service, information requested on the application form or if deemed necessary during interview with the Licensing Officer.

Before an application for a private hire operator’s licence will be considered the applicant (whether this be an individual or the Director of a limited company) must provide a current (less than 1 month old) Basic Disclosure of criminal convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement as they will already have had a higher level of criminal record check.

Where a private hire operator’s licence is in force in the name of a limited company and a new director(s) is proposed to be appointed to that limited company then each proposed director will be required to provide a Basic Disclosure of convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement.

In exceptional circumstances, the Authority may take relevant spent convictions into account having regard to the factors set out in the judgment of *Adamson v Waveney District Council* [1997] 2 All ER 898 when determining an individual’s suitability to hold an operator’s licence. In the case of a company, any relevant spent convictions of an officer of the company may be taken into account in exceptional circumstances when determining the suitability of the company to hold a licence.

Any concerns highlighted during this process will be carefully considered and may be referred to the Regulation and Review Committee for determination.

3. **Conditions**

The Authority has power to impose such conditions on an operator’s licence as it considers reasonably necessary.

On the grant of an operator's licence the operator must read and understand the conditions attached to the licence. Failure to adhere to the conditions of the licence could result in disciplinary action being taken against the operator.

No operator should be operating as such without being aware of the conditions attached to their licence and all operators will be expected to have read the conditions on receipt of their licence.

Appendix H sets out the model conditions to be attached to an operator's licence which cover the standards of service expected.

4. **Other obligations**

Applicants are advised to ensure that the appropriate public liability insurance has been taken out for premises and that appropriate planning permission is in place.

Applicants for operator licences (new or renewal) will be required to prove that they have a right to work in the UK before being considered for a licence. No licence will be granted until the applicant is able to prove that they have a right to work in the UK. If leave to remain in the country is less than 5 years a shorter licence will be issued.

All new applicants and on the first renewal for existing drivers a Right to Live and Work in the UK check will be carried out.

5. **Application Procedure**

The following documents are to be submitted in person or by post, online or e-mail for a new or renewal application:

- Application form
- Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver) of the applicant and his/her/its staff
- Evidence of a right to reside and work in the UK (where required)
- Business Plan
- Any additional information requested by the Licensing Section
- A register of their staff who take bookings or despatch vehicles and operators

Fees:

- Licence fee

Holders of existing operator licences must apply to renew their licence in the four weeks preceding the expiry date and the licence holder is encouraged to submit the application at least 10 working days prior to the expiry of the existing licence to allow the application to be processed. Renewal applications submitted after the expiry date will not be accepted.

Officers may require a site visit to the premises prior to the determination of the application for an operator's licence.

6. Licence Duration

Operator's licences will have a duration of up to five years. Fees paid in relation to operator licences will be subject to a partial refund on the unexpired portion of the licence should the operator choose to surrender their licence.

Refunds will be payable in relation to each full year remaining on the licence and an administration fee will be levied.

7. Address from which an operator may operate

Upon grant of an operator's licence the Authority will specify the address or addresses from which the operator may operate. The premises must be in North Tyneside.

If an operator wishes to change the premises from which they operate they should seek approval from the Authority prior to any change.

8. Record Keeping

Operators are required to keep records of each proprietor, vehicle and driver, booking records, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare agreed at the time of booking. **Appendix H** refers.

Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Authority.

9. Change of Home Address

The operator must advise the Licensing Section of the Authority in writing of any change of his home address within 7 days of such a change taking place.

10. Convictions, Cautions, Fixed Penalties and Community Resolutions

The operator shall disclose to the Authority within 7 days in writing of any conviction, caution, fixed penalty or community resolution received in relation to themselves or in the case of a limited company, against the company secretary or any of its directors.

5. Fares

Contents

1. General
2. Fare Tariff Formula
3. Table of Fares
4. Receipts
5. Overcharging

1. General

Licensing authorities have the power to set hackney carriage fares for journeys within the prescribed area.

Hackney carriage fares, set by the Authority, are a maximum and can be negotiated downwards by the hirer.

The Authority may review the fare scales when requested by the trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.

The Authority is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator.

When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages. The meter must be used for all journeys. Failure to comply is an offence.

When a journey ends outside of the Authority's district a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. The meter must be used during all journeys. Failure to comply is an offence.

2. Fare Tariff Formula

The Authority prescribes the maximum fares that can be charged by a hackney carriage. The table of fares is not attached to this Policy as it is reviewed annually or more frequently depending on emerging circumstances e.g. the economic climate. A current table of fares is available from the Licensing Section or on the Authority website at www.northtyneside.gov.uk.

A formula is used to set maximum fares and charges. A full explanation of the formula is available from the Licensing Office.

A Notice of any variation to the maximum fare will be advertised in the Newcastle Evening Chronicle or similar newspaper with a date set of 14 days from publication for making objections to the variation of fares.

If no objections are received the fare variation will have immediate effect at the end of the date stated for lodging objections. If any objections are received these will be referred to the Head of Environment, Housing & Leisure.

3. **Table of Fares**

Tables of fares will be provided to each hackney carriage licensee, which must be displayed in the vehicle so that they are easily visible to all hirers. Replacement fare tables are available for an additional fee.

4. **Receipts**

A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

5. **Overcharging**

All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. Wheelchair users cannot be charged extra for transportation.

6. Fees

Contents

1. Fee Structure
2. Variations to fee structure
3. Payments
4. Payment Refunds

1. Fee Structure

The Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to set fees for hackney carriage and private hire vehicles, drivers and operator licences. The legislation permits the local authority to recover the cost of providing the licensing scheme and such fees must be reasonable.

Section 53 (2) of the 1976 Act controls the levying of fees in respect of driver's licences for both hackney carriages and private hire vehicles. Section 70 of the 1976 controls the levying of fees for hackney carriage proprietor's licences, private hire vehicle licences and private hire operator's licences.

The current scale of fees and charges are available from the Licensing Office and via the Authority website at www.northtyneside.gov.uk.

2. Variations to fee structure

The fee structure is reviewed annually as part of the Authority's budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

A Notice of any variation to the maximum fees will be advertised in the Newcastle Evening Chronicle newspaper or similar newspaper with a date set 28 days from publication for making objections to the variation of fees.

If no objections are received the fee variation will have immediate effect at the end of the 28 day period specified for objections. If any objections are received the matter will be referred to Regulation and Review Committee for consideration.

3. Payments

Payments can be made in the form of cash in person, cheques by post made payable to the Authority or by debit or credit card. Under no circumstances must cash accompany postal applications.

4. Payment Refunds

Fees paid in relation to hackney carriage and private hire vehicle licences are subject to a partial refund on the unexpired portion of the licence, minus any test fee(s), should the proprietor choose to surrender their licence during the period of the licence. Refunds are payable for each full quarter left and an administration fee will be levied.

Fees paid in relation to hackney carriage and private hire driver licences are subject to a partial refund on the unexpired portion of the licence should the driver surrender their licence during the period of the licence. Refunds are payable for each full year left and an administration fee will be levied.

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7. **Convictions, Cautions, Conduct, Fixed Penalties, Community Resolutions & Medical Fitness**

Contents:

1. Hackney Carriage & Private Hire Drivers
2. Rehabilitation of Offenders Act 1974

Section A – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions

3. General Policy
4. Formal Cautions, Fixed Penalties and Community Resolutions and Other Matters
5. Barred Lists
6. Outstanding charges or summonses/Non-conviction information
7. Offences
8. Offences of Dishonesty
9. Crimes Resulting in Death
10. Offences of Violence
11. Discrimination
12. Possession of a Weapon
13. Drugs Offences
14. Possession of Drugs
15. Sexual & Indecency Offences
16. Motoring Offences
17. Minor Traffic Offences
18. Major Traffic Offences
19. Disqualification
20. Vehicle Use Offences
21. Licensing offences

22. **Section B – Conduct**

23. **Section C – Medical Fitness**

24. Production of medical certificate
25. Group 2 Standard
26. Age
27. Monitoring of medical condition
28. Refusal, Suspension and Revocation on grounds of medical fitness

1. **Hackney Carriage & Private Hire Drivers**

When an application is made for a private hire or hackney carriage driver licence the Authority must be satisfied that the applicant is a **fit and proper** person before issuing the licence. By law the Authority shall not licence drivers unless it is satisfied of this (section 51 & section 59 Local Government (Miscellaneous Provisions) Act 1976).

The legislation is worded in such a way so as to put the onus on the applicant to produce evidence to satisfy the Authority that they are a fit and proper person, rather than for the Authority to prove that they are not.

The Authority may fail to be satisfied on the balance of probability that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In addition, the Authority may:

- suspend; or
- revoke; or
- refuse to renew a licence

a hackney carriage or private hire driver licence:

- if the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- if the licensee has been convicted of a private hire/hackney carriage licensing offence;
- if, the licensee (in some cases), since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty; or
- for any other reasonable cause.

(section 61 LG(MP) Act 1976)

Any other reasonable cause will include convictions for other types of offence, a lack of medical fitness or conduct.

If it appears to be in the interests of public safety to do so, then a revocation or suspension of a licence will have immediate effect and the driver will be given notice of that decision and an explanation. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles. The revocation or suspension will continue to apply should an appeal be made against the decision. In certain cases, a licence may be revoked or suspended without taking immediate effect.

2. **Rehabilitation of Offenders Act 1974**

Hackney Carriage and Private Hire drivers are excluded from the provisions of the Rehabilitation of Offenders Act 1974. **All** convictions, including spent convictions must be declared on first application or any renewal and will be considered as part of the application process.

3. Section A – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions

General Policy

The overriding consideration of the licensing regime is the safety of the public. The Authority has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers.

The aim of the Authority in publishing this guidance is not to punish the applicant/licensee following a conviction or other form of disposal but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.

This guidance is intended to assist Licensing Officers and the Regulation and Review Committee (the Committee) in decision making and to ensure that a consistent approach to decision making is maintained. However, each case has to be decided upon its own merits and officers and the Committee will not stick rigidly to this guidance if there are clear and compelling reasons to depart from it. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.

It may be appropriate to depart from the general policy in this guidance in some cases, if there are compelling reasons to do so, for example, in situations where an offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern or trend of repeated offending or inappropriate behaviour which will be taken into account. Where there has been a conviction for a sexual offence or a crime which resulted in the death of another person an application for a licence will be refused. Where an applicant has served a custodial sentence, the Authority will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation of another individual irrespective of whether the victims are adults or children they will not be, or continue to be, licensed. "Exploitation" is taken to include slavery, child sexual abuse including grooming, psychological abuse, emotional abuse and financial abuse

This guidance is also intended to assist applicants, licensees and those representing them, by clearly setting out the expectations that the Authority has in relation to applicants/licenses who have received convictions. This should also minimise the time spent and associated costs incurred by both the Authority and applicants/licensees in the licensing process.

This guidance will be taken into account and will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.

In considering evidence of an applicant's character and fitness to hold a drivers licence, where previous convictions or other information relating to criminal matters is disclosed, the Authority will consider the nature of the offence or allegation made, when it was committed, the date of conviction, the applicants age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Authority cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)] but it may look at the circumstances surrounding the conviction.

This guidance is not an attempt to define who is a fit and proper person.

This guidance does not deal with every type of offence. However, offences described in this guidance and similar offences, though differently described or worded in any statutory provision, modification or re-enactment, will be taken into account in accordance with this guidance. In all cases the safety of the public will be the primary concern of the Authority.

4. Formal Cautions, Fixed Penalties and Community Resolutions and Other Matters

For the avoidance of doubt, for the purposes of this guidance, cautions, fixed penalties and community resolutions shall be treated as though they were convictions and in this Policy/guidance any reference to "conviction" includes formal cautions, fixed penalties community resolutions and matters that amount to criminal behaviour but which have not resulted in a conviction.

Cautions

The Authority requires applicants and licensees to reveal promptly any cautions they may have received because a caution can only be imposed following an admission of guilt which is equivalent to a guilty plea on prosecution and because before a caution can be administered the police or prosecuting authority must have considered that there was sufficient evidence to proceed with a prosecution had the offer of a caution been refused.

Fixed Penalties

Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as littering, dog fouling etc. Fixed penalties must be declared to the Authority promptly in the same way as convictions are declared and may be taken into account by the Authority. This is because payment of a fixed penalty indicates acceptance of guilt.

Community Resolutions

A community resolution imposed for crime or anti-social behaviour must be promptly disclosed to the Authority. This is because a community resolution can only be imposed where the offender admits guilt.

Other Matters

It should be recognised that matters that have not resulted in a criminal conviction (whether as the result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the applicant/licensee has been bailed or released under investigation) can and will be taken into consideration by the Authority.

In addition, complaints that do not have police or other investigating authority involvement will be considered by the Authority when assessing the fitness of a person to hold a licence.

5. Barred Lists

Part of the role of the DBS is to help prevent unsuitable people from working with vulnerable groups including children, barring them from doing so where necessary. As part of the enhanced DBS check the Authority is provided with information about whether an applicant is barred from working with children or adults. In most cases, someone on a barred list would not be legally prevented from being a taxi or PHV driver, so the Authority can use its discretion in making decisions. However, in the interests of public safety, unless there are exceptional circumstances, an application will normally be refused where the applicant appears on either barred list.

6. Outstanding charges or summonses/Non-conviction information

Where an applicant/licensee is the subject of an outstanding charge or summons their application will not usually be determined until the conclusion of proceedings or the charge(s) has/have been withdrawn.

If an applicant/licensee has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration will be given to refusing the application or if currently licensed to further action being taken having regard to this Policy and guidelines.

7. Offences

This guidance does not deal with every type of offence.

However, offences described in this guidance and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

8. **Offences of Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the appropriate fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.

Applicants/Licensees with a conviction for an offence involving dishonesty will not be granted a licence until at least 3 years have elapsed since the completion of any sentence.

9. **Crimes Resulting in Death**

Applicants/Licensees convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person will not be licensed.

10. **Offences of Violence**

Applicants/Licensees with a conviction, for an offence of violence, or connected with any offence of violence, will not be granted a licence until between 3-5 years have elapsed since the completion of any sentence imposed.

11. **Discrimination**

Where an applicant/licensee has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.

12. **Possession of a Weapon**

Where an applicant/licensee has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

13. **Drugs Offences**

Supply of Drugs/Cultivation of Drugs

Applicants/Licensees with a conviction for an offence of supplying or possession of drugs with intent to supply or connected with possession with intent to supply, will be refused a licence until at least 5 years have elapsed since the completion of any sentence imposed.

14. **Possession of Drugs**

Applicants/Licensees with a conviction for an offence of possession of drugs or related to the possession of drugs will be refused a licence until at least 3 years have elapsed since the completion of the sentence imposed. In these circumstances the applicant/licensee will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs

15. **Sexual and Indecency Offences**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers. Therefore, applicants/licensees with a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

16. **Motoring Offences**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying members of the public. Any motoring conviction demonstrates a lack of professionalism and will be considered in that light. The single occurrence of a minor traffic offence will not generally prohibit the grant of a licence or action being taken against a licensee. However, any subsequent motoring convictions may be evidence of the fact that the applicant/licensee does not take their responsibilities as a professional driver seriously and is therefore not, or no longer remains, a fit and proper person to hold a licence.

17. **Minor Traffic Offences**

Where an applicant/licensee has between 3-5 penalty points either at the time of application or during the licence period this will be considered as a "Minor Traffic offence". Convictions for minor traffic offences should not prevent a person from obtaining a licence. In the majority of cases the applicant/licensee will receive a warning or advice regarding future conduct.

Bearing in mind the number of miles they drive, it is expected that licensed drivers are more likely than the average motorist to get convictions for minor traffic offences. Where an applicant/licensee has accrued 6 or more penalty points for two or more minor traffic offences in the majority of cases a formal written warning will be issued.

18. **Major Traffic Offences**

Road Traffic Offences which carry mandatory disqualification from driving will always be considered as "Major Traffic offences". Where an applicant / licensee has 6 or more penalty points for a single offence or where the court has disqualified the driver for a single offence this will be considered as a Major Traffic offence. In the majority of cases an applicant will be refused until a period of 2 years has lapsed since the date of the last conviction or the restoration of the DVLA licence. Existing drivers will generally be referred to the Regulation and Review Committee.

Where an applicant/licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until between 3-5 years have elapsed since the completion of any sentence or driving ban imposed. Following a conviction for driving under the influence of drugs, an applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant/licensee has a conviction for using a hand-held mobile telephone or other hand-held interactive communication device whilst driving, a licence will not be granted until at least 3 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

19. **Disqualification**

In totting-up cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Authority is likely to refuse a hackney carriage or private hire drivers licence and an applicant will normally be expected to show a period of 12 - 18 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-qualification. Existing drivers will generally be referred to the Regulation and Review Committee. This is because repeat motoring convictions would suggest that the driver does not take his/her professional responsibilities as a licensed driver seriously and may as a result no longer be considered a fit and proper person to hold a licence.

In totting-up cases where disqualification is imposed by the court, the Authority is likely to refuse a hackney carriage or private hire drivers licence until a period of 12 – 18 months has lapsed since the restoration of the DVLA licence. Existing drivers will be referred to the Regulation and Review Committee.

20. **Vehicle Use Offences**

Where an applicant/licensee has a conviction for any offence which involved the use of a vehicle (including both hackney carriage and private hire vehicles) a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

21. **Licensing Offences**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Acts) and hackney carriage Byelaws is to ensure the protection of the public. The main private hire and hackney carriage offences are available from the Licensing Office or on the Authority's website www.northtyneside.gov.uk.

A serious view is taken of convictions for offences under the Acts and Byelaws when deciding whether an applicant/licensee is considered to be, or remain, a fit and proper person to hold a licence.

Where an applicant/licensee has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 2 years have elapsed since the completion of any sentence imposed.

Where an applicant/licensee has a conviction for any offence which involves the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 2 years have elapsed since the completion of any sentence imposed.

22. **Section B – Conduct**

Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour, appearance and behaviour may be taken into account in determining fitness and propriety as well as any complaints received about a current licensee.

The Authority may require an applicant to submit information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached to a licence (section 57 LG(MP) Act 1976).

The courts have found that the main purpose of the licensing regime is to prevent licences being given to, or used by, those who are not suitable to hold a licence, taking into account their driving record, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain [2002]).

When determining the fitness and propriety of drivers Officers and Members will consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.

If the answer to this question is an unqualified "yes", then the test is probably satisfied. If the Officers or members have doubts then further consideration will be given as to whether the individual is a fit and proper person.

Matters that have not resulted in a criminal conviction as explained in Section A of this guidance can and will be taken into account by the Authority when determining the fitness of a person to hold, or to continue to hold, a licence.

23. Section C – Medical Fitness

24. Production of medical certificate

Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Authority may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Authority requires a medical certificate upon an initial application for a licence.

In addition or in place of such a certificate the Authority may require an applicant to submit to examination by a registered medical practitioner selected by the Authority as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.

The medical practitioner must confirm that:

1. they have examined the applicant
2. the applicant is registered with the practice and/or
3. they have had full access to the applicant's medical records
4. the medical examination was carried out to DVLA Group 2 standard
5. s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.

If the medical practitioner has not had access to the applicant's full medical records the Authority may require more frequent medical testing and/or select a practitioner to undertake a full medical examination of the applicant. All expenses are payable by the applicant.

25. Group 2 Standard

In line with DVLA recommendations, the Authority has adopted DVLA Group 2 driver standard for medical fitness of hackney carriage and private hire drivers. This reflects the higher risk caused by the length of time the driver may spend at the wheel in the course of his/her occupation and the responsibility they have for the safety of their passengers and the public.

26. Age

The Authority's policy is that a medical certificate is required upon an initial application for a licence. It remains valid until a driver reaches the age of **45 years** when a further medical certificate is required. A medical certificate is then required every **5 years until the age of 65** after which a certificate is required on a yearly basis.

27. Monitoring of medical condition

In addition, where a driver suffers from a medical condition that requires monitoring but would not prevent him/her from holding a licence the Authority may, as an additional condition of their licence, require written confirmation from his/her GP or consultant on each annual renewal that s/he remains fit to carry out the duties of a driver. Any condition attached to a driver's licence will be regularly reviewed.

It is a requirement that a driver notifies the Authority immediately of any medical condition which could affect their ability to carry out the duties of a licensed driver.

28. **Refusal, Suspension and Revocation on grounds of medical fitness**

If the Authority is not satisfied on the balance of probabilities as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted (section 51 & section 59 LG (MP) Act 1976).

If the Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under section 61 Local Government (Miscellaneous Provisions) Act 1976.

Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Authority to revoke or suspend an existing driver's licence **with immediate effect** when that driver no longer meets the Group 2 medical standard and in the opinion of the Authority's it is in the interests of public safety to take such a course of action. The Authority will only lift a suspension of a licence on receipt of written confirmation from a GP or consultant that the driver meets the Group 2 medical standard.

8. Enforcement and Discipline

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9. Section 62 Operator Licences
10. Stay of action pending outcome of Court Appeal
11. Requests for Insurance
12. Cautions
13. Prosecution

Please note: This chapter provides an overview of enforcement and disciplinary action. It is not intended to be an exhaustive list. **It does not constitute legal advice.**

1. Enforcement & Discipline - The Authority's Officers and Regulation & Review Committee

Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instill confidence in the travelling public who wish to use the service.

Enforcement of hackney carriage and private hire matters is undertaken by the Authority. The police may also take action in certain circumstances.

Officers of the Authority (usually Licensing Officers) can be authorised by the Authority to undertake enforcement work. The Head of Environment, Housing & Leisure may authorise such Officers. In undertaking such work the Officers will abide by the Authority's Enforcement Policy. Enforcement work includes investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers e.g. vehicle defects. The Authority can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

The Head of Environment, Housing & Leisure may take appropriate disciplinary action against licensees in accordance with this policy. The Authority's Regulation & Review Committee may determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Head of Environment, Housing & Leisure.

2. **Enforcement/Disciplinary Options**

There are various options to take depending upon the circumstances including:

- take no action
- take informal action
- use statutory and other notices/requests
- suspend a licence (with or without immediate effect)
- revoke a licence (with or without immediate effect)
- refuse to renew a licence
- use formal cautions
- prosecute
- obtain an injunction

The Head of Environment, Housing & Leisure may refuse to grant or renew licences and may revoke or suspend licences, with or without immediate effect.

3. **Informal Action**

Informal action to secure compliance with the legislation and policy includes offering advice, verbal and written warnings and requests for action.

Informal action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action
- from the individual licensee's history it can be reasonably expected that informal action will achieve compliance
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

Repeated incidents of licence infringements, complaints etc. are likely to lead to action being taken against the licensee by the Head of Environment, Housing & Leisure or a referral to the Regulation & Review Committee.

4. **Vehicle Defect Rectification Scheme (VDRS)**

In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws is noted Officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for inspection by Officers within 5 working days at the Licensing Office or a mutually agreed location. If a proprietor is aggrieved at the issue of a VDRS notice, then they may request a review by Officers.

If the defect has been remedied, then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection the vehicle licence may be suspended (section 60 (LG(MP) Act 1976) and/or the proprietor may be prosecuted (section 50 & section 73 LG(MP) Act 1976). A proprietor may appeal against a section 60 vehicle suspension during which time the vehicle can continue to be used.

5. Section 68 Notices – Suspension of Vehicle Licence

An Officer authorised by the Authority (or Police Officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Authority to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The Officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy using section 68 of the Local Government (Miscellaneous Provisions) Act 1976. Suspension under section 68 takes immediate effect. There is no right of appeal against such a suspension. Therefore, this action will only be taken when an Officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users.

If the Officer is not satisfied of the fitness/accuracy of the vehicle within 2 months the vehicle licence is deemed to be revoked. Such matters do not need to be referred to Regulation and Review Committee by the Head of Environment, Housing & Leisure. The proprietor will be given written notice of the revocation within 14 days. The proprietor may appeal against the revocation of the licence to the Magistrates' Court or alternatively, or in addition to, the driver may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

6. Suspend, Revoke or Refuse to Renew a Licence

7. Vehicle Licences – Section 60 LG(MP) Act 1976

The Authority may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- a. that the vehicle is unfit for use;
- b. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- c. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew a vehicle licence under section 60 LG(MP) Act 1976 it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure the proprietor may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

8. Driver Licences - Section 61 LG(MP) Act 1976

The Authority may suspend or revoke or refuse to renew a driver licence (hackney carriage, private hire or dual hackney carriage/private hire) on any of the following grounds:

- a. that since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- b. that since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- c. in some cases, if since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty; or
- d. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew a driver licence under section 61 LG(MP) Act 1976 it shall give the driver written notice of the grounds for the decision within 14 days. The driver must on demand return to the Authority the driver's badges. The driver may appeal to a Magistrates Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure, the driver may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

9. Operator Licences - Section 62 LG(MP) Act 1976

The Authority may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:

- a. any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- b. any conduct on the part of the operator which appears to render him unfit to hold an operator's licence;
- c. any material change since the licences was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- d. in some cases, if since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty; or
- e. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew an operator licence under section 62 LG (MP) Act 1976 it shall give the operator written notice of the grounds for the decision within 14 days. The operator may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure the operator may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

10. Stay of Action Pending Outcome of Court Appeal

Section 77(2) LG(MP)Act 1976 stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke a licence, the licence is deemed to remain in force until the appeal has been disposed of or withdrawn.

The licensee has 21 days from notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates' Court dismisses the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined. If no appeal is lodged the driver must cease driving at the end of this period.

The Authority may decide that a suspension or revocation should take immediate effect where it considers it is in the interests of public safety to do so. In such cases the notice is issued to the driver and will include a statement that it is an immediate suspension/revocation and an explanation why. The suspension or revocation takes effect when the notice is received by the driver.

Where a licensee's court appeal is unsuccessful the court may order them to pay the Authority's costs.

None of the above provisions apply to the suspension of a vehicle licence under section 68 LG(MP) Act 1976. Where the suspension or revocation of a driver's licence under section 61 LG(MP) Act 1976 applies with immediate effect the driver cannot drive a hackney carriage or private hire vehicle pending any appeal made to the Regulation and Review Committee or to the Magistrates' Court.

11. Requests for Insurance

In addition to spot checks, the Authority's Officers have a regular programme whereby requests to produce insurance are sent to a random selection of proprietors for the production of vehicle insurance. If insurance is not produced the vehicle licence may be suspended and the proprietor may be prosecuted (section 50 LG(MP) Act 1976).

In addition, anyone using an uninsured vehicle may be prosecuted (section 143 Road Traffic Act 1988 (or any successor legislation)).

12. Cautions

A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Authority will have regard to all relevant guidance including the Authority's Enforcement Policy. It is necessary for the offence to be admitted prior to administering a caution.

A caution may be used to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the Courts;
- reduce the chances of repeat offences.

13. Prosecution

In certain cases the Authority will prosecute. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied and regard will be given to the Authority's Enforcement Policy.

In addition to prosecution, disciplinary action (e.g. warning, suspension, revocation, refusal to renew) may be taken against the licence.

The current standard fines for summary offences in the Magistrates Court are as follows:

- Level 1 - £200
- Level 2 - £500
- Level 3 - £1,000
- Level 4 - £2,500
- Level 5 - Unlimited

9. Regulation & Review Committee

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2. Decision making
3. Appeals
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8. At the Hearing
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10. Who is who?

1. Introduction

The Authority's Regulation and Review Committee ("the Committee") exercises the Authority's functions in relation to the individual licensing of hackney carriage vehicles, hackney carriage drivers, private hire vehicles, private hire operators and private hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation following referral to it by the Head of Environment, Housing & Leisure. All Members who have been appointed to this Committee receive on-going training from Authority Officers.

The Committee meets on a regular basis to discuss and determine specific taxi/private hire licensing issues. The schedule of meetings is available at www.northtyneside.gov.uk.

When considering any matter, the Regulation & Review Committee will have regard to this Policy.

A Committee will meet to determine the following:

1. Appeals against decisions of the Head of Environment, Housing & Leisure in relation to the grant, refusal and suspension of all licences.
2. Disciplinary action to take (if any) against licensees referred to it by the Head of Environment, Housing & Leisure; and
3. Referred matters - any licensing application or other matter concerning individual licensees referred to it by the Head of Environment, Housing & Leisure.

2. Decision making

Decision making in relation to licensing is an onerous responsibility and must be exercised in a way that protects the public. The Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a fit and proper person to be

granted a licence and thus is someone who can be trusted to convey passengers safely.

Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is considered to be no longer a fit and proper person to hold a licence as a result of a conviction, fixed penalty caution, community resolution, complaint or other relevant non-conviction information.

When the Committee considers such matters concerning an applicant/licensee it is operating in an administrative capacity and the rules of natural justice must be observed, and the applicant/licensee has the right to a fair hearing. The licensee/applicant must be treated fairly and be seen to be treated fairly. The Committee will be impartial, unbiased and will act in good faith.

The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates for either the Head of Environment, Housing & Leisure, the Police or the licensee/applicant but to weigh the merits of the case as presented to it - ensuring that the proper considerations are taken into account and irrelevant factors are disregarded, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

Only Committee members who have heard the entire application, appeal or referred matter are able to take part in the decision making process.

Committee members should not participate in the hearing of a matter if there could be the appearance of bias or apparent bias. This can arise where a member's outside connections make it appear that there is a real danger of actual bias or apparent bias or a member has an interest under the Authority's Code of Conduct that they must declare. Where a registerable or non-registerable interest exists in relation to a matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice a Member's judgement of the public interest and either the matter will affect the financial position of a Member or a member of their family or employer or the matter concerns a request for a permission, licence, consent or registration of themselves or a family member or employer, the Member must withdraw from the meeting room.

The duty of a Member to consider whether or not to participate in a meeting is set out in Part 4 – Non-Participation in Authority Business - of the Code of Conduct for Members which forms part of the Authority's Constitution.

3. Appeals

When considering an appeal against a decision of the Head of Environment, Housing & Leisure in relation to the grant, refusal or suspension of a licence the Committee may:

1. Allow the appeal in whole or in part

For example, if an appeal concerns the refusal of a licence, the Sub-Committee may determine that the licence should be granted but may stipulate additional conditions that must be attached to the licence and/or issue a strong warning as to the licensee's future conduct.

2. Dismiss the appeal

4. Disciplinary or Referred Matters

When considering a disciplinary or a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate section of the policy.

Appropriate disciplinary action can take a number of forms, for example:-

1. Revocation of a licence
2. Refusal to renew a licence
3. Suspension of a licence
4. A warning letter expressing the Authority's dissatisfaction with the licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a licensee could lead to a suspension, refusal to renew or revocation of their licence.

Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (NB. conditions cannot be attached to a hackney carriage driver's licence).

The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned.

5. Regulation & Review Committee – Appeals/Disciplinary/Referred Matters - Procedure Note

The Regulation and Review Committee hearing aims to ensure that the Environment, Housing & Leisure Service and the licensee/applicant have the fullest opportunity to present all of the information they wish to the Committee. The Committee is required to give full and fair consideration to the cases presented by the Officers and the licensee/applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted.

6. Before the Hearing

Decisions of the Head of Environment, Housing & Leisure in relation to the grant, refusal and revocation or suspension of licences are provided in writing and will enclose an appeal form as appropriate. Appeal forms can also be obtained by contacting the Licensing Office or Democratic Services of the Authority. An appeal must be lodged within 21 days of notification of the decision. Upon receiving notification of an appeal to Committee, the Head of Environment, Housing & Leisure will submit a report to the Committee.

If a licensee/applicant wishes to appeal directly to a Court they should approach the Court and/or seek independent legal advice in relation to the correct forms and procedures. Court documentation should be served upon the Head of Law and Governance, The Quadrant, Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY.

Where the Head of Environment, Housing & Leisure refers a matter to the Regulation & Review Committee for determination he shall inform the licensee/applicant of this and will submit a report to the Committee.

A copy of the report to Committee and the procedure to be followed at the hearing is supplied to the licensee/applicant by Democratic Services. Copies of this Policy are available on the internet or upon request from the Licensing Office.

Licensees/applicants are strongly advised to read the report and this Policy when preparing for the Committee hearing.

The licensee/applicant shall be given notice in writing at least seven days in advance of the time and place of the hearing and of their right to be accompanied by a friend, family member or other person, including a solicitor, and shall be allowed to call witnesses.

The licensee/applicant shall also be given the opportunity to submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to Democratic Services of the Authority in advance of the hearing, if it is not, or if the Committee has not had sufficient time to consider the documentation the Committee may refuse to accept the documentation or may defer the matter to be determined to a later date to afford the parties an opportunity to consider the documentation.

7. Absence of the Licensee/Applicant

The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Services Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.

If a licensee/applicant fails to attend or be represented at a meeting without notifying the Licensing Authority or Democratic Services Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so. Alternatively, it may proceed with the meeting in their absence. In the interests of efficiency, meetings will generally proceed notwithstanding the absence of the Applicant if the Committee is satisfied that the applicant/licensee is aware of the hearing.

Where the Committee decides to proceed in the absence of the licensee/applicant the Committee will consider any information the licensee/applicant has supplied along with the report from the Head of Environment, Housing & Leisure.

If, a decision is made to adjourn a hearing the licensee/applicant will be advised of the new date, time and venue.

8. At the Hearing

Members of the Committee may ask questions at all stages.

The Head of Environment, Housing & Leisure or his representative shall present a report in the presence of the licensee/applicant and his/her representative and may call witnesses.

The licensee/applicant and/or his/her representative shall have the opportunity to ask questions about the information provided by the Head of Environment, Housing & Leisure or his representative and any witnesses called.

The licensee/applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes.

The Regulation and Review Committee and the Head of Environment, Housing & Leisure or his representative shall have the opportunity to ask questions of the Licensee/Applicant and/or his/her representative and any witnesses called by or on behalf of the Licensee/Applicant.

The Head of Environment, Housing & Leisure or his/her representative and the Licensee/Applicant and his/her representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the Licensee/Applicant or his/her representative may speak last.

The Licensee/Applicant and his/her representative and witnesses and the Head of Environment, Housing & Leisure or his representative and witnesses shall withdraw from the meeting. Officers from Law and Governance will remain in the meeting to provide procedural and legal advice

The Regulation and Review Committee shall deliberate in private, only recalling the Licensee/Applicant or his/her representative and the Head of Environment, Housing & Leisure or his representative to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries the Licensee/Applicant and the Head of Environment, Housing & Leisure will be notified by a Democratic Services Officer and they will not be required to return to the meeting.

The Licensee/Applicant will be notified of the Regulation and Review Committee's decision and the reasons for it in writing, usually within five working days. Where a licence has been suspended, revoked or a renewal has been refused written notice must be given within 14 days.

9. Appeal to the Court

There is a statutory right of appeal to the Magistrates Court in relation to:

- a refusal to grant a private hire or hackney carriage driver licence;
- any conditions attached to a private hire driver licence;
- a decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence;
- a refusal to grant a private hire vehicle licence or against any conditions specified in the licence;
- a refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence;
- a decision to suspend, revoke or refuse to renew an operator's licence.
- a decision to refuse to renew a hackney carriage proprietor's licence
- any conditions attached to a hackney carriage proprietor's licence

A further appeal can be made against the decision of the Magistrates' Court to the Crown Court.

An appeal against a refusal to grant a hackney carriage vehicle/proprietors licence lies straight to the Crown Court.

Any appeal must be lodged with the appropriate court 21 days of receipt of the decision. A court fee may be levied. Costs may be awarded by the court against an unsuccessful applicant or a licensee or may in some circumstances be awarded against the Authority. Any person considering an appeal may wish to take independent legal advice with regard to the merits of an appeal.

Usually, any action against the licence is stayed pending the outcome of a Court appeal (section 77(2) LG(MP) Act 1976). However, in cases where the public interest requires that a suspension or revocation of a driver licence should take immediate effect a decision can be made that section 77(2) shall not apply. In such cases the driver must be notified in writing, with an explanation as to why the action has been taken.

Decision making may also be challenged by judicial review in the High Court. It is recommended that independent legal advice should be sought if such a challenge is being considered.

10. WHO IS WHO?

The Licensee or Applicant

The Licensee or Applicant (accompanied by a friend or representative if so wished) is invited to attend and make representations to the Committee.

Officers of Environment, Housing and Leisure

Officers representing the Head of Environment, Housing & Leisure will submit information to the Committee to enable it to consider whether and what action should be taken.

On occasions a representative from the Police Authority, other body or a witness may attend to provide relevant information.

The Regulation and Review Committee The Regulation and Review Committee is the body which has the delegated authority from the Authority to decide upon appeals, disciplinary and other matters referred to it by the Head of Environment, Housing & Leisure.

Officers of Law and Governance Officers representing Law and Governance advise the Committee on the relevant law and procedures. They do not take part in the decision making process.

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10. Hackney Carriage Stands

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1. Appointed Stands
2. Creation of a Stand/Rank
3. Waiting on Stands
4. Byelaws

1. Appointed Stands

The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public is most likely to need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely.

The Authority is required to continually review the provision of hackney carriage stands in the Borough. In this respect Officers work closely with the North Tyneside Hackney Carriage Trade and oversee an on-going programme of improving facilities at existing stands with, for example, the installation of illuminated taxi-cubes, guard rails and shelters at stands, all funded from an available Local Authority budget.

There are currently 24 official hackney carriage stands in the Borough providing spaces for a total of 84 vehicles. A list of the stands and their designated names and times of operation are available on the Authority website at www.northtyneside.gov.uk.

Transport facilities in the Borough are well served with eight of the busiest metro stations having a hackney carriage stand.

2. Creation of a Stand/Rank

A new hackney carriage stand can be appointed under section 63 Local Government (Miscellaneous Provisions) Act 1976 or a taxi rank created by a Traffic Regulation Order using powers contained in the Road Traffic Regulation Act 1984. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.

Prior to a new stand/rank being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.

New stands/ranks will not be sited where they may lead to obstructions.

Officers will monitor the use of stands in the Borough and it is expected that all stands are serviced.

3. Waiting on Stands/Ranks and Etiquette

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait in any stand for hackney carriages or a rank reserved for hackney carriages to park.

Drivers of hackney carriages may only wait in a stand/rank whilst plying for hire or waiting for a fare.

Drivers of hackney carriages who park in a stand/rank and leave their vehicle unattended commit an offence.

Drivers of hackney carriages are expected to turn their vehicles off whilst waiting for a fare or to use their start stop technology if fitted.

4. Byelaws

The Authority has enacted a set of Byelaws regarding the operation and use of hackney carriages and their drivers. These include such matters as wearing of badge, driver conduct, plying for hire and use of the taxi stands/ranks. These will be reviewed as and when considered appropriate by the Authority.

11. Complaints Procedure

The Authority recognises the high standards of the private hire and hackney carriage trade and expects all licensees to uphold these standards at all times. However, it is recognised that there may be occasions for transport users and other members of the trade to make complaints and as such a complaints procedure has been devised.

All complaints received will be investigated. Complainants will receive a written acknowledgement of their complaint within 2 working days advising the name of the Officer assigned to investigate the complaint.

Complainants may be asked to put their complaint in writing if the complaint is such that formal action may result.

The Authority recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.

Licensees are expected to assist Officers investigations and make themselves available for interview at a mutually convenient time and place.

At the end of the investigation all parties concerned will receive confirmation of the result and action to be taken.

If any party is not satisfied as to the outcome the Authority's corporate complaints procedure is in place to deal with these issues.

Appendix A **Hackney Carriage and Private Hire Vehicle specifications**

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

All vehicles must comply with the requirements of Section A. Private Hire vehicles must comply with the requirements of Section B and Hackney Carriages must comply with the requirements of Section C.

If you are making a new application for a Hackney Carriage proprietors licence or are replacing a hackney carriage first licensed after July 1992, the vehicle must be wheelchair accessible and must also comply with the requirements of Section D.

All vehicles must have the appropriate type approval.

The following vehicle specification must be maintained throughout the licence period unless changes have prior approval by the Authority.

Section A - General specification for all vehicles

GENERAL CONSTRUCTION

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation).
2. Any modification to the vehicle (e.g. conversion to wheelchair accessible, alteration of the original seat configuration or any other 'adaptation') must be approved by the Authority and the appropriate certificate produced.
3. The vehicle shall be right hand drive with a fixed head type body.
4. The vehicle shall be capable of carrying in reasonable comfort at least four passengers.
5. The vehicle shall be M1 category. In the case of post registration conversions Individual Vehicle Approval is required.
6. The vehicle shall have a minimum unladen height of 1.325 metres (53").

PASSENGER COMFORT

7. Every passenger seat in the vehicle must meet the following minimum dimensions:
 - Individual seat width – 41cm (16")
 - Bench seat width (i.e. rear seat of a saloon vehicle) – 124.5cm (49") Width between door handles – 124.5cm (49")
 - Width between rear doors – 132cm (52")
 - Seat squab height measured from vehicle floor - 30cm (12")
 - Seat squab depth – 45cm (18")
 - Headroom measured from centre of seat to underside of roof – 87.5cm (35")
 - Legroom measured from seat back diagonally to vehicle floor – 94cm (37")
 - Unobstructed space in front of seat measured from seat back – 63.5cm (25")

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the measurements are below the above dimensions.

8. There shall be no obstructions or features in the vehicle (e.g. prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the Authority materially interferes with the comfort of any passenger.

9. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
10. The vehicle shall be equipped with either:
 - (a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
 - (b) An emergency puncture repair kit (with compressor/inflation pack) or
 - (c) Run flat tyres or
 - (d) Provide evidence of a contract with a mobile tyre replacement specialist.

In the event of a space – saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply and be maintained in accordance with the manufactures' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

PASSENGER SAFETY

11. Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass. If tinted windows are fitted as standard there will be no minimum light transmission to the rear of the B pillar.

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34% where tint has not been fitted as standard. This discretion however does not apply to the front windscreen or the front side windows.

12. The vehicle shall have at least 4 doors and open sufficiently wide so as to allow safe and easy access and egress. Each passenger, other than a front seated passenger, shall have access to at least two doors.
13. Every passenger seat shall be either forward or rear facing and shall be fitted with an approved (lap & diagonal) seat belt.

LUGGAGE CAPACITY

14. The vehicle shall have capacity to convey an appropriate quantity of luggage.

Section B - Specification For Private Hire Vehicles

15. The vehicle must not be black in colour or a colour which closely resembles black in the opinion of the Licensing Officer.
16. If the Private Hire vehicle is fitted with a meter, it must be properly tested and sealed.
17. Private Hire vehicles must not have a roof sign.

Section C - Specification For Hackney Carriages

18. Hackney Carriage vehicles must be black in colour.
19. Hackney Carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size and colour approved by the Authority and relevant to the type of vehicle.
20. Hackney Carriage vehicles must be fitted with a taximeter, properly tested and sealed, and calibrated to enable testing in accordance with the Authority's current Hackney Carriage Fare Table.

Section D - Specification For New and Replacement Wheelchair Accessible Hackney Carriages Only

GENERAL CONSTRUCTION

21. The vehicle must comply fully with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation) as well as all general policies and specifications of the Authority which relate to hackney carriage vehicles.
22. The vehicle must comply fully with Sections A and C of the preceding 'General Specification for all Hackney Carriages and Private Hire Vehicles'.

PASSENGER SAFETY AND COMFORT

23. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.
24. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
25. Wheelchair access to the vehicle must be from the nearside or rear of the vehicle. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
26. The clear height of the doorway must not be less than 1.2 metres.
27. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled.
28. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
29. Approved anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for the wheelchair and occupant must be independent of each other.
30. Suitable means of wheelchair access must be fitted to the vehicle. Ramps must be of suitable design to ensure that they do not slip or tilt when in use and they provide a suitable gradient when in use. Tail-lifts must be of an approved type.
31. If any of the seating within the vehicle has to be removed or adjusted in any way to accommodate one or more wheelchairs, the following conditions will also apply:
 - The removal/adjustment must be able to be carried out quickly and easily so that in the opinion of the Authority there is minimal inconvenience caused to any hirer of the vehicle by the 'conversion'
 - Where one or more seats require removal to accommodate one or more wheelchairs there must be adequate space on the vehicle for the secure storage of any removed seats.
 - Where one or more seats are either removed or they become unusable when the vehicle has been 'converted' for wheelchair use there must be at least one further useable passenger seat.

Appendix B
Conditions attached to a
Hackney Carriage Proprietors Licence and Private Hire Vehicle Proprietors Licence

The following conditions are attached to the grant/renewal of the following vehicle licence:

Plate Number:

Registration Number:

Name of licensee(s) including part proprietors:

Failure to comply with the conditions may lead to action being taken against your licence.

STANDARD CONDITIONS

1. Maintenance Of Vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

2. Alteration Of Vehicle

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Authority.

3. Identification Plate

The licence plate supplied by the Authority and identifying the vehicle as a hackney carriage/private hire vehicle shall be securely fixed externally on or about the off side area of the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary by an authorised Officer of the Authority or a constable. The plate must be maintained in a satisfactory condition and be legible.

4. Interior Identification Marking

A sign supplied by the Authority indicating the licence number and the number of passengers the vehicle is licensed to carry, shall be displayed inside the vehicle in a prominent position on the inside of the windscreen so as to be clearly visible to passengers. The sign must be maintained in a satisfactory condition and be legible.

5. Door Decals

There shall be attached centrally to each front door of the vehicle the appropriate hackney carriage or private hire vehicle decals supplied by the Authority. The decals must be securely affixed or in the case of Hackney Carriage Vehicle permanently affixed to the vehicle and these must be maintained in a satisfactory condition and be legible.

6. Safety Equipment

Where a ramp or ramps are used, they must be fitted/carried safely in the vehicle at all times. The ramps must be identified with the vehicle registration number.

7. Signs, Notices, Etc

No signs, notices, advertisements, video or digital display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video or digital display etc must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.

8. Change Of Address

The proprietor shall notify the Authority in writing within seven days of any change of address during the period of the licence.

9. Convictions, Cautions, Fixed Penalty, Community Resolutions or On-going Investigations

The proprietor shall notify the Authority in writing within seven days if he/she is convicted of **any** offence or if he has been charged with an offence. He/she should **also** inform the Authority in writing within seven days of having received a caution, fixed penalty or community resolution and if released by the police on bail or under investigation.

10. Deposit Of Drivers Licence

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage/private hire vehicle, the proprietor shall retain the person's hackney carriage/private hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

11. Transfer Of Interest

The proprietor shall notify the Authority in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. Accident Notification

The proprietor shall notify the Authority as soon as is practicable, or in any case within 72 hours of any accident which results in damage to the vehicle.

13. Additional Charges

The proprietor shall pay the Authority any reasonable additional charges to be determined by the Authority for:
A) the replacement of any lost, damaged or stolen plate, decal or sign provided by the Authority (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);
B) any vehicle test appointment for which the proprietor fails to present the vehicle for testing or which is cancelled by the proprietor without giving at least 48 hours notice to the Authority.

14. Insurance

All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section in writing immediately or in any event within 72 hours.

Additional Conditions/departure from standard conditions

As required

Stamped/dated

Appendix C

Vehicle Testing Arrangements – Components to be Inspected

Body / Vehicle Structure

Free from excessive corrosion or damage in specific areas. No sharp edges likely to cause injury.

Speedometer

Condition and operation.

Fuel System

No leaks. Security and condition of pipes/hoses. Fuel cap fastens and seals securely.

Exhaust Emissions

Vehicle meets the requirements for exhaust emissions, dependent on the age and fuel type of the vehicle.

Exhaust System

Secure. Complete. Catalyst missing where one was fitted as standard. Without serious leaks and is not too noisy.

Seat Belts

All the seat belts fitted are checked for type, condition, operation and security. All mandatory seat belts must be in place. Check of the Malfunction Indicator Lamp (MIL) for air bags and seat belt pre tensioners and load limiters.

Seats

Drivers seat for adjustment. All seats for security and seat backs can be secured in the upright position.

Doors

Latch securely in closed position. Front doors should open from the inside and outside the vehicle. Rear doors should open from outside the vehicle. Hinges and catches for security and condition.

Mirrors

Minimum number required, condition and security. Indirect vision devices.

Load Security

Boot or tailgate can be secured in the closed position.

Brakes

Condition including inappropriate repairs or modifications, operation and performance (efficiency test). Note the removal of the road wheels and trims are not part of the test. Anti-lock Braking System (ABS) and Electronic Stability Control (ESC) where fitted. Check of the dashboard Malfunction Indicator Lamp (MIL) for ABS, ESC, electronic park brake and brake fluid warning.

Tyres and Wheels (including spare)

Condition, security, tyre size/type and tread depth. Note: vehicles first used on or after 1st January 2012 – check of the MIL for Tyre Pressure Monitoring System (TPMS).

Registration Plates

Condition, security, colour, characters correctly formed and spaced.

Lights

Condition, operation including High Intensity Discharge (HID) and Light Emitting Diode (LED) headlamps for cleaning, self-levelling and security. Headlamp aim. Main beam warning light.

Bonnet

Securely latches in the closed position.

Wipers / Washers

Operate to give the driver a clear view ahead.

Windscreen

Condition and driver's view of the road.

Horn

Correct operation and of suitable type.

Steering and Suspension

Condition, steering oil level, operation, a check for inappropriate repairs or modification including corrosion to power steering pipes or hoses. Operation of steering lock mechanism. Check of MIL for electronic power steering and steering lock.

Towbars (if fitted)

Security/condition/inappropriate repairs or modification. Correct operation of 13 pin electrical socket.

Vehicle Identification Number

Present on vehicles first used on or after 1st August 1980. A single VIN is displayed except on multistage build vehicles (e.g. van conversion, BMW/ Alpina).

Electrical

Visible electrical wiring and battery

Vehicle Interior

Clean.

Vehicle Exterior

Uniform colour.

Glass

Windscreen - minimum 75% light transmittance.

Front side windows - minimum 70% light transmittance

If tinted windows are fitted as standard there will be no minimum light transmission to the rear of the B pillar.

All other windows – minimum 34% light transmittance

Meter (if fitted)

Must be of an approved type and sealed.

Spare Wheel

The vehicle shall be equipped with either:

- (a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
- (b) An emergency puncture repair kit (to include compressor/inflator) or
- (c) Run flat tyres or
- (d) Provide evidence of a contract with a mobile tyre replacement specialist.

Wheel-brace & Jack (only if spare wheel present)

Present. Correct operation.

Luggage Accommodation

Compartment clean, empty.

Seats & Interior Trim

Clean, free from rips or tears.

Floor Covering

Clean. No obstructions.

Licence Plate (Annual and Interim Tests Only)

Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition and information legible

NTC Windscreen Disc

Present. Securely attached to windscreen. In satisfactory condition, information legible.

NTC Door Signs

Present. Fitted correctly. In satisfactory condition, information legible.

NTC Emergency/ Information Signs (Minibuses/PCV's)

Present. In satisfactory condition, information legible.

For Hire Sign (hackney carriage only)

Present. Works in conjunction with meter and roof-sign.

Roof Sign (Hackney carriages only)

Present. Correct type and size for type of vehicle. Correct colours. Lettering correct size.

Advertising - bodywork

Approved. Present only on rear doors & boot area of vehicle unless approved.

Advertising - glass

Approved. Present only on top edge of windscreen.

NTC Fare Table (hackney carriage only) (Dashboard/partition/Rear Windows)

Present. In satisfactory condition. Most recent issue.

Byelaws (hackney carriage only)

Present. Satisfactory condition and legible

Interior Door Locks (Purpose built hackney carriage only)

Work in conjunction with foot-brake.

Ramps (if present)

Present. Stored securely. Adequate locking device must be fitted to ensure the ramps do not slip or tilt when in use.

Wheelchair Anchorages (if applicable)

Must be of an approved type (chassis or floor linked and capable of withstanding approved dynamic or static tests).

Tail-Lifts (if present)

Must have valid LOLER Certificate. Tail lift must not prevent the rear door(s) from being opened and must be easily moved if the power supply fails.

Appendix D
Standard 'Exemption Notice' Conditions
Executive Hire Vehicles

General Conditions

1. The Proprietor shall notify the Authority immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The Proprietor shall ensure that the private hire vehicle licence identification disc issued by the Authority is displayed within the nearside of the front windscreen at all times.
3. The 'Exemption Notice' issued by the Head of Environment, Housing & Leisure in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
4. Other than the Authority's Licence Identification Disc; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Head of Environment, Housing & Leisure.
5. The Private Hire Vehicle proprietors licence identification plate and decals issued by the Authority shall not be affixed to the vehicle, and shall not be displayed in, on or from the vehicle at any time.
6. The Private Hire Vehicle proprietors licence identification plate issued by the Authority shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time.
8. No table of fares/tariff card shall be displayed in the vehicle at any time.
9. A tariff of charges shall be deposited with the Authority and shall be carried within the vehicle at all times.
10. The Proprietor shall not change the body colour(s) which were present when the vehicle was first licensed without the prior written consent of the Head of Environment, Housing & Leisure.
11. The Proprietor shall ensure that the driver of the vehicle does not wear the private hire drivers licence identification badge issued by the Authority or display that badge in, on or from the vehicle at any time.
12. The Proprietor shall ensure that the private hire drivers identification badge issued by the Authority shall be carried within the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
13. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
14. The Proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

Additional Conditions

Any executive hire vehicle wishing to take advantage of the exemption limiting the window tint (less than 34% light transmittance) should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

Appendix E

Private Hire Driver Licence Conditions of Licence

The following conditions are attached to the grant of the following driver licence:

Name of licensee:

Licence Number:

Failure to comply with the conditions may lead to action being taken against your licence.

1. Conduct of Driver

The Driver shall:-

1. Afford all reasonable assistance with passenger's luggage
2. At all times comply with the Authority dress code and behave in a civil and orderly manner
3. Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her
4. Not without the express consent of the hirer, drink or eat in the vehicle.
5. Not without express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
6. Drivers are issued with two badges, one to be worn around the neck. At all times when acting in accordance with this licence a badge licensed to him/her must be displayed in such a position and manner as to be plainly and distinctly visible to passengers.

The Driver shall not smoke in the vehicle at any time, including when the vehicle is not available for hire.

2. Passengers

1. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
2. The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him/her:
 - (a) Any child below the age of three years, or
 - (b) more than one person

3. Lost Property

If any identifiable property is left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/her shall take it as soon as possible in any event within twenty four hours, if not sooner claimed by or on behalf of its owner to a convenient police station and leave it in the custody of the Officer on his/her giving a receipt for it.

4. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt for the fare paid.

5. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle whilst the vehicle is hired and he/she shall ensure that any animal belonging to or in the custody of any passengers is conveyed in the rear of the vehicle.

This does not apply to a disabled person's guide, hearing or assistance dog which must be carried in a private hire vehicle or hackney carriage vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operators or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

7. Deposit Of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone, other than himself, he/she shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle.

8. Change Of Address

The driver shall notify the Licensing Office in writing of his/her address during the period of the licence within seven days of such change taking place.

9. Medical Fitness

The driver inform the Licensing Office immediately if he/she suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter his/her ability to drive a vehicle.

A driver or prospective driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a private hire vehicle driver. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period that driver or prospective driver shall notify the Authority immediately in writing of such medical opinion.

The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver or prospective driver does not intend to drive a private hire vehicle.

10. Convictions, Cautions, Fixed Penalty, Community Resolutions or On-going Investigations

The driver shall within seven days disclose to the Authority in writing details of **any** conviction (including all motoring offences), caution, fixed penalty or community resolution received during the period of the licence. The driver shall also notify the Authority in writing within seven days if he/she has been charged with an offence or has been released by the police on bail or under investigation.

11. People who have spent time overseas

Existing licensed drivers must notify the Authority in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the Authority on their return and complete a statutory declaration on the form provided by the Authority.

12. Return Of Badges

The driver shall upon the expiry, revocation or suspension of this licence forthwith return to the Authority the driver's badges issued by the Licensing Office when granting this licence.

13. Taxi Meter

If a private hire vehicle is fitted with a taxi meter or other Authority approved device used to calculate the fare, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

14. Fare To Be Demanded

The driver shall not demand from any hirer of a private hire vehicle, fare in excess of any previously agreed for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.

15. No smoking Policy

Smoking in a smoke-free place is prohibited under the Health Act 2006 by both the driver and passengers.

In this context a 'smoke-free place' includes a licensed hackney carriage and private hire vehicle as well as a private hire operator's premises.

Smoking also includes the use of e-cigarettes.

16 Renewal of Licence

The driver must apply to renew a private hire driver's licence in the four weeks preceding the expiry date of the licence.

17. Wheelchair Accessible Vehicles

All drivers of wheelchair accessible vehicles must:

(i) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.

(ii) Before any movement of the vehicle takes place ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.

(iii) Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulation 100 of the (Construction and Use) Regulations 1986.

18. Responsibility Towards Authority Employees

Drivers are expected to be polite and courteous at all times and to comply with any reasonable request made by a Licensing or Civil Enforcement Officer or Testing Mechanic. Verbal or physical abuse will not be tolerated.

19. Subscription to the Disclosure and Barring Service (DBS) Update Service

All drivers will be required to subscribe to the DBS update service.

20. All drivers must read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with the Policy as it applies to them.

Appendix F **Code Of Good Conduct For Licensed Drivers**

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Authority has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility to the Trade

Licensees shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Authority's Hackney Carriage and Private Hire Licensing Policy; Byelaws
- (c) behaving in a professional manner at all times.

2. Responsibility to Clients

Licensees shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking a pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.

3. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) only use the vehicle horn in accordance with the law;
- (b) keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At hackney carriage stands and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) stand in an orderly manner and proceed along the stand in order and promptly;
- (b) remain in the vehicle.

At private hire offices a licensee shall:

- (a) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- (b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress in accordance with the Dress Code;
- (b) be polite, helpful and respectful to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke in the vehicle at any time (this includes e-cigarettes);
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfill their responsibility to ensure compliance with legislation regarding the length of working hours.

PLEASE NOTE: ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT

THE AUTHORITY WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

DRAFT

Appendix G

Drivers Dress Code

The purpose of a driver's dress code is to seek a standard of dress that promotes a positive image of the hackney carriage and private hire trade in North Tyneside, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

The dress code is not a condition of licence and will not be enforced as such, however the Licensing Authority encourages drivers to comply with the requirements.

Acceptable Standards of Dress

Tops

- Shirts, blouses, T-Shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

Footwear

- Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.

Appendix H

Private Hire Operators Licence **Conditions of Licence**

1. RECORDS

- (i) The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein **before** the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him, including where a booking is sub-contracted (whether the vehicle that is used is licensed under section 48 of the 1976 Act, or is licensed as a hackney carriage under section 37 of the Town Police Clauses Act 1847):
- a) The time and date of the hiring
 - b) The name of the hirer
 - c) The agreed time of the pick-up
 - d) The point of pick-up
 - e) The destination
 - f) The proprietor, registration number, licence number and call sign of the vehicle/driver allocated for the booking
 - g) The name and licence number of the driver
 - h) Remarks (including details of any sub-contract)
- (ii) The operator shall also keep records of the particulars of all vehicles operated or used by him (whether licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or under section 37 of the Town Police Clauses Act 1847, which particulars shall include details of the proprietors, registration numbers, licence number and drivers of such vehicles, together with any radio call sign used.
- (iii) All records which are required to be kept under the conditions of licence must be made available upon request to an authorised Officer of the Authority or a constable.
- (iv) The operator shall keep records of all desk clerks employed by him, including their name, date of birth and home address. A daily record must be kept of the time worked by each clerk.
- (v) The desk clerk shall sign the booking sheet at the start of each duty.
- (vi) All records kept by the operator shall be preserved for a period of not less than ONE year following the date of the last entry.

2. STANDARD OF SERVICE

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. COMPLAINTS

The operator shall notify the Authority in writing, within seven days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

4. CHANGE OF ADDRESS

The operator shall notify the Authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

5. CONVICTIONS, CAUTIONS, COMMUNITY RESOLUTION OR ON-GOING INVESTIGATIONS

The operator shall within seven days disclose to the Authority in writing details of any conviction, caution or community resolution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence. The operator shall within seven days disclose to the Authority in writing of any on-going police (or other authority) investigation of him (or, if the operator is a Company, of any its Directors).

6. OPERATORS LICENCE

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of the Borough of North Tyneside.

The Operator shall display the Operator's Licence issued by the Local Authority in a conspicuous position at the licensed premises.

7. SPECIAL CONDITIONS RELATING TO PORTACABINS

- (i) The operator will provide and maintain hot and cold running water and wash hand basin facilities, which will be permanently connected to the main sewage system.
- (ii) The operator will provide and maintain toilet facilities which are to be permanently connected to the main sewerage system.

8. Operators should read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with Policy as it applies to them.

9. Renewal of Licence

The Operator must apply to renew a licence in the four weeks preceding the expiry date of the licence.

Metropolitan Borough of North Tyneside

BYELAWS

Metropolitan Borough of North Tyneside Byelaws made under Section 68 of The Town Police Clauses Act 1847, and Section 171 of The Public Health Act 1875 by the Authority of the Borough of North Tyneside, with respect to hackney carriages in the Borough of North Tyneside dated 4th March 1977 (all previous versions of these repealed)

INTERPRETATION

1. Throughout these byelaws “the Authority” means the Authority of the Borough of North Tyneside and “the district” means the Borough of North Tyneside.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked inside of the carriage and on plates affixed to the outside of the carriage.
- (b) A proprietor or driver of a hackney carriage shall:-
- (i) Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire
 - (ii) Not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRAIGES ARE TO BE FURNISHED OR PROVIDED

3. Every proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause any roof or covering to be kept water tight
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side
 - (d) cause the seats to be properly cushioned or covered
 - (e) cause the floor to be provided with a proper carpet mat or other suitable covering
 - (f) cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service
 - (g) provide means for securing luggage if the carriage is so constructed to carry luggage
 - (h) provide for an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - (i) in cases of motor hackney carriage provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. Every proprietor of a motor hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements that is to say: -
- (a) If the taxi meter is fitted with a flag or other device bearing the words “FOR HIRE”
 - (i) the words “FOR HIRE” shall be exhibited on each side of the flag of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
 - (ii) when the flag or the other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible
 - (b) If the taximeter is not fitted with a flag or other device bearing the works “FOR HIRE”

- (i) the taximeter is not fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" or other indication that the vehicle has been hired to appear on the face of the taximeter
 - (ii) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare record thereon
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage and for the purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 - (f) the taximeter and all fittings thereof shall be affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking damaging to permanently displacing the seals of other appliances
5. Every proprietor of a motor hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements that is to say:-
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height
 - (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire

PROVISION REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

6. Every driver of a motor hackney carriage shall:-
- (a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"
 - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
 - (ii) as soon as the carriage is hired by distance and before commencing the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of hiring
 - (b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"
 - (i) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage
 - (ii) as soon as the carriage is hired whether by distance or by time or at any time when the carriage is not available operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage
 - (iii) as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the words "HIRED" or other indication that the vehicle has been hired is legible on the face of the taximeter, and the machinery of the taximeter in action until the termination of the hiring
 - (c) cause the dial of the taximeter to be properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer
7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto

- 8.** The driver of a hackney carriage shall, when plying for hire in the street and not actually hired:-
- (a) proceed with reasonable speed to one of the hackney carriage stands appointed by the Authority under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 for his particular class of vehicle;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at the stand in Front Street, Tynemouth (at eastern end of the parking area in the centre of the carriageway opposite the junction with Hotspur Street) if the same is not already occupied by the full number of carriages authorised to occupy it, station the carriage obliquely to the line of the carriageway in the direction indicated by white lines painted upon the carriageway and on one of the vacant spaces indicated by such white lines; and
 - (d) on arriving at the stand other than one referred to in paragraph (c) above:-
 - (i) if the stand is not already occupied by the full number of carriages authorised to occupy it, station the carriage or carriages on the stand and so as to face the same direction; and
 - (ii) from time to time when any other carriages immediately in front is driven off or moved forward causing his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
- 9.** The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 10.** If a badge has been provided by the Authority and delivered to the driver of a hackney carriage, either with the licence granted to him by the Authority or afterwards, he shall when standing, plying for hire and when hired, wear that badge in such position and manner as to be plainly and distinctly visible.
- 11.** Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the vehicle:-
- (a) convey a reasonable quantity of luggage
 - (b) afford reasonable assistance in loading and unloading
 - (c) afford reasonable assistance in removing it to or from the entrance to any house, station or place, at which he may take up or set down such a person
- 12.** The proprietor or driver of a hackney carriage shall at all times when standing, plying for hire and when hired, conduct himself in an orderly manner, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 13.** Every proprietor of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter, notify the fact to the Chief Environmental Health Officer of the Authority.
- 14.** A driver or proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any persons to hire such carriage and shall not make use of the services of any other person for this purpose.
- 15.** A proprietor of a hackney carriage shall not convey or permit to convey in such carriage any greater number of persons than the number of persons specified by the Authority which number shall be legible marked or painted on the plates required by Byelaw 2(a). For the purpose of this byelaw two children each under the age of 12 years may be regarded as one person.
- 16.** Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by any police constable or any person hiring such carriage produce a copy of these byelaws for the perusal and inspection of such constable or person.

17. The driver of a hackney carriage shall not at anytime when driving for hire, smoke tobacco or any like substance without the permission of the person hiring and being conveyed in such carriage.

PROVISION FOR SECURING THE DUE PUBLICATION OF FARES

18. (a) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Authority, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- (b) Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the Authority which it may not be possible to record on the face of the taximeter.
- (c) The proprietor of a hackney carriage shall:-
- (i) cause a statement of the fares from time to time fixed by the Authority under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976 to be painted or marked on the inside of the carriage, or on a place fixed thereto in clearly distinguishable letters and figures; and
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible
- (d) The proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

19. The proprietor or driver of a hackney carriage shall immediately after termination of any hiring or as soon as practicable thereafter and before the next hiring, carefully search the carriage for any property that may have been accidentally left therein.
20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him
- (a) carry it within twenty four hours, if not sooner claimed by or on behalf of its owner, to the office of the Superintendent of Police at North Shields, Wallsend or Whitley Bay and leave it in the custody of the officer in charge on his giving a receipt for it,
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the nearest office of the Superintendent of Police referred to in Byelaw 22(a) whichever is the greater) but not more than five pounds.

SPECIAL PROVISIONS IN RELATION TO HACKNEY CARRIAGES DRAWN BY ANIMALS

21. The driver of a hackney carriage drawn by any animal or animals shall, while standing, ply or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage, and under due control.
22. The proprietor or driver of a horse-drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacles suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. The proprietor or driver of a hackney carriage shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allowed to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.

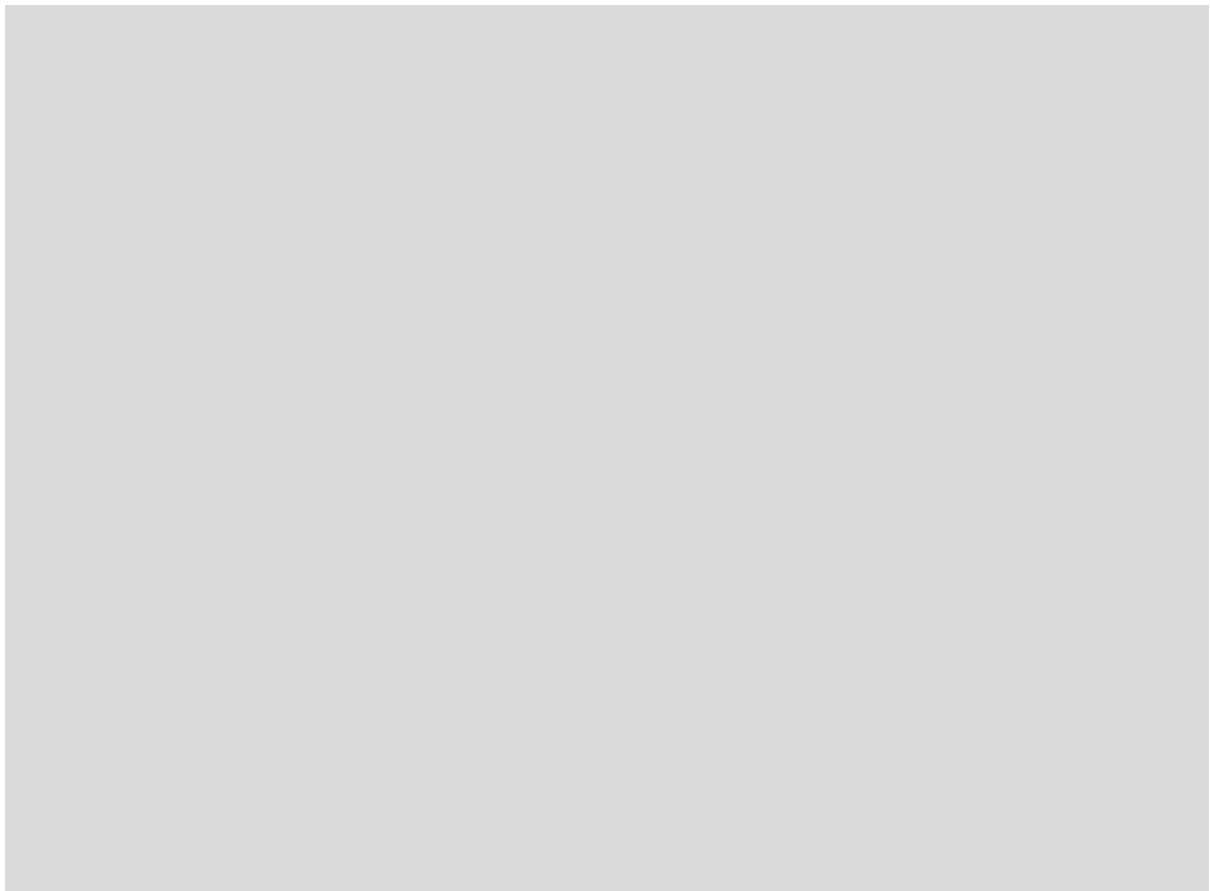
- 24.** The distance to which the driver of a hackney carriage drawn by any animal or animals may be compelled to take passengers shall be any distance along the sea front between Feathers Caravan Site, Whitley Bay to the North, and the Haven, Tynemouth to the south, provided that, on journeys from south to north, this shall include such deviations from the Sea Front Highway along Park Avenue and Park Road, Whitley Bay as are required by the Whitley Bay one way circulatory System.
- 25.** The following provisions shall not apply in respect of horse drawn hackney carriages:-
- Byelaws 3(a), (b), (c), (d), (e), (g) and (i), 4, 5, 6, 7 and 12.
- 26.** Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

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Hackney Carriage and Private Hire Licensing Policy Review Survey - Report



Date: 10/01/2020 **Version:** 2 **Author:** Policy, Performance & Research



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1. Approach

Between 28th October and 22nd December 2019, North Tyneside Council consulted on proposed amendments to the current North Tyneside Hackney Carriage and Private Hire Licensing Policy. This report presents the findings from the questionnaire.

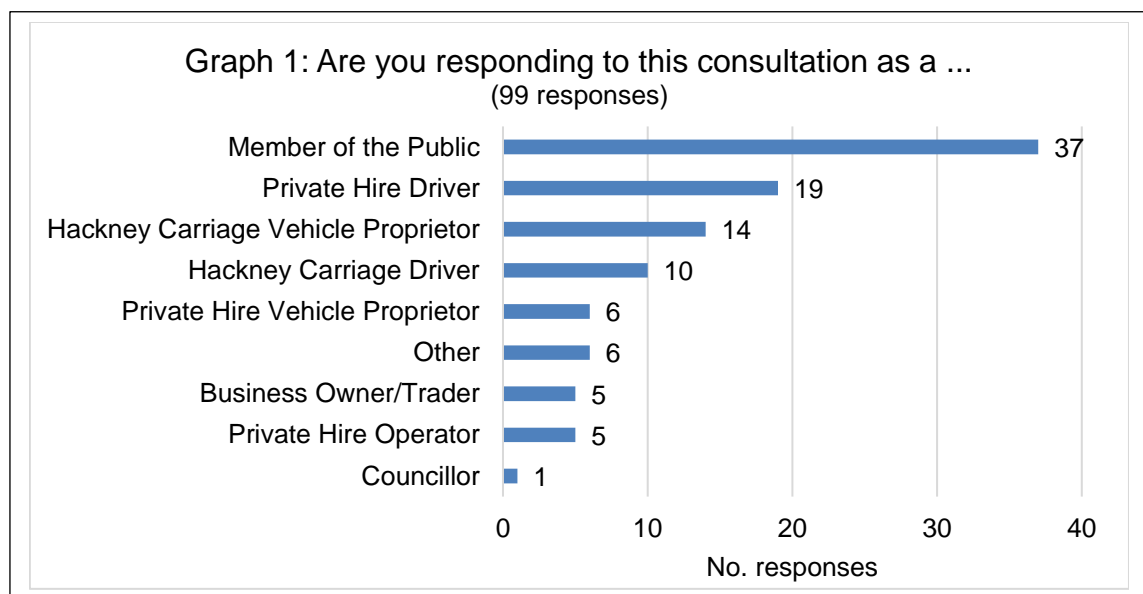
The questionnaire was hosted on the 'Have Your Say' pages of the North Tyneside Council website, which provided context on the policy objectives, a copy of the current policy and the proposed amendments. The consultation documents and electronic questionnaire were promoted using a range of communication channels including social media, the North Tyneside website, via email to Hackney Carriage Vehicle Proprietors, Private Hire Vehicle Proprietors, the Residents Panel, Members and the Cobalt Business Group to incorporate into the weekly/monthly corporate newsletters for the businesses on Cobalt sites.

Letters were sent direct to each Hackney Carriage Driver and Private Hire Driver informing them of the consultation and inviting them to participate in the survey. The consultation was sent to all council employees via the Teamwork staff newsletter. Paper copies of the consultation and questionnaire were made available at each of the four Customer First Centres.

In total, 86 questionnaires were completed.

All responses were analysed using SNAP data analysis software and Microsoft Excel.

2. Respondents



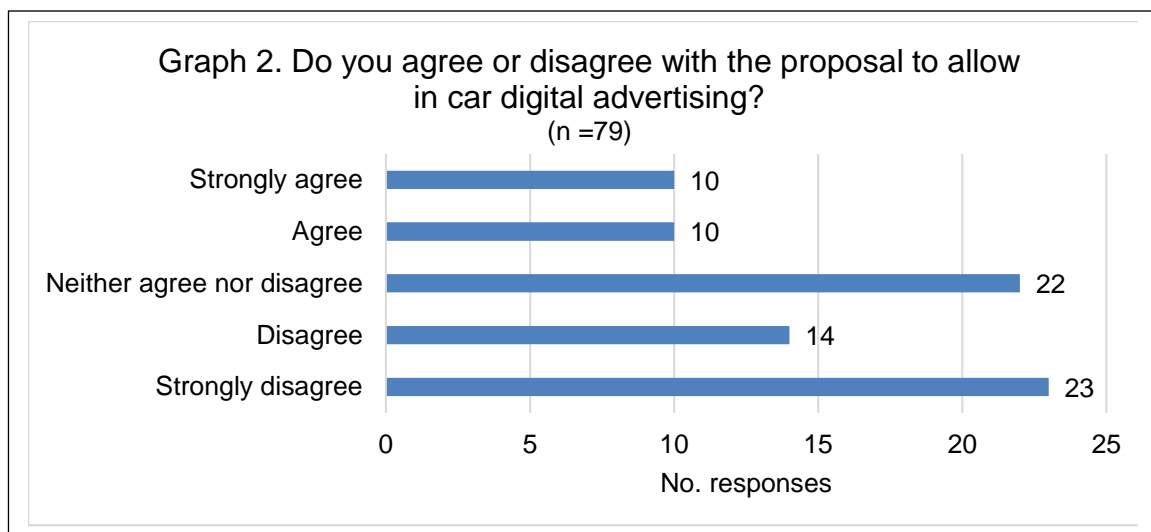
When respondents were asked to describe themselves from a list of options a third of the respondents identified as members of the public. Just over a quarter of responses were from hackney carriage and private hire drivers and another quarter of responses were from hackney carriage and private hire proprietors and

operators. The respondents who identified as 'other' stated they were members of the North Tyneside Hackney Carriage Association (NTHCA), members of the Resident's Panel, North Tyneside Council Adult Services Transport Team and a specialist licensing advice, assistance and representation company, a2z Licensing.

Note: respondents could select more than one option. Twelve respondents identified being drivers, proprietors and operators.

3. Findings

Question A. Advertisements, signs, notices



Respondents were asked to what extent they agreed or disagreed with the proposal to allow in car digital advertising. Nearly half of all respondents, 37 out of 79, either disagreed or strongly disagreed with the proposal to allow in car digital advertising. Three out of ten respondents, 23, strongly disagreed with the proposal.

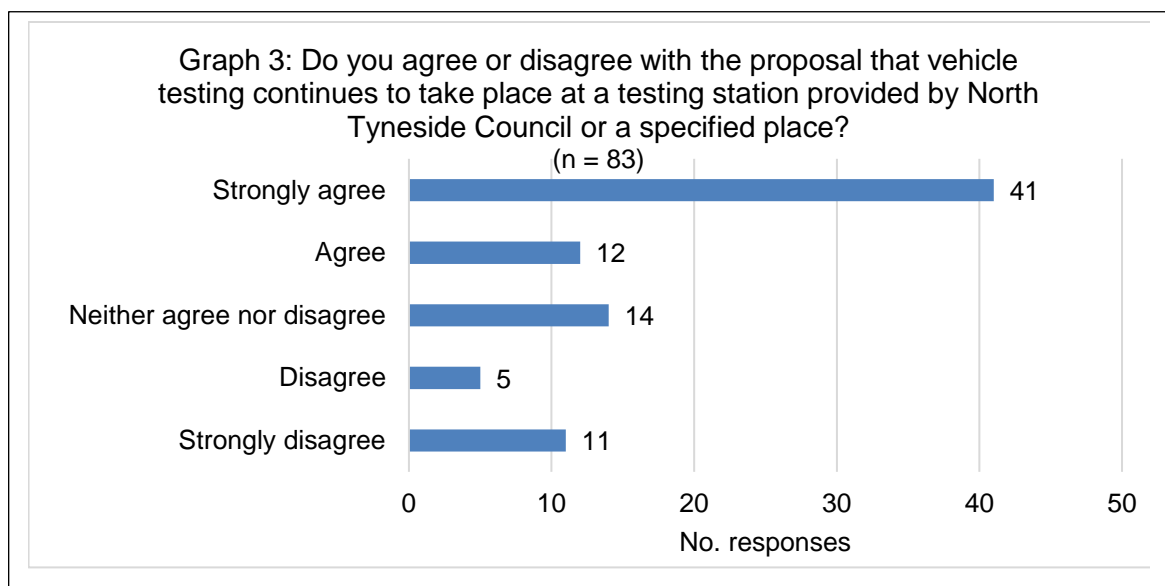
The other respondents were fairly equally split between agreeing with the proposal or remaining indifferent. Over a quarter of respondents, 22, neither agreed nor disagreed with the proposal and just under a quarter, 20, either strongly agreed or agreed.

Nature of additional comments;

- Concern that in car digital advertising would pose a distraction for the driver – 11 comments
- Expressed a preference not to be subjected to digital advertising on their journey – 9 comments
- Concerns in relation to appropriateness of content, such as advertising of alcohol, tobacco and gambling – 6 comments

- In car digital advertising could provide an income benefit that could potentially lead to improvements in the vehicle fleet and provide an additional income to drivers, without having to work longer hours – 5 comments
- Concerns raised about how digital advertising may impact on taxi users with autism and epilepsy i.e. flashing lights – 2 comments
- Approve of signage for private hire vehicles, if it meets Department for Transport guidelines – 1 comment

Question B. Vehicle testing



When respondents were asked to what extent they agreed or disagreed with the proposal whether vehicle testing should continue to take place at a testing station provided by North Tyneside Council or a specified place, almost two thirds of respondents, 53 out of 83, either agreed or strongly agreed. Almost half of all respondents, 41, strongly agreed that testing should continue at a North Tyneside Council testing station.

The other respondents were fairly equally split between disagreeing with the proposal or remaining indifferent to it. 16 respondents either strongly disagreed or disagreed with the proposal and 14 neither agreed nor disagreed.

Nature of additional comments

From the additional comments made there were a slightly higher number in favour of vehicle testing being conducted at other MOT Testing Stations, rather than those provided by North Tyneside Council.

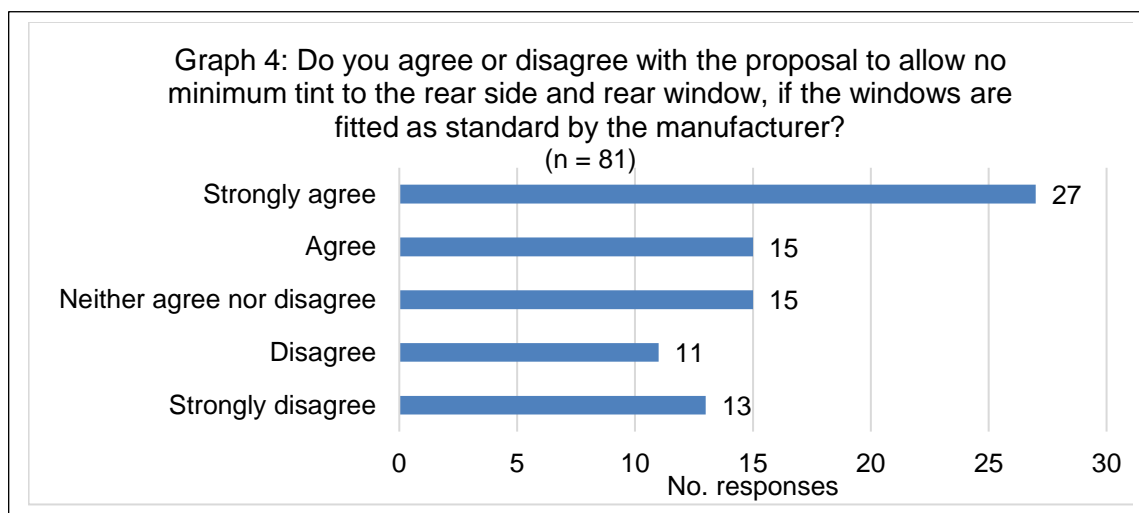
- Registrations could be carried out another MOT Testing Station – 20
 - Perception that the VOSA standard for MOT should be sufficient
 - Other local authorities allow MOTs to be carried out at standard MOT stations
 - More competitive prices from other providers

- More flexibility in relation to dates/times to carry out testing outside of office hours
- Preference that North Tyneside Council conduct vehicle testing – 14
 - To ensure compliance with safety standards
 - Public confidence that all vehicles meet appropriate standards

Suggestion:

- Local testing centres could be registered with North Tyneside Council as approved testing centres and standards applied and monitored by the council.

Question C. Tinted windows



When respondents were asked to what extent they agreed or disagreed with the proposal that the council should allow no minimum tint to the rear and side windows if fitted as standard by the manufacturer, over half of all responses, 42 out of 81, either strongly agreed or agreed with the proposal.

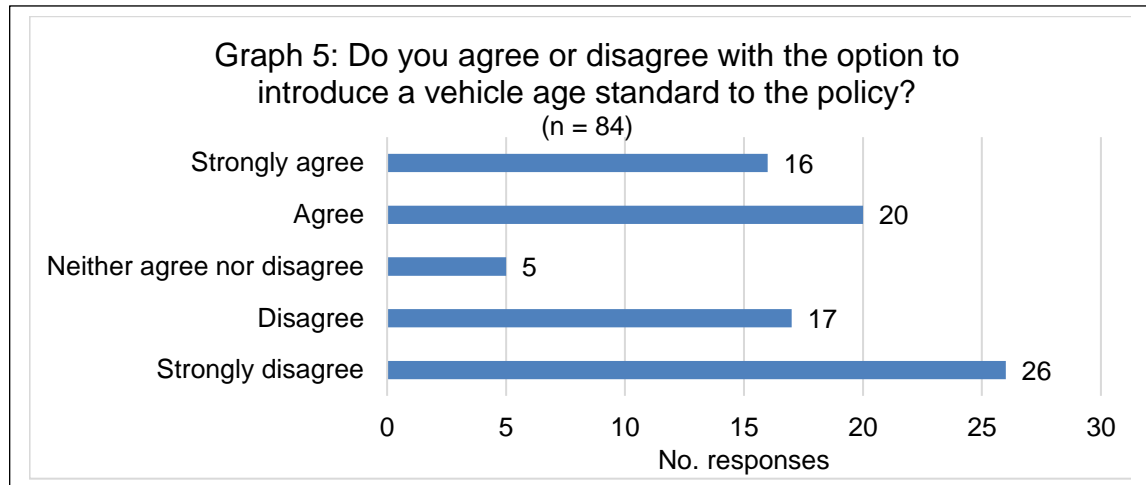
Three out of ten, 24, either disagreed or strongly disagreed and the remaining 15 respondents neither agreed nor disagreed with the proposal.

Nature of additional comments:

- If tinted windows come as standard with a new car, and not customized, then they should be allowed – 8 comments
- Concerns expressed around safety – 7 comments
- Need to see into the side and rear windows – 6 comments
- Most new vehicles have tinted windows as standard when buying a car – 4 comments
- Expensive to replace tinted windows – 3 comments

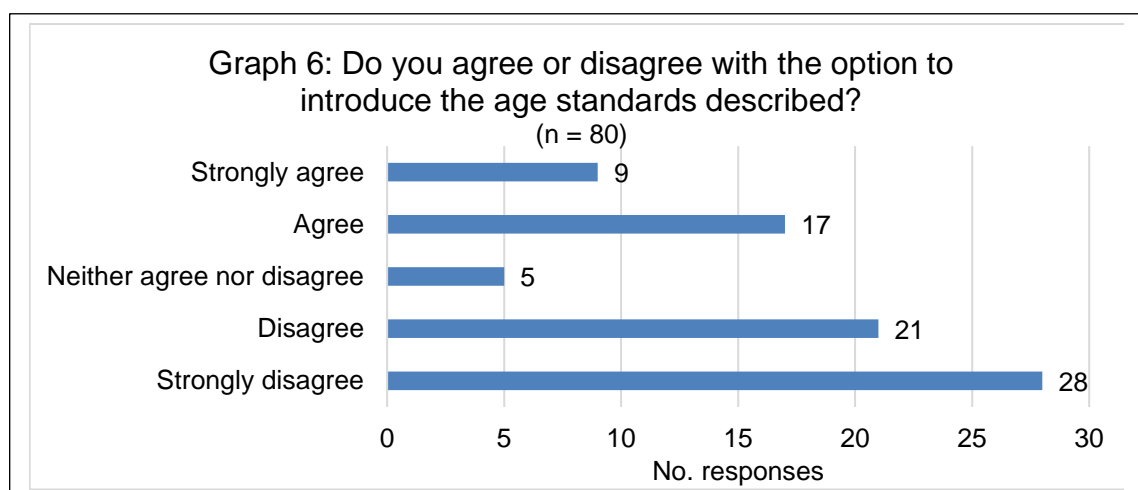
- Tinted windows are environmentally friendly as it reduces the need to use air conditioning during the summer – 3 comments

Question D. Vehicle Emission/Age Standards



When respondents were asked to what extent they agreed or disagreed with the proposal to introduce a vehicle age standard to the policy, just over half the respondents; 43 respondents out of 84 strongly disagreed or disagreed with the proposal and 36 disagreed or strongly agreed.

The response to the question as to whether to introduce a vehicle age standard varied depending on whether the respondent was a member of the public or a private hire/hackney carriage driver, operator or proprietor. Almost two thirds of members of the public, 23 out of 36, either strongly agreed or agreed with the introduction of an age standard, whereas seven out of ten private hire/hackney carriage drivers, operators or proprietors strongly disagreed or disagreed with the proposal. /



When respondents were to what extent they agreed or disagreed with the proposed age standards set out in the draft policy, six out of ten respondents, 49 out of 80 either disagreed or strongly disagreed with the age standards proposed.

Just over three out of ten respondents, 26, strongly agreed or agreed with the age standards proposed.

As with the previous question, members of the public and private hire/hackney carriage drivers, operators and proprietors had opposing views. Just over half, 18 out of 34, members of the public strongly agreed or agreed with the age standards proposed. Whereas three quarters, 31 out of 40, of the private hire/hackney carriage drivers, operators and proprietors strongly disagreed or disagreed with the proposal.

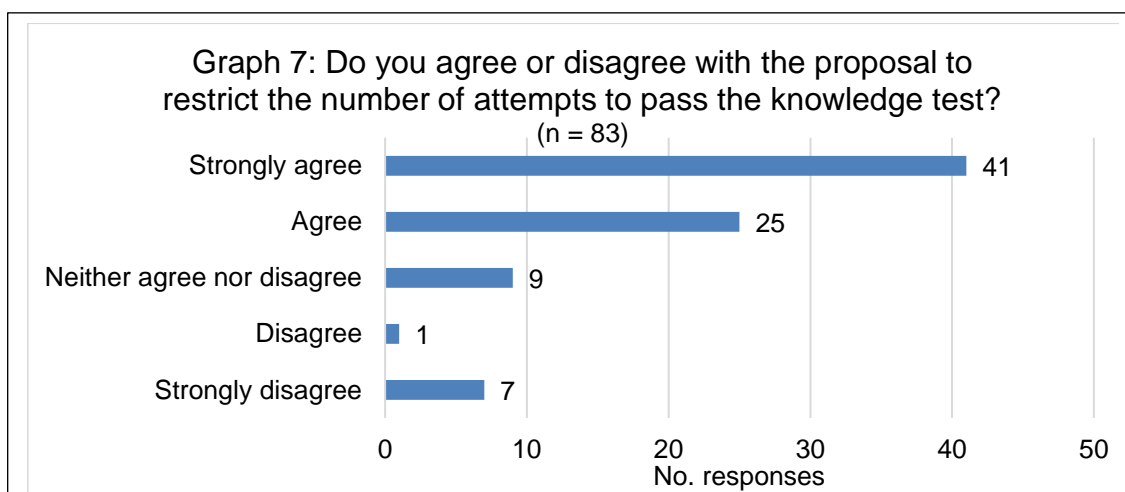
Nature of additional comments:

- Concerns raised in relation to expense of replacing car more often – 19 comments
- The level of vehicle emissions are a more important factor than age of vehicle – 12 comments
- Providing the vehicle is well maintained then it shouldn't need to be replaced as often – 7 comments
- Increase minimum age of new and renewed vehicles. Suggestions made for renewals to take place between 8-10 years – 4 comments
- Need a longer lead in period to introduce changes and information provided on grants available to drivers to renew vehicles - 3
- Potential that costs could transfer to customers. Potential impact for disabled and elderly people who use taxis – 2 comments

Suggestion:

- Environmental policy objectives should only be applied after full assessment of any economic impact on trade members and be proportionate to the aims to be advanced after full consultation with all interested trade parties.

Question E. Driver knowledge/locality test



When respondents were to what extent they agreed or disagreed with the proposal to restrict the number of attempts to pass the knowledge test, eight of ten respondents, 66 out of 83, either strongly agreed or agreed with restricting the number of attempts to pass the knowledge test. Half of all respondents strongly agree with the proposal.

8 respondents disagreed or strongly disagreed with the proposal and the remaining 9 respondents neither agreed nor disagreed.

Nature of additional comments:

- Demonstrates fitness for job. Drivers should know where they are going – 9 comments
- Increase cool off period i.e. 12 months – 4 comments
- Promotes customer confidence – 1 comment
- Knowledge test is covers more than the locality, it covers child sexual exploitation, licensing regulations, driver conduct and is therefore important – 1 comment
- Knowledge test impedes recruitment – 3 comment
- Recognition that some struggle people with tests – 1 comment

Suggestion

- North Tyneside Council could potentially attract new entrants by changing the syllabus for the test and providing training, following the example of Wolverhampton Council - 1

Table 1.

The driver knowledge/locality test should ...	Strongly agree (n)	Agree (n)	Neither (n)	Disagree (n)	Strongly disagree (n)
... continue in its current format (n = 84)	43	14	14	2	11
... remove the locality element of the test for both hackney carriage and private hire driver applicants (n = 72)	3	1	8	14	46
... remove the locality element of the test for private hire driver applicants only (n = 72)	4	1	7	15	45

When respondents were to what extent they agreed or disagreed whether the driver knowledge/locality test should continue in its current format, two thirds of

respondents, 57 out of 84, strongly agreed or agreed. Over half of all respondents, 43, strongly agreed the driver knowledge/locality test should continue in its current format. The perception was consistent between members of the public and private hire/hackney carriage drivers, operators or proprietors, with the majority in agreement that the driver knowledge/locality test remaining in its current format.

Also, when asked to what extent they agreed or disagreed whether the locality element should be removed from the test either for both hackney carriage and private hire driver applicants or just private hire driver applicants only, the majority, 60/72 respondents, disagreed or strongly disagreed with the proposal.

The perception was consistent between members of the public and private hire/hackney carriage drivers, operators or proprietors, with the majority disagreeing that the locality element of the test should be removed.

Nature of additional comments:

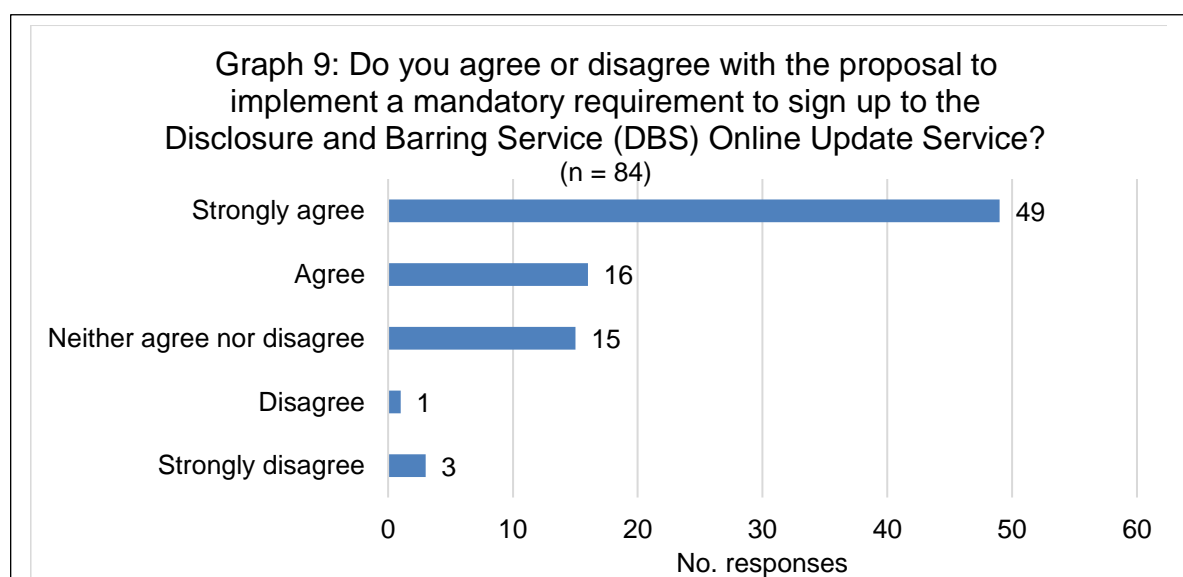
The majority of additional comments made were in support of keeping the locality element of the knowledge test and there were frequent comments made criticizing Newcastle City Council for removing the local element from the knowledge test carried out in that area.

- Drivers should know where they are going – 18 comments
- Locality element unnecessary by using technology – 2 comments
- Removing locality element from knowledge test will lower standards – 2 comments

Suggestion

- Retain locality element and strengthen test to include the relevant Laws including the sections of Highway Code relevant to Taxi Licensing – 3

Question F. Disclosure and Barring Service (DBS)



When respondents were asked to what extent they agreed or disagreed with the proposal to implement a mandatory requirement to sign up to the Disclosure and Barring Service (DBS) Online Update Service, three quarters of respondents, 65 out of 84, either strongly agreed or agreed. Almost six out of ten respondents, 49, strongly agreed with the proposal.

Nature of additional comments:

The majority of additional comments were positive in relation to the online DBS update service. There was one query raised as to how someone not computer literate could keep their record up to date.

- Important that DBS is kept up to date for public safety – 13 comments
- Update service not required. DBS should be renewed every 3 years – 2 comments.

Question G. Expansion of driving offences

Table 2.

Proposal to refuse to grant a licence for the specified time periods for ...	Strongly agree (n)	Agree (n)	Neither (n)	Disagree (n)	Strongly disagree (n)
... Drink driving and drug convictions (n = 85)	57	16	5	-	7
... Using a hand-held mobile telephone or device (n = 83)	35	19	9	5	15

When respondents were to what extent they agreed or disagreed with the proposal to refuse to grant a licence for a specific period of time following drink driving and drug convictions, the majority of respondents, 73 out of 85, either strongly agreed or agreed with the proposal. Seven in ten, 57, respondents strongly agreed with the proposal.

When respondents were to what extent they agreed or disagreed with the proposal to refuse to grant a licence for a specific period of time following using a hand held mobile telephone or device, the majority of respondents, 54 out of 83, either strongly agreed or agreed with the proposal. However, almost a quarter of respondents, 20, disagreed or strongly disagreed with the proposal.

Nature of additional comments:

- Drivers convicted of either offence should have a lifetime ban – 7 comments
- Taxi jobs come through on devices. It's essential to use them as part of the job – 3 comments.

- Drivers shouldn't be punished twice; once by the police and then by the council – 3 comments
- Proposal important for public protection – 3 comments
- Disagree with proposal – 2 comments
- The time period for each offence should be the same, both offences just as dangerous – 2 comments.

Question H. Licensing offences

Respondents were asked if they wished to make any comment in relation to licensing offence periods contained in the policy.

Nature of additional comments:

- Safety of passengers needs to be ensured – 5 comments
- Drivers should be fit and proper – 4 comments
- Agree with revisions to current policy – 3 comments
- Current policy should not be changed – 1 comment

4. Further comments/recommendations

There were further comments/recommendations made by respondents in relation to the policy review to be taken into consideration, which are recorded below:-

- The term TAXI should replace the term Hackney Carriage throughout this policy document as it has been redundant in legislation since 1985. Legislation since has used the term TAXI and Hackney Carriage was recommended to be removed in the 2014 Law Commission Review.
- North Tyneside Hackney Carriage Association (N.T.H.C.A.) members agree that certain standards should be of a national standard but it would appear that the principle of licensing control by locally elected Councillors is being eroded if this policy is adopted in its draft form as we are led to believe that the bulk of the content has been agreed at northern licensing officers group meetings and is being promoted at other Authorities.
- Speaking rights are requested at the relevant Cabinet/Committee meeting.

Chapter 1 – Hackney Carriage and Private Hire Licensing

- Page 11 The policy wrongly asserts that it is a criminal offence for a driver of a wheelchair accessible vehicle to refuse to carry a person in a wheelchair. That is not the case! The Council has over simplified the position. It is an offence for a driver of a designated wheelchair

accessible vehicle who has not been issued an exemption certificate to refuse to carry a person in a wheelchair. The Council is asked to expand on and to correct this section and to make clear how a person may apply for an exemption certificate. In this regard, the Council might like to consider the guidance and other documentation produced by Shropshire Council, which is available online at <https://shropshire.gov.uk/media/10136/ph-hc-exemption-applicationv1.pdf>.

Chapter 2 – Vehicles – Hackney Carriage and Private Hire.

- **4 Limitations of Numbers.** Within this document the number of TAXI (hackney carriage) licenses limit is 204, as there is only 183 licenses issued according to the document and information obtained from licensing office the number is 178 we suggest the limit should be lowered to 190 as there is clearly no unmet demand as was the result of the previous survey.
- **16 Executive Hire Private Hire Vehicles.** In addition to the above matters, there is one further matter concerning the licensing of executive vehicles that my client would like for the Council to consider. The extant provisions, which remain unchanged in the draft proposed policy, appear at pages 22–23 and Appendix D (at page 80). In this regard, as in relation to the convictions policy, if I may refer simply to it in such terms, I repeat that which was included in the October 2016 response to the Council’s last policy consultation on behalf of Blueline Taxis, EastCoast Taxis, NODA / Budget Taxis and Premier Transport, namely: The Council is asked to reconsider its long-held policy of only granting an exemption certificate in respect of private hire vehicles used solely for executive hire. Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, referred to by the Council in its policy, clearly permits an exemption certificate to apply to a vehicle “on any occasion specified in the notice”, as opposed to being a blanket exemption. An exemption certificate could, therefore, apply to a private hire vehicle only when it is being used in connection with a particular type of booking. The burden for proving that a private hire vehicle was being correctly used under an exemption certificate would rest upon the driver, proprietor and operator.

Despite the Council having declined to amend its policy, as requested, my client now regularly uses standard private hire vehicles to undertake long-distance contract work without displaying the Council signs or operator livery in reliance of the exemption provided by section 75(1)(d)(ii) of the Local Government (Miscellaneous Provisions) Act 1976, as the period of hire exceeds 24 hours. My client would much prefer to operate under the exemption provisions provided by the aforementioned section 75(3), which allows the Council to grant exemptions for specific

types of journey, irrespective of whether they are of long or short duration.

At present, unless a vehicle is used exclusively for private hire purposes and, despite being the largest private hire operator, operating across eight local authority areas, my client does not have sufficient executive hire work to designate certain vehicles to be used only for executive hire, my client would be unable to provide an unmarked / executive private hire vehicle to an international business executive travelling from Cobalt Business Park to Newcastle International Airport. On the other hand, my client can and does, provide unmarked vehicles to convey passenger to and from their cruise holidays, departing from /returning to Southampton using the section 75(1)(d)(ii) 24 hour hire exemption.

The Council is asked to resolve to use the section 75(3) power on the basis that, if it is abused, the Council has the ability to revoke vehicle licences and could, of course, review its policy in this regard at any time, reversing the policy, if necessary.

Chapter 3 New/renewal applications must be made in person.

- Renewals. Council cannot stipulate a minimum time for renewal applications (10 working days before expiry) renewal application can be made up to expiry day of current license (case law). The Council has been sending out renewal invitations for over 35+ years and must continue to do so as it falls into the realm of Custom and Practice.

Chapter 6. Fees

- Payment to the council by cheques was stopped by the Council as a means of payment several years ago.

Chapter 10 - Waiting on stands and rank etiquette

- If vehicles can only wait with engine off there is a question of comfort for drivers and passengers in extreme weather conditions. Cold vehicles run less efficiently and create more pollution when first started.

Removal of Appendix list of ranks from the policy. This will be available from website and licensing office

- Why remove from the document? The appendix allows the trade to challenge the authority if it fails to maintain the approved ranks.

Appendix I - Conditions of license/Byelaws.

- N.T.H.C.A. has been requesting the Council for 25+ years to update the Byelaws, Council cannot expect drivers to abide by Byelaws that instruct them to break the Law and as such is not supportive of the Hackney Carriage trade.

- Hackney Carriage Stands. The Council does not support the Hackney Carriage Trade as it takes 10+ years to create an agreed stand or does not implement a stand that was created at all. RTO Act 1984 may not be the correct (best) method for creating Hackney Carriage stands (see attachment letter from DFT).
- Private Hire Operators. Within the policy the view of the N.T.H.C.A. members requires a condition of license be inserted at the relevant paragraph "Private hire vehicle and driver can only be operated by being registered with 1 Private Hire Operator, if the private hire vehicle and driver wish to be operated by a different Private Hire Operator they must deregister with 1st Operator and register with Operator whose control they wish to be under. Operators to keep Council up to date on the vehicles and drivers under their control.

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North Tyneside Hackney Carriage and Private Hire Licensing Policy Consideration of Consultation Responses.

A public consultation took place on proposals over a period of 8 weeks from Monday 28 October 2019.

The consultation pointed to information that was published on the Council's website and invited people to complete an online questionnaire with their views. The Authority received 86 responses to the online questionnaire and a further 3 responses by other means.

Advertisements, signs and notices - addition to allow in car digital advertising if in accordance with the approvals contained in this Policy.

Q1 Do you agree or disagree with the addition of an exception for in car digital advertisements? Please provide the reasons for your response.

- Majority of respondents were not in agreement however the comments made requested a requirement to be able to turn screens off and for advertisements to be appropriate.

Conclusion: Due to comments exception for in car digital advertisements to be included in Policy.

Vehicle testing -

Q2 Which of the following options do you prefer: That the only testing station vehicles can use is one provided by North Tyneside Council? That other authorised testing stations within North Tyneside can also be used?

- Strong opinion for testing to remain with North Tyneside Council. Comments for and against proposal however compelling reasons given to remain with North Tyneside Council.

Written comments reflected support for this proposal.

Conclusion: No amendment to current testing facilities.

Tinted windows - No minimum light transmission to rear of B pillar.

Q3 – Do you agree or disagree that the Policy should be amended to allow windows with no minimum tint for all windows to the rear of the B pillar provided it is fitted as standard to the vehicle? Please give reasons for your response.

- Majority of responses agreed that tinted windows should be permitted if they come as standard.
- No evidence provided as to any safety issues arising from tinted windows.

Written comments reflected support for this proposal

Conclusion: Policy to permit tinted windows to the rear of the B pillar when fitted as standard.

Emission/Age standards - Insertion of age standards starting from 1 April 2020.

Q4 Do you: a) Agree or disagree that an age standard should be added to this Policy? b) Please give reasons for your reasons c) If agree, do you agree or disagree with the age standards proposed in this Policy? d) If disagree, what alternative age standards would you suggest?

- It is noted that question has received varied responses, with 23 out of 36 members of the public for the proposal and 7 out of 10 licensees against.
- Whilst the majority agreed with the implementation of an age standard the standard to be used received negative comments.
- Suggestions of different age standards have been received such as 5 years. This however would allow older vehicles to remain and further contribute to air quality issues.
- Comments received concerning cost of replacing the vehicle and time to prepare for this.

Written comments supported proposal to have an age standard.

Conclusion: Age standard to be introduced as stated in draft Policy however not to be introduced until April 2021 to give further lead in time for new applicants and to test the availability of grants.

Driver knowledge/locality test

Q5 Do you have any comment to make on the proposal that there be restrictions on the number of attempts within a three month period? Please give reasons for your response.

- The majority of responses agreed with this proposal.
- It is highlighted that failure to pass in the period stated may call into question suitability to be a licensed driver.

Written comments supported this proposal.

Conclusion: Policy to include restriction on the number of attempts within a three month period.

Driver knowledge/locality test

Q6 Do you believe the driver knowledge/locality test should:

a) continue in its current format, b) remove the locality element of the test for both hackney carriage and private hire driver applicants, c) remove the locality element of the test for private hire driver applicants only? Please give reasons for your response.

- The majority of the respondents wished the locality test to continue in its current format.

- The use of sat navs assists all drivers with locations. It remains a requirement for hackney carriage drivers who will not have this prior awareness.

Whilst comments did not reflect support for amendments it was recognised that there is less reliance on locality knowledge for private hire drivers who will be advised of the drop off point prior to the journey.

Conclusion: Policy amended to remove the locality element for private hire driver applicants.

DBS process - Inclusion of mandatory requirement to sign up to the Disclosure and Barring Service Online Update Service.

Q7 Do you agree or disagree with the mandatory requirement to sign up to the Disclosure and Barring Service Online Update Service? Please give reasons for your response.

- The majority of respondents strongly agreed with the proposal for drivers to sign up to the update service.
- Public safety is quoted as the predominate reason.

Conclusion: Written comments reflect support for this proposal. Policy amended to include mandatory sign up to the update service.

Expansion of driving offences

Q8. Do you agree or disagree with the proposal that the time periods during which a licence will not be granted is expanded for a) drink driving and drug convictions b) using a hand-held mobile telephone or device? Please give reasons for your response.

- The respondents strongly agreed with the proposal for drink driving and drug convictions.
- Comments given that this time period to be in line with other major offences.
- The majority of respondents agreed with the proposal for hand-held mobile telephone or device.
- Responses received requested the description of a hand-held device is clarified.

Written comments reflected support for these proposals.

Conclusion: Policy amended to expand the time periods during which a licence will not be granted. Time period for drink driving and drug convictions amended to 3 – 5 year in line with offences of violence. Clarification of description of hand-held device.

Licensing offences

Q9. Do you agree or disagree with the time periods contained within chapter 7? Please give reasons for your response.

- Comments have been received concerning the need for a licensee to be fit and proper.

- It is recognised that the Courts when deliberating will consider mitigating circumstances including personal circumstances and whilst licensing authorities will consider the offence and facts leading to the offence.

Conclusion: No amendment to the Policy.

Other issues raised in consultation responses

The consultation responses raised further comments:

Driver who refuses to take passengers in a wheelchair – request to expand to include exemption information.

Conclusion: These comments are accepted, and the section has been expanded to add further information on the issue of an Exemption Certificate.

Use of term Taxi – request to use Taxi rather than Hackney Carriage.

Conclusion: It is understood that the respondent has views on the terminology however the legislation continues to refer to Hackney Carriages. The Law Commission Review has yet to be put into action. No amendment to Policy.

Period to make renewal application – comments concerning requirement that renewals must be made at least 10 days prior to expiry.

Conclusion: The case law has been considered and this is to be amended to advise that renewals are expected to be made rather than must. In addition, the period of a month is amended to 4 weeks for clarity.

Executive vehicles – request to consider use of executive hire exemption.

Conclusion: The comments are noted and this will inform future work considerations of the Service. No amendment to Policy.

North Tyneside Council Report to Cabinet Date: 24 February 2020

Title: CCTV Policy

Portfolio: Elected Mayor	Cabinet Member: Norma Redfearn CBE
Report from Service Area: Law and Governance	Tel: (0191) 643 5339
Responsible Officer: Bryn Roberts, Head of Law and Governance	
Wards affected: All	

PART 1

1.1 Executive Summary:

The Authority operates closed-circuit television (CCTV) systems which are used in areas such as council buildings, on its refuse collection vehicles, and in public spaces. In addition to its own systems, the Authority monitors CCTV deployed by partner organisations such as schools, Northumbria Police and Nexus under service level agreements or contract arrangements.

As well as preventing and detecting crime having visible CCTV systems in public areas also enhances feelings of safety for our residents and communities.

CCTV system installations are required to be operated in compliance with extensive statutory requirements and associated guidance which provides safeguards in their use and ensures that the need for public protection is balanced against the need to respect the right to privacy for individuals.

This report presents a new CCTV policy for approval by Cabinet. Although not a statutory requirement, the introduction of this policy will provide a framework to centrally co-ordinate the use of the Authority's CCTV systems therefore giving additional assurance that the relevant compliance standards are being met.

1.2 Recommendation:

It is recommended that Cabinet:

1. approve the Authority's draft policy on CCTV attached at Appendix 1;

2. delegate authority to the Head of Law and Governance, in consultation with the Elected Mayor as appropriate, to implement the policy and all ancillary matters relating to it; and
3. receives an update report every 12 months to ensure proper oversight of the policy.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 7 June 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan:

Our places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment

1.5 Information:

1.5.1 Introduction

The Authority operates a number of closed-circuit television (CCTV) systems which are used in areas such as council buildings, public spaces, and on its refuse collection vehicles. It also monitors systems deployed by other parties such as schools, Northumbria Police and Nexus under service level agreements or contract arrangements.

These CCTV system installations are operated in line with extensive statutory requirements and associated guidance to ensure that the need for public protection is balanced against the need to respect the right of privacy for individuals.

Although not a statutory requirement, the Authority has developed a CCTV policy which is attached to Appendix 1 of this report. The proposal to introduce this corporate policy; which will govern the use of its CCTV systems; is aimed at adding further rigour to the manner in which they are managed and to provide assurance of compliance with relevant legislation and the accompanying statutory codes of practice.

It is important to note however that this policy only covers the use of CCTV systems that are deployed overtly. The Authority does not routinely use CCTV systems covertly. Such use is strictly controlled by surveillance legislation (the Regulation of Investigatory Powers Act 2000) and is subject to a specific policy which has been approved by Cabinet and is regularly reviewed.

1.5.2 Community Safety

As well as preventing and detecting crime having visible CCTV systems in public spaces also enhances feelings of safety for our residents and communities.

Ensuring our places are safe is a priority of the Elected Mayor. This is also a priority of the Safer North Tyneside community safety partnership where promoting feelings of safety amongst our communities is one of the key aims of its Community Safety Strategy 2019-2024.

In 2018 the Residents' Survey told us that 89% of people in North Tyneside feel safe in their local area during the day but fewer residents, 55%, reported feeling safe after dark.

The Authority has since upgraded its static public space CCTV and opened a new control room. Also, a new mobile CCTV vehicle has been introduced along with more CCTV cameras which are capable of being redeployed to tackle identified hotspots for anti-social behaviour and environmental crime.

This improved CCTV capability is playing a vital role in assisting the additional officer capacity which includes new community protection wardens and an environmental rapid response team.

1.5.3 Legislative Context

CCTV systems are surveillance systems and their use is subject to a range of legislative controls which enable organisations to use them lawfully. That legislation includes:

- The Data Protection Act 2018
- The General Data Protection Regulation 2016
- The Human Rights Act 1998
- The Protection of Freedoms Act 2012
- The Criminal Procedure and Investigations Act 1996
- The Regulation of Investigatory Powers Act 2000

The Protection of Freedoms Act 2012 introduced the provision to appoint a Surveillance Camera Commissioner (SCC) with the power to develop and introduce a Code of Practice focussing on the use of surveillance camera systems. The role of the SCC is to encourage compliance with the Code of Practice, review how the Code is working on the ground and provide advice to Ministers on whether or not future amendments to the Code are required. At present the SCC has no enforcement or inspection powers and works with 'relevant authorities' to make them aware of their duty to have regard to the Code. The Authority is classed as a relevant authority.

The SCC published the Surveillance Camera Code of Practice in June 2013 which set out new guidelines for CCTV systems and automatic number plate recognition (ANPR) in the form of '12 Guiding Principles'.

1.5.4 Policy Development

Following publication of the Surveillance Camera Code of Practice, in 2016 the SCC launched a self-assessment toolkit to encourage relevant authorities and organisations to consider how well they were complying with it and the 12 Guiding Principles.

Both completion of the self-assessment tool and submission of the outcome to the SCC is entirely voluntary. But relevant authorities are encouraged to participate, and the Authority has done so.

The following key areas have been identified within the self-assessment:

- The Authority, like many other relevant authorities, does not manage all its CCTV systems centrally. This is because some are connected to PFI buildings, some are third party systems monitored by the Security & Resilience Team under service level agreements or contract arrangements, and others are being operated by our strategic delivery partners

- There are a variety of different types of CCTV systems being used across the Authority's estate, for example re-deployable, static and mobile systems
- There are inconsistencies in the approach to audit and review arrangements.

Introducing a CCTV policy provides a framework to centrally co-ordinate the use of the Authority's CCTV systems therefore giving additional assurance that the relevant compliance standards are being met.

1.5.5 Corporate Responsibilities

The SCC has requested that each relevant authority nominate a Senior Responsible Officer (SRO). The role of SRO is undertaken by the Authority's Data Protection Officer.

Guidance from the SCC states that the SRO should ensure that appropriate procedures and processes in place and that these are monitored and adhered to. Implementation of the CCTV policy that has been developed; although not a statutory requirement; is an important step in ensuring compliance and providing central oversight of that.

The SRO is responsible for maintaining an Asset Register of CCTV equipment and where these assets are deployed.

Each Head of Service is responsible for ensuring effective and legally compliant systems and procedures are in place within their service areas.

Each service area will have a nominated Responsible Officer for each CCTV system.

All employees connected with surveillance and handling of evidence are responsible for ensuring that they act only in accordance with their level of responsibility and training and in accordance with this Policy and associated documents. To assist in this an 'Employee: Code Assessment Pack', has been prepared. The pack provides key information for Officers and directs them towards key sources of detailed guidance. It will be kept under review and revised as necessary to ensure it reflects current procedures and best practice.

All staff involved in the deployment and use of CCTV systems will receive appropriate training.

1.5.6 Compliance and Oversight

The CCTV policy will be reviewed annually and brought back to Cabinet for approval.

The Authority will also consider internal reports on the use of CCTV to ensure that it is being used consistently in compliance with the policy and that it remains fit for purpose.

1.5.7 Next Steps

Should Cabinet approve the CCTV policy it will then be promoted across the Authority under the direction of the SRO. Responsible Officers who have been designated as having responsibility for CCTV systems they operate and will have a key role to play in making the necessary adjustments to ensure compliance with it.

The policy will be published on the Authority's website and internally on the intranet. A new programme of training for relevant managers and officers who use CCTV systems will also be undertaken.

The opportunity to apply to the SCC's third-party certification process will also be explored. This is a scheme that enables relevant authorities to certify their CCTV systems against the Surveillance Camera Code of Practice. This will enable the Authority to use the SCC's certification mark and provide further assurance of the Authority's compliance standards.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Approve the Authority's policy on CCTV attached as Appendix 1 and grant delegated authority to the Head of Law and Governance to implement the policy.

Option 2

Request Officers to revise the draft policy and/or provide additional information regarding any matters contained in this report.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended.

Although not a statutory requirement, the introduction of this policy will provide a framework to centrally co-ordinate the use of the Authority's CCTV systems therefore giving additional assurance that the relevant compliance standards are being met.

1.8 Appendices:

Appendix 1: Draft CCTV Policy

1.9 Contact officers:

Wendy Rochester, Information Governance Manager, Law and Governance, tel. (0191) 643 5620

Emma Phillips, Senior Information Governance Officer, Law and Governance, tel. (0191) 643 8785

Stephen Ballantyne, Legal Manager, Governance and Employment, tel. (0191) 643 5329

Colin MacDonald, Senior Manager, Technical and Regulatory Services, tel. (0191) 643 6620

Lindsey Ojomo, Resilience, Security and Community Safety Manager, tel. (0191) 643 6484

David Dunford, Acting Senior Business Partner, tel. (0191) 643 7027

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) [Surveillance camera code of practice, Home Office \(July 2013\)](#)

- (2) [In the picture: A data protection code of practice for surveillance cameras and personal information, Information Commissioner's Office \(June 2017\)](#)
- (3) [Covert Surveillance Policy \(RIPA\), North Tyneside Council](#)
- (4) [Introducing a Single Point of Contact, SCC March 2016](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The provisions of the policy can be implemented within the existing resources of the Law and Governance Service.

2.2 Legal

The legislative controls which enable the lawful use of surveillance systems are explained in Section 1.5.3 of this report.

Introduction of the policy is aimed at providing further assurance that the Authority continues to comply with its legal obligations including the statutory Surveillance Camera Code of Practice and guidance issued by the Office of the Surveillance Camera Commissioner.

This is an Executive function and in accordance with the provisions of the Local Government Act 2000 and the Regulations made under that Act this matter is one that falls to Cabinet to consider and determine.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The policy has been developed in consultation with the Environment, Housing and Leisure management team which includes Security who operate the CCTV control room. It has also been considered by the Cabinet Member for Community Safety and Engagement. Comments received have been incorporated.

2.3.2 External Consultation/Engagement

There is little opportunity for external consultation and engagement to be able to shape the policy. All relevant legislation, the Surveillance Camera Code of Practice, the SCC's self-assessment tool and other available guidance has been used to shape the framework and content of the policy.

2.4 Human rights

There are no human rights implications directly arising from this report. The proposed policy as described in the report aims to provide further assurance that the Authority is compliant with its legal obligations and therefore does not unlawfully interfere with an individuals' right to respect for private and family life.

2.5 Equalities and diversity

There are no equality and diversity implications directly arising from this report.

2.6 Risk management

Implementation of the policy aims to further manage the risks of non-compliance with the statutory obligations of operating CCTV systems. Risks associated with the Authority's use of CCTV systems is managed through the established corporate risk management arrangements.

2.7 Crime and disorder

The primary use of CCTV systems within the Authority is to prevent and detect crime. It is known that residents are becoming increasingly concerned about anti-social behaviour and; in particular; environmental crime in the borough. This is outlined in Section 1.5.2 of the report.

Introduction of the policy will provide further assurance that the Authority continues to comply with its legal obligations and in so doing be able to lawfully use evidence recorded to support prosecution of offenders where a crime has been committed.

2.8 Environment and sustainability

The report outlines at Section 1.5.2 that CCTV systems are increasingly being deployed to tackle known hotspots for environmental crime. This is playing a vital role in improving and protecting the environment across the borough and assists the additional officer capacity that has been introduced.

PART 3 - SIGN OFF

- Chief Executive X
- Head of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy and Customer Service X

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CCTV Policy



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Definitions

“**Personal Data**” means any data which relate to a living individual who can be identified.

“**Special Category Data**” means personal data consisting of information as to;

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life; and
- data concerning a person's sexual orientation.

“**Data Controller**” means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

“**Data Processor**” means any person who processes the data on behalf of the data controller.

“**Data Protection Impact Assessment**” (“**DPIA**”) is a process to help you identify and minimise the data protection risks. You must do a DPIA for processing that is likely to result in a high risk to individuals.

“**Authority**” means the Local Authority, North Tyneside Council.

“Camera” means any device used as part of a CCTV system. This includes unmanned aerial vehicles (drones) and body worn camera devices.

“CCTV” means Closed Circuit Television.

“CCTV System” means any system of device used by the council to monitor an area including CCTV, cameras used on the highway, body worn camera devices or unmanned aerial vehicles.

“Image” means any image captured by a CCTV system.

“BWVs” Body Worn Video or Camera device.

DRAFT

Section One Introduction and Objectives

1.1 Introduction

The Authority operates several Closed-Circuit Television (CCTV) systems. The systems comprise of a number of cameras installed at locations across the borough. Not all cameras are pro-actively monitored, some are monitored on-site, some are monitored remotely, and some are monitored on behalf of a third party under contract or agreement. The Authority also uses mobile CCTV technology and there is scope for the use of Body Worn Video (BWV).

1.2 Aims and Objectives of this Policy

The aim of this document is to set out the Authority's policy in relation to its use of overt CCTV surveillance. It covers three main areas:

- The legal context in which the Authority operates CCTV;
- What central controls will apply to the use of CCTV on behalf of the Authority; and
- What service areas and delivery partners need to do to comply with the relevant legislation.

1.3 Scope of the Policy

This policy, and its guidance, will apply to any CCTV camera being operated by, or on behalf of the Authority.

It should be noted that this policy only covers the Authority's use of *overt* CCTV systems. The use of any CCTV for covert activity is covered under the Authority's Surveillance Policy which details how the Authority complies with the provisions of the Regulation of Investigatory Powers Act (RIPA) 2000 and is therefore beyond the scope of this policy.

1.4 Compliance with the Policy

All services engaged in the use of CCTV systems (as set out in Definitions) must comply with this policy in order to comply with all relevant legislation.

A Code of Practice (COP) must be maintained for each CCTV system in use and made available for Audit. This must be signed off by the relevant Head of Service, reviewed at least annually and will be held with Information Governance. The COP is built around the 12 Guiding Principles document produced by the Surveillance Camera Commissioner (SCC).

1.5 Breaches of this Policy

Failure to adhere to this policy will place the Authority at significant risk and may also result in a breach of legislation. All breaches and near misses of this policy **must be reported** direct to the Information Governance Team (IGT).

Actions or neglect leading to a breach of this policy, or failure to report a breach will be investigated in line with current disciplinary procedures.

Section Two Legal Context

2.1 The Data Protection Act 2018 (DPA)

The Data Protection Act 2018 controls how personal information is used by organisations, businesses or the government. Everyone who is responsible for using data must comply with current legislation, this policy, and the supporting procedures that CCTV Operators follow.

2.2 Right to Privacy

The Authority recognises its obligations under the Data Protection Act 2018, Human Rights Act 1998 and in particular an individual's right to privacy. To fulfill these obligations, we will do the following:

- Where an overt CCTV system is in place, individuals will be made aware that they are about to enter an area where CCTV is active. This will be achieved by prominent signage placed at either the entrances to a building or the perimeter and approaches of a less well-defined area – a town center for example.
- The Authority's Responsible Officers for CCTV systems will ensure that signage complies with the relevant statutory guidance. An annual check of all signage is undertaken to ensure it is still visible and contains the correct information.
- For any CCTV camera, a full Privacy Impact Assessment must be in place. A clear review date and process must be identified within the assessment. Completed assessments should be submitted to the IGT for publication on the Authority website.

2.3 The Protection of Freedoms Act 2012 (POFA)

Since its introduction, the POFA has seen the introduction of a new surveillance camera code of practice published by the Home Office and the appointment by the Secretary of State of a SCC. The Information Commissioners Office (ICO) is tasked with the enforcement activity that regulates the application of this legislation. The Authority's overt CCTV Policy is written with the guidance document 'In the picture: A data protection code of practice for surveillance cameras and personal information' which was released in May 2015 and acts as a key guide to compliance with the POFA.

In addition to the guidance, there are also 12 guiding principles of practice which are set out in Appendix 1. These form the basis of the required Code of Practice for each CCTV system.

The Authority has nominated its Data Protection Officer as its Senior Responsible Officer to the SCC.

2.4 Guidance and Codes of Practice

This Policy has been written using the following legislation and guidance:

- The Data Protection Act 2018 (DPA)
- General Data Protection Regulation 2016 (GDPR)
- The Protection of Freedoms Act 2012 (POFA)
- Human Rights Act 1998 (HRA)
- 'In the picture: A data protection code of practice for surveillance cameras and personal information' May 2015
- 'Twelve Guiding Principles' guidance, the Surveillance Camera Commissioner.

There are some cameras which the Resilience and Security Team monitors on behalf of other parties. The Authority's clients include:

- Nexus
- Northumbria Police
- Schools in North Tyneside
- Capita (as part services it delivers on behalf of the Authority)
- Internal services (libraries, Customer First Centers etc.)

In these cases, the Private Security Industry Act 2001 also applies to operations.

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Section Three Central Controls

3.1 Information Governance

The ICO has produced a Data Protection Code of Practice for CCTV to assist organisations who use CCTV to comply with the Data Protection legislation. The Code gives guidance in areas such as deciding when CCTV should be used, governance of the personal data a CCTV system may collect, how to use the equipment and organisational responsibilities. As with the SCC Code of Practice, the ICO Code has also been adopted, in full, by the Authority.

3.2 Designated Roles

The Authority acts as the Data Controller for the information captured by the cameras that it owns.

The Authority may act as Data Processor for the information captured by cameras operated on behalf of third parties. This will be detailed in existing service level agreements or contracts.

The Data Protection Officer acts as the SRO for the Authority in relation to the SCC. Where a CCTV system exists, a specific Code of Practice will name a Responsible Officer for each system.

3.3 Processing and Handling of Recorded Material

Access to the equipment used to download footage and record images will be strictly controlled to CCTV Operators. Operators need to know how to recognise any formal request and must know the procedure for dealing with that request for footage.

The DPA 2018 will apply at all times to the information recorded on CCTV as it relates to personal data. Subject access requests must be dealt with in line with standing procedures with the Information Governance Team. Any third-party

requests for footage must be considered on a case by case basis and with advice from Information Governance.

Where law enforcement agencies make a request for footage, it must be clearly in connection with the investigation of a crime or suspected crime using a specific piece of legislation. Advice must be sought from Information Governance about releasing footage on receipt of a request.

A retention and disposal procedure detailing secure disposal of footage (usually automatic deletion) for each system will be clearly stated in the appropriate COP.

3.4 Secure Storage of Information

Each part of the Authority's CCTV system must be housed in a secure building or facility and access strictly controlled to authorised personnel only. Processes must be in place within each COP.

3.5 Operators

All Authority CCTV Operators must receive relevant training in the requirements of the Human Rights Act 1998, Data Protection Act 2018, and Regulation of Investigatory Powers Act 2000, this policy and the relevant COP. It is the responsibility of the individual Responsible Officers to ensure that training is provided and is both adequate and proportionate

Authority officers operating CCTV systems must be familiar with the requirements of information governance and should complete the Authority's Information Governance mandatory eLearning course as a minimum.

In most cases, Operators of public space surveillance systems must be licensed with the Security Industry Authority (SIA). Responsible Officers should seek advice directly from the SIA in relation to current licensing requirements.

Appendix 1 12 Guiding Principles

These are taken from the Surveillance Camera Code of Practice.

System operators should adopt the following 12 guiding principles:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

Appendix 2 Code of Practice Requirements

Principle	What you should include in the COP
<p>Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.</p>	<p>A clearly stated objective for the use of a camera (or system) must be in place.</p> <p>A Data Protection Impact Assessment DPIA is the right place to record this information, but the objective should also be displayed on appropriate signage where possible.</p> <p>A system can have an overall COP but each individual camera must have a DPIA.</p>
<p>The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.</p>	<p>A DPIA must be carried out before placing a camera anywhere in the borough. Each camera should be evaluated against the impact on individuals' privacy. Details of any privacy screens or limitations on viewing zones in the operation of the equipment should be detailed here. A review date must be set for both permanent and mobile or re-deployable cameras.</p> <p>The Resilience, Security Services and Community Safety Team maintain a re-deployable camera process.</p>
<p>There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints surveillance.</p>	<p>Each system must have appropriate signage with full contact details of the Responsible Officer (this should be role based, not named individuals in terms of public signs).</p> <p>The DPIA must be published on the Authority website to aid transparency.</p>
<p>There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.</p>	<p>The Data Protection Officer is the Senior Responsible Officer for the Surveillance Camera Commissioner. Each CCTV system should also have a Responsible Officer who will be responsible for completing the COP and DPIA's.</p>

<p>Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.</p>	<p>These should clearly demonstrate a reasonable level of control over: who will use it, how they will use it, how they will be managed and how their access and what they are viewing will be monitored, how complaints and access requests will be dealt with, how to report faults, what the maintenance arrangements are for the equipment,</p>
<p>No more images and information should be stored than that which is strictly required for the stated purpose of a camera system, and such images and information should be deleted once their purposes have been discharged</p>	<p>The COP must detail a retention policy for any footage recorded, details of how footage will be securely destroyed, how any downloaded footage will be stored, handled, transferred (where necessary) and recorded.</p>
<p>Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.</p>	<p>Who will have access to footage? Who can view footage? Who makes decisions? How will advice be sought from Information Governance? How and where will records of these be held? This should be cross referenced with current Information Governance procedures.</p> <p>A record of any disclosures, the reasons, the method of transfer and a signed acceptance by the receiving party should also be included in the COP.</p>
<p>Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.</p>	<p>List all that apply to your system and operators, including whether operators need to be licensed with the SIA or whether any exemptions apply.</p>
<p>Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.</p>	<p>Detail how you will ensure this and restrict access. Licensing considerations must also be a factor.</p>
<p>There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.</p>	<p>The COP's are all subject to internal audit checks and inspection by the Information Governance Manager and SCC.</p>
<p>When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and</p>	<p>Are the images of good evidence quality? Has the equipment been purchased through the third-party certification scheme?</p>

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law enforcement with the aim of processing images and information of evidential value.	
Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.	Not applicable – relates to Automatic Number Plate Recognition and Facial recognition software which are not in the scope of this policy.