

# North Tyneside Council

## Report to Cabinet

### Date: 14 October 2019

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

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<b>Portfolio:</b> Community Safety and Engagement	<b>Cabinet Member:</b> Councillor Carole Burdis
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**Report from Service Area:** Environment, Housing and Leisure

**Responsible Officers:** Phil Scott  
Head of Environment, Housing and Leisure  
**Tel: (0191) 643 7295**

**Wards affected:** All

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#### 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.

The review 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 and seeks permission to delegate authority to the Head of Environment, Housing and Leisure to commence a process of public engagement on the updated Policy.

##### 1.2 Recommendation:

It is recommended that the Cabinet:

- (1) authorise the Head of Environment, Housing and Leisure to commence public consultation on the revised draft North Tyneside Hackney Carriage and Private Hire Licensing Policy at Appendix 1 to this report; and
- (2) agree that a further report be received by Cabinet at the conclusion of the public consultation process when Cabinet will be asked to agree to the adoption of the revised North Tyneside Hackney Carriage and Private Hire Licensing 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 21 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

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 North Tyneside Hackney Carriage and Private Hire Licensing Policy ("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.

At its meeting on 1 April 2019, Cabinet agreed that the Policy should be reviewed.

#### **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 Policy.

The licensing service is based at the Killingworth site and it is responsible for administrating and enforcing the 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, 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 we promote environmental sustainability as part of delivering against our 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 subcontracting 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 given recent political events in Westminster it is unclear as to 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, with 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 and public engagement

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 will ensure that it 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.

As part of the consultation process the views of all Members of the Authority will be sought. To this end, the Monitoring Officer at the start of the consultation period will write to all Members inviting them to make any comments they have on the Policy and to forward those to Public Protection Manager. This will enable any views received from Members and/or the Regulation and Review Committee together with any other consultation responses to be taken into account when the decision on adopting the Policy is taken by Cabinet in February 2020.

A revised draft Policy for consultation purposes has been formulated and this is included in Appendix 1 to this report.

As well as updated legislation, the key amendments proposed to the Policy include:

- Expansion of licensing objectives to include 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, it is proposed that consultation questions are asked 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.

A summary of these amendments are included in Appendix 2 to this report.

It is proposed that a process of public engagement on the proposed updated Policy will commence on 28 October 2019 for 8 weeks. This will include appropriate engagement through the Engagement Hub with residents and businesses including representatives of the taxi and PHV trade; Regulation and Review Committee; and all Members.

At the conclusion of the consultation period the draft Policy will be brought before Cabinet for its consideration on 24 February 2020. It is anticipated that the updated Policy will be in place to commence from 1 April 2020.

## **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: Schedule of amendments to the Policy

## **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](#)

## **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 will take place with the Cabinet Members, Members and service areas.

#### **2.3.2 External Consultation**

As outlined in section 1.5.4 of the report, an engagement process will commence to allow the Policy to be updated. An online survey will be 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 will be 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 emission and 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