

## ITEM 5

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

# North Tyneside Council Report to Regulation & Review Committee Date: 24 October 2019

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Report from Service Area: Environment, Housing and Leisure

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Wards affected: All

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## PART 1

### 1.0 Purpose

The purpose of the report is to ask Committee to:

- (1) Note the commencement of the consultation of the revised North Tyneside Council Hackney Carriage and Private Hire Licensing Policy.
- (2) Submit any formal response to the consultation exercise via the Chair who will respond on behalf of the Committee.

### 1.1 Recommendations

Committee is requested to note the commencement of the consultation exercise and to provide their consultation responses through the available channels.

### 1.2 Background Information

#### 1.2.2 North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

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 hackney carriage and private hire vehicles 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.

At its meeting on 1 April 2019, Cabinet agreed that the Policy should be reviewed and work commenced to update the Policy. This work included consideration of the proposed national statutory guidance, regional transport ambitions and the views of the local trade and transport users.

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 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 be updated.

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, consultation questions are to be 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 the amendments proposed is included at **Appendix 2** to this report.

On 14 October Cabinet approved the commencement of the consultation of the Policy.

### **1.2.3 Consultation exercise**

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 hackney carriage and private hire trade and all Members.

Members of the Regulation and Review Committee are asked to make their comments known on the revised Policy either by completing the online survey or by submitting their response to the Chair of Regulation and Review Committee who will provide the response to the Public Protection Manager on behalf of the Committee.

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

### **1.3 Decision Options**

- 1.3.1 Note the commencement of the consultation of the revised North Tyneside Council Hackney Carriage and Private Hire Licensing Policy.

### **1.4 Appendices:**

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

Appendix 2: Schedule of amendments to the Policy

### **1.5 Contact Officers:**

- 1.5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620  
Joanne Lee, Public Protection Manager, Tel: 0191 643 6901  
Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

### **1.6 Background Information:**

- 1.6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

1. Local Government (Miscellaneous Provisions) Act 1976
2. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

## **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**

#### **2.2.1 Legislative Framework**

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:**

### Internal Consultation

Internal consultation will take place with the Cabinet Members, Members and service areas.

### External Consultation

As outlined in section 1.2.3 of the report, an engagement process will commence to enable the Policy to be updated. An online survey will be available for respondees 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 hackney carriage 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.

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