

# North Tyneside Council

## Report to Cabinet

### Date: 24 February 2020

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

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**Portfolio:** Community Safety and Engagement

**Cabinet Member:** Councillor Carole Burdis

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**Report from Service Area:** Environment, Housing and Leisure

**Responsible Officer:** 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. 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 comments 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