

North Tyneside Council

Report to Cabinet

Date: 24 January 2022

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

Portfolio: Community Safety and Public Protection

Cabinet Member: Councillor Carole Burdis

Report from Service Area: Environment, Housing and Leisure

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

Wards affected: All

PART 1

1.1 Executive Summary:

The government has issued statutory taxi and private hire vehicle minimum standards to licensing authorities entitled 'Statutory Taxi & Private Hire Vehicle Standards' ("the Standards"). The Standards outline how licensing authorities should carry out their licensing functions in relation to Hackney Carriage (taxis) and Private Hire vehicles, drivers and where appropriate operators. Although the minimum standards focus on protecting children and vulnerable adults, all passengers will benefit from the application of the Standards.

It is clear that central government expects the recommendations contained in the Standards to be implemented unless there is a compelling local reason not to. As a result of that expectation it has been necessary for the Authority to review its Hackney Carriage and Private Hire Licensing Policy ("the Policy") in light of the recommendations contained in the Standards.

This report presents to Cabinet a revised draft of the Policy which has been developed following the publication of the Standards and seeks permission to delegate authority to the Director of Environment, Housing and Leisure to commence a process of public consultation on the updated Policy and for a further report to be presented to Cabinet at the end of the consultation period seeking approval to the adoption of the Policy.

1.2 Recommendation:

It is recommended that the Cabinet:

- (1) authorise the Director 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 26 November 2021.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the 2021 – 2025 Our North Tyneside Plan:

A thriving North Tyneside :

- We will bring more good quality jobs to North Tyneside - by helping local businesses to sustain and grow, making it attractive for new businesses to set up or relocate in the borough.

A caring North Tyneside:

- People will be cared for, protected and supported if they become vulnerable, including if they become homeless.

A secure North Tyneside:

- Council wardens will work in partnership with Northumbria Police to prevent and tackle all forms of antisocial behaviour.

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 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 how the Authority will support the safeguarding of vulnerable people, such as through hackney carriage and private hire licensing policies and the design of infrastructure.

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 141 taxis, 651 PHVs, 878 drivers and 19 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 in February 2020 prior to the release of the new Statutory National Standards for taxis and private hire vehicles.

1.5.3 National context

The legislation which governs taxi and PHV licensing has been in place for a considerable period of time. This has been subject to previous review and amendment and in 2014, the Law Commission was asked by the Government to consider the legislation relating to taxis and PHVs. 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 July 2020 the Department for Transport (DfT) produced the Standards under the Policing and Crime Act 2017 which, as stated, the Department expects to be implemented by all licensing authorities.

1.5.4 Review of licensing policy and public engagement

It is in this context that a review of the Policy was commenced.

An officer working group was set up to commence the review of the Policy and make the required amendments to the Policy to reflect the new Statutory Standards.

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 the 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.

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

The key amendments proposed to the Policy include:

- Introduction of Basic Disclosure and Barring Service (DBS) criminal record check for vehicle proprietors
- Requirement of operators to maintain a register of booking staff and confirmation they have had sight of a Basic DBS certificate for such staff
- Periods for individuals to be free of convictions to be able to hold a licence has changed in line with the Standards
- New Passenger Guidance document
- The Authority making a referral to the DBS and the police following refusal/revocation of a driver's licence where appropriate.

A summary of the amendments is included in Appendix 2 to this report.

It is proposed that a process of public engagement on the proposed updated Policy will commence on 7 February 2022 for 6 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.

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 before consultation commences.

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 Standards. 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
Stephanie Graham, Senior Licensing Officer, (0191) 643 6969
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) [Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Institute of Licensing, April 2018](#)
- 4) Statutory Taxi and Private Hire National Standards

[Statutory guidance overview: Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](#)

- 5) [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 which places a duty on local authorities to take steps to meet the needs of those with a protected characteristic 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 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 Policy has been drafted having regard to the Authority's Public Sector Equality Duty. An Equality Impact Assessment has been undertaken to inform the consultation process and it has been updated to assess the potential impact of the Policy. The consultation process will be undertaken to ensure that all persons, groups and organisations will have an opportunity to participate, including those with protected characteristics. Individual decisions taken under the Policy will also have to be taken having regard to the Public Sector Equality Duty

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.

PART 3 – SIGN OFF

- Chief Executive x
- Director of Service x
- Mayor/Cabinet Member x
- Chief Finance Officer x
- Monitoring Officer x
- Assistant Chief Executive x