

## Memorandum of Understanding

Between

**The local authorities of Middlesbrough, Stockton on Tees, Redcar & Cleveland, Darlington, Hartlepool, Durham, North Tyneside, South Tyneside, Northumberland and Newcastle and Gateshead**

For the purpose of

### **A Cross Border Hackney Carriage and Private Hire Vehicle Authorisation Scheme**

#### 1.0 Definitions.

1.1 **'Taxis'** refers to both hackney carriages and private hire vehicles

1.2. **'Participating enforcement local authorities'**. These are the local authorities of Middlesbrough, Stockton on Tees, Redcar & Cleveland, Darlington, Hartlepool, Durham, North Tyneside, South Tyneside, Northumberland, Newcastle and Gateshead

1.3. **'Cross Border Taxi and Private Hire Vehicle Authorisation Scheme'** is 'The Authorisation Scheme' subject to the principles set out in this Memo of Understanding which permits a participating enforcement local authority to inspect taxis licensed by another participating enforcement local authority but only within the geographic area of the home licensing local authority.

1.4. **'Home licensing local authority'**. Is the local authority responsible for licensing the taxi or driver.

1.5. **'Designated contact address'**. Is the email address that each local authority has designated to receive communications about drivers, vehicles, inspections and interviews.

1.6. **'Lead Officer and Deputy'**. Are the named officers designated by each participating local authority to be the lead contact and deputy for communications about the operation of the scheme.

1.7. **'The Next Working Day'** means the next day that the home local authority licensing office is open for business, or the day after that, if circumstances prevent a more speedy communication.

1.8. **'Working Group'** is the group attended by the lead officer or deputy from each participating local authority to oversee the scheme

1.9 **'Delegated Power'** means the discharge of a function under the Local Government Act 1972, the Local Government (Misc Provisions) Act 1976 and the Town Police Clauses Act 1847 and any related legislation for the purpose of carrying out enforcement on Hackney Carriages and Private Hire Vehicles, Drivers and Operators licensed by a participating local authority within the terms of this Memo of Understanding.

- 2.0 The primary purpose of The Authorisation Scheme is to focus on immediate public safety risks and potentially significant offences. Inspections and interviews will be guided by the primary purpose.
- 3.0 Enforcement officers will deal with taxis, interviews and inspections for vehicles and drivers who are licensed by another participating enforcement local authority in the same way they would deal with taxis and drivers licensed by their home licensing local authority
- 4.0 Each participating enforcement local authority is responsible for identifying competent enforcement officers to be authorised by other participating enforcement local authorities. The home licensing local authority which employs the enforcement officers and related officers will retain responsible for their conduct, behaviour and employment terms and conditions.
- 5.0 The Authorisation Scheme places no obligation on a participating enforcement local authority to inspect taxis or interview drivers licensed by other participating enforcement local authorities. The decision to inspect is voluntary. Financial payments between participating enforcement local authorities are not required
- 6.0 In all cases, enforcement officers are only permitted to inspect taxis within the boundary of their own home licensing local authority.
- 7.0 Interventions resulting from a vehicle inspection or interview should be notified to the home licensing local authority the next working day by email to include; time, date, registration number, driver name and identification; evidence gathered, action taken and why and enforcement officer name and contact details.
- 8.0 Details of individual inspections and interviews involving no action or minimal action should still be notified to the home licensing local authority for evidence gathering.
- 9.0 Each participating enforcement local authority must collate evidence of inspections and communications to be considered by the Working Group.
- 10.0 The scheme will be reviewed by the Working Group overseeing the Scheme after 6 months from the commencement date.
- 11.0 Each participating enforcement local authority will designate a gcsx email address for communications about interviews and inspections.
- 12.0 Each participating enforcement local authority will designate a Lead Officer and Deputy for communication about the scheme
- 13.0 Enforcement officers are permitted to issue suspension notices for immediate public safety risks provided that the enforcement officer would normally have issued a suspension notice for a taxi licensed by their own home licensing local authority under the same circumstances. Indicative examples of when a suspension notice would be appropriate are; one of more bald / illegal tyres, less than 2 functioning headlights, less than 2 functioning brake lights and dangerous bodywork (i.e. jagged or sharp edges which in the opinion of the enforcement officer pose an immediate public safety risk)

- 14.0 Enforcement officers are permitted to withdraw a suspension notice they have issued if circumstances require this.
- 15.0 Normally, the home licensing local authority for a licensed driver or licensed vehicle is responsible for ensuring remedial action is monitored or completed.
- 16.0 If a taxi driver has no badge or a defective badge, the driver should be advised that it is an offence not to display a badge, to cease trading and that the details will be reported to the home licensing local authority.
- 17.0 In the event of obstruction or conflict between a driver and an enforcement officer, the home licensing local authority should be provided with as much information as possible the next working day to allow a decision to be made.
- 18.0 Safeguarding concerns should be reported to the police immediately and the home licensing local authority should be notified as soon as practicable.
- 19.0 Certificates of Authorisation will be issued by each participating enforcement local authority to the designated enforcement officers in the other participating enforcement local authorities in an agreed format.
- 20.0 Each participating enforcement local authority will establish their own schemes of delegation and what procedural steps are required to validly authorise enforcement activities undertaken by other participating enforcement local authorities.
- 21.0 Each participating local authority will undertake to carry out at least 2 enforcement exercise during the six month trial.
- 22.0 The delegated powers within the provisions of this Memo of Understanding will come into force on the agreed commencement date.
- 23.0 Notwithstanding the terms and conditions in this Memo of Understanding, this does not prejudice the right of any participating enforcement local authority to withdraw from the delegated power scheme with 14 days notice given to all other participating enforcement local authorities. Each participating enforcement authority undertakes not to withdraw their delegated powers prior to the Review which is due 6 months after the commencement date, unless it considers there is good reason to do so. The delegated power is not to be unreasonably withdrawn.