

North Tyneside Council

Report to Regulation & Review Committee

Date: 24 February 2022

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

Report from Service Area: Environment, Housing and Leisure

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Wards affected: All

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.

In July 2020 the Department for Transport (DfT) produced the Standards under the Policing and Crime Act 2017 which the Department expects to be implemented by all licensing authorities. Work commenced on the review of the Policy to this end.

An officer working group was set up to commence the review of the Policy and make the required amendments to the Policy to bring it up to date.

A revised draft Policy for consultation purposes has been formulated and this is included at **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 proposed is included at **Appendix 2** to this report.

On 24 January 2022 Cabinet approved the commencement of the consultation of the Policy.

1.2.3 Engagement exercise

A process of public engagement on the proposed updated Policy will commence in February for 6 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 response form or by submitting their response to the Chair of the Regulation and Review Committee who will provide their response on behalf of the Committee to the Public Protection Manager.

At the conclusion of the engagement period the draft Policy will be brought before Cabinet for its consideration.

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
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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) [North Tyneside Transport Strategy \(approved by Cabinet on 8 May 2017\)](#)
- 2) [Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Institute of Licensing, April 2018](#)
- 3) Statutory Taxi and Private Hire National Standards

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

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 engagement 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 Community Engagement:

Internal Engagement

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

External Engagement

As outlined in section 1.2.3 of the report, an engagement process will commence to enable the Policy to be updated. An online form will be available for respondees to make 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 Policy includes vehicle emission and age standard for taxis and private hire vehicles which seeks to positively contribute to improving air quality.