

# North Tyneside Council

## Report to Cabinet

### Date: 23 May 2022

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

<b>Portfolio:</b>	<b>Community Safety and Public Protection</b>	<b>Cabinet Member:</b>	<b>Councillor C Burdis</b>
<b>Report from Service Area:</b>	<b>Public Health</b>		
<b>Responsible Officer:</b>	<b>Wendy Burke Director of Public Health</b>	<b>Tel: (0191) 643 2104</b>	
<b>Wards affected:</b>	<b>All</b>		

## **PART 1**

### **1.1 Executive Summary:**

At its meeting on 24 January 2022, Cabinet agreed that the North Tyneside Hackney Carriage and Private Hire Licensing Policy ("the Policy") should be reviewed. Cabinet authorised the former Director 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 consider the adoption of the revised Policy.

The review of the Policy took into account the statutory taxi and private hire vehicle minimum standards to licensing authorities published by the Department for Transport in July 2020 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 operators.

This report presents to Cabinet a revised draft of the Policy which has been developed following the conclusion of a six 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 24 May 2022 save for the Age/Emissions standards at pages 26 and 27 of the Hackney Carriage and Private Hire Licensing Policy which will come into force as prescribed in paragraph 1.5.6 below.

### **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 25 February 2022.

### **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 2017-32, revised in 2021, 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 up to 204 taxis, and around 712 PHVs, 965 drivers and 21 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 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 Statutory Taxi & Private Hire Vehicle Standards.

### 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 PHV operators.

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.

### 1.5.4 Review of licensing policy

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.

A report attaching a copy of the draft Policy was taken to Regulation and Review Committee on 24 February 2022 as part of the consultation process. 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 to the Committee. The Members of the Committee were asked to provide any comments on the Policy through the Chair of the Committee. No comments were received.

### 1.5.5 Public engagement

A comprehensive six week consultation process was undertaken commencing on 28 February 2022.

An online survey was developed for respondees 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, 64 responses were received with 58 made through the online survey and 6 through written responses.

The online survey asked for comments about the draft Policy.

#### 1.5.6 Considering the Responses

The responses were considered with oversight by the Cabinet Member for Community Safety and Public Protection.

A breakdown of the responses received are included in Appendix 2 to this report.

The responses did not object to the new National Standards that have been introduced being incorporated into the Authority's revised Policy. Some responses made comments about their impact however not about the revised Policy.

Some comments were received about other areas of the Policy that had not been amended and these have been considered and where appropriate amendments have been made to the Policy. If it is not possible at this time to make suggested amendments because further work or additional views are required these suggestions will be considered when the Policy is next updated.

It was anticipated that a number of responses would concern the age standards that were approved by Cabinet in February 2020 and which were to become part of the Policy on 1 April 2022. Of the 64 responses received, 45 specifically referred to the age standard and requested that it be delayed or removed. Of the 45 responses relating to the age standard section of the Policy, 8 responses were from residents, 8 from Operators and 29 from licensed drivers.

1 response from an Operator was in agreement with the age standards and the importance of an updated vehicle fleet.

Following consideration of these responses the Policy has been updated and it is proposed that the age standards part of the draft Policy will not be implemented until 1 April 2024 for new vehicle licences and renewals. It is proposed that the timetable for the implementation of the age standards is as follows:-

- (i) From 1 April 2024 no new vehicle licence will be granted for the vehicle unless it is less than 4 years old
- (ii) From 1 April 2026 a vehicle licence will not be renewed unless the vehicle is less than 8 years old
- (iii) From 1 April 2027 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is less than 8 years old.

All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.'

The consultation responses are summarised at Appendix 2.

The amended draft Policy is set out at Appendix 1 to this report.

The key amendments 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 have increased 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.

## **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 statutory National 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: Summary of responses.

## **1.9 Contact Officers:**

Colin MacDonald, Head of Technical & Regulatory Services, (0191) 643 6620  
Joanne Lee, Public Protection Manager, (0191) 643 6901  
Stephanie Graham, Senior Licensing Officer (0191) 643 6969  
John Barton, Principal 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 31 January 2022](#)

## **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 and officers 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 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 has been undertaken to ensure that all persons, groups and organisations have had 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           | <input type="checkbox"/> |
| • Director(s) of Service    | <input type="checkbox"/> |
| • Mayor/Cabinet Member      | <input type="checkbox"/> |
| • Chief Finance Officer     | <input type="checkbox"/> |
| • Monitoring Officer        | <input type="checkbox"/> |
| • Assistant Chief Executive | <input type="checkbox"/> |