



North Tyneside Council

Regulation and Review Committee

12 March 2018

Wednesday 21 March 2018 Room 0.02, Council Chamber, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00pm**

Agenda Item	Page
1. Apologies for Absence	
To receive apologies for absence from the meeting	
2. Appointment of Substitute Members	
To be notified of the appointment of any Substitute Members.	
3. To Receive any Declarations of Interest and Notification of any Dispensations Granted	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	

Members of the public are entitled to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about the meeting please call:
Elizabeth Kerr, Democratic Services Officer on tel: (0191) 643 5322.

Item		
4. Minutes		3
	To note the minutes of the Panel meetings held on 16 November, 22 November, 27 November at 10am and 2pm, 29 November at 10am and 2pm, 30 November at 10am and 2pm, 30 November at 10am and 2pm, 1 December, 14 December 2017, 25 January and 21 February 2018.	
	To confirm the minutes of the Full Committee meeting held on 26 October 2017.	
5. Child Sexual Exploitation Awareness		48
	To receive information on the take up of the required child sexual exploitation training for Hackney Carriage and Private Hire drivers.	
6. Request to Consult on Proposed Change to Hackney Carriage/Private Hire Vehicle Conditions of Licence		54
	To consider a request to consult on changing hackney carriage/private hire vehicle licence conditions to permit advertising on the rear screen of vehicles and and the use of in-car digital advertising in the seat headrests.	
7. Amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy		61
	To consider proposed amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy.	
8. Hackney Carriage Fare Review 2018		73
	To be consulted on a request from the North Tyneside Hackney Carriage Association for a variation to the fare table.	

To All Members of the Regulation and Review Committee

Councillor Jim Allan
 Councillor Anne Arkle
 Councillor Debbie Cox
 Councillor Peter Earley (Chair)
 Councillor John Hunter (Deputy Chair)
 Councillor Marian Huscroft
 Councillor Frank Lott
 Councillor Wendy Lott
 Councillor Maureen Madden

Councillor Pam McIntyre
 Councillor Dave McMeekan
 Councillor Les Miller
 Councillor Tommy Mulvenna
 Councillor Kate Osborne
 Councillor John O'Shea
 Councillor Norman Percy
 Councillor Margaret Reynolds
 Councillor Lesley Spillard

Regulation and Review Committee Panel

16 November 2017

Present: Councillor P Earley (Chair)
Councillor D McMeekan, John Hunter, K Osborne and
L Spillard.

RQ44/11/17 Apologies for Absence

No apologies for absence were received.

RQ45/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ46/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ47/11/17 Private Hire Driver's Licence Referral

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral of Mr S, the holder of a combined hackney carriage/private hire driver's licence driver, on a disciplinary matter.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr S's continued suitability to carry out the duties of a licensed driver.

The matter had been deferred from the meeting held on 12 October 2017 to allow the Licensing Team to obtain additional written evidence from a Council partner to assist the Committee in determining its response to the case as it did not have sufficient information to make a decision and needed further evidence in relation to the matter to be able to do so (previous minute RQ48/11/17).

A Licensing Officer and Mr S attended the meeting.

As the membership of the Committee was the same as for the meeting on 12 October 2017, with the same officers in attendance, and with Mr S's agreement, the Licensing Officer presented a brief summary of the matter and then explained what activity had taken place since the October meeting.

16 November 2017

Members of the Committee asked questions.

Mr S then addressed the Committee. Members of the Committee asked questions of Mr S and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr S they both left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions and conduct.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. Taking all that had been presented to the Committee and contained within the papers submitted to the meeting, the Committee determined that that they were still not in a position to take a decision on this matter and agreed to defer the matter again to allow Mr S the opportunity to request information under the Data Protection Act 1998, Mr S had indicated at the meeting that he was willing to do this.

Resolved that Mr S's case be deferred to a future meeting to allow Mr S the opportunity to request information from a Council partner for submission to that meeting.

RQ48/11/17 Combined Hackney Carriage/Private Hire Driver's Licence Appeal

The committee received a report by the Senior Client Manager, Technical Services which outlined the background to an appeal by Mr L against the refusal by the licensing section to renew his private hire driver's licence as the Authority was not satisfied that he was a fit and proper person to hold such a licence.

Mr L was present at the meeting.

A Licensing Officer presented the report to the committee which included information on Mr L's renewal application, his licensing record and criminal record and what had changed since his last licence had been granted.

Mr L was given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr L then addressed the committee and answered questions from Members.

Following a summing up from the Licensing Officer and Mr L, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue the licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and its main concern was the need to maintain high standards amongst licensed drivers and to ensure the protection of the travelling public. In determining its response the committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

Resolved that the appeal be dismissed as the committee could not be satisfied that Mr L was a fit and proper person to hold a Private Hire Driver's Licence.

Regulation and Review Committee Panel

22 November 2017

Present: Councillor P Earley (Chair)
Councillors T Mulvenna, A Percy and M Reynolds.

RQ49/11/17 Apologies for Absence

No apologies for absence were received.

RQ50/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ51/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ52/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed 5 licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

The Licensing Officer produced certificates of service which showed that a letter informing drivers of their referral to the committee, the date of the meeting and inviting them to attend had been hand delivered to their last known address on 6 November 2017 and b) that a copy of the committee report with a letter inviting the drivers to attend the meeting had been hand delivered to their last known address on 14 November 2017.

The Licensing Officer presented the report and it was noted that of the 5 drivers listed for the meeting, 3 had completed the required training leaving 2 cases to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed each individual driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Members of the Committee asked questions of the officer.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. The Committee considered each driver in turn.

Resolved that (1) MB's case be deferred to the Panel meeting to be held on 14 December 2017 to enable Licensing Officers time to ascertain the whereabouts of MB either from the Police or by tracking his licensed vehicle.

Reason: The letters sent to MB notifying him of the date and time of the hearing had been returned because he was not known at that address. MB was not therefore aware of his referral to the Committee and he had not been given the opportunity to attend the hearing.

(2) that SS's Hackney Carriage/Private Hire Licence be suspended until SS completes the required Child Sexual Awareness training.

Reason: the revocation of SS's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden SS's understanding of the issue and satisfy the Committee that SS remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

**27 November 2017
10.00am**

Present: Councillor John Hunter (Chair)
Councillors M Huscroft, W Lott and M Madden

RQ53/11/17 Apologies for Absence

No apologies for absence were received.

RQ54/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ55/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ56/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed 5 licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

Members were informed that a letter informing drivers of their referral to the committee, the date of the meeting and inviting them to attend had been hand delivered to their last known address on 8 November 2017 and b) that a copy of the committee report with a letter inviting the drivers to attend the meeting had been hand delivered to their last known address on 20 November 2017.

The Licensing Officer presented the report and it was noted that of the 5 drivers listed for the meeting, 1 had completed the required training leaving 4 cases to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed each individual driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Members of the Committee asked questions of the officer.

27 November 2017

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. The Committee considered each driver in turn.

Resolved that (1) that KAR's Hackney Carriage/Private Hire Licence be suspended until KAR completes the required Child Sexual Awareness training.

Reason: the revocation of KAR's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden KAR's understanding of the issue and satisfy the Committee that KAR remained a fit and proper person to hold a licence

(2) that LOVD's Hackney Carriage/Private Hire Licence be suspended until LOVD completes the required Child Sexual Awareness training.

Reason: the revocation of LOVD's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden LOVD's understanding of the issue and satisfy the Committee that LOVD remained a fit and proper person to hold a licence.

(3) that BSB's Hackney Carriage/Private Hire Licence be suspended until BSB completes the required Child Sexual Awareness training.

Reason: the revocation of BSB's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden BSB's understanding of the issue and satisfy the Committee that BSB remained a fit and proper person to hold a licence.

(4) that MMM's Hackney Carriage/Private Hire Licence be suspended until MMM completes the required Child Sexual Awareness training.

Reason: the revocation of MMM's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden MMM's understanding of the issue and satisfy the Committee that MMM remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

**27 November 2017
2.00pm**

Present: Councillor John Hunter (Chair)
Councillors J Allan, F Lott, D McMeekan and T Mulvenna.

RQ57/11/17 Apologies for Absence

No apologies for absence were received.

RQ58/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ59/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ60/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed 5 licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

The Licensing Officer produced certificates of service which showed that a letter informing drivers of their referral to the committee, the date of the meeting and inviting them to attend had been hand delivered to their last known address on 8 November 2017 and b) that a copy of the committee report with a letter inviting the drivers to attend the meeting had been hand delivered to their last known address on 20 November 2017.

The Licensing Officer presented the report and it was noted that of the 5 drivers listed for the meeting, 3 had completed the required training leaving 2 cases to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed each individual driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Members of the Committee asked questions of the officer.

27 November 2017

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. The Committee considered each driver in turn.

Resolved that (1) that CAF's Hackney Carriage/Private Hire Licence be suspended until CAF completes the required Child Sexual Awareness training.

Reason: the revocation of CAF's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden CAF's understanding of the issue and satisfy the Committee that CAF remained a fit and proper person to hold a licence

(2) that LAH's Hackney Carriage/Private Hire Licence be suspended until LAH completes the required Child Sexual Awareness training.

Reason: the revocation of LAH's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden LAH's understanding of the issue and satisfy the Committee that LAH remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

**29 November 2017
10.00am**

Present: Councillor P Earley (Chair)
Councillors D Cox, M Huscroft, F Lott & M Madden.

RQ61/11/17 Apologies for Absence

No apologies for absence were received.

RQ62/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ63/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ64/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed two licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

No drivers attend the meeting, the Committee initially considered whether to proceed in their absence or defer consideration to a future meeting and give the drivers' another opportunity to attend.

The Committee noted that a letters informing the drivers of the referral to the committee, including the date and an invitation to attend, and subsequently a copy of the committee report, had been hand delivered to the last known address

The Committee decided to proceed in the drivers' absence as it was satisfied that they had all received appropriate notice of the meeting and no indication had been received from any of the drivers that they intended to attend the meeting.

The Licensing Officer presented the report and it was noted that of the original 2 drivers listed for the meeting, one, had completed the required training since receiving the invite and papers for the meeting, leaving one driver for consideration.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed the driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had

had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

Resolved that (1) MI Hackney Carriage/Private Hire Licence be suspended until the required Child Sexual Awareness training was completed.

Regulation and Review Committee Panel

**29 November 2017
2.00pm**

Present: Councillor P Earley (Chair)
Councillors D Cox and M Reynolds.

RQ65/11/17 Apologies for Absence

Apologies for absence were received from Councillor K Osborne.

RQ66/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ67/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ68/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed three licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

No drivers attend the meeting, the Committee initially considered whether to proceed in their absence or defer consideration to a future meeting and give the drivers' another opportunity to attend.

The Committee noted that a letters informing the drivers of the referral to the committee, including the date and an invitation to attend, and subsequently a copy of the committee report, had been hand delivered to the last known address

The Committee decided to proceed in the drivers' absence as it was satisfied that they had all received appropriate notice of the meeting and no indication had been received from any of the drivers that they intended to attend the meeting.

The Licensing Officer presented the report and it was noted that of the original four drivers listed for the meeting, one, had completed the required training since receiving the invite and papers for the meeting, leaving three drivers for consideration.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed the driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had had the opportunity to attend. The Committee was also reminded that online training had

been available since September 2017.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

Resolved that (1) JDA's Hackney Carriage/Private Hire Licence be suspended until the required Child Sexual Awareness training was completed.

Reason: the revocation of JDA's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden JDA's understanding of the issue and satisfy the Committee that JDA remained a fit and proper person to hold a licence;

(2) JJB's Hackney Carriage/Private Hire Licence be suspended until the required Child Sexual Awareness training was completed.

Reason: the revocation of JJB's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden JJB's understanding of the issue and satisfy the Committee that JJB remained a fit and proper person to hold a licence; and

(3) SB's Hackney Carriage/Private Hire Licence be suspended until the required Child Sexual Awareness training was completed

Reason: the revocation of SB's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden SB's understanding of the issue and satisfy the Committee that SB remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

**30 November 2017
10:00**

Present: Councillor John Hunter (Chair)
Councillors J Allan, F Lott, L Spillard, K Osborne

RQ69/11/17 Apologies for Absence

No apologies for absence were received.

RQ70/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ71/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ72/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed 3 licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

As none of the drivers listed in the report had attended the meeting, the Committee initially considered whether to proceed in their absence or defer consideration to a future meeting and give the drivers' another opportunity to attend.

The Licensing Officer informed the Committee that a letter informing drivers of their referral to the committee, the date of the meeting and inviting them to attend had been hand delivered to their last known address on 13 November 2017 and b) that a copy of the

committee report with a letter inviting the drivers to attend the meeting had been hand delivered to their last known address on 22 November 2017.

The Committee decided to proceed in the drivers' absence as it was satisfied that they had all received appropriate notice of the meeting and no indication had been received from any of the drivers that they intended to attend the meeting.

The Licensing Officer presented the report and it was noted that of the original 6 drivers listed for the meeting, 3 had completed the required training since receiving either their invite to the meeting or their copy of the papers, leaving 3 drivers to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed each individual driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Members of the Committee asked questions of the officer.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. The Committee considered each driver in turn.

Resolved:

(1) that MA's Hackney Carriage/Private Hire Licence be revoked.

Reason: The Committee determined that, given that MA's licence was due to expire on the day of the hearing, and no application to renew the licence had been received to date, revocation of the licence was the most appropriate option.

(2) that BA's Hackney Carriage/Private Hire Licence be revoked.

Reason: The Committee determined that, given that BA's licence was due to expire on the day of the hearing, and no application to renew the licence had been received to date, revocation of the licence was the most appropriate option.

(2) that MM's Hackney Carriage/Private Hire Licence be suspended until MM completes the required Child Sexual Awareness training.

Reason: the revocation of MM's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden MM's understanding of the issue and satisfy the Committee that MM remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

**30 November 2017
2.00pm**

Present: Councillor John Hunter (Chair)
Councillors Margaret Reynolds and Lesley Spillard

RQ73/11/17 Apologies for Absence

No apologies for absence were received.

RQ74/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ75/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ76/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed four licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

As none of the drivers listed in the report had attended the meeting, the Committee initially considered whether to proceed in their absence or defer consideration to a future meeting and give the drivers' another opportunity to attend.

The Licensing Officer produced certificate of services which showed that a letter informing drivers of their referral to the committee, the date of the meeting and inviting them to attend had been hand delivered to their last known address on 15 November 2017 and b) that a copy of the committee report with a letter inviting the drivers to attend the meeting had been hand delivered to their last known address on 22 November 2017.

The Committee decided to proceed in the drivers' absence as it was satisfied that they had all received appropriate notice of the meeting and no indication had been received from any of the drivers that they intended to attend the meeting.

The Licensing Officer presented the report and it was noted that of the original four drivers listed for the meeting, three had completed the required training since receiving either their invite to the meeting or their copy of the papers, leaving one driver to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed the driver's name and address; how long they had held the licences with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each

had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. The Committee considered each driver in turn.

Resolved that PJS's Hackney Carriage and Private Hire Licences be suspended until PJS completes the required Child Sexual Awareness training.

Reason: the revocation of PJS's licences would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden PJS's understanding of the issue and satisfy the Committee that PJS remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

**1 December 2017
10.00am**

Present: Councillor P Earley (Chair)
Councillors D McMeekan and T Mulvenna.

RQ77/12/17 Apologies for Absence

Apologies were received on behalf of Councillors J Allan and L Miller.

RQ78/12/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ79/12/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ80/12/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed four licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

As none of the drivers listed in the report had attended the meeting, the Committee initially considered whether to proceed in their absence or defer consideration to a future meeting and give the drivers' another opportunity to attend.

The Committee noted that letters informing the drivers of the referral to the committee, including the date and an invitation to attend, and subsequently a copy of the committee report, had been hand delivered to their last known address.

The Committee decided to proceed in the drivers' absence as it was satisfied that they had received appropriate notice of the meeting and no indication had been received from the drivers' that they intended to attend the meeting.

The Licensing Officer presented the report and it was noted that of the original four drivers' listed for the meeting, three had completed the required training since receiving either their invite to the meeting or their copy of the papers, leaving one driver to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed the driver's name and address; how long he had held a licence with North Tyneside Council; how many letters he had received regarding the CSE awareness training; and the total number of sessions of face to face training he had had the

opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

Resolved that (1) MGC's Hackney Carriage/Private Hire Licence be suspended until MGC completes the required Child Sexual Awareness training.

Reason: the revocation of MGCs licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden MGCs understanding of the issue and satisfy the Committee that MGCs remained a fit and proper person to hold a licence.

Regulation and Review Committee Panel

14 December 2017

Present: Councillor P Earley (Chair)
Councillor John Hunter, D McMeekan, T Mulvenna
and J O'Shea.

RQ81/12/17 Apologies for Absence

No apologies for absence were received.

RQ82/12/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ83/12/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ84/12/17 Private Hire Vehicle Proprietor's Licence – Appeal against conditions of licence

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to an appeal against the decision by officers that digital headrests in the licensed vehicle were a breach of condition 7 in the licence granted for a private hire vehicle.

The proprietor attended the meeting accompanied by a representative and a representative from the third party supplier of the digital headrests to answer any technical questions. Another car fitted out with the digital headrests which officers considered contravened condition 7 was available at the meeting to allow Members to view the product. Members did so prior to the presentation of the report and asked questions of the representatives from the supplier.

The Committee was informed that in November 2017 an application to renew the licence of the car with plate number 1179 was made by the proprietor. The vehicle was inspected at the Authority's Test Station where it passed. Following the test, and prior to the issue of the licence, officers examined the front seats of the vehicle which had been fitted with headrests that housed digital advertising screens that provided in-car digital advertising. Having considered the matter, Officers advised that this type of advertising was not covered by condition 7 and that the licence for this vehicle would not be renewed if it remained in place.

14 December 2017

Condition 7 refers to advertising and states:

“No signs, notices, advertisements, video or audio display etc. or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence.
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority.
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video or audio display etc. must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.”

Following further discussions with the proprietor’s representative and having expressed an intention to appeal this matter, officers agreed to renew the licence for the vehicle providing an assurance was given by the proprietor that the in-car advertising would be switched off whilst the vehicle was being operated. Having received this assurance the licence for the vehicle was renewed and became effective on 1 December 2017. The licence will expire on 30 November 2018. The appeal against condition 7 was lodged on 8 November 2017.

Before concluding his presentation, the Licensing Officer reminded Committee that it had discretion and may depart from the Policy if it considered there were compelling reasons to do so. The Committee must act in accordance with the law and it may only agree to the grant of a licence where it was satisfied that the vehicle was fit to be licensed and that any conditions attached to the grant of the licence were reasonably necessary in accordance with section 48 of the Local Government (Miscellaneous Provisions) Act 1976. In view of this the officer put forward a number of recommended additional points to condition 7 should the Committee be minded to uphold the appeal.

After Members had asked questions, the proprietor’s representative addressed the Committee. The representative referred to a document submitted overnight to the Committee for its consideration which included: changes made as a result of test use of the system, ‘in-development’ modifications; and a change of their policy after advice received from the Committee of Advertising Practice.

The representative then informed the Committee that the unit complied with all necessary regulations and the decision was not whether the device met the Policy but whether adverts could be displayed on the device. All the adverts would be downloaded remotely by the proprietor’s office and drivers would not be able to install their own adverts. This system would also enable monitoring of the use of the screens. No age related products would be advertised, including alcohol.

The changes made to the system included:

- a) A timed switch had been installed to replace the on / off switch, so that when a passenger turned the system off, it would switch itself back on after 15 minutes. This

14 December 2017

had been done to ensure the system was on (or came back on) when another passenger was in the vehicle on the basis that the majority of taxi journeys were less than 15 minutes in duration.

- b) It had also been decided that adverts would be submitted to the ASA for review prior to the advert being produced, so that any issues raised can be considered and addressed.

After questions from Members and the Licensing Officer and proprietor's representative summing up their respective cases. All parties then left the meeting room to allow the Committee to consider its decision in private.

The Committee had the following options.

- a) Uphold the appeal and permit advertising to be displayed from digital screens within seat headrests; or
- b) Dismiss the appeal and not permit advertising to be displayed from digital screens within seat headrests.

In determining its response the Committee had regard to the Authority's Hackney Carriage and Private Hire Licensing Policy and considered all that had been presented at the meeting and contained within the papers and what the Committee had seen when inspecting the vehicle brought to the meeting.

Resolved that (1) the appeal should be upheld with the imposition of the following additional points to condition 7:

- a) That any advertising complies with the Advertising Standards Agency or, if applicable, must be approved by the Authority's Trading Standards service;
- b) That all installed equipment complies with any legislative requirements in respect of Construction and Use Regulations;
- c) No age restricted products will be advertised;
- d) At all times during the display of an advert it must be apparent to the passenger(s) how the system may be switched off. Drivers must also be able to switch off the system from the driver's compartment;
- e) If any adverts contain audio then passengers must be able to control the volume (which should be capable of being muted) with either a pre-set maximum volume acceptable to the driver or an override for the driver to lower the sound level if it is causing him/her a distraction; and
- f) That the Authority's Licensing Section or Trading Standards Service shall be given access to inspect the content of any advertising materials on request.

And (2) to delegate to the Head of Environment, Housing and Leisure authority to add the amendment in (1) above to Condition 7 to any vehicle licensed to Blueline (North East) Ltd. only which had the same equipment subject to this appeal installed upon application instead of referring the matter to the Regulation and Review Committee. Any other proprietor wishing to install this or similar equipment would still need to be referred to the Committee.

Reason: the Committee was satisfied that the vehicle was fit to be licensed and considered the imposition of the additional points to condition 7 complied with the requirements of section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and were reasonable and necessary to protect the passengers of the car from unwanted messages whilst they were travelling in a vehicle licensed by the Authority.

RQ85/12/17 Application for a Hackney Carriage (Saloon) Vehicle Licence

The Committee received a report by the Senior Client Manager, Technical Services which outlined the background to an appeal by Mr B against the refusal by the licensing section to grant a Hackney Carriage (Saloon) Vehicle Licence on the grounds that there were no saloon licences available.

Mr B was present at the meeting accompanied by Mr MB and Mr PB.

A Licensing Officer presented the report to the Committee which included information on the Authority's policy regarding hackney carriage licences, Mr B's record with the licensing authority and the circumstances surrounding the refusal.

The Committee was informed that the Authority had placed a limit on the number of hackney carriage vehicle licences issued because it was satisfied that there was no significant unmet demand for hackney carriage services within the borough. This limit had been placed at 204 following a decision made by Council on 31 October 2012 following consideration of the results of an independent study. If the limit had not been met and hackney carriage licences were available they would be available for wheelchair-accessible vehicles only. The current Hackney Carriage and Private Hire Licensing Policy stated at Appendix A: "If you are making a new application for a Hackney Carriage proprietors licence or if you are replacing a hackney carriage first licensed after July 1992, the vehicle must be wheelchair accessible".

As a small number of hackney carriage licences were available for issue the Authority no longer maintained a waiting list for prospective applicants for hackney carriage proprietor licences. There were currently 16 available plates: 99 saloon plates and 89 wheelchair accessible plates had been issued.

On 11 January 2017 a letter was sent out to all Hackney Carriage proprietors by the Trading Standards and Licensing Group Leader pointing out the consequences of not renewing a licence before it expired. The Authority sent out reminders six weeks in advance of licence expiry dates and if there were no exceptional circumstances then the licence could not be renewed and a new application would have to be made.

The history of Mr B's experience as a Hackney Carriage (Saloon) proprietors licence holder and the circumstances surrounding the non-renewal of his previously held licence was then explained to the Committee.

Mr B and his representatives were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr MB and Mr PB then addressed the Committee on Mr B's behalf, which included an explanation of why it was not possible for Mr B to have an accessible vehicle, and answered questions from Members. Mr B also answered questions from Members. Following a summing up from the Licensing Officer and Mr B, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- a) Agree to the issue of the licence.
- b) Refuse to issue the licence.

In determining its response the Committee had regard to the Authority's Hackney Carriage and Private Hire Licensing Policy and all the information presented to the meeting.

Resolved that the appeal be upheld as there were sufficient mitigating circumstances to warrant a departure from the Policy and to allow the issue of a new saloon hackney carriage licence.

RQ86/12/17 Combined Hackney Carriage/Private Hire Driver's Licence referral – Mr C

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a private hire driver's licence, Mr C, whose licence had been suspended pending the Committee's consideration. The Committee was requested to determine whether any disciplinary action was required and to assess Mr C's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr C, accompanied by his representative, Mr W, attended the meeting.

The Licensing Officer presented the report and Members of the Committee asked questions.

Mr W then addressed the Committee on behalf of Mr C. Members of the Committee asked questions of Mr C and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr W, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

In accordance with Part 4.4 (9) of the Constitution, it was moved and seconded that the meeting continue beyond 3½ hours.

Resolved that the meeting continue beyond 3½ hours until the conclusion of business.

The options available to the Committee were to:

- a) lift the suspension of your licence and take no action against you;
- b) lift the suspension of your licence and issue a warning letter as to your future conduct;
- c) extend the suspension of your licence for a further period of time; or
- d) revoke your licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented to the Committee and contained within the papers submitted to the meeting and had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to conduct.

Resolved that Mr C's combined hackney carriage/private hire driver's licence be revoked with immediate effect in the interests of public safety as the Committee was no longer satisfied that he was a fit and proper person to hold a licence.

(After the consideration of the above matter had been completed Councillor J O'Shea left the meeting and took no further part in the decision making on the remaining items of business).

RQ87/12/17 Private Hire Driver's Licence Appeal – Mr S

The Committee received a report by the Senior Client Manager, Technical Services which outlined the background to an appeal by Mr S against the refusal by the licensing section to renew his private hire driver's licence as the Authority was not satisfied that he was a fit and proper person to hold such a licence.

Mr S was present at the meeting and he was accompanied by Mrs S.

A Licensing Officer presented the report to the Committee which included information on Mr S's renewal application, his licensing record and criminal record and what had changed since his last licence had been granted. The report also included the appeal form submitted by Mr S.

Mr S was given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr S, supported by Mrs S, then addressed the committee and answered questions from Members.

Following a summing up from the Licensing Officer and Mr S, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue the licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and its main concern was the need to maintain high standards amongst licensed drivers and to ensure the protection of the travelling public. In determining its response the Committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

14 December 2017

Resolved that the appeal be upheld and Mr S's private hire driver's licence be renewed. The Committee considered there were sufficient mitigating factors to warrant a departure from the Policy and was satisfied that Mr S was a fit and proper person to hold a licence from this Authority.

RQ88/12/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr AB

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence, Mr AB.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr AB's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr AB attended the meeting.

The Licensing Officer presented the report and Members of the Committee asked questions.

Mr AB then addressed the Committee. Members of the Committee asked questions of Mr AB and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr AB, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented to the Committee and contained within the papers submitted to the meeting and had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to conduct.

Resolved that Mr AB's combined hackney carriage/private hire driver's licence be revoked as the Committee was no longer satisfied that he was a fit and proper person to hold such a licence.

RQ89/12/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referral

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which concerned a licensed driver, Mr MB, who had been referred to the Committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training

as required by the North Tyneside Hackney Carriage and Private Hire Policy. The Committee was requested to determine whether any disciplinary action was required and to assess Mr MB's continued suitability to carry out the duties of a licensed driver.

The matter had been deferred from the meeting held on 22 November 2017 to enable Licensing Officers time to ascertain the whereabouts of Mr MB either from the Police or by tracking his licensed vehicle to allow him the opportunity to attend the hearing as all correspondence relating to the meeting had been returned to the Authority (previous minute RQ52/11/17).

A Licensing Officer attended the meeting and informed the Committee of steps taken by the Authority to locate Mr MB since November 2017. As all reasonable steps to locate Mr MB had been taken and it was a condition of his licence that the Licensing Authority be kept informed of his address the Committee agreed to proceed in his absence.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

14 December 2017

The Licensing Officer then informed the Committee how long Mr MB had held a licence with North Tyneside Council; how many letters he had received regarding the CSE awareness training; and the total number of sessions of face to face training he had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Members of the Committee asked questions of the Officer.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

Resolved that Mr MB's combined hackney carriage/private hire driver's licence be revoked with immediate effect in the interests of public safety as the Committee was no longer satisfied that he was a fit and proper person to hold a licence.

Regulation and Review Committee Panel

25 January 2018

Present: Councillor P Earley (Chair)
Councillor T Mulvenna,
J O'Shea and L Spillard.

RQ90/01/18 Apologies for Absence

Apologies for absence were received from Councillor D McMeekan.

RQ91/01/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ92/01/18 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ93/01/18 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr A

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence, Mr A.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr A's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr A accompanied by a member of his family, Miss A, and a representative, Mr W, attended the meeting.

The Licensing Officer presented the report and, after clarifying a number of points from Mr W, answered questions from Members of the Committee.

Mr W then addressed the Committee on Mr A's behalf. Miss A also addressed the Committee.

Members of the Committee asked questions of Mr W and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr W, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

25 January 2018

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented to the Committee and contained within the papers submitted to the meeting and had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee determined that due to the circumstances of the case, a suspension of six weeks was the most appropriate sanction as it was an effective way of giving Mr A time to reflect and would be a sufficient deterrent to avoid repetition in the future.

Resolved that Mr A's combined hackney carriage/private hire driver's licence be suspended for a period of six weeks.

RQ94/01/18 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referral – Mr C

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral of Mr C, the holder of a combined hackney carriage/private hire driver's licence, on a disciplinary matter.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr C's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr C attended the meeting.

The Licensing Officer presented the report and corrected an error in the report. Members of the Committee asked questions.

Mr C then addressed the Committee which included, with the Chair's permission, a copy of a reference from his operator which was shared with all parties. Members of the Committee asked questions of Mr C and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr C they both left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7, section B, which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. Taking all that had been presented to the Committee and contained within the papers submitted to the meeting and the circumstances of the case, the Committee determined that a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

Resolved that Mr C be issued with a written warning and be reminded of the responsibilities which come with holding a combined hackney carriage and private hire drivers licence.

Regulation and Review Committee Panel

21 February 2018

Present: Councillor P Earley (Chair)
Councillor John Hunter, T Mulvenna,
J O'Shea and L Spillard.

RQ95/02/18 Apologies for Absence

No apologies for absence were recorded.

RQ96/02/18 Declarations of Interest and Dispensations

Councillors P Earley and John Hunter declared that in their role as Chair and Deputy Chair of the Committee they had been part of the decision making process to revoke with immediate effect the licence of one of the drivers before the committee today (see minute PQ100/02/18) and as such would leave the meeting room for that item of business.

RQ97/02/18 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ98/02/18 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr KS

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral of Mr S, the holder of a combined hackney carriage/private hire driver's licence driver, on a disciplinary matter.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr S's continued suitability to carry out the duties of a licensed driver.

This matter had been deferred from the 12 October 2017 meeting to allow officers to seek additional information from a Council partner (previous minute RQ42/10/17) and again on 16 November 2017 to allow Mr S time to request a copy of the information under data protection legislation (previous minute RQ47/11/17).

A Licensing Officer and Mr S attended the meeting.

The Licensing Officer presented the report and Members of the Committee asked questions.

Mr S then addressed the Committee. Members of the Committee asked questions of Mr S and sought clarification on a number of matters.

21 February 2018

Following a summing up from the Licensing Officer and Mr S they both left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions and conduct.

Taking all that had been presented to the Committee and contained within the papers submitted to the meeting and having considered Mr S's explanation of events the Committee decided that on this occasion a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

Resolved that Mr S be issued with a written warning and reminded of the responsibilities which come with holding a combined hackney carriage/private hire driver's licence.

[After the decision making on the above matter had concluded Councillors Earley and Hunter left the meeting room.]

RQ99/02/18 Election of Chair

Resolved that Councillor J O'Shea serve as the Chair for the following item of business.

[Councillor J O'Shea in the Chair]

RQ100/02/18 Combined Hackney Carriage/Private Hire Driver's Licence Appeal – Mr M

The Committee received a report by the Senior Manager, Technical and Regulatory Services which outlined the background to an appeal by Mr M against the decision by the Authority to revoke his combined hackney carriage/private hire driver's licence with immediate effect in the interest of public safety as the Authority was not satisfied that he was a fit and proper person to hold such a licence.

Mr M was present at the meeting.

A Licensing Officer presented the report to the Committee which included information on the complaint which had led to the revocation, the procedures followed, information received since the revocation, Mr M's licensing and criminal record and his appeal form.

Mr M was given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

21 February 2018

Mr M then addressed the committee and answered questions from Members.

Following a summing up from the Licensing Officer and Mr M, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to re-instate the licence; or
- Dismiss the appeal and refuse to re-instate the licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and its main concern was the need to maintain high standards amongst licensed drivers and to ensure the protection of the travelling public. In determining its response the committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

Resolved that the appeal be dismissed as the Committee could not be satisfied that Mr M was a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

RQ101/02/18 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referral – Mr JS

[Prior to the commencement of the presentation on this matter Councillors Earley and Hunter returned to the meeting room.]

[Councillor P Earley in the Chair]

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a combined hackney carriage/private hire driver's licence, Mr S.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr S's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr S accompanied by a member of his family attended the meeting.

The Licensing Officer presented the report and, after clarifying a number of points from Mr S, answered questions from Members of the Committee.

Mr S then addressed the Committee.

Members of the Committee asked questions of Mr S and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr S, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee determined that due to the circumstances of the case, a suspension of four weeks was the most appropriate sanction as it was an effective way of giving Mr S time to reflect on what actions he took when working as a licensed driver; discover techniques to help him manage his behaviour and language; and remind himself of the Highway Code.

Resolved that Mr S's combined hackney carriage/private hire driver's licence be suspended for a period of four weeks.

[After the consideration of the above matter Councillor L Spillard and J O'Shea left the meeting room and took no part in the decision making for the following item.]

RQ102/02/18 Private Hire Vehicle Proprietor's Licence – Appeal

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to an appeal by IS and PS against the decision by officers to refuse to issue a licence for eight passengers and to allow an exemption to a condition regarding the display of decals on the driver and front passenger doors for a private hire vehicle.

A representative for the proprietor of the vehicle in question attended the meeting. Unfortunately there had been a misunderstanding as to the day of the meeting and it was not possible to get the vehicle concerned to the meeting venue at Quadrant for inspection by the Committee. The Chair of the Committee agreed that the appeal against the decals condition would proceed at the meeting and the appeal against the number of licensed passengers would be deferred.

The Committee was informed by the Licensing Officer that powers relating to the licensing of private hire vehicles was contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. A district council may attach to the grant of a licence under this section any conditions considered reasonably necessary. Chapter 2 of the Authority's Hackney Carriage and Private Hire Licensing Policy makes reference to Vehicle Licences with paragraph 8 referring to the general conditions that are attached to each hackney carriage / private hire vehicle proprietor's licence. Condition 5 of these general conditions states: There shall be attached centrally to each front door of the vehicle the appropriate hackney carriage or private hire vehicle decals supplied by the Authority. The decals must be securely affixed or in the case of Hackney Carriage Vehicles permanently

affixed to the vehicle and these must be maintained in a satisfactory condition and be legible.

On 10 January 2018 an application to licence a vehicle as a private hire vehicle had been received. The application was accompanied by the relevant documentation and licence fee. It included a request to allow two passengers to use the twin seat in the front of the vehicle and as a consequence licensing the vehicle for eight passengers and to grant an exemption during certain long distance bookings from condition 5, which required the displaying door decals. The door decals issued by the Authority were required to be displayed on each front door whilst the vehicle was being used for private hire purposes.

The vehicle met all requirements set out in the Hackney Carriage and Private Hire Licensing Policy and had passed its test at the Authority's test station. The vehicle was subsequently licensed to carry up to seven passengers, no exemption from condition 5 was granted.

The Authority's Officer in granting a Private Hire Proprietor's Licence for the vehicle in question without granting an exemption from the requirements of condition 5 considered that the display of decals as required by that condition to be an important safety feature as the decals clearly identified the vehicle as a hackney carriage or private hire vehicle, included the licence number of the vehicle and contained information as to how the vehicle could be hired/booked.

The appeal against the imposition of condition 5 on the Proprietor's Licence and the number of licensed passengers permitted to be carried in the vehicle was made on 9 January 2018.

Before concluding his presentation, the Licensing Officer reminded Committee that it had discretion and may depart from the Policy if it considered there were compelling reasons to do so. The Committee must act in accordance with the law and may only agree to the grant of a licence where it was satisfied that the vehicle was fit to be licensed and that any conditions attached to the grant of the licence were reasonably necessary.

After Members had asked questions, the proprietor's representative addressed the Committee. The representative explained that the request was only to exempt the vehicle from displaying the Council decals when it was being used for long distance passenger transport work, for example, a journey booked by a travel company. The fleet of this make of car was under used and the proprietor had been informed by a travel company that they would be able to offer more distance work to the south and cruise terminals if the vehicles displayed less signage. If there was nothing on the vehicle wings or front of the vehicle then they could offer a "much wider profile of journeys". There would be no need for the decals to be removed for journeys to and from Newcastle airport and whilst the door decals would be removed the plate would still be displayed on the rear making the vehicle identifiable as a private hire vehicle.

Members asked questions and sought clarification on a number of matters.

The Licensing Officer and proprietor's representative then summed up their respective cases.

All parties then left the meeting room to allow the Committee to consider its decision in private.

The Committee had the following options.

- a) Uphold the appeal and permit the vehicle to be exempt from displaying the door decals during certain long distance bookings; or
- b) Dismiss the appeal and not permit the vehicle to be exempt from displaying the door decals during certain long distance bookings.

In determining its response the Committee had regard to the Authority's Hackney Carriage and Private Hire Licensing Policy and considered all that had been presented at the meeting and contained within the papers.

Resolved that the appeal against the imposition of condition 5 (display of decals) should be dismissed.

Reason: The Committee was satisfied that the imposition of condition 5 complied with the requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and was reasonable and necessary to inform passengers that they were travelling in a vehicle licensed by the Authority with all the associated expectations and requirements that the driver was a fit and proper person and the vehicle safe.

The Committee considered upholding the appeal with additional conditions to the vehicle licence regarding who had booked the journey or with a definition of 'long distance' but decided that the management of these conditions and their enforcement would be too difficult.

The Committee understood that it had discretion to depart from the Hackney Carriage and Private Hire Licensing Policy. However, as the safety of the public had to be the Authority's main concern and the use of door decals on a prominent location of a licensed vehicle is an integral part of achieving that by clearly identifying the vehicle as a Private Hire Vehicle, the Committee did not on this occasion see good reason to depart from the Authority's Policy.

North Tyneside Council Report to Regulation and Review Committee Date: 21 March 2018

ITEM 5
Title: Update on Child
Sexual Exploitation
Awareness training for
Hackney Carriage and
Private Hire drivers

Report from Service Area: Environment, Housing and Leisure

Report Authors: Colin MacDonald
Senior Manager,
Technical & Regulatory Services Tel: (0191) 643 6620

Joanne Lee
Public Protection Manager Tel: (0191) 643 6901

Wards affected: All

PART 1

1.0 Purpose

The purpose of the report is to provide Committee with an update on the Child Sexual Exploitation Awareness training that hackney carriage and private hire drivers have been required to undertake.

1.1 Recommendations

Committee is requested to note this report.

1.2 Information

Between 7 September 2015 and 1 June 2017 the Authority has held twenty seven Child Sexual Exploitation (CSE) Awareness training sessions for hackney carriage and private hire drivers.

Each training session was delivered by officers from the Authority's Human Resource: Organisational Development (HROD) team with a Licensing Officer and Police Officer also present. The training lasted for approximately one hour and included a short video (Title: Sick Party).

A summary of the training sessions is attached at **Appendix 1** of this report. The table shows that 1191 licensed drivers have attended this training on these dates.

In September 2017 an online version of the CSE Awareness training was approved by Committee. This allowed new applicants for a licence and those existing drivers that had not yet completed the training an improved way of accessing it. Feedback from drivers who have undertaken the online training is generally positive.

1.3 Hackney Carriage and Private Hire Licensing Policy

The current Hackney Carriage and Private Hire Licensing Policy came into force on 26 October 2017.

Chapter 2 of the Policy refers to Drivers. Paragraph 34 makes reference to Child Sexual Exploitation and states: It is a requirement that all new applicants for a hackney carriage/private hire driver's licence to undertake child sexual exploitation awareness training prior to being issued a licence.

All existing drivers will be required to undertake a sexual exploitation awareness package every three years and existing drivers at their next DBS check, with regular updated information leaflets circulated to drivers when required. If training is not completed the driver will be referred to Regulation and Review Committee.

The previous Hackney Carriage and Private Hire Licensing Policy that was in force up to 26 October 2017 also contained reference to Child Sexual Exploitation. This version of the policy required that all new licensed drivers undertake child sexual exploitation awareness training within 3 months of a new licence being granted. If training was not undertaken within 3 months the driver would be referred to Regulation and Review Committee.

The policy also required existing drivers undertake the training by 1 April 2017. If training was not completed by that date the driver would be referred to Regulation and Review Committee.

1.4 Referrals to Committee

Following the last face to face 'mop-up' training sessions on 1 June 2017, sixty four existing drivers were identified as not having completed the above training.

In compliance with the Authority's Hackney Carriage and Private Hire Licensing Policy that was in force at that time the drivers were notified that they had been referred to Committee as they had failed to complete the training by 1 April 2017.

In response to this fourteen drivers undertook the training and their referral to Committee was withdrawn.

The remaining fifty drivers were notified of the Committee hearing dates and reports to committee were prepared by Officers.

Nine meetings of Regulations and Review Committee were arranged to accommodate these drivers.

Prior to the meetings a further thirty four drivers completed the training and one driver surrendered his licence. The referral to committee of these drivers was therefore also withdrawn.

1.5 Committee Decisions

Seventeen existing drivers remained outstanding as not having completed the CSE Awareness training.

Committee subsequently considered these seventeen referrals between 22 November 2017 and 14 December 2017 resulting in fourteen drivers' licences being suspended and three driver's licences revoked.

1.6 Current Position

The three drivers whose licences were revoked have not appealed the decision so are no longer in the trade.

Of the fourteen drivers whose licence was suspended, three have completed the training and the suspension of their licence has been lifted.

The licence of two of the drivers expired on 31 January 2018 but neither have applied to renew it so are no longer in the trade. Should an application be received from either individual, completing the online training will be required before a licence will be issued (paragraph 34 of the current Policy above).

The licences of the remaining nine drivers remain suspended. None of the drivers have appealed against Committee's decision to suspend their licence meaning all are no longer able to drive a hackney carriage or private hire vehicle.

1.7 Newly Licensed Drivers

The Hackney Carriage and Private Hire Licensing Policy was amended by Committee on 26 October 2017 and required all new applicants for a hackney carriage/private hire driver's licence to undertake child sexual exploitation awareness training prior to being issued a licence.

Prior to this the policy required that all new licensed drivers undertake child sexual exploitation awareness training within 3 months of a new licence being granted. If training was not undertaken within 3 months the driver would be referred to Regulation and Review Committee.

A consequence of this was that twenty three newly licensed drivers whose licence had been issued just prior to the latest version of the policy coming into force had three months to undertake the training.

Twenty two drivers have completed the training without the need for referral to committee.

One driver has not completed the training and has been advised he has been referred to Committee, the date of which is to be confirmed. Should this driver complete the online training before the date of the meeting then the referral to Committee will be withdrawn.

1.8 Appendices:

Appendix 1 – Summary of CSE Awareness Training Sessions

1.9 Contact Officers:

Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620

Joanne Lee, Public Protection Manager, Tel: 0191 643 6901

Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

1.10 Background Information:

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. Local Government (Miscellaneous Provisions) Act 1976
2. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report.

2.2 Legal

Legislative Framework

The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the licensing authority to issue licences for hackney carriage and private hire drivers, vehicles, and operators.

Local Authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847 and 1889, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transports Acts of 1980 and 1985. In response to this legislation, the Authority has developed a Licensing Policy which has supported and informed its licensing function.

2.3 Consultation/Community Engagement:

The current Policy was fully consulted upon prior to its implementation (Chapter 1, Paragraph 22 of the Policy).

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. The North Tyneside Council Hackney Carriage and Licensing Policy has been subjected to an Equality Impact Assessment.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.

Summary of CSE Awareness Sessions and Attendees

Date of Session	Time of Session	Number of Drivers Attended
September 7 th 2015	1.30 p.m. to 2.30 p.m.	97
September 7 th 2015	6.00 p.m. to 7.00 p.m.	85
October 5 th 2015	09.30 p.m. to 10.30 p.m.	57
October 8 th 2015	09.30 p.m. to 10.30 p.m.	25
October 8 th 2015	1.30 p.m. to 2.30 p.m.	62
October 21 st 2015	09.30 p.m. to 10.30 p.m.	40
October 26 th 2015	3.00 p.m. to 4.00 p.m.	24
October 26 th 2015	6.00 p.m. to 7.00 p.m.	50
October 29 th 2015	09.30 p.m. to 10.30 p.m.	21
November 3 rd 2015	09.30 p.m. to 10.30 p.m.	22
November 3 rd 2015	1.30 p.m. to 2.30 p.m.	30
November 5 th 2015	6.00 p.m. to 7.00 p.m.	27
November 12 th 2015	6.00 p.m. to 7.00 p.m.	13
February 17 th 2016	1.30 p.m. to 2.30 p.m.	88
February 17 th 2016	6.00 p.m. to 7.00 p.m.	95
May 4 th 2016	09.30 p.m. to 10.30 p.m.	48
May 4 th 2016	1.00 p.m. to 2.00 p.m.	77
September 2 nd 2016	09.30 p.m. to 10.30 p.m.	9
September 2 nd 2016	1.00 p.m. to 2.00 p.m.	18
November 10 th 2016	09.30 p.m. to 10.30 p.m.	48
November 10 th 2016	6.00 p.m. to 7.00 p.m.	31
March 30 th 2017	09.30 p.m. to 10.30 p.m.	77
March 30 th 2017	6.00 p.m. to 7.00 p.m.	73
April 28 th 2017	09.30 p.m. to 10.30 p.m.	18
April 28 th 2017	6.00 p.m. to 7.00 p.m.	12
June 1 st 2017	09.30 p.m. to 10.30 p.m.	24
June 1 st 2017	6.00 p.m. to 7.00 p.m.	20
TOTAL		1191

North Tyneside Council Report to Regulation and Review Committee

Date: 21 March 2018

ITEM 6
Title: Request to Consult on
Proposed Changes to Hackney
Carriage/Private Hire Vehicle
Conditions of Licence.

Report from Service Area: Environment, Housing and Leisure

Report Authors: **Colin MacDonald**
Senior Manager,
Technical & Regulatory Services **Tel: (0191) 643 6620**

Joanne Lee
Public Protection Manager **Tel: (0191) 643 6901**

Wards affected: All

PART 1

1.0 Purpose

The purpose of the report is to seek Committee's approval to carry out a consultation exercise in connection with proposed amendments to the conditions attached to a hackney carriage proprietor's licence and a private hire vehicle proprietor's licence.

The proposed amendments are as follows:

1. to review the area of a vehicle where advertising is permitted, specifically to include the rear screen of vehicles, and,
2. to consider the use of in-car digital advertising in the seat headrests of licensed vehicles.

1.1 Recommendations

Committee is asked to consider the proposed amendments to the conditions attached to Hackney Carriage Proprietor's Licences and Private Hire Vehicle Proprietor's Licences as set out in the report and to request officers carry out public consultation on the proposed changes and to report the outcome back to Committee.

1.2 Current Policy

- 1.2.1 Currently, both Hackney Carriage Proprietor Vehicle Licences and Private Hire Proprietor Vehicle Licences are granted with conditions that set out where on a licensed vehicle it is permissible to display signs, notices, advertisements etc. As well as being attached to each licence, the condition is set out in full in the Authority's Hackney Carriage and Private Hire Licensing Policy (the Policy).

Condition 7 in Appendix B of the Policy refers to “Signs, Notices etc.” and states:

No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video or audio display etc must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.

- 1.2.2 The current policy does not permit advertising on the rear screen of any licensed vehicle, nor does it permit any form of advertising inside the vehicle. A copy of the current Conditions of Licence is attached at **Appendix 1** of this report.

1.3 Proposed Changes to Proprietors’ Licence Conditions Advertising on Rear Screen of Vehicles

- 1.3.1 Enquiries have been received from a number of proprietors of minibuses to consider extending the advertising on a licensed hackney carriage or private hire vehicle to include the rear screen of their vehicles.
- 1.3.2 In support of these requests reference has been made to a previous Committee decision on 31st January 2014 to permit advertising on the rear tailgate glass of a Mercedes Vito minibus. On that occasion Committee resolved, as part of an appeal relating to the seating in the vehicle, to permit the private hire company name and telephone number to be displayed on the rear screen.
- 1.3.3 In this instance the advertising that was applied to the rear screen was a perforated film which allowed sufficient light through to meet the Authority’s policy on minimum light transmittance (34%).
- 1.3.4 Having regard to these enquiries and Committee’s decision on 31st January 2014, Committee is now asked to consider a request to carry out consultation with regard to extending advertising on licensed vehicles to include the rear screen as described above.

If Committee is minded to approve the request for consultation, example questions that could be set in the consultation are set out below:

1. Should the Authority permit advertising on any area of the rear screen of hackney carriages, for example the whole of the screen or a part of it?
2. Should the Authority permit advertising on any area of the rear screen of private hire vehicles for example the whole of the screen or a part of it?
3. If advertising is permitted on any vehicles should it be restricted to minibuses or

- should it also apply to saloon type vehicles?
4. If advertising is permitted should the material used be of a type that complies with the Authority's policy on light transmittance?

1.4 Proposed Changes to Proprietors' Licence Conditions

In-car digital advertising in the seat headrests of licensed vehicles.

- 1.4.1 On 14th December 2017 Committee considered an appeal by the proprietor of a private hire vehicle to permit the use of in-car digital advertising in the seat headrest of his vehicle.
- 1.4.2 This type of advertising was not permitted by condition 7 of the Hackney Carriage/ Private Hire Vehicle Proprietor Conditions of Licence.
- 1.4.3 The appeal confirmed that any advertising would comply with the Advertising Standards Agency or, if applicable, be approved by the Authority's Trading Standards service; that all installed equipment complied with any legislative requirements in respect of Construction and Use Regulations; no age restricted products would be advertised; that at all times during the display of an advert it would be apparent to the passenger(s) how the system may be switched off and that drivers would also be able to switch off the system from the driver's compartment.
- 1.4.4 If any adverts contained audio then passengers were be able to control the volume (which should be capable of being muted) with either a pre-set maximum volume acceptable to the driver or an override for the driver to lower the sound level if it is causing him/her a distraction.
- 1.4.5 After considering this matter Committee resolved to uphold the appeal and permit the use of in-car digital advertising in this vehicle and to any vehicle licensed by the company subject to the above points being added to condition 7 of the licence.
- 1.4.6 Committee also resolved that any other proprietor wishing to install this or similar equipment would still need to be referred to the Committee.
- 1.4.7 Having regard to this decision Committee is now asked to consider a request to carry out consultation with regard to permitting the use of in-car digital advertising in the seat headrests of licensed vehicles as described above.
- 1.4.8 If Committee is minded to approve the request for consultation, example questions that could be set in the consultation are set out below:
1. Should the Authority permit in-car digital advertising in seat headrests in licensed vehicles?
 2. If in-car digital advertising is permitted should it be subject to additional conditions, for example those set out in paragraph 1.2.8 above?

If Committee approves consultation on the proposed amendments to the Licence conditions there will be a short consultation, over, for example six weeks, involving both the general public and the trade.

1.5 Decision Options

Option 1

Request officers consult on the proposed amendments to the conditions attached to a Hackney Carriage Proprietor's Licence and Private Hire Vehicle Proprietors' Licence as set out above.

This is the recommended option.

Option 2

Do not request that officers undertake consultation on the proposed amendment to the conditions attached to a Hackney Carriage Proprietor's Licence and Private Hire Vehicle Proprietors' Licence.

Option 3

Request officers undertake further work in relation to this matter before and referring the matter back to Committee.

Proposed Changes to Proprietors' Licence Conditions

1.6 Appendices:

Appendix 1 - Hackney Carriage/Private Hire Vehicle Conditions of Licence

1.7 Contact Officers:

Colin MacDonald, Senior Manager, Technical & Regulatory Services,

Tel: 0191 643 6620

Joanne Lee, Public Protection Manager,

Tel: 0191 643 6901

Alan Burnett, Principal Trading Standards & Licensing Officer,

Tel: 0191 643 6621

1.8 Background Information:

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. Local Government (Miscellaneous Provisions) Act 1976
2. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy
3. Minutes of the Regulation and Review Committee meeting held on 31st January 2014
4. Minutes of the Regulation and Review Committee meeting held on 14th December 2017

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report.

2.2 Legal

2.2.1 Legislative Framework

The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the licensing authority to issue licences for hackney carriage and private hire drivers, vehicles, and operators.

Local authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847 and 1889, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transports Acts of 1980 and 1985. In response to this legislation, the Authority has developed a Licensing Policy which has supported and informed its licensing function.

2.3 Consultation/Community Engagement:

The current Policy was fully consulted upon prior to its implementation (Chapter 1, Paragraph 22 of the Policy). For the purpose of these proposed amendments the trade will be consulted with at the next North Tyneside Hackney Carriage and Private Hire Licensing Forum. A further consultation in the form of a internet survey will last for six weeks.

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. The North Tyneside Council Hackney Carriage and Licensing Policy has been subject to an Equality Impact Assessment.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.

**Conditions attached to a
Hackney Carriage Proprietors Licence and Private Hire Vehicle Proprietors Licence**

STANDARD CONDITIONS

1. Maintenance Of Vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

2. Alteration Of Vehicle

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Authority.

3. Identification Plate

The licence plate supplied by the Authority and identifying the vehicle as a hackney carriage/private hire vehicle shall be securely fixed externally on or about the off side area of the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary by an authorised officer of the Authority or a constable. The plate must be maintained in a satisfactory condition and be legible.

4. Interior Identification Marking

A sign supplied by the Authority indicating the licence number and the number of passengers the vehicle is licensed to carry, shall be displayed inside the vehicle in a prominent position on the inside of the windscreen so as to be clearly visible to passengers. The sign must be maintained in a satisfactory condition and be legible.

5. Door Decals

There shall be attached centrally to each front door of the vehicle the appropriate hackney carriage or private hire vehicle decals supplied by the Authority. The decals must be securely affixed or in the case of Hackney Carriage Vehicle permanently affixed to the vehicle and these must be maintained in a satisfactory condition and be legible.

6. Safety Equipment

Where a ramp or ramps are used, they must be fitted/carried safely in the vehicle at all times. The ramps must be identified with the vehicle registration number.

7. Signs, Notices, Etc

No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video or audio display etc must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.

8. Change Of Address

The proprietor shall notify the Authority in writing within seven days of any change of address during the period of the licence.

9. Convictions

The proprietor shall notify the Authority in writing within seven days if he/she is convicted of any offence.

10. Deposit Of Drivers Licence

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage/private hire vehicle, the proprietor shall retain the persons hackney carriage/private hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

11. Transfer Of Interest

The proprietor shall notify the Authority in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. Accident Notification

The proprietor shall notify the Authority as soon as is practicable, or in any case within 72 hours of any accident which results in damage to the vehicle.

13. Additional Charges

The proprietor shall pay the Authority any reasonable additional charges to be determined by the Authority for:

A) the replacement of any lost, damaged or stolen plate, decal or sign provided by the Authority (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);

B) any vehicle test appointment for which the proprietor fails to present the vehicle for testing or which is cancelled by the proprietor without giving at least 48 hours notice to the Authority.

14. Insurance

All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section in writing immediately or in any event within 72 hours.

**North Tyneside Council
Report to Regulation and Review
Committee
Date: 21 March 2018**

ITEM 7
Title: Proposed Amendments
and Updates to the Hackney
Carriage and Private Hire
Licensing Policy.

Report from Service Area: Environment, Housing and Leisure

Report Authors: Colin MacDonald
Senior Manager,
Technical & Regulatory Services **Tel: (0191) 643 6620**

Joanne Lee
Public Protection Manager **Tel: (0191) 643 6901**

Wards affected: All

PART 1

1.0 Purpose

The purpose of the report is to request Committee to consider a number of proposed amendments/updates to the current Hackney Carriage and Private Hire Licensing Policy.

The full list of proposed amendments/updates is attached at **Appendix 1** of this report.

1.1 Recommendations

Committee is requested to consider each proposal and, if approved, to amend the Hackney Carriage and Private Hire Licensing Policy accordingly.

1.2 Background Information

The current Hackney Carriage and Private Hire Licensing Policy came into effect on 4 April 2017. It was last updated on 26 October 2017. A number of amendments and updates to the policy have been identified as being required to bring it up to date.

Committee is requested to consider each of the proposed amendments/updates to the policy and, if approved, to amend the policy accordingly.

Each proposed amendment/update is set out in the report with the relevant chapter/paragraph of the policy that it refers to, along with the reason/rationale for the proposed amendment/update. The proposed amendments/updates are minor in nature so do not require consultation prior to consideration.

**1.3 Chapter 2 Vehicles Paragraph 84 Insurance write offs
Proposal - to re-name ABCD Write Off Categories**

1.3.1 Chapter 2 of the Hackney Carriage and Private Hire Licensing Policy refers to vehicles. Paragraph 84 makes reference to insurance write offs and states: Car insurance assessors use various categories of car insurance write off to rank the seriousness of

accident damage.

Two categories represent very serious damage, but the remaining two categories are for 'economic write off's' – where damage is expensive to fix but not necessarily dangerous.

Vehicles that have been declared to be an insurance write off in category A & B will not be licensed. Vehicles that have been declared either category C or D write off may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Authority, verifying the standard of repairs.

1.3.2 From October 1 2017 the current A, B, C, D classes referred to above were replaced. The new codes are set out below.

- **A: Scrap**
- **B: Break**
- **S: Structurally damaged repairable**
- **N: Non-structurally damaged repairable**

A and B categories remain unchanged and will still apply for vehicles that should not be sent back on the road, though parts from category B write-offs can be reused. The Authority does not licence vehicles that are category A or B write offs.

Categories C and D have been amended to S and N codes which now differentiate between structural and non-structural damage, with vehicles in both instances repairable and allowed to be sent back onto the road.

1.3.3 Officers are proposing that Categories C and D are replaced in the policy with Categories S and N. There will be no change to the Authority's policy, which is to licence vehicles that are category S and N write offs, (previously C and D write offs), subject to appropriate checks on the roadworthiness of the vehicle after any repairs have been carried out.

1.4 Chapter 3 Drivers Paragraph 39 Driver Licences Application Procedure (Renewals) Proposal - to Include DVLA Mandate to List of Required documents

1.4.1 Chapter 3 of the Hackney Carriage and Private Hire Licensing Policy refers to drivers. Paragraph 39 refers to the procedure to renew a driver's licence and includes a list of documents to be provided when submitting the application. These are shown below:

- Fully completed renewal form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis, if required;
- DBS Submission Reference Number together with appropriate identity documents, if required
- Driving licence
- Evidence of a right to reside and work in the UK (where required)
- Any additional information requested by the Licensing Section

1.4.2 Omitted from the list is reference to a DVLA Mandate. This document is required to be completed and signed by a driver when applying to renew their licence and enables the

authority to carry out a check of the driver's DVLA record.

- 1.4.3 In order to regularise this, Officers request committee to consider adding reference to the DVLA Mandate to the list of documents required to be submitted to renew a driver's licence as set below:

- Fully completed mandate for DVLA licence check

1.5 Chapter 4 Operators Paragraphs 24 and 25 Convictions and Cautions Proposal - to include Directors and Company Secretary to Disclose Convictions

- 1.5.1 Chapter 4 of the Hackney Carriage and Private Hire Licensing Policy refers to private hire operators. Paragraphs 24 and 25 make reference to Convictions/Cautions and criminal proceedings.

Paragraph 24 states: The operator shall disclose to the Authority within 7 days in writing of any conviction/caution.

Paragraph 25 states: The operator shall notify the Authority as soon as practicable of any criminal proceedings or pending criminal proceedings taken against him/her or in the case of a limited company, against the company secretary or any of its directors.

Officers have observed that Paragraph 24 above does not include the provision for the company secretary or directors of a limited company to notify the Authority of any conviction/caution.

As a number of private hire operators licensed by this Authority are in the name of limited companies, Officers therefore propose this paragraph be amended to include reference to the company secretary or directors, as set below:

- The operator shall disclose to the Authority within 7 days in writing of any conviction/caution, or in the case of a limited company, against the company secretary or any of its directors

1.6 Chapter 5 Hackney Carriage Fares

- 1.6.1 Chapter 5 of the Hackney Carriage and Private Hire Licensing Policy makes reference to Hackney carriage fares. Paragraph 9 states:

If no objections are received the fare variation will have immediate effect at the end of the date stated for lodging objections. If any objections are received the matter will be referred to Regulation and Review Committee for consideration.

- 1.6.2 There is a delegation to the Head of Service for Environment, Housing and Leisure to set the level of fares. This is done in consultation with the Regulation and Review Committee and Cabinet Member. In accordance with this delegation should any objections be received this will be referred to the Head of Service for consideration.

- 1.6.3 The amended paragraph is to read:

If no objections are received the fare variation will have immediate effect at the end of the date stated for lodging objections. If any objections are received the matter will be referred to the Head of Service for Environment, Housing and Leisure for consideration.

**1.7 Chapter 7 Convictions, Cautions, Conduct & Medical Fitness
Paragraphs 53 and 54 Medical Fitness of Hackney Carriage/Private Hire Drivers
Proposal - to Include General Provision to Suspend Licence on Medical Grounds**

1.7.1 Chapter 7 of the Hackney Carriage and Private Hire Licensing Policy makes reference to Convictions, Cautions, Conduct and Medical fitness.

Paragraphs 53 and 54 refer to Refusal, Suspension and Revocation on Grounds of Medical fitness.

1.7.2 Paragraph 53 refers to consideration of an application for a licence and states: If the Licensing Authority is not satisfied on the balance of probabilities as to the medical fitness of an applicant a hackney carriage or private hire driver's licence will not be granted (s.51 & s.59 LG (MP) Act 1976).

1.7.3 Paragraph 54 refers to consideration of suspending a driver's licence with immediate effect and states: Section 52 of the Road Safety Act came into force on 16th March 2007 and amended section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

1.7.4 If an existing driver no longer meets Group 2 medical standard the Authority will suspend the driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The Authority will only lift this suspension on receipt of written confirmation from a GP or consultant that the driver now meets Group 2 medical standard.

1.7.5 Omitted from this section of the policy is reference to the general provision that permits the Authority to suspend, revoke or refuse to renew a licence of an existing driver under s.61 of the Local Government (Miscellaneous Provisions) Act 1976. This provision was contained in the previous version of the policy but was omitted from the current version.

Officers are therefore proposing the following paragraph be inserted before the paragraph relating to immediate suspension of licences:

- If the Licensing Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.

1.7.6 The amended paragraphs in the policy will then read:

Paragraph 53: If the Licensing Authority is not satisfied on the balance of probabilities as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted (s.51 & s.59 LG (MP) Act 1976).

Paragraph 54: If the Licensing Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.

Paragraph 55: Section 52 of the Road Safety Act came into force on 16th March 2007 and amended section 61 of the Local Government (Miscellaneous Provisions) Act 1976. If an existing driver no longer meets Group 2 medical standard the Authority will suspend the driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The Authority will only lift this suspension on receipt of written confirmation from a GP or consultant that the driver now

meets Group 2 medical standard.

1.8 Chapter 7 Convictions, Cautions, Conduct & Medical Fitness Appendix K Schedule of Offences and Guide to DVLA Codes and Endorsements Proposal - to Update Appendix K

1.8.1 Chapter 7 of the Hackney Carriage and Private Hire Licensing Policy refers to Convictions, Cautions, Conduct & Medical Fitness.

Paragraph 21 makes reference to Offences and states: “These guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though perhaps differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines. A specific list of offences is attached at Appendix K”.

1.8.2 Appendix K - Schedule of Offences

The Schedule of Offences (attached as **Appendix 2** for information) lists various offences along with the varying periods of time that must elapse before a driver’s licence would be granted. Omitted from this section is reference to a breach of Ancillary Court Orders; examples of these would be a breach of a non-molestation order or anti-social behaviour order.

1.8.3 Officers are therefore proposing to include this category of offence in the above schedule. Officers would suggest the most appropriate section for this particular offence to be listed is alongside the less serious offences of violence (Common Assault; Harassment, Alarm or Distress, etc). For this category of offence an application for a driver’s licence will normally be refused unless at least 3 years has elapsed since the applicant was convicted of an offence.

1.8.4 Guide to DVLA Codes and Endorsements

The Guide to DVLA Codes and Endorsements lists motoring offences and the range of penalty points that a driving licence can be endorsed with. The following amendments/re-wording to the list is required to bring it up to date with the current DVLA version:

Code	Offence	Penalty Points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3 to 6
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG40	In charge of a vehicle while drug level above specified limit	10
DG60	Causing death by careless driving with drug level above the limit	3 to 11
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

Mutual Recognition Codes

A MR code refers to being disqualified while driving in Northern Ireland or the Isle of

Man. The disqualification period will also be valid in GB and will stay on the driver's record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on a driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

1.8.5 Officers propose that the above amendments/updates be made to Appendix K, Guide to DVLA Codes and Endorsements.

1.9 Decision Options

Option 1

Approve some or all of the proposed amendments to the Policy as outlined above and amend the Policy and relevant conditions of licence accordingly.

This is the recommended option.

Option 2

Request that officers undertake further work on any or all of the options.

1.10 Appendices:

Appendix 1 - Schedule of Proposed Amendments/Updates to the Policy
Appendix 2 - Existing Appendix K of the Hackney Carriage and Private Hire Licensing Policy.

1.11 Contact Officers:

Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620

Joanne Lee, Public Protection Manager, Tel: 0191 643 6901

Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

1.12 Background Information:

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. Local Government (Miscellaneous Provisions) Act 1976
2. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report.

2.2 Legal

Legislative Framework

The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the licensing authority to issue licences for hackney carriage and private hire drivers, vehicles, and operators.

Local Authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847 and 1889, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transport Acts of 1980 and 1985. In response to this legislation, the Authority has developed a Licensing Policy which has supported and informed its licensing function.

2.3 Consultation/Community Engagement:

The current Policy was fully consulted upon prior to its implementation (Chapter 1, Paragraph 22 of the Policy). As the amendments and updates referred to above are of a minor nature and are simply updating or regularising the policy it is not considered necessary to consult further on any of the proposals.

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. The North Tyneside Council Hackney Carriage and Licensing Policy has been subjected to an Equality Impact Assessment.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.

Schedule of Proposed Amendments/Updates to Policy

Chapter and Paragraph Number	Policy Reference	Proposed Amendment/Update
Chapter 2	Vehicles	
Paragraph 84	Insurance write offs	A,B,C,D categories to re-name
Chapter 3	Drivers	
Paragraph 39	Driver licence renewals	DVLA mandate to add to list of documents required to be submitted
Chapter 4	Operators	
Paragraphs 24 & 25	Operator Convictions/Cautions	Amend to include directors and company secretary to disclose convictions
Chapter 5	Fares	
Paragraph 9	Consideration of objections	Amend to include reference to consideration of objections by Head of service and not Regulation and Review Committee.
Chapter 7	Convictions, Cautions, Conduct & Medical Fitness	
Paragraphs 53-54	Refusal, Suspension and Revocation on grounds of medical fitness	Paragraph to add re. general suspension of licence
Appendix K	Offences of Violence, and Schedule of Offences	Include breach of Ancillary Court Orders
Appendix K	Guide to DVLA Codes and Endorsements	Amend/update offences and codes

Appendix K**Schedule of Offences****Offences of Dishonesty**

An application will normally be refused unless at least 3 years has elapsed since the applicant was convicted of an offence of:

- Benefit fraud
- Burglary
- Conspiracy to defraud
- Forgery
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Other deception
- Theft
- Or similar offences or offences which replace the above offences

Offences of Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved following, a licence will normally be refused:

- Manslaughter
- Manslaughter or culpable homicide while driving
- Murder
- Or similar offences or offences which replace the above offences

An application will normally be refused unless at least 5 years has elapsed since the applicant was convicted of an offence of:

- Actual bodily harm which is racially aggravated
- Arson
- Assault Police
- Grievous bodily harm / Wounding
- Grievous bodily harm with intent / Wounding with intent
- Malicious wounding or grievous bodily harm
- Possession of firearm
- Racially aggravated common assault
- Racially-aggravated criminal damage
- Racially-aggravated fear of provocation of violence
- Racially-aggravated harassment
- Racially-aggravated harassment, alarm or distress
- Racially-aggravated intentional harassment, alarm or distress
- Racially-aggravated putting people in fear of violence
- Robbery
- Violent Disorder
- Or similar offences or offences which replace the above offences.

An application will normally be refused unless at least 3 years has elapsed since the applicant was convicted of an offence of:

- Affray
- Assault occasioning actual bodily harm
- Common assault
- Criminal damage
- Harassment, alarm or distress
- Obstruction
- Possession of offensive weapon
- Resisting arrest
- Riot
- Or similar offences or offences which replace the above offences.

Drugs Offences

Supply of Drugs

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and less than 5 years have elapsed prior to the date of application.

After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Possession of Drugs

An application will normally be refused where the applicant has a conviction for possession of drugs and less than 3 years has elapsed prior to the date of application.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction is less than 3 years prior to the date of the application.

If an applicant was addicted to drugs then they will normally be required to show evidence of 3 years free from drug taking after detoxification treatment.

Sexual and Indecency Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence.

Applicants with a conviction relating to sexual offences such as indecent exposure, soliciting, importuning, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Guide to DVLA Codes and Endorsements

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc	3
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR90	In charge of a vehicle when unfit through drugs	10
IN10	Using a vehicle uninsured against third party risks	6 to 8
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3

Code	Offence	Penalty points
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
MW10	Contravention of special roads regulations (excluding speed limits)	3
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
UT50	Aggravated taking of a vehicle	3 to 11

Special code

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

These codes must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Code	Offence	Penalty points
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

North Tyneside Council Report to Regulation and Review Committee Date: 21 March 2018

ITEM 8
Title: Hackney Carriage
Fare Review 2018

Report from Service Area: Environment, Housing and Leisure

Report Authors: Colin MacDonald
Senior Manager, Technical & Regulatory Services
Tel: (0191) 643 6620

Joanne Lee, Public Protection Manager
Tel: (0191) 643 6901

Wards affected: All

PART 1

1.1 Purpose

The purpose of the report is to consult with Committee in relation to the review of fares for Hackney Carriages. The current Hackney Carriage and Private Hire Policy indicates that the Authority will review the fare tariff on an annual basis.

The former Licensing Committee at their meeting of 11 October 2001 approved a formula for setting a maximum fare level. In November 2006 the Committee agreed revisions to the original procedure approved by Committee in 2001 to provide greater clarity and transparency in setting out the method of applying the formula.

1.2 Recommendations

The Committee is recommended to:

- I. Note the annual review of the hackney carriage fares; and
- II. Express its views to the Head of Environment, Housing and Leisure in relation to the Officer's recommendation that the Hackney Carriage fare table should remain unchanged for the 2018/19 period and so that Committee's views are known to the Head of Environment, Housing and Leisure when he fixes such fares.

2.0 Information

2.1 The Authority conducts an annual review of Hackney Carriage fares each year in accordance with the North Tyneside Council Hackney Carriage and Private Hire Policy. Under the Authority's Officer Delegation Scheme the Head of Environment, Housing and Leisure has the delegated authority to set fares for hackney carriages following the appropriate consultation with the Cabinet Member and Regulation and Review Committee. That delegation is as follows:-

"Fixing the fares for hackney carriages in accordance with the statutory procedure

(pursuant to section 65 Local Government (Miscellaneous Provisions) Act 1976) and following appropriate consultation with the Cabinet Member and Regulation and Review Committee.”

- 2.2 The former Licensing Committee agreed a formal procedure on 11 October 2001 following consultation with North Tyneside Hackney Carriage Association (NTHCA) for reviewing the table of fares for Hackney Carriages. It was agreed that each year, a formula would be used to calculate a ‘cost per mile’ figure for the operation of a Hackney Carriage. The formula takes into account vehicle running costs including insurance, and driver earnings based on average earnings for the region. The figure produced would then be used as the basis for calculating the table of fares. In November 2006 the Committee agreed revisions to the original procedure approved by Committee in 2001 to provide greater clarity and transparency in setting out the method of applying the formula. The formula itself was retained but in addition, the way in which it is applied to a proposed fare table was set out. This revised formula has been used to calculate the 2018 fare revision.
- 2.3 Officers have applied the previously agreed formula to produce a 2018 maximum ‘cost per mile’ figure for the operation of a Hackney Carriage of £2.56.
- 2.4 NTHCA has submitted a request that the Authority reviews its current table of fares for Hackney Carriages. The following request has been received:

Tariff one

Reduce the yardage from 178.9 yards or part there of to 173.7 yards or part there of.
Flag fall increased from £1.60 to £1.80

Tariff two

Reduce the yardage from 152.90 yards or part there of to 148.4 yards or part there of.
Flag fall increased from £2.40 to £2.60

- 2.5 Officers have calculated the cost of the request over a three mile period for tariffs 1 and 2 to produce an average cost per mile of £2.96. This is in excess of the maximum cost per mile of £2.56 as per the agreed formula.
- 2.6 Officers will recommend to the Head of Service for Environment, Housing and Leisure that the fare table should remain unchanged.

3.0 Decision Options

Committee is not being asked to make a decision in relation to this matter. This report is for Committee to note the annual review and to provide a consultation response to the Head of Service for Environment, Housing and Leisure.

Officers have recommended that the table of fares should not be varied as requested by the NTHCA as the average cost per mile of the request is in excess of the maximum cost per mile figure in accordance with the agreed formula.

4.0 Appendices:

- 4.1 Appendix 1 – Current table of fares.
Appendix 2 – 2018 formula.

5.0 Contact Officers:

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620
Joanne Lee, Public Protection Manager, Tel: 0191 643 6901
Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

6.0 Background Information:

- 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. Licensing Committee resolution LQ19/10/01 agreeing the use of the formula
 - 2. AA current table of motoring costs
 - 3. Office for National Statistics - average earnings data
 - 4. Formula calculation
 - 5. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report. Costs associated with the development of regulatory option proposals are met from existing budgets.

2.2 Legal

Chapter 5 North Tyneside Council Hackney Carriage and Private Hire Licensing Policy sets out the procedure for setting and reviewing Hackney Carriage fares.

The Authority may fix or vary a table of fares for Hackney Carriages by virtue of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

If the Head of Service for Environment, Housing and Leisure proposes to vary the table of fares for Hackney Carriages, the Local Government (Miscellaneous Provisions) Act 1976 requires the Authority to place a notice in at least one local newspaper setting out the variation in the table of fares and allowing a period of at least 14 days within which objections to the variation can be made.

Paragraph 5.2.3 of the Council Hackney Carriage and Private Hire Licensing Policy prescribes that Notices are to be published in the Evening Chronicle or similar newspaper.

In the event of the receipt of any objections during the 14 day period these would be considered by the Head of Service for Environment, Housing and Leisure before a final decision was made in respect of any fare. A date would be set not later than two

months after the first specified period of 14 days on which the table of fares shall come into force with or without modifications as decided after consideration of the objections.

If no objections are received the variation will take effect following the expiry of the 14 days notice period.

2.3 Consultation/Community Engagement:

The Authority has consulted with the North Tyneside Hackney Carriage Association and discussed the review of the fares at the Taxi Forum which is facilitated by the Authority. If the Head of Service decides to vary the table of fares for Hackney Carriages, the Local Government (Miscellaneous Provisions) Act 1976 requires that the Authority must place a notice in at least one local newspaper setting out the variation in the table of fares and allowing a period of at least 14 days within which objections to the variation can be made.

The Head of Environment, Housing and Leisure is consulting with the Regulation and Review Committee, prior to determining this matter in accordance with his delegated authority and will also consult with the appropriate Cabinet Member.

2.4 Human Rights:

There are no human rights issues arising directly arising from this report.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising directly from this report. Equality Impact Assessments will be undertaken as part of the development of regulatory option proposals.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.

**NORTH TYNESIDE COUNCIL
HACKNEY CARRIAGE FARE TABLE
FEBRUARY 2017**

TARIFF ONE

- | | | |
|------|--|-------|
| (i) | For the first 178.90 yards or 44.5 seconds (or part thereof) | £1.60 |
| (ii) | For each subsequent 178.90 yards or 44.5 seconds (or part thereof) | .20p |

TARIFF TWO

For hirings between 10.00 pm and 7.00 am, and all day on Sundays, Bank Holidays and on December 27th, 28th, 29th, 30th and 31st in each year:

- | | | |
|------|---|-------|
| (i) | For the first 152.9 yards or 42.5 seconds (or part thereof) | £2.40 |
| (ii) | For each subsequent 152.9 yards or 42.5 seconds (or part thereof) | .20p |

EXTRA CHARGES

Charge for soiling the carriage	£100.00
For each person in excess of two	.40p
For each item of hand luggage carried outside the carriage	.40p
For each dog or animal (guide and/or hearing dogs exempt)	£2.00
For each bicycle	£3.00
For each perambulator	.50p

ANY TUNNEL, BRIDGE OR ROAD TOLLS TO AND FROM THE DESTINATION

**THE METER IN THIS TAXI MUST BE SEALED AND MUST BE USED DURING EACH HIRING
PLEASE NOTE A CARD PROCESSING SERVICE CHARGE MAY BE APPLIED WHEN YOU USE A CREDIT OR DEBIT CARD.
IF A CHARGE DOES APPLY THEN THIS MUST NOT BE MORE THAN IT COSTS THE DRIVER TO ACCEPT
A CREDIT OR DEBIT CARD PAYMENT
IT IS A CRIMINAL OFFENCE IF THE FARE FOR THE JOURNEY IN THIS TAXI IS NOT PAID IN FULL
ANY COMPLAINTS REGARDING THE VEHICLE OR DRIVER CAN BE MADE TO THE LICENSING SECTION,
NORTH TYNESIDE COUNCIL TEL (0191) 6432165 EMAIL: taxi.licensing@northtyneside.gov.uk**

METHOD FOR CALCULATING HACKNEY CARRIAGE FARES

The formula is used as an indicator in setting hackney carriage fares by producing a fare per mile figure which, if used to set the fares, theoretically gives a driver annual earnings equivalent to the national average.

The formula uses the most recently published AA motoring costs and the Office of National Statistics average regional earnings figures to produce a 'fare per mile' figure representing the actual cost per mile when carrying fare paying passengers that a driver needs to recover to give him/her average earnings based on covering 30,000 working mile per year. The detailed methodology is set out below:

THE FORMULA

$$\frac{\text{average earnings} + \text{average taxi running costs}}{\text{average fare paying miles}} = \text{fare per mile}$$

Where the figures come from:

average earnings: this figure represents the average full time regional annual earnings taken from the most recently published figures from the Office of National Statistics (*Annual Survey of Hours and Earnings – Median Gross Weekly Earnings by Government Office Region – North East – expressed as annual earnings*)

average taxi running costs: this figure represents the total annual cost, excluding driver earnings, to run a taxi. The figure is calculated in two stages.

Firstly, a figure is taken from the most recently published AA table of motoring costs and assumes a petrol driven vehicle valued at between £13000 and £20000, and covering 30000 miles per year. The table provides a cost per mile figure which is then multiplied by 30000 (equivalent to the assumed average annual working mileage of a taxi) to produce an average annual cost for a private vehicle.

Secondly, to ensure that the final figure more accurately reflects taxi running costs a 'supplement' is added to take account of the higher insurance premiums taxi drivers usually have to pay. This supplement is an approximation arrived at by contacting a number

of local insurance brokers specialising in taxi insurance for an 'average' taxi insurance premium (In future years this figure will be adjusted to reflect the national average percentage change in taxi insurance premiums). The insurance element used in the AA calculation is then deducted from this figure to give the supplement.

The two figures are then added to give the final annual figure of average taxi running costs.

average fare paying miles: The figure used is 15000 miles. This assumes a taxi covers 30000 working miles per year of which 50% or 15000 miles are covered actually carrying fare paying passengers.

fare per mile: The fare per mile figure is reached using the formula on page 1. The figure represents the actual average fare (expressed per mile) which would need to be charged to give a driver covering 30000 working miles per year earnings equivalent to the UK national average.

APPLYING THE 'FARE PER MILE' FIGURE

Normally, North Tyneside Hackney Carriage Association will periodically submit a proposal for variation of the table of hackney carriage fares to coincide with the council's annual review of fares. The fare per mile figure cannot readily be compared with any such proposal and therefore the following method of comparison is used:

From the proposal, the actual fare for a three mile journey is calculated at the Tariff 1 rate and also at the Tariff 2 rate. Three miles is chosen as it approximately represents the average taxi journey length in the UK. The two figures are then used to calculate an average fare per mile figure by adding the two rates and dividing by six. The new figure takes into account daytime and night time working.

The fare per mile figure produced by the formula is then compared with the fare per mile figure produced from the proposed fare table. Provided that the proposal figure does not exceed the formula produced figure, the proposal will be presented to committee with a recommendation to approve the proposed variation.

FARE PER MILE CALCULATION USING THE FORMULA:

Average annual regional earnings: 1.4%		£24,905
Average annual vehicle running costs: (for 30,000 miles at 34.29p per mile plus £260 costs (average HC/PH)		£10,547
Additional vehicle insurance (£ 3395- £409)		£2986
	Total	£38438
Fare per mile (for 50% working mileage)	$\frac{38438}{15000}$	= <u>£2.56</u>

**FARE PER MILE EQUIVALENT OF THE PROPOSED TARIFF
INCREASE:**

A - Fare for a three mile journey Tariff 1		£8.00
B- Fare for a three mile journey Tariff 2		£9.80
Average fare per mile	$\frac{A + B}{6}$	<u>£2.96</u>