



North Tyneside Council

Regulation and Review Committee

12 September 2018

Thursday 20 September 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.	

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4. Minutes	3
To confirm the minutes of the Committee meeting held on 18 July 2018 and to note the minutes of the Panel meetings held on 4 July, 30 August and 3 September 2018.	
5. Hackney Carriage Fare Review	16
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 Tommy Mulvenna
Councillor Alison Austin	Councillor Kate Osborne
Councillor Karen Bolger	Councillor John O'Shea
Councillor Debbie Cox	Councillor Alan Percy
Councillor John Hunter (Deputy Chair)	Councillor Margaret Reynolds
Councillor Gary Madden	Councillor Lesley Spillard
Councillor Maureen Madden	Councillor John Stirling (Chair)
Councillor David McMeekan	Councillor Judith Wallace
Councillor Janice Mole	Councillor Frances Weetman

**Regulation and Review Committee
Panel**

4 July 2018

Present: Councillor J Stirling (Chair)
Councillors D Mc Meekan and J Mole.

RQ1/07/18 Apologies for Absence

Apologies were reported from Cllr J O'Shea

RQ2/07/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ3/07/18 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ4/07/18 Appeal Against Dismissal

The Committee considered an appeal lodged by MS W against the decision of the Disciplinary meeting that took place on 14 May 2018.

Ms W was in attendance to present her case.

A representative from the Commissioning and Investment Service set out the background to the case and the reasons for the decision to terminate Ms W's contract of employment with the Council. The Officer was accompanied by a Human Resources Advisor.

Ms W and Members of the Committee were then given an opportunity to ask questions of the Service's representative.

The Committee then heard Ms W's case.

The representative of the Commissioning and Investment Service, the Human Resources Advisor and Members of the Committee were then given an opportunity to ask questions of Ms W.

Both parties were given the opportunity to sum up their cases and then withdrew from the meeting to allow the Committee to consider and make a decision. The Democratic Support

4 July 2018

Officer, Legal Advisor and Human Resources Advisor (to the Panel) stayed to provide guidance and advice.

RESOLVED: that the appeal against the decision of the Chair of the Disciplinary Meeting held on the 14th May 2018 to terminate Ms W's employment with the Council be upheld and Ms W's employment to be reinstated with a Final Written Warning in place.

Regulation and Review Committee

18 July 2018

Present: Councillor J Stirling (Chair)
Councillors D Cox, G Madden,
M Madden, D McMeekan, J Mole,
J O'Shea, L Spillard and J Wallace.

RQ5/07/18 Apologies

Apologies for absence were submitted on behalf of Councillors J Allan, A Austin, K Bolger, John Hunter, T Mulvenna, K Osborne and A Percy.

RQ6/07/18 Substitute Members

There were no substitute members appointed.

RQ7/07/18 Declarations of Interest

No declarations of interest or dispensations were made.

RQ8/07/18 Minutes

Resolved that the minutes of the meetings of the Regulation and Review Committee held on 26 October 2017 and 21 March 2018 be confirmed as a correct record and signed by the Chair and the minutes of the Regulation and Review Panel meetings held on 15 March, 9 April, 19 April, 24 April and 30 April 2018 be noted.

RQ9/07/18 Stage Three Corporate Complaints

Regulation and Review Committee has had the responsibility to consider and determine the Authority's final response to all complaints referred to it under stage three of the Corporate Complaints Procedure since May 2016 (minute C13/05/16).

As this was the first meeting of the municipal year, the Committee received a report which provided an update on the response by the appropriate service area to recommendations made by the Committee with regard to the two corporate complaints heard by the Committee in the 2017/18 municipal year. The Senior Complaints Officer attended the meeting to present the report.

In August 2017 the Committee was informed that a stage three corporate complaint was heard in relation to the financial assessment and allowance paid to the complainant for the care she was providing for her granddaughter. During the meeting the Health, Education, Care and Safeguarding service acknowledged the outstanding issues relating to the complaint and had offered a solution which was acceptable to the complainant, which

Regulation and Review Committee

included a revised allowance. The Committee resolved that the Head of Health, Education, Care and Safeguarding make a payment of £200 to the complainant as a thank you for bringing the issue to the attention of the service and as an acknowledgement that the service received was below the expected standard. The payment, which included the compensatory £200, was authorised by the Head of Health, Education, Care and Safeguarding on Monday 18 September 2017.

In April 2018 the Committee heard its second stage three corporate complaint which was a complaint against the Health, Education, Care and Safeguarding Service and related to arrangements for the complainant's nephew and failures to provide responses and documentation within a reasonable timeframe.

The Committee resolved that the complaint be upheld in part with a payment of £500 in recognition of the length of time taken to deal with the original appeal and subsequent complaint and the impact of this delay; and that a further letter be sent from the service area to the complainant providing an explanation of several outstanding issues relating to the sharing of information and delays in the process.

A letter providing a full explanation was sent to the complainant on 19 April 2018 and the complainant accepted the offer of £500 on 14 May 2018 and the payment was made.

During questions, clarification was sought on when the payments for the first complaint had actually been made. The officer informed the Committee she believed all had been made but she would check with the service area and send the confirmed information on to the Committee.

The Chair of the Committee thanked the Senior Complaints Officer for her report and attendance at the meeting.

Resolved that the updated information relating to the stage three corporate complaints heard by the Committee in 2017/18 be noted and the implementation of the Regulation and Review Committee's recommendations be welcomed.

RQ10/07/18 Consultation Response on Proposed Change to Hackney Carriage/ Private Hire Vehicle Conditions of Licence

The Committee received a report which provided information on the response to a consultation exercise on proposed amendments to the conditions attached to a hackney carriage proprietor's licence and a private hire vehicle proprietor's licence, which, if agreed, would be a change to the Hackney Carriage and Private Hire Licensing Policy.

At its meeting on 21 March 2018 (minute RQ117/03/18), the Committee resolved to undertake a consultation on the following proposed amendments to the conditions attached to a hackney carriage proprietor's licence and a private hire vehicle proprietor's licence:

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.

The Committee was informed that the consultation exercise took place across June and July 2018. Those consulted included the hackney carriage and private hire trade, the police and

the Authority's Safeguarding Service. The consultation questionnaire had also been available on the Authority's website during the same period.

The report contained a summary of the 95 responses received and the options available to the Committee; the report from the questionnaire with all 11 questions and their associated responses was attached as an appendix. The Committee was informed that 26% of the respondents had been members of the public with 5% identifying as a business owner/trader, 1% identifying as a police officer and the remaining 68% from the trade.

There was strong evidence that the proposal for advertising the name and/or the telephone number of the firm operating the vehicle on the rear screen of either type of licensed vehicle was not supported by the licensed trade or members of the public as seventy two respondents (80%) strongly disagreed or tended to disagree that the Authority should permit advertising on the rear screen of hackney carriages.

There was also strong evidence that the proposal for the use of in-car digital advertising to be permitted in seat headrests of licensed vehicles was not supported by the licensed trade or members of the public as seventy five respondents (81%) strongly disagreed or tended to disagree with the proposal that the Authority should permit in-car digital advertising in seat headrests of licensed vehicles.

The other questions in the questionnaire related to options and conditions to apply to the advertisements on rear screens and in-car digital advertising if they were to be permitted; the responses to these were detailed in the report.

Mr Snedden, the Chairman of the North Tyneside Hackney Carriage Association, was permitted to address the Committee by the Chairman. Mr Snedden opposed both proposed changes because public safety was everyone's first priority. Mr Snedden stated no advertising whatsoever should be allowed on any windows of the licensed vehicle as unobstructed vision into the vehicle from all sides must be maintained. Also no in-car digital advertising should be allowed as this could be a major distraction to other road users; if you drove behind a vehicle with a DVD player in the headrest your eyes were automatically drawn to it, especially in the dark. Mr Snedden then referred to the legislation and best practice guidelines relating to private hire vehicles and the importance of ensuring that whether a licensed vehicle was a private hire vehicle or a hackney carriage was easy for a member of the public to spot; allowing advertising for a private hire company on a hackney carriage licensed vehicle could mean someone might mistake the two.

During discussion reference was made to a decision by the Committee to allow for one private hire vehicle to have in-car digital advertising and it was confirmed that no complaints had been received by the Authority with regard to its use.

Resolved to take no action and leave condition 7 of the Hackney Carriage/Private Hire Vehicle Proprietor's Licence Conditions of Licence unchanged and therefore not allow

- a) advertising to be displayed on the rear screen of vehicles; and
- b) in-car digital advertising to be displayed in the headrests of licensed vehicles.

Reason: The consultation response was overwhelmingly in support of keeping the status quo.

RQ11/07/18 Request to consult on proposed amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

The Committee received a report which requested approval to begin a consultation exercise on reviewing the application process for a hackney carriage or private hire driver's licence, specifically with a view to keeping the knowledge test.

The Committee was informed that the Authority could only grant either a Hackney Carriage or Private Hire Driver's Licence to an applicant if it was satisfied that the applicant was a "fit and proper person" to hold such a licence. To make this decision the Authority currently required an applicant to provide various forms of documentation; to undertake training on sexual exploitation awareness; and to sit and pass the 'Knowledge Test', a test on their knowledge of the local geography, driver conduct, licensing legislation and the highway code.

In recent years as a consequence of the widespread availability of satellite navigation systems ("SatNavs"), the findings of a Law Commission Review of hackney carriage and private hire licensing in 2014 and the introduction of the Deregulation Act 2015, officers had been challenged as to whether or not the test remained a necessary pre-requisite to obtaining a licence, in particular whether or not the geographical parts of the test was necessary for those applying for a private hire driver's licence.

In addition, the impact of the Deregulation Act locally was that rather than pass/sub-contract bookings on to what were effectively competitors in other districts, some operators in the region, particularly the large operators, had applied for and been granted operator licences in multiple districts and began operating fleets of vehicles and drivers licensed by a number of different authorities. As a result, new applicants for a driver's licence had more choice as to which authority to apply for a licence whilst not restricting the areas in which they could work; those authorities with more restrictive provisions for an applicant to meet the fit and proper person test became less attractive to new applicants. In particular having to undertake and pass a written knowledge/locality test as a pre-requisite to obtain a licence was perceived as a barrier to entering the trade.

In 2016, 2017 and 2018 there had been a decrease in the number of new applications received by North Tyneside by over fifty per cent, particularly from applicants from overseas or who lived outside the borough. In previous years the number of applications received had increased slightly year on year.

In light of the above, officers requested permission to consult on a review of the current knowledge test and put forward the following options to be considered during the consultation:

- a) Retain the test in its current format for applicants for a hackney carriage and/or private hire driver's licence; or
- b) Retain the test in a different format, for example remove the geographical parts of the test, [Section 2 (locations) and Section 3 (routes)], and retain only Section 1 of the test (licensing questions) for a hackney carriage and/or private hire driver's licence; or
- c) Remove the entire test for applicants for a hackney carriage and/or private hire driver's licence.

If approved, a consultation exercise would be undertaken with members of the trade and other interested parties. Details of the consultation would be on the North Tyneside Council internet site and could also feature in the resident's magazine. The views of the North Tyneside Hackney Carriage and Private Hire Licensing Forum would also be sought and considered. At the conclusion of the consultation the responses would be collated and reported to Committee for it to make a decision on whether to amend the Policy and if so to what.

During discussion on this matter, Members expressed their views in relation to the importance of hearing from the public on the matter; the principle of the knowledge test; the relevance of how other local authorities might operate; the reliability of satnavs; and the request for a consultation exercise.

Resolved to reject the request to undertake a consultation exercise to review the requirements of the North Tyneside Knowledge Test.

Reason: A majority of the Members considered that there was no need to undertake a review of the Authority's knowledge test as the overriding consideration of the licensing regime was the safety of the public and the current process ensured that those licensed were fit and proper to be licensed by this Authority.

Regulation and Review Committee Panel

30 August 2018

Present: Councillor J Stirling (Chair)
Councillor John Hunter, J Mole, T Mulvenna and L Spillard

RQ12/08/18 Apologies for Absence

There were no apologies for absence reported.

RQ13/08/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ14/08/18 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.

RQ15/08/18 Private Hire Drivers Licence Disciplinary Referral – Mr M

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 Vehicle Licence, Mr M.

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

A Licensing Officer and Mr M accompanied by a representative and a family member attended the meeting.

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

Mr M and his representative were given the opportunity to ask questions of the Licensing Officer.

Mr M's representative then addressed the Committee.

Members of the Committee asked questions of Mr M and his representative and sought clarification on a number of matters.

30 August 2018

Following a summing up from the Licensing Officer and Mr M, 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.

Resolved that Mr M'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 a licence from this Authority.

RQ16/08/18 Private Hire Driver's Licence Appeal – Mr K

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr K against the decision by the Authority to refuse to renew his Private Hire Driver's Licence on the grounds that it was not satisfied that he was a fit and proper person to hold such a licence.

Mr K was present at the meeting with his partner, and his representative, Mr W.

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

Mr W and Mr K were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr W then addressed the Committee and Mr K answered questions from Members.

Following a summing up from the Licensing Officer and Mr W, 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) Uphold the appeal and agree to renew the licence; or
- b) Dismiss the appeal and refuse to renew 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 upheld and Mr K's private hire driver's licence renewed with a warning as to his future conduct. The Committee considered the circumstances warranted a departure from the Policy and was satisfied that Mr K was a fit and proper person to hold a licence from this Authority.

RQ17/08/18 Combined Hackney Carriage/Private Hire Drivers Licence Appeal – Mr J

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr J against the decision by the Authority to refuse to renew his Combined Hackney Carriage/ Private Hire Driver's Licence on the grounds that it was not satisfied that he was a fit and proper person to hold such a licence.

Mr J was present at the meeting with his representative, Mr W.

This case had been deferred from the meeting of the Committee held on 19 April 2018 (minute RQ129/04/18) until after court proceedings had concluded.

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

Mr W and Mr J were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr W then addressed the Committee and Mr J answered questions from Members.

Following a summing up from the Licensing Officer and Mr W, 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) Uphold the appeal and agree to renew the licence; or
- b) Dismiss the appeal and refuse to renew 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. The Committee did not consider there were any mitigating factors to warrant a departure from the Policy and was not satisfied that Mr J was a fit and proper person to hold a licence from this Authority.

**Regulation and Review Committee
Panel**

3 September 2018

Present: Councillor J Stirling (Chair)
Councillors John Hunter, D McMeekan, J Mole and J O'Shea

RQ18/09/18 Apologies for Absence

There were no apologies for absence reported.

RQ19/09/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ20/09/18 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ21/09/18 Stage Three Corporate Complaint - Ref: 102395925

The committee met to consider a complaint submitted against the Council's Education, Skills and Learning Service. The complainant had requested that the complaint proceed to Stage 3 of the Council's Corporate Complaints Procedure, which involved a hearing by the committee.

The officers in attendance were Angela James – Assistant Director, Education, Skills and Learning, Audrey Palmer – SEND Officer, Judith Hetherington – Customer and Member Liaison, Emma Rothery – Senior Complaints Officer and Emma Fagan - Democratic Support Officer.

The complainant was in attendance at the meeting. The committee members had been provided with a copy of the service area and complainant submission. The complainant brought additional material along to the meeting, which was copied and circulated to all.

The officers from the service area set out the basis of the complaint, along with the responses so far from the Council, which related to failure to finalise an Education, Health and Care Plan (EHCP) on time and failure to secure full-time alternative education.

3 September 2018

Officers heard presentations from the officers and the complainant and asked questions of both. Following the conclusion of questioning, officers left the meeting to enable the committee to determine the complaint in private.

The committee considered all the evidence presented at the meeting both written and verbal and noted the steps that had been taken to resolve the complaint at stages 1 and 2 of the complaints process.

Resolved that the complaint be upheld and the following recommendations be made to the Education, Learning and Skills Service:

- 1) That a full review take place of all processes related to beginning and developing EHCP's, to include ensuring that legislation was being correctly applied, that correspondence with parents was clear and demonstrated an understanding of the difficult time for parents and that communication between schools and the Local Authority was strengthened. That this review be completed by the end of October 2018 and that the outcomes be reported to a future Regulation and Review Committee; and
- 2) That consideration be given to offering payments to the complainant of £1,000 for the delay, stress and emotional impact that the process and bringing the complaint had caused and a further £2,000 for the months where suitable education was not provided (based on £500 per month for 4 months).

North Tyneside Council Report to Regulation and Review Committee Date: 20 September 2018

ITEM 5
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 when requested by the Trade.

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:

1. Express its views to the Head of Environment, Housing and Leisure in relation to the request for a revision to the Hackney Carriage fare table so that Committee's views are known to the Head of Environment, Housing and Leisure when he reviews the fare table as requested by the Trade.

1.3 Background Information

- 1.3.1 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. In addition the fares may be reviewed when requested by the Trade. 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." (delegation EHL105, ODS June 2017)

- 1.3.2 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 current fare revision.
- 1.3.3 Officers have applied the previously agreed formula to produce a maximum 'cost per mile' figure for the operation of a Hackney Carriage of £2.56.
- 1.3.4 The Hackney Carriage Fare table was last amended in February 2017.
- 1.3.5 On 21 March 2018 the Committee received a report on the Hackney Carriage Fare Review 2018 and resolved to note the annual review of the hackney carriage fares and officers' recommendation that the Hackney Carriage fare table should remain unchanged for the 2018/19 period and made comments regarding the formula (previous minute RQ119/03/18).
- 1.3.6 NTHCA has submitted a request that the Authority reviews its current table of fares for Hackney Carriages again. The following request has been received:

Tariff one

Increase the yardage from 178.9 yards or part there of or 44.5 seconds to 213 yards or part there of or 53 seconds.

Flag fall increased from £1.60 to £1.80

Tariff two

Reduce the yardage from 152.90 yards or part there of or 42.5 seconds to 182 yards or part there of or 51 seconds.

Flag fall increased from £2.40 to £2.60

- 1.3.7 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 £2.94. This is in excess of the maximum cost per mile of £2.56 as per the agreed formula.
- 1.3.8 The NTHCA have provided the following reasons for their request for a tariff increase:

"I was requested by the members to request another review as recent review was based on figures at least 8 months out of date.

Insurance, vehicle repairs and not least fuel costs have all increased dramatically, the cost of V power diesel is now £1.40 per litre which most proprietors use as it lowers emissions significantly."

1.4 Decision Options

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

Officers note that the average cost per mile of the request is in excess of the maximum cost per mile figure in accordance with the agreed formula.

1.5 Appendices:

Appendix 1 – Current table of fares

Appendix 2 – 2018 formula

1.6 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

1.7 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. 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
6. Minutes of the Regulation and Review Committee meeting held on 21 March 2018

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:

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)	<u>38438</u> 15000	=	<u>£2.56</u>

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

A - Fare for a three mile journey Tariff 1		£7.80
B- Fare for a three mile journey Tariff 2		£9.85
Average fare per mile	<u>A + B</u> 6	<u>£2.94</u>