

Regulation and Review Committee

21 March 2018

Present: Councillor P Earley (Chair)
Councillors John Hunter, M Huscroft, F Lott,
M Madden, D McMeekan, T Mulvenna,
K Osborne, A Percy and M Reynolds.

RQ112/03/18 Apologies

Apologies for absence were submitted on behalf of Councillors J Allan, D Cox, W Lott, J O'Shea, and L Spillard.

RQ113/03/18 Substitute Members

There were no substitute members appointed.

RQ114/03/18 Declarations of Interest

No declarations of interest or dispensations were made.

RQ115/03/18 Minutes

Resolved that the minutes of the meeting of the Regulation and Review Committee Panel meetings held on 16 November, 22 November, 27 November, 29 November, 30 November, 1 December and 14 December 2017 and 25 January and 21 February 2018 be noted.

RQ116/03/18 Child Sexual Exploitation Awareness

The Committee was provided with an update on the implementation of the Child Sexual Exploitation Awareness training that hackney carriage and private hire drivers were required to undertake.

The Committee was reminded that the current requirement that all new applicants for a hackney carriage/private hire driver's licence had to undertake child sexual exploitation awareness training prior to being issued a licence had come into force on 26 October 2017.

The previous Hackney Carriage and Private Hire Licensing Policy that was in force up to 26 October 2017 had required all new licensed drivers to undertake child sexual exploitation awareness training within 3 months of a new licence being granted. The policy also required existing drivers to 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.

Attempts were made to encourage the drivers who had failed to undertake the training to do so and avoid a referral to the Committee but following the last training session on 1 June 2017, sixty four existing drivers were identified as not having completed it.

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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to complete the training; in response fourteen drivers undertook the training and their referral to Committee was withdrawn.

Nine meetings of Regulation and Review Committee were arranged to review the licences of the remaining fifty drivers. Prior to the meetings a further thirty four drivers completed the training and one driver surrendered his licence and their referral to Committee was withdrawn.

Seventeen existing drivers remained outstanding and the panel of the Committee established to consider their licences determined to suspend fourteen licences until the training was completed and revoked three licences. The three drivers whose licences were revoked had not appealed the decision and were no longer in the trade. Of the fourteen drivers whose licence had been suspended, three had 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 had applied to renew and were no longer in the trade. The licences of the remaining nine drivers remained suspended. None of the drivers had appealed against the Committee's decision to suspend their licence and all were unable to drive a hackney carriage or private hire vehicle until the suspension was lifted upon completion of the training.

Currently all working licensed drivers had completed the sexual exploitation awareness training, approximately 1300 people, and anecdotal reports of drivers reporting incidents of suspected sexual exploitation to the police had been received.

Resolved that the information received on the child sexual awareness training for licensed drivers and the impact the training had appeared to have made be welcomed and noted.

RQ117/03/18 Request to Consult on Proposed Change to Hackney Carriage/Private Hire Vehicle Conditions of Licence

The Committee received a report which requested approval to begin 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.

The proposed consultation areas were as follows:

1. to review the area of a vehicle where advertising is permitted, specifically to include the rear screen of vehicles;
2. to consider the use of in-car digital advertising in the seat headrests of licensed vehicles; and
3. to review the policy on tinted windows fitted to hackney carriages and private hire vehicles.

The Committee was informed of the current Policy in relation to the three matters; what had led to the decision to request the Committee considered consulting on the issues; and what example questions might be used in the consultation. If approved, a six week 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 the

views of the North Tyneside Hackney Carriage and Private Hire Licensing Forum would be considered. At the conclusion of the consultation the responses would be collated and reported to Committee for a decision on whether to amend the conditions of licence.

During discussion on this matter Members expressed their views in relation to the three proposed changes and clarification was sought on the reasons for an appeal which had been upheld by a Panel of the Committee for tinted rear windows with a light transmittance at 19.5% when the Policy was 34%. Concern was expressed that the Policy on this matter was being reconsidered prematurely as this had been the only appeal for tinted windows which had been successful for some time. The Policy should not be changed by increments but in a more strategic manner as the light transmittance stipulation was an important passenger safety measure. The other proposed amendments did not impact on passenger safety in the same way.

Resolved (1) to reject the request to undertake a consultation exercise to review the policy on tinted windows fitted to hackney carriages and private hire vehicles; and (2) to approve the consultation exercise on the following proposed amendments to the conditions attached to a hackney carriage proprietor's licence and a private hire vehicle proprietor's licence be undertaken with the responses reported back to Committee for their consideration:

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

RQ118/03/18 Amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

The Committee received a report seeking agreement to proposed amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy.

The Committee was informed that the current Hackney Carriage and Private Hire Licensing Policy came into effect on 4 April 2017 with an update agreed in October 2017. A number of further amendments and updates had been identified due to legislative or administrative changes which were minor in nature and did not require consultation prior to consideration. Each proposed amendment was set out in the report with the relevant section of the Policy stated, the rationale for the proposed change and the revised wording for each change. In summary these changes were:

- a) Chapter 2 Vehicles Paragraph 84 Insurance write offs, re-name ABCD Write Off Categories.
- b) Chapter 3 Drivers Paragraph 39 Driver Licences Application Procedure (Renewals), to Include DVLA Mandate to List of Required documents.
- c) Chapter 4 Operators Paragraphs 24 and 25 Convictions and Cautions, to include Directors and Company Secretary to Disclose Convictions.
- d) Chapter 7 Convictions, Cautions, Conduct & Medical Fitness Paragraphs 53 and 54 Medical Fitness of Hackney Carriage/Private Hire Drivers, to include a General Provision to Suspend Licence on Medical Grounds.
- e) Chapter 7 Convictions, Cautions, Conduct and Medical Fitness Appendix K

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Schedule of Offences and Guide to DVLA Codes and Endorsements, to update Appendix K.

Members were given the opportunity to ask questions of the officers and make comments.

Resolved that the proposed amendments to the North Tyneside Hackney Carriage and Private Hire Licensing Policy as set out above and in detail in the report be approved.

RQ119/03/18 Hackney Carriage Fare Review 2018

The Committee was reminded that the Authority conducted an annual review of Hackney Carriage fares each year in accordance with the North Tyneside Council Hackney Carriage and Private Hire Policy. 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. Under the Authority's Officer Delegation Scheme (ODS) the Head of Environment, Housing and Leisure had the delegated authority to set fares for hackney carriages following the appropriate consultation with the Cabinet Member and Regulation and Review Committee (delegation EHL105, ODS June 2017).

Since 2001 it had been agreed, following consultation with North Tyneside Hackney Carriage Association (NTHCA), that each year a formula would be used to calculate a 'cost per mile' figure for the operation of a Hackney Carriage. The formula took 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 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 was applied to a proposed fare table was set out. The revised formula had been used to calculate the 2018 fare revision.

Officers applied the previously agreed formula to produce a 2018 maximum 'cost per mile' figure for the operation of a Hackney Carriage of £2.56.

NTHCA submitted a request that the Authority reviewed its current table of fares for Hackney Carriages with a request to make the following changes:

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

Officers had calculated the cost of the above request over a three mile period for tariff one and two to produce an average cost per mile of £2.96.

The Committee was informed that as this was in excess of the maximum cost per mile of £2.56 as per the agreed formula officers would be recommending to the Head of Environment, Housing and Leisure that the fare table should remain unchanged.

Mr Sneed, the Secretary to the North Tyneside Hackney Carriage Association, was permitted to address the Committee as part of the consultation exercise.

Mr Sneed stated that the request was not asking for a big increase and that the formula should be reviewed to keep the figures up to date as they were out of kilter; for example he disputed that the annual average regional earning was £24,905; that it only cost £20,000 for a Cab, it was more likely to be £50,000; and a driver was lucky to be getting 30p a mile running costs and not the 34.29p per mile quoted in the formula. The formula was an effective way of calculating the fare table but it needed revising to take into account the cost of running a Cab as the cost of tyres and fuel etc. was “unbelievable”, an element of discretion was required. He would be happy to sit down and talk about the figures in the formula table.

In response to questions the Committee was informed that the average earnings information was obtained from the Office of National Statistics which updated their official earning rate yearly and that the cost of petrol and diesel was taken into account when calculating the cost of fuel. The cost of a vehicle was taken from the AA motoring costs table and was an average cost of a vehicle with a supplement to take into account higher insurance premiums.

The officers also answered questions on definitions, the role of and frequency of meeting with the Taxi Forum, whether hackney carriage proprietors could charge below the fares set out in the table and how drivers were informed of the proposed changes.

The Committee was reminded that it was not the decision maker in this matter and it had been bought before them to note the annual review and for it to provide a consultation response to the Head of Environment, Housing and Leisure.

The Committee made the following comments in relation to the review of the Hackney Carriage fares:

- The cost of a vehicle in the formula for calculating hackney carriage fares did appear low.
- Hackney carriages were very good value for money.
- An agreement on the proposed fare between the trade and officers would be preferred.
- Consideration should be given to a review of the formula for calculating hackney carriage fares.
- A review of the formula for calculating hackney carriage fares should be discussed with the Taxi Forum.
- Any new formula should be agreed with the Taxi Forum.

Resolved (1) to note the annual review of the hackney carriage fares and officer's recommendation that the Hackney Carriage fare table should remain unchanged for the 2018/19 period and;

(2) that the comments detailed above be submitted to the Head of Environment, Housing and Leisure as part of the consultation required under delegation EHL105 of the Officer Delegation Scheme.