

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

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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

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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.