

These minutes are draft subject to confirmation at the next meeting of the full Committee

Regulation and Review Committee

24 October 2019

Present: Councillor J Stirling (Chair)
Councillors J Allan, L Bartoli, S Brockbank, D Cox, J
Cruddas, E Darke, C Davis, N Huscroft, G Madden, M
Madden, J Mole, T Mulvenna, J O'Shea, A Percy and M
Reynolds.

RQ38/10/19 Apologies for Absence

Apologies for absence were received from Cllr John Hunter.

RQ39/10/19 Substitute Members

There were no substitute members reported.

RQ40/10/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ41/10/19 Minutes

Resolved that the minutes of the meeting of the Regulation and Review Committee held on 28 February 2019 be confirmed as a correct record and signed by the Chair with the following amendment:

Councillor J Osborne to read Councillor K Osborne

and the minutes of the Regulation and Review Panel meetings held on 14 March 2019, 4 April 2019, 18 April 2019, 6 June 2019, 18 July 2019, 25 July 2019, 26 July 2019, 29 August 2019 and 19 September 2019 be noted.

RQ42/010/19 Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy

The Committee received a report which notified Members of the commencement of the consultation on the revised North Tyneside Council Hackney Carriage and Private Hire Licensing Policy. Members were informed that they could submit any formal response to the consultation exercise via the Chair who would respond on behalf of the Committee. Alternatively, a response could be submitted via the Council's website.

The North Tyneside Transport Strategy, approved by Cabinet in May 2017, was committed to managing North Tyneside's transport network effectively, considering all forms of travel including hackney carriage and private hire vehicles and set out that the Authority will support safeguarding of vulnerable people, for example through hackney carriage and private hire licensing policies and the design of infrastructure. The North Tyneside Hackney Carriage and Private Hire Licensing Policy (the Policy) was listed in the Transport Strategy's action and delivery plan and was due for renewal.

Following agreement from Cabinet in April 2019 that the Policy should be reviewed, an officer working group was set up to commence the review and make initial amendments to bring the Policy up-to-date. Officers met with the North Tyneside Council Hackney Carriage and Private Hire Licensing Forum where members of the forum were asked to highlight any areas of the Policy that they would recommend be updated.

A revised draft Policy had been formulated for consultation purposes and was appended to the report. As well as updated legislation, key amendments proposed to the Policy included:

- Expansion of licensing objectives to include environmental considerations;
- Allowing online applications;
- Mandatory sign up by drivers/operators to the Disclosure and Barring Service Update Service; and
- Additional offences to be considered as part of the application process and the period of time that an applicant must be free from certain convictions before an application for a licence is granted.

In addition, consultation questions were to be asked on several other issues to gauge the views of the trade and wider community on some of the proposed elements of the Policy. These areas included:

- Use of in-car digital advertisements;
- Tinted windows when fitted as standard;
- Amendments to the knowledge test; and
- Introduction of a new objective – the promotion of environmental sustainability, along with age standards for new, replacement and renewal vehicles with lead in times.

A summary of the amendments proposed was appended to the report and on 14th October 2019 Cabinet approved the commencement of the consultation of the Policy.

The Committee was informed that a process of public engagement on the proposed updated Policy would Commence on 28th October 2019 for a period of 8 weeks. This would include engagement through the Engagement Hub with residents and businesses including representatives of the hackney carriage and private hire trade and all Members. At the conclusion of the consultation period the draft Policy would be presented to Cabinet for consideration. It was anticipated that the updated Policy would be in place to commence from 1 April 2020.

The Committee sought clarification as to the consultation process and whether there would be an alternative to filling in the response online. It was explained that paper copies would be available at the taxi licensing office and copies could be posted out to individuals if requested. The survey was a mixture of yes/no questions and questions which required further comments. A member of the Committee asked questions in relation to Home to School Transport. It was agreed that relevant officers would be contacted and the information circulated to members of the Committee.

It was **agreed** to note the report.

RQ43/10/19 Corporate Complaints Annual Report

The Committee received a report from the Senior Complaints Officer which informed Members of the complaints progressed to stage 3 of the Corporate Complaints Procedure, and therefore considered by a panel of Regulation and Review Committee, during 2018/19.

The report provided details of a complaint that had been considered by a panel of Regulation and Review Committee on 3rd September 2019. It was explained that the complaint related to the complainant's son and the process that had been followed in creating and implementing an Education and Health Care Plan (EHCP). The complainant felt that the way in which North Tyneside Council dealt with the situation had demonstrated maladministration, incompetence and a lack of empathy/support throughout the process.

The Committee (panel) had upheld the complaint and made six conclusions which were detailed in the report. From these conclusions the Committee had made the two following recommendations:

- 1) That a full review take place of all processes related to beginning and developing Education and Health Care Plans, to include ensuring that legislation is being correctly applied, that correspondence with parents is clear and demonstrates an understanding of the difficult time for parents and that communication between schools and the Local Authority is strengthened. It is recommended that this review be reported to a future Regulation and Review Committee; and
- 2) That consideration be given to offering payments to the family of £1,000 for the delay, stress and emotional impact that the process and bringing the complaint has caused and a further £2,000 for the months in which the complainant's son was not in school nor receiving suitable alternative education (based on £500 per month for 4 months), for the disruption to his education and the restrictions this placed on the complainants ability to work.

The Committee was informed that the complainant proceeded to take her complaint to the Local Government and Social Care Ombudsman who found maladministration causing injustice. The Ombudsmen ordered the Authority to carry out a number of further actions including additional financial compensation to the child and the

complainant and to issue a staff reminder to ensure its officers were aware of the duty to begin the Education and Health Care Plan process when it becomes “responsible for” a child.

Members of the Committee that had served on this panel were in attendance at the meeting and expressed concern that the outcomes of a review into this area had not been reported back to Regulation and Review Committee. The Senior Complaints Officer assured the Committee that this review had taken place and that the outcomes would be shared with Members. It was noted that concerns raised by the Committee in relation to managing the needs of children requiring additional support could be referred to Children, Education and Skills Sub-committee for further consideration.

It was **agreed** to note the report and refer the Committee’s concern to Children, Education and Skills Sub-committee.

RQ44/10/19 Annual Review of Council Policy on Covert Surveillance

The Committee received a report in relation to the Annual Review of Council Policy on Court Surveillance. In accordance with the Codes of Practice applying to the Regulation of Investigatory Powers Act 2000 (RIPA) the Authority’s Policy was subject to annual review. A copy of the draft Policy for 2020 was appended to the report.

RIPA placed covert surveillance on a statutory basis and enabled certain public authorities, including local authorities, to carry out surveillance operations with statutory protection from legal challenge. This protection was often referred to as the “RIPA shield”. RIPA provisions could only be used to authorise surveillance activities to detect and prevent serious crime and the two authorising officers of the Authority were required to seek judicial approval from the Magistrates’ Courts before any surveillance was undertaken.

The Members were informed that three covert techniques were available to local authorities under RIPA:

- The acquisition and disclosure of communication data such as telephone billing information or subscriber details e.g. to tackle rogue traders
- Direct surveillance – covert surveillance of individuals in public places e.g. to tackle criminal activity arising from anti-social behaviour; and
- Covert human intelligence sources such as deployment of undercover officers.

Members were informed that the Authority’s current Surveillance Policy was approved by Cabinet in November 2018. The Policy had recently been subject to a review and no amendments (save for minor typographical corrections) had been proposed as the Policy remained fit for purpose.

Regulation and Review Committee were requested to consider the revised draft policy and to recommend the Policy to Cabinet for consideration on 25 November 2019.

The aims of the Authority's policy were to ensure:

- Compliance with RIPA; the relevant Codes of Practice and guidance issued by the Home Office; and guidance from the Investigatory Powers Commissioner's Office (IPCO);
- Give effect to the rights of citizens to respect for their private and family lives; and
- Protect the Authority from legal challenge when undertaking surveillance.

It was noted that the Codes of Practice indicated that, in addition to an annual review of the general surveillance policy, a local authority should consider internal reports on the use of RIPA at least quarterly to ensure that it was being used consistently in compliance with the Authority's policy. It was explained that since 1 November 2012 there had been no authorisations granted and no report other than the annual review to the Committee had been required. Should an authorisation be granted it would be reported to the next available meeting of the Committee to ensure the requirements for elected member oversight of the use of the Authority's RIPA powers had been discharged.

It was **agreed** to note the report and recommend the proposed Policy to Cabinet for adoption.