

North Tyneside Council Report to Cabinet Date: 28 May 2019

ITEM 5(c)

Title: Officer Authorisations
– Hackney Carriage and
Private Hire Vehicle and
Driver inspections

Portfolio: **Community Safety and
Engagement**

Cabinet Member: **Councillor Carole
Burdis**

Report from Service Area: **Environment, Housing and Leisure**

Responsible Officer: **Phil Scott
Head of Environment, Housing and
Leisure** Tel: **(0191) 643 7295**

Wards affected: **All**

PART 1

1.1 Executive Summary:

The Authority is the licensing authority for hackney carriages (taxis) and private hire vehicles (PHVs), their drivers and their operators, for the borough. The overall aim of the Statutory licensing scheme is to ensure the safety of the travelling public.

Inspections during the term of the licence are carried out to ensure that the licensed vehicle and driver continue to meet the statutory standards. If the vehicle and driver work predominately in another borough it is recommended that steps are put in place to allow officers from that Authority to be authorised to carry out inspections.

This report requests Cabinet to agree to the Authority entering into a Memorandum of Understanding with other North East licensing authorities, namely, Middlesbrough, Stockton on Tees, Redcar & Cleveland, Darlington, Hartlepool, Durham, South Tyneside, Northumberland, Newcastle and Gateshead ("the participating authorities"), so that officers from the participating authorities can be placed at the disposal of the Authority and those officers authorised to carry out inspections of North Tyneside licensed vehicles and drivers when operating in the participating authority areas and if necessary issue notices on behalf of the Authority.

1.2 Recommendations:

It is recommended that Cabinet:

1. agrees to the Authority entering into a Memorandum of Understanding with the participating authorities pursuant to section 113 of the Local Government Act 1972 (a draft is attached at Appendix 1 of this report) in relation to the placing of officers from the participating authorities at the disposal of the Authority for the purposes of hackney carriage and private hire vehicle and driver licensing regulation and enforcement;

2. authorises the Head of Environment Housing and Leisure in consultation with the Head of Law and Governance and the Cabinet Member for Community Safety and Engagement to make any minor amendments, if necessary, to the draft Memorandum of Understanding prior to its completion; and
3. authorises the Head of Environment, Housing and Leisure to undertake any ancillary requirements to give effect to the above recommendations in consultation the Head of Law and Governance and the Cabinet Member for Community Safety and Engagement.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 29 March 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan.

Our Places will:

- provide a clean, green, healthy, attractive, safe and sustainable environment

Our People will:

- be healthy and well

Our Economy will:

- grow by supporting new businesses and building on our strengths

1.5 Information:

1.5.1 Background

The Authority is the licensing authority for hackney carriages (taxis) and private hire vehicles (PHVs), their drivers and their operators, for the borough. The overall aim of the statutory licensing scheme is to ensure the safety of the travelling public. This is done through the standards adopted that must be met to be licensed and then through enforcement activity to ensure that the licence holder continues to meet these standards.

1.5.2 The Authority licenses around 183 taxis, 924 PHVs, 1214 drivers and 23 operators in the borough. These licenses have been granted in accordance with national legislation and having regard to the North Tyneside Hackney Carriage and Private Hire Licensing Policy.

1.5.3 The Deregulation Act 2015 came into force in October 2015 and allowed Operators to sub-contract work between offices inside and outside the area that licensed them. This means that a person booking a licensed vehicle could be sent a vehicle and driver licensed by a neighbouring authority that has different standards to those of the home licensing authority. Indeed, in recent months enforcement activity has established that it has become more and more common for the licensed trade to provide hackney carriage and private hire vehicles and drivers not licensed by the Authority to fulfil bookings made in North Tyneside, and vice versa. For example, vehicles that are licensed by this Authority may carry out work in Newcastle or Northumberland rather than solely in North Tyneside.

1.5.4 Regional Collaboration

1.5.5 Without authorisations in place the officers of other boroughs would not be permitted to inspect North Tyneside licensed vehicles and drivers in their area. It has been recognised regionally that a formalised approach needs to be introduced to allow enforcement activity to be carried out when vehicles and their drivers work in an area wider than the borough where they are licensed.

1.5.6 To achieve this, a draft Memorandum of Understanding (MoU) has been developed between the participating authorities and is attached at Appendix 1 to this report. This draft MoU provides for authorisations to be put in place, as required, to permit licensing officers from the participating authorities to be given authority to inspect North Tyneside licensed vehicles and their drivers working in the participating authority areas and to take appropriate enforcement action if necessary. This gives officers from other authorities power to act as officers from this Authority and undertake the appropriate checks and enforcement activity within their borough.

1.5.7 Legal Power to Collaborate

1.5.8 Such authorisations can be given using the provisions of section 113 of the Local Government Act 1972. This provision enables this Authority to have an officer from a participating authority placed at its disposal and for that officer for all intents and purposes to be treated as an officer of the Authority for the purposes of undertaking the exercise of certain specified functions when in their local authority area.

1.5.9 How Powers Will Be Used

1.5.10 It is expected that each participating authority will carry out at least 2 enforcement exercises during a six month trial period following the Memorandum of Understanding being entered into with a participating authority and authorisations have been given to its officers.

1.5.11 Review of Arrangements

1.5.12 Any enforcement activity undertaken by a participating authority on behalf of the Authority will be notified the next working day. This will enable any follow up action to be swiftly undertaken by the Authority's Licensing Team.

1.5.13 It is expected that North Tyneside Council officers will be authorised to inspect vehicles licensed by other local authorities working within the boundaries of North Tyneside and indeed authorisation has been given to North Tyneside Officers by some of the participating authorities.

1.5.14 This activity and any authorisations given to officers from other Authorities will be reviewed after a 6 month trial period. A report will be taken to the Cabinet member for Community Safety and Engagement at that time to inform that member of the number of enforcement inspections undertaken by this Authority's officers and participating authority officers using the reciprocal authorisation of officer arrangement outlined in this report.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree to the Authority entering into a Memorandum of Understanding with the participating authorities pursuant to section 113 of the Local Government Act 1972 and to appropriate authorisations being given to the participating authority officers by the Head of Environment, Housing and Leisure.

Option 2

Not agreeing to the Authority entering into a Memorandum of Understanding with the participating authorities pursuant to section 113 of the Local Government Act 1972.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

By entering into a Memorandum of Understanding with the participating authorities, officers from those authorities will be permitted to inspect North Tyneside licensed vehicles when operating in those areas. At present, officers from the Authority have to travel outside the borough to inspect vehicles that are operating in areas such as Newcastle or Cramlington.

1.8 Appendices:

Appendix 1: Memorandum of Understanding

1.9 Contact officers:

Colin MacDonald, Senior Manager Technical & Regulatory Services, (0191) 643 6620
Joanne Lee, Public Protection Manager, (0191) 643 6901
Alan Burnett, Trading Standards and Licensing Group Leader, (0191) 643 6621
John Barton, Lawyer, (0191) 643 5354
David G Dunford, Acting Senior Business Partner, (0191) 643 7027

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) Section 113 Local Government Act 1972
<http://www.legislation.gov.uk/ukpga/1972/70/section/113>

(2) North Tyneside Council Hackney Carriage and Private Hire Licensing Policy
<https://my.northtyneside.gov.uk/category/931/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 directly arising from the report.

2.2 Legal

By virtue of section 113 of the Local Government Act 1972 a Local Authority may enter into an agreement with another Local Authority placing its officers at the disposal of the other Authority. Officers placed at the disposal of this Authority by another Local Authority using section 113 are for all intents and purposes treated as officers of this Authority. Those officers therefore need to be given the necessary authorisation by the Head of Housing, Environment and Leisure to operate in their respective Authority areas as taxi licensing enforcement officers for the purposes of inspecting North Tyneside Council licensed vehicles and drivers on behalf of this Authority.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation has taken place with the Head of Environment, Housing and Leisure.

2.3.2 External Consultation/Engagement

External consultation has taken place with the North East Strategic Licensing Group.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no equality and diversity implications arising directly from this report.

2.6 Risk management

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

2.7 Crime and disorder

If a licensed vehicle or driver is not operating in accordance with the legislation they may be liable for prosecution and/or disciplinary action taken as a result of that non-compliance.

2.8 Environment and sustainability

There are no direct implications for environment and sustainability arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy and Customer Service X