

North Tyneside Council Report to Cabinet Date: 1 April 2019

ITEM 6(d)

Title: Review of the North
Tyneside Hackney Carriage
and Private Hire Licensing
Policy

Portfolio: Community Safety and
Engagement

Cabinet Member: Councillor Carole Burdis

Report from Service Area: Environment, Housing and Leisure

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

Wards affected: All

PART 1

1.1 Executive Summary:

The existing North Tyneside Hackney Carriage and Private Hire Licensing Policy is due for renewal in 2021. It is therefore proposed to commence a review of this policy. The review will ensure that the revision takes into account the five principles of the North Tyneside Transport Strategy adopted by Cabinet on 8 May 2017, reflects the policies in the North Tyneside Local Plan and the recently adopted 'An Ambition for North Tyneside – Regeneration Strategy', and reflects relevant statutory guidance.

It is proposed to commence a process of public engagement as part of this review. This would include appropriate engagement with residents and businesses including representatives of the taxi and PHV trade; the Regulation and Review Committee; and Full Council.

1.2 Recommendations:

It is recommended that Cabinet:

- (1) authorises the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Community Safety and Engagement and the Cabinet Member for Environment and Transport, to review the North Tyneside Hackney Carriage and Private Hire Licensing Policy;
- (2) agrees to receive a further report on the progress made on reviewing the Policy and authorising if necessary consultation on any draft Policy; and
- (3) agrees that the current Policy, as attached as Appendix 1 to this report, remain in place as the Authority's adopted Policy until such time as the Policy is replaced with any amended Policy.

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 1 March 2019.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the 2018-20 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 Context

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 licensing scheme is to ensure the safety of the travelling public.

The North Tyneside Transport Strategy, approved by Cabinet in May 2017, commits the Authority to managing North Tyneside's transport network effectively, considering all forms of travel including taxis and PHVs, and also commits the Authority to promoting the safeguarding of vulnerable people, which can be facilitated through the formulation of a cohesive Hackney Carriage and Private Hire Licensing Policy.

The North Tyneside Hackney Carriage and Private Hire Licensing Policy ("the Policy") is listed in the Transport Strategy's action and delivery plan and is due for renewal by 2021.

The North Tyneside Local Plan notes that taxis and PHVs will continue to play an important role in the wider transport network and that opportunities to integrate them with other modes of transport will be explored. The regional North East Transport Manifesto published in December 2016 includes as part of its objectives the integration of taxis and PHV's into the public transport network with better interchange and information whilst continuing to ensure high standards of licensing and encouraging the greater use of low emission technologies in taxi/PHV fleets.

1.5.2 Existing licenses in North Tyneside

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 Policy.

The licensing service is based at the Authority's Killingworth site and it is responsible for administrating and enforcing the licensing scheme.

The Policy includes information on the legal requirements under the relevant pieces of legislation, government guidance, procedures and standards relevant to taxi and PHV licensing.

The Policy was last reviewed in 2017 which was before the adoption of the North Tyneside Transport Strategy. It is therefore appropriate to review the Policy in light of the publication of the Transport Strategy with a view to meeting the commitments set out in in the Transport Strategy.

This work will include consideration of the national statutory guidance (which is currently being consulted on), regional transport ambitions and requirements including in relation to air quality, and the views of the local taxi and PHV trade and transport users.

1.5.3 National context

The legislation which governs taxi licensing has been in force for over 170 years and in the case of PHV licensing for over 40 years. There have been numerous Court decisions during this time that have helped to establish the principles that govern the licensing regime and provided guidance to licencing authorities. In 2014, the Law Commission was asked by the Government to review the legislation regarding the licensing of taxis and PHVs. Whilst the Law Commission's report acknowledged that the licensing of taxis and PHVs is a "fiercely local" matter, it nevertheless recommended the introduction of national licensing standards.

Some of the recommended changes contained in the Law Commission's report were introduced through the Deregulation Act 2015, such as extending the duration of driver licences from one year to three years, and allowing sub-contracting between PHV operators.

In February 2019, the Department for Transport (DfT) commenced a public consultation, on draft statutory guidance to be issued to licensing authorities on how those authorities should exercise their licensing powers in order to safeguard children and vulnerable adults. The consultation closes on 22 April 2019. It is anticipated that the Cabinet Member for Community Safety and Engagement will respond to this consultation on behalf of the Authority in accordance with the Scheme of Delegation to Cabinet Members having regard to any views that may be expressed to her by the Regulation and Review Committee.

1.5.4 Review of licensing policy and public engagement

It is in this context that it is now proposed to commence a review of the Policy. As previously stated, given that the current Policy was last reviewed before the North Tyneside Transport Strategy was adopted, it is proposed that the refreshed Policy should have particular regard to the Transport Strategy, and reflect the policies referred to above. The revised Policy would also reflect the relevant statutory guidance once approved by the Secretary of State and of course have regard to the consultation responses received at the conclusion of the consultation exercise.

This consultation on the revised Policy will include appropriate engagement with residents and businesses including representatives of the taxi and PHV trade and groups representing disabled people, the Chamber of Commerce, women's groups and safeguarding authorities, as well as an opportunity being given to the Regulation and Review Committee and Full Council to comment on the draft refreshed Policy. The refreshed Policy will return to Cabinet for approval at a future date.

1.6 Decision Options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet approves the recommendations at paragraph 1.2 of this report.

Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended to ensure that the existing Policy is refreshed in accordance with the commitment in the North Tyneside Transport Strategy. This will also ensure that the policy remains transparent, accountable, proportionate and consistent.

1.8 Appendices:

Appendix 1 – North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

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 Cram, Integrated Transport Officer, (0191) 643 6122
John Barton, Lawyer, (0191) 643 5354

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) [North Tyneside Local Plan](#)
- 2) [North Tyneside Transport Strategy \(approved by Cabinet on 8 May 2017\)](#)
- 3) [North East Combined Authority \(NECA\) Transport Manifesto](#)
- 4) [Local Government Association \(LGA\) Councillors' handbook – Taxi and PHV licensing \(England and Wales\)](#)
- 5) [DfT consultation document – Taxi and private hire vehicle licensing – protecting users](#)
- 6) [Written statement to Parliament 12 February 2019 – Government response and consultation on taxi and private hire vehicle licensing](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications directly arising from the report. The costs of preparing the revised North Tyneside Council Hackney Carriage and Private Hire Licensing Policy and the associated consultation arrangements can be met from the existing revenue budget.

2.2 Legal:

Taxi and Private Hire Vehicle (PHV) legislation is primarily contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The legislation provides a broad framework for the licensing of drivers, vehicles and operators whereas the detail of how this is done, including standards and conditions, is the responsibility of licensing authorities.

There are a number of other Acts which are also relevant: for example, the Equalities Act 2010 places a duty on local authorities to advance equality of opportunity between people who share a protected characteristic and those who do not.

Whilst there is no statutory requirement to have a Hackney Carriage and Private Hire Licensing Policy it is well established in law that the Authority is permitted to formulate and adopt such a Policy. The consultation on the Statutory Guidance for Licensing Authorities referred to in this report states that the Department for Transport “encourages licensing authorities to create a cohesive policy document that brings together all their procedures on taxi and PHV licensing.”

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

Internal consultation has taken place with the Cabinet Member for Community Safety and Engagement and the Cabinet Member for Environment and Transport.

2.3.2 External Consultation

As outlined in section 1.5.4 of the report, it is proposed to commence an appropriate engagement process to allow the policy to be refreshed.

2.4 Human Rights:

There are no human rights implications arising from this report. Any Policy that is adopted by the Authority will have regard to an individual’s human rights.

2.5 Equalities and Diversity:

The proposed engagement process would ensure that all persons, groups and organisations will have an opportunity to participate, including those with protected characteristics. An Equality Impact Assessment will be prepared prior to the Policy being consulted on.

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:

The North Tyneside Hackney Carriage and Private Hire Licensing Policy seeks to ensure the safety of the travelling public and therefore contributes to preventing crime and disorder.

2.8 Environment and Sustainability:

There are no direct implications for environment and sustainability arising from this report. The report outlines that the refreshed policy will appropriately take into account the five principles of the Transport Strategy, reflect the policies in the North Tyneside Local Plan and the recently adopted 'An Ambition for North Tyneside – Regeneration Strategy', and reflect any relevant statutory guidance.

PART 3 – SIGN OFF

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