

Regulation and Review Committee

23 April 2015

Present: Councillor K Osborne (Chair)
Councillors A Arkle, G Bell, G Madden, D Ord, J O'Shea and
L Spillard

RQ61/4/15 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors K Conroy, M Madden, P McIntyre, J McLaughlin, L Miller, J Munby, M Rankin and M Reynolds.

RQ62/4/15 Substitute Members

There were no substitutes reported.

RQ63/4/15 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ64/4/15 Minutes

Resolved that (1) the minutes of the meetings of the full committee held on 18 July 2013, 5 September 2013, 12 September 2013, 21 November 2013, 16 January 2014, and 30 October 2014 be confirmed; and
(2) the minutes of the meetings of the panel held on 22 August 2013, 19 September 2013, 17 October 2013, 14 November 2013, 6 December 2013, 12 December 2013, 9 January 2014, 31 January 2014, 13 February 2014, 20 March 2014, 14 April 2014, 6 May 2014, 17 July 2014, 11 September 2014, 9 October 2014, 11 December 2014, 12 February 2015, 5 March 2015 and 9 April 2015 be noted.

RQ65/4/15 Review of North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

The committee considered a report which outlined the action taken in respect of the review of the Hackney Carriage and Private Hire Licensing Policy which had commenced in March 2011. A member led working group had been set up to consider the policy and consult with trade representatives. In August 2012 the Law Commission had commenced a review of the legislation relating to the provision of hackney carriage and private hire services and as a result the working group had decided to put the review of the policy on hold pending the outcome of this review.

The Committee at its meeting held on 18 July 2013 (minute RQ21/07/13 refers) agreed to recommence the review of the Hackney Carriage and Private Hire Policy as there appeared to be no firm date agreed for the draft bill to be considered. The working group had therefore given further consideration to the draft policy, which would be subject to consultation with residents and members of the trade.

This consultation had then been deferred to:

23 April 2015

Regulation and Review Committee

- enable the implications for the licensing policy of the Casey Report into child sexual exploitation in Rotherham to be assessed; and
- assess the implications of the Deregulation Act 2015 which would introduce 3 year driver licences and 5 year private hire operator licences and also allow operators to sub contract jobs to operators in other areas.

Members sought clarification on the processes in place to allow the authority to be satisfied that drivers and operators remained a fit and proper person during the extended period of licensing. It was explained that drivers and operators were required under the licensing conditions to notify the authority of any convictions and cautions received during the period of the licence. Officers would also carry out regular checks of driving licences and the police advised the licensing section of any hackney carriage and private hire drivers who had been convicted or cautioned for any offence.

It was also explained that operators who accepted sub contract bookings were required to be licensed in the area that they operated and all drivers and vehicles that they used to deliver the booking were also required to be licensed.

Resolved the update on the review of the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy be noted.

RQ66/4/15 Hackney Carriage Payment Card Surcharges

The Committee considered a report which provided an update on the investigations which had been carried out in relation to the issue of payment card surcharges in Hackney Carriages following the decision of the Committee at its meeting held on 30 October 2014 (Minute RQ31/10/14 refers) to allow hackney carriage proprietors to accept card payments but not pass on any charges for their use to passengers. It was also agreed to review the position in 6 months time.

It was explained that since the previous meeting Durham County Council had introduced a statement on its hackney carriage fare table which allowed a driver to add an additional charge on top of the maximum fare when payment was made by a credit card, subject to appropriate information being displayed outside the vehicle. Transport for London had issued further advice to drivers in London that there should be a maximum charge of £1.00 or 10% of the fare whichever is the higher and that drivers cannot charge more than the amount it costs to provide the card payment service. Drivers were also required to notify passengers of the additional charge.

The North Tyneside Hackney Carriage Association had also reiterated its view that a statement must be added to the fare table to enable drivers to recoup any charges incurred in providing a facility for the use of credit cards to pay for journeys.

Resolved that (1) Hackney Carriage Proprietors be permitted to charge an additional fee for accepting payment of a fare by a credit card subject to the fee charged complying with the terms of the Consumer Rights (Payment Surcharges) Regulations 2012.
(2) the hackney carriage fare table be amended accordingly in consultation with the Chair and Deputy Chair of the Committee.