

# Regulation and Review Committee

**29 November 2016**

Present: Councillor K Osborne (Chair)  
Councillors A Arkle, D Cox, P Earley, W Lott, G Madden,  
M Madden, P McIntyre, D McMeekan, L Miller, T Mulvenna,  
A Percy and L Spillard.

## **RQ25/11/16 Apologies**

Apologies for absence were submitted on behalf of Councillors John Hunter, M Huscroft, J O'Shea and M Reynolds.

## **RQ26/11/16 Substitute Members**

There were no substitute members appointed.

## **RQ27/11/16 Declarations of Interest**

There were no declarations of interest reported.

## **RQ28/11/16 Minutes**

**Resolved** that the minutes of the meeting of the Appeals and Complaints Committee held on 5 April and 11 April 2016 be noted and to approve the minutes of the Panel meetings held on 11 May, 23 May, 15 July, 15 September, 16 September, 13 October and 1 November 2016.

## **RQ29/11/16 Annual Review of the Council Policy on Covert Surveillance**

Consideration was given to a report from the Head of Law and Governance, the designated Senior Responsible Officer, which set out the background to a recent review of the Council's Surveillance Policy.

The policy, which covered the use of the powers granted under the Regulation of Investigatory Powers Act 2000 (RIPA) was subject of an annual review by the authority. The covert investigatory techniques available to local authorities under RIPA were:

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

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It was explained that RIPA provisions could only be used to authorise surveillance activities to detect and prevent serious crime and the three authorising officers of the local authority were required to seek judicial approval from the Magistrates' Courts. It was also explained that organisations which used RIPA were subject to regular inspections from either the Office of Surveillance Commissioners (OSC) in relation to the use of direct surveillance and CHIS powers and the Interception of Communications Commissioners Office (IOCCO) in relation to the interception of communications data.

To ensure that there was appropriate oversight by elected members of the use of the powers the policy required that:

- An annual report covering the authority's use of RIPA powers be presented to Cabinet along with a review of the policy for the coming year;
- Reports are presented to the Regulation and Review Committee on the use of the powers. The committee's role is to look at compliance, oversight and the use of RIPA and also to determine whether the policy remains fit for purpose and if not to recommend changes to Cabinet
- The Elected Mayor receives regular updates from the Senior Responsible Officer regarding the Authority's use of the RIPA powers.

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. 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.

The current policy had been agreed by Cabinet in November 2015. Following a review of the policy, a draft copy of the revised draft policy was presented for members' consideration to determine whether the policy, as amended, remained fit for purpose. Minor typographical amendments had been made but no substantive changes had been proposed.

**Resolved** that (1) the Authority's draft policy on covert surveillance be noted; and (2) the proposed policy be recommended to Cabinet for adoption at its meeting on 12 December 2016.

## **RQ30/11/16 Hackney Carriage Fare Review 2016**

Consideration was given to a report which set out a request from the North Tyneside Hackney Carriage Association (NTHCA) for a variation of the table of fares.

The committee was informed that chapter 5 of the North Tyneside Hackney Carriage and Private Hire Licensing Policy contained the procedure for setting and reviewing hackney carriage fares and was in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976. As part of this policy, the Authority conducts an annual review of Hackney Carriage Fares using a formula to calculate a cost per mile figure for the operation of a Hackney Carriage which was then used to calculate the table of fares. This process and formula has been in place since November 2006. The formula took into account vehicle running costs (including insurance) and driver earnings based on average earnings for the region. An explanation of how these figures were calculated was also included in the report.

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If a variation of the table of fares was to be considered, a notice in a local newspaper setting out the variation must be published with a period of at least 14 days for objections to be made. If no objections were received the variation would take effect following the expiry of the 14 day notice period, if objections were received the committee would need to consider them before a final decision on the fares could be made.

As a request for a review had been made, the formula for setting a maximum fare level had been applied. The formula had produced a maximum 'cost per mile' figure of £2.53 for the operation of a hackney carriage. A copy of the current fare table, which was from December 2014, was provided and detailed the two tariffs and the extra charges.

The NTHCA had proposed the following:

- In respect of Tariff 1 - reduce the yardage from 187.8 yards or part thereof to 178.9 yards or part thereof
- In respect of Tariff 2 - reduce the yardage from 160.5 yards or part thereof to 152.9 yards or part thereof.
- Increase the 'charge for soiling the carriage' from £80 to £100.

When applying the formula in early November 2016 the proposal had produced an average cost per mile of £2.76. This was in excess of the maximum cost per mile of £2.53 and officers recommended retaining the current table of fares and extra charges.

In response to a question, the Public Protection Manager informed the committee of other local authorities' soiling charges which were:

Newcastle	£60
South Tyneside	£63
Sunderland	£30
South Tyneside	£50
Transport for London	£40

The Secretary of the NTHCA, Mr Sneedon, was in attendance in the public gallery and the Chair informed the committee that she had agreed to his request to address the committee. Mr Sneedon explained that whenever a passenger soiled a cab the vehicle was off the road for the rest of the shift and the next two days for it to be valeted and ready to be used again; the driver had to pay for valeting and also lost two days of earnings. He also referred to the Winchelsea case, from approximately 20 years ago, which required a passenger to pay £80 for soiling a cab and the need for the charge to be reflected in the table of fares; £40 might be what was in the table of fares in London but he knew they actually charged £100. Average earnings were now lower as there had been a downturn in trade and it was not an unfair request. In response to a question, Mr Sneedon confirmed that it was a 5% increase overall.

Members asked questions of the Secretary of the NTHCA.

Members then discussed the options available to them and made comments. The options were:

1. to apply the agreed procedure to vary the table of fares and approve the increase in

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- the soiling of carriage charges; or
- 2. to not vary the table of fares or the increase of soiling charges; or
- 3. to not vary the table of fares but to increase the soiling charge to £100.

**Resolved** that a Notice in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 for the variation of the table of fares be published for the following:

### TARIFF ONE

- (i) For the first 178.9 yards or 44.5 seconds (or part thereof) £1.60
- (ii) For each subsequent 178.9 yards or 44.5 seconds (or part thereof) .20

### TARIFF TWO

For hirings between 10.00pm and 07.00am, and all day Sundays, Bank Holidays and on December 27th, 28th 29th, 30th and 31st in each year:

- (i) For the first 152.9 yards or 42.5 seconds (or part thereof) £2.40
- (ii) For each subsequent 152.9 yards or 42.5 seconds (or part thereof) .20

### EXTRA CHARGES

Charge for soiling carriage £100.00