

# Regulation and Review Committee

**4 April 2017**

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

## **RQ65/04/17 Apologies**

Apologies for absence were submitted on behalf of Councillors John Hunter, L Miller, J O'Shea and J Stirling.

## **RQ66/04/17 Substitute Members**

There were no substitute members appointed.

## **RQ67/04/17 Declarations of Interest**

There were no declarations of interest or dispensations reported.

## **RQ68/04/17 Minutes**

**Resolved** that the minutes of the panel meeting held on 26 January 2017 and the two panel meetings held on 17 February 2017 and the panel meeting held on 9 March 2017 be noted and the full committee meeting held on 24 January 2017 be confirmed and signed by the Chair.

## **PQ69/04/17 Review of Fees and Charges for Hackney Carriage and Private Hire Licensing Scheme**

The committee received a report seeking authorisation to consult on proposed changes to the schedule of fees and charges relating to the licensing of hackney carriage and private hire vehicles, their drivers and operators.

The Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to set fees for hackney carriage and private hire vehicles, drivers and operator licences to recover the cost of providing the licensing scheme. Such fees must be reasonable.

The committee was informed that the Taxi Licensing service was self-financing via a ring-fenced trading account and the structure of the existing Schedule of Fees and Charges had been in place since 2009. The fee structure had been amended in 2015 to take account of the changes introduced by the Deregulation Act 2015 which allowed licences to be held for longer. A fee structure for 3 yearly driver licences and 5 yearly operator licences was

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introduced. As part of the 2016/17 review officers had revisited the whole Schedule of Fees and Charges to ensure that the fees accurately reflected the work processes involved for each type of licence. Officers had carried out a detailed time and activity analysis exercise and consulted with the North Tyneside Council Hackney Carriage and Private Hire Licensing Forum.

As a result of the work a revised draft Schedule of Fees and Charges (based on a forecast of recovering the costs associated with forecast total expenditure) was produced which increased fees for driver licences and reduced the fees for vehicle licences. The increased driver fees reflected the increased time taken to deal with a driver application and the comprehensive checks that the application entailed. Fees for Operator licences had also decreased.

Prior to the implementation of a new Schedule, a Notice of any variation to the maximum fees would need to be advertised in a local newspaper with a date set 28 days from publication for making objections to the proposed variation of fees. If no objections were received the fee variation would have immediate effect at the end of the 28 day period specified or from a date specified after this. If any objections are received the matter would be referred back to Regulation and Review Committee.

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

1. To note the revised draft Schedule of Fees and Charges detailed in Appendix 1 and agree the proposal to formally consult on them; or
2. To request that officers undertake further work on the revised draft Schedule of Fees and Charges.

The recommended option was to proceed with the changes and formally consult as they had remained unchanged for eight years and there was an inherent financial risk to the Council that if the fees and charges levied were insufficient to recover costs this could result in financial pressure within the general fund.

**Resolved** that a Notice in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 for the proposed variation of the Hackney Carriage and Private Hire Licensing fees and charges, as set out in Appendix 1 to these minutes, be published.

## **RQ70/04/17 Hackney Carriage Unmet Demand Review 2017**

A report from the Head of Environment, Housing and Leisure on the Hackney Carriage Unmet Demand Review was presented to the committee to allow it to consider whether the Authority should continue to apply the policy of limiting the number of Hackney Carriage Proprietor's Licences that it issued.

The Authority currently placed a limit of 204 on the number of hackney carriage vehicle licences issued and had eighteen Hackney Carriage Licences that have been returned and remained available for issue.

It was noted that the Department of Transport recommended that a review of demand for

hackney carriages should be undertaken every three years to ensure that the information on which the Council's policy was based was up to date. The previous unmet demand survey had been carried out in 2012.

The Authority's Technical Services partner, Capita, carried out an unmet demand survey in 2016. In addition to an online residents' survey and consultation with a wide variety of service users and the trade, there were also visual checks of the ranks in North Tyneside. The survey identified that there was no waiting list for licences, a number of licences were available and the average wait at a rank was 29 seconds. In light of this it was concluded that there was no significant unmet demand for hackney carriages in North Tyneside.

The survey had identified other issues relating to wheelchair access at ranks, the location of existing ranks and some high waiting times at a small number of ranks. A review of all hackney carriage ranks in the borough would be undertaken and reported back to a future meeting of the committee.

The committee concluded that based on the information provided in the Hackney Carriage Demand Survey there was no evidence of significant unmet demand for hackney carriages in North Tyneside and the limit on the number of hackney carriages should remain.

**Resolved** that North Tyneside Council continue to limit the number of Hackney Carriage Proprietors Licences to 204 on the grounds that there was no significant unmet demand for the services of hackney carriages within the Borough.

### **RQ71/04/17 Amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy**

The North Tyneside Council Hackney Carriage and Private Hire Licensing Policy had come into force on 1 April 2017 (previous minute PQ35/01/17) and the committee received a report which sought approval to make the following changes:

- a) to require new directors appointed to a limited company that hold a private hire operator's licence to undergo a criminal record check;
- b) to require new applicants for a hackney carriage or private hire driver's licence to complete on-line CSE awareness training prior to the issue of a licence; and
- c) to remove the requirement that decals be permanently affixed to private hire vehicles.

The original wording of c) had included hackney carriages as well as private hire vehicles but as the legislation relating to identifying badges being removed under certain circumstances only applied to private hire vehicles it was not appropriate to include hackney carriages in this amendment and the wording was removed.

Each proposed amendment was considered in turn.

In relation to amendment a) the Policy currently provided that once a licence had been issued to a limited company there was no requirement for any new directors appointed to the limited company to undergo a criminal record check; officers recommended that this be changed to require that each proposed new director would be required to provide a Basic

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Disclosure of convictions. If the applicant was already licensed as a driver with the Authority they would be exempt from this requirement.

Members asked questions about the process to be followed should the disclosure cause concern and whether the limited companies were required to inform the Authority of any changes to their Board of Directors. Officers provided the details of the procedure to be followed and confirmed that it was a condition of their licence that new appointments be notified to the licensing authority.

In relation to amendment b) the committee was informed that the Policy required all newly licensed drivers to undertake Child Sexual Exploitation (CSE) awareness training within three months of receiving their licence. The recommended amendment would require all new applicants for a hackney carriage or private hire driver's licence to complete an on-line CSE awareness training before a licence was issued once the on-line training was available. The cost of the training would be added as a fee. Currently the training was undertaken in face to face sessions which were conducted every three months, by allowing it completion on-line, and for it to be a pre-requisite of receiving a licence, the training could be undertaken at the driver's convenience and would reduce risk by ensuring that all drivers operating in the borough had an awareness of child sexual exploitation.

During discussion on amendment b) concerns were raised by Members relating to: impersonation as anyone could log in and complete the training and it reduced the importance of the issue; the lack of interaction with other learners to embed understanding; literacy levels in general and computer literacy or access to the appropriate equipment; the unreliability of the e-learning system; and the lack of testing of an applicant's understanding/knowledge after the module had been completed.

In relation to amendment c) the committee was informed that currently the Policy required the following condition, normally number 5, to be attached to a Hackney Carriage Proprietors Licence and Private Hire Vehicle Proprietors Licence:

“there shall be attached centrally to each front door of the vehicle the appropriate hackney carriage or private hire vehicle decals supplied by the Authority. The decals must be permanently affixed to the vehicle and these must be maintained in a satisfactory condition and be legible”.

However, section 75 of the Local Government (Miscellaneous Provisions) Act 1976 permitted the licence plate, disc or notice not to be displayed on a private hire vehicle in certain circumstances, for example for a wedding or when the vehicle had been contracted out for a period of over 24 hours. This legislation did not apply to hackney carriages. Officers considered that the condition should be removed from Hackney Carriage Proprietors Licences as the legislation did not apply to them and that condition 5 for Private Hire Vehicle Proprietors Licences should be worded in such a way as to allow decals to be removed from a private hire vehicle during certain hires. To facilitate this, the use of magnetic decals should be permitted and amended wording was recommended.

The Secretary of the North Tyneside Hackney Carriage Association (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 with regard to this proposed policy amendment. Mr Sneedon reminded the committee of the difference between private hire vehicles and hackney carriages and that his association preferred permanently fixed decals and had no issue with private hire vehicles being able to remove theirs in the appropriate

circumstances and with the appropriate permissions.

Members asked questions about the required notification period if drivers wanted to remove their decals and whether there would be a limit on the number of times it could be applied for and how this would be enforced. Officers assured the committee that the Authority would need to be notified in advance that it was proposed to remove the decals and for what reason and that this would be recorded on file.

**Resolved** that (1) the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy be amended as follows:

a) Chapter 4, Paragraphs 9 to 11 be amended to include the following:

“Where a private hire operator’s licence is in force in the name of a limited company and a new director(s) is proposed to be appointed to that limited company then each proposed director will be required to provide a Basic Disclosure of convictions from Disclosure Scotland.

If the applicant is currently licensed as a driver with this Council they will be exempt from this requirement.”

b) Condition 5 attached to Private Hire Vehicle Proprietors Licence be amended to state:

“There shall be attached centrally to each front door of the vehicle the appropriate private hire vehicle decals supplied by the Authority. The decals must be securely affixed to the vehicle and these must be maintained in a satisfactory condition and be legible.”

And (2) that further work be undertaken in relation to the concerns expressed by the committee regarding the proposal to provide the child sexual exploitation training on-line only and a further report with more information on the proposal be submitted to a future meeting of the committee.

### **RQ72/04/17 Delegated Non-Executive Decision by Officers**

The committee received a report from the Head of Environment, Housing and Leisure which detailed a decision taken under general delegation 9 of the Officer Delegation Scheme which allowed decisions to be taken by the Head of Service, in consultation with the Monitoring Officer and with the chair and deputy chair of the relevant committee, when it was not practical to convene a quorate meeting to take the decision.

The committee was informed that a decision was required to change the implementation date for the new table of Hackney Carriage fares from 27 February 2017 to 17 February 2017. At its meeting on 24 January 2017, Regulation and Review Committee approved the variation of Hackney Carriage fares following the receipt of objections. The committee agreed to implement the fare increase from 27 February 2017 to allow time for the amended fare tables to be printed (minute PQ35/01/17). On Monday 13 February 2017 it was identified that in accordance with Section 65(4) of the Local Government (Miscellaneous Provisions) Act 1976 the amended fare table needed to be implemented not later than two months since the end of the objection period to the notice varying the fares. As this date was 17 February 2017 it became necessary to implement the variation of the

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fares on either 17 February 2017 or an earlier date.

As it was not possible to convene a quorate meeting of the Regulation and Review Committee before the 17 February 2017 the decision to amend the implementation date for the new table of Hackney Carriage fares would have to be made by the Head of Environment, Housing and Leisure under general delegation 9 (GD9) in the Officer Delegation Scheme.

The Monitoring Officer was consulted on 14 February 2017. Councillor K Osborne, Chair of the Regulation and Review Committee and Councillor John Hunter, Deputy Chair of the Regulation and Review Committee, were consulted on 14 February 2017.

The decision to amend the implementation date for the new table of Hackney Carriage fares from 27 February 2017 to 17 February 2017 was taken on the 15 February 2017 and published on the Council's website in accordance with the required procedures.

**Resolved** to note the information submitted to the Regulation and Review Committee in relation to the decision taken by the Head of Environment, Housing and Leisure on 15 February 2017 to amend the implementation date for the new table of Hackney Carriage fares from 27 February 2017 to 17 February 2017.

**NORTH TYNESIDE COUNCIL**  
**Hackney Carriage and Private Hire Licensing**  
**Schedule of Fees and Charges**

**Appendix 1**

Type of Licence	Current Fee / Charge	Proposed Fee / Charge
Driver - New (hackney carriage, private hire)	1 Year: £100; 2 Year: £135; 3 Year: £170	1 Year: £140; 2 Year: £202; 3 Year: £264
Driver – New with Grandfather Rights (hackney carriage, private hire)	1 Year: £100; 2 Year: £135; 3 Year: £170	1 Year: £115; 2 Year: £177; 3 Year: £239
Driver - Renewal (hackney carriage, private hire)	1 Year: £70; 2 Year: £105; 3 Year: £140	1 Year: £106; 2 Year: £168; 3 Year: £230
Private Hire Vehicle - New (under 4 yrs old)	£264 (£226 + one vehicle test £38)	£209 (£171 + one vehicle test £38)
Private Hire Vehicle - New (over 4 yrs old)	£302 (£226 + two vehicle tests £76)	£247 (£171 + two vehicle tests £76)
Private Hire Vehicle - Renewal (under 4 yrs old)	£236 (£198 + one vehicle test £38)	£197 (£159 + one vehicle test £38)
Private Hire Vehicle - Renewal (over 4 yrs old)	£274 (£198 + two vehicle tests £76)	£235 (£159 + two vehicle tests £76)
Hackney Carriage Vehicle - New (under 4 yrs old)	£289 (£251 + one vehicle test £38 ) + £25 survey	£234 (£196 + one vehicle test £38) + £25 survey
Hackney Carriage Vehicle - New (over 4 yrs old)	£327 (£251 + two vehicle tests £76) + £25 survey	£272 (£196 + two vehicle tests £76) + £25 survey
Hackney Carriage Vehicle - Renewal (under 4 yrs old)	£261 (£223 + one vehicle test £38) + £25 survey	£222 (£184 + one vehicle test £38) + £25 survey
Hackney Carriage Vehicle - Renewal (over 4 yrs old)	£299 (£223 + two vehicle tests £76) + £25 survey	£260 (£184 + two vehicle tests £76) + £25 survey
Private Hire Operator - New	1 Year: £493; 5 Years: £1740	1 Year: £354; 5 Years: £1360
Private Hire Operator - Renewal	1 Year: £479; 5 Years: £1610	1 Year: £325; 5 Years: £1331
Additional Charges	Current Fee / Charge	Proposed Fee / Charge
Enhanced Disclosure fee (forwarded to DBS)	£44	£47 (includes £3 NEREO electronic check fee)
DVLA licence electronic check fee	£0	£1.00
Child Sexual Exploitation Awareness training	£0	£15
Knowledge test	£32	£35
Knowledge test re-sit	£32	£26
Vehicle test/retest	£38	£38
Partial vehicle retest	£19	£19
Replacement vehicle (inc. test fee)	£63 (£25 + vehicle test £38)	£76 (£38 + vehicle test £38)
Failure to present vehicle for test	£38	£38
Transfer of proprietor	£12	£14
Additional proprietor to licence	£12	£14
Amendment to /Additional/Duplicate licence	£7	£7
Notification of change of address	£7	£0
Replacement badge	£8 (each)	£8 (each)
Replacement decals	£10 (pair)	£10 (pair)
Replacement licence plate	£10 (each)	£10 (each)
Replacement Tariff card (fare table)	£1	£3
Cheque returned Refer to Drawer fee	£20	£20
Refund (admin fee)	£7	£7