

NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY COMMITTEE

At a meeting of the **Licensing and Regulatory Committee** held on Wednesday 09 March at 1.30 pm.

PRESENT

Councillor I Hutchinson
(Chair, in the Chair)

MEMBERS

J Foster
B Gallacher
C Hardy
C Humphrey
S Lee

C Seymour
A Sharp (part)
M Swinbank
A Wallace

OFFICERS

H Bowers
T Hardy
N Masson
P Soderquest

D Wilson

Democratic Services Officer
Licensing Manager
Principal Solicitor
Head of Housing and Public
Protection
Business Compliance and Public
Safety Manager

07. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beynon, Cessford, Ferguson, Nisbet and Parry.

The Chair thanked Councillor Taylor for being a member of the committee who had stood down and welcomed Councillor Martin Swinbank.

08. MINUTES

The minutes of the meeting of the Licensing and Regulatory Committee held on Tuesday 24 August 2021, as circulated be confirmed as a true record and signed by the Chair.

Ch.'s Initials.....

09. SUBCOMMITTEE MINUTES

RESOLVED that the Minutes of the Licensing and Regulatory Subcommittees held on 29 September and 28 October 2021 be received for information.

10. REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

10.1 Hackney Carriage and Private Hire Licensing

Members were updated with the response received in relation to the recent taxi consultation in respect of areas associated with the licensing of hackney carriages, and/or private hire vehicles and drivers.

Phil Soderquest, Head of Housing and Public Protection explained that there were three parts to the report which followed three consultation exercises, each set out in the report with a number of recommendations on page 1 of the report.

Each section and associated recommendations would be reported on separately:-

Statutory Taxi and Private Hire Vehicle Standards

In July 2020, the Department of Transport issued a document called Statutory Taxi and Private Hire Vehicle Standards which set out a number of recommendations about the standards to be applied to mitigate the risk posed to the public, to protect children and vulnerable adults and the wider public when using taxis and private hire vehicles.

Comments received were set out in the bullet points on page 2 of the report and consultation responses were attached from page 7 onwards.

RESOLVED that:-

1. The contents of the report be noted.
2. Members approved the following conditions:-
 - 2i) A condition to be added to hackney carriage and private hire vehicle licences, which would require a notice to be displayed in all licensed vehicles providing details of how to make a complaint.
 - 2ii) A condition for all licensed vehicle proprietors, operators, directors and partners with Northumberland County Council, to have annual basic disclosure from the DBS and to advise the licensing authority of any change in directors or partners.

- 2iii) A condition, that on the granting of a private hire operator licence, a register will be required to be kept of all staff who will be taking bookings or dispatching vehicles.
- 2iv) A standard condition is to be attached to a Private Hire Operator's Licence which states;
A driver who holds a PCV licence and who has the use of a public service vehicle PSV, such as a minibus to undertake a private hire vehicle booking, should not be permitted without the informed consent of the booker.
Where a private hire vehicle is unsuitable, the booker will be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check (Unless the driver also holds a private hire driver's licence).

Vehicle Emissions

Members would recall that the matter had previously been before the Committee.

Discussions amongst partner authorities had revealed that there had been no consistency with policies that had been adopted. Some authorities had not set emissions or age standards, whilst others, Northumberland included, had used the EU Euro Standards, the last of had been set in 2015. All vehicles manufactured after that date for sale in Europe had to meet this higher standard.

Members were reminded of the original proposal:

New licences. A 4 year vehicle age policy, with effect from April 2020 in order to be Euro 6 compliant.

Existing vehicles. Adopt a maximum 8 year vehicle life with a start date of April 2023.

In February 2020, a report had been submitted to the Committee with all responses received to the consultation. Due to the level of responses, the Committee had requested that further discussions took place with the trade and report back to the committee. However, due to the introduction of Covid-19 restrictions the consultation had not progressed.

A recent consultation with the trade had been carried out as to whether they agreed with the proposal. 73 had been in favour of the proposal with 246 against. Full responses were attached as Appendix B to the report.

Members' attention was brought to the conditions on the bottom of page 13.

Discussion took place regarding the current cost of fuel and the costs of purchasing a vehicle.

Clarification was sought on the numbers of responses and the length of the consultation period and Mr Soderquest confirmed that the consultation period had ran in total for 10-12 weeks. All drivers and all operators across all sectors had been consulted on.

In response to a comment regarding the implementation dates and wheelchair accessible vehicles, members were advised that it was within the gift of the Council to agree the parameters of licensing and to determine its Licensing Policy.

Councillor Gallacher was mindful about future funding for local bus services which could put added weight onto taxis and certain communities which relied on them and suggested that any decisions should be deferred and further consultation be carried out with firms with supporting transport links in Northumberland.

Members were advised that if any further consultation took place with the trade, officers would need to be guided by the Committee on what areas and aspects consultation should be undertaken.

Councillor Foster agreed with Councillor Gallacher and stated that the 4 year vehicle policy should be revisited.

Councillor Hardy moved the proposal for 3a) Approve the proposal and agree a timeframe for implementation; however, this was not seconded and the motion fell.

Councillor Hardy further moved recommendation 3b) Amend the proposal and agree further consultation with the licence trade; this was seconded by Councilor Humphrey. Councillor Seymour requested that this should include further consultation with the trade regarding wheelchair accessibility and the increase in the time limit, this was not agreed by Councillors Hardy and Humphrey.

After clarification from the Solicitor on the recommendations, Councillor Hardy withdrew his motion to approve recommendation 3b) which was seconded by Councillor Humphrey.

The Chair then requested a proposer for the original recommendation 3a), which was moved by Councillor Humphrey and seconded by Councillor Hutchinson.

Councillor Wallace requested clarification on the timeframe for implementation and supported the implementation date of 2024, however he was concerned about the timeframe/costs of a wheelchair accessible vehicle.

Tasmin Hardy, Licensing Manager provided clarification on the existing Wheelchair Accessible Vehicle Policy and confirmed all new hackney carriage vehicle licences were required to be wheelchair accessible but existing licensed vehicles had grandfather rights in relation to the wheelchair access policy. There was no proposed grandfather rights in relation to the age policy.

The Solicitor clarified that the proposal to be agreed was 3a) - Approve the proposal and agree a timeframe for implementation which had been moved and seconded with the timeframe for implementation for the new vehicles being April 2024; existing vehicle licences April 2027 and wheelchair accessible vehicles April 2029.

Upon being put to the vote , 8 voted in favour to approve the proposal, with 1 against, it was therefore **RESOLVED** that:-

1. The proposal be approved with the timeframe for implementation for new licences of April 2024, existing licences, April 2027 and wheelchair accessible vehicles agreed.

Hackney Carriage Zones

Following Local Government Reorganisation in 2009, 6 hackney carriage licensing zones had been created replicating the former district boundaries. A hackney carriage licensed to ply for hire in one zone could not ply for hire in another zone. The options available to the Council at the time had been to retain the zones or, remove them all.

The Law Commission had commenced a review on Taxi and Private Hire in 2012 which recommended that Councils had the ability to determine different zones. The Committee at the time had preferred 2 zones, but this had not been legally possible and it had been agreed the 6 zones should remain.

Mr Soderquest explained the advantages and disadvantages of removing the zones and stated that the vast majority of responses (222) had wanted to retain the current hackney carriage zones whilst 93 had wanted the zones removed.

Members were asked to consider the consultation responses relating to the hackney carriage zones.

Discussion took place on the economic, financial and climate change impact of removal of the zones and the benefits of retaining the zones.

Councillor Hutchinson moved the proposal to retain the current arrangements, which was seconded by Councillor Hardy.

Upon being put to the vote , 8 voted in favour to approve the proposal, with 1 against, it was therefore **RESOLVED** to retain the current arrangements.

10.2 Hackney Carriage Tariff

Members were updated on the consultation responses on whether there should be changes to the current hackney carriage tariff.

Mr Soderquest explained that the Local Authority was responsible for setting the fares for hackney carriages, but did not have the ability to set rates for private hire. The County Council set the tariffs at the maximum charge that may be levied, which the operator could not charge more than the maximum.

All tariffs had been rationalised in 2018 with the same tariff across the county.

Information was circulated to the Committee which outlined the hackney carriage fare charges and fare calculator and Mr Soderquest explained how the charges and fares were calculated.

A light touch consultation had been carried out with the trade with a total of 65 responses, which had been a low response, however, it was explained that the LGA set out the statutory process for varying the tariff. The Committee was informed that a decision needed to be made whether to vary the tariff, which would be published in the local press and offices and Mr Soderquest explained the process for this. If the proposal was challenged, the Committee would have to decide whether to amend the proposal.

Comments were raised in relation to yardage and the costs, and transport for Northumberland, fuel costs and climate change

A member expressed his concern about the timing of the consultation given the exceptional circumstances with fuel etc. Members were informed that they needed to consider the proposal that was in front of them.

Mr Soderquest explained the tariffs, the flag fall and charges per mile based around the percentage of an increase.

Councillor Sharp moved the proposal to increase all 6 tariffs, this was seconded by Councillor Hardy.

Members were advised that if they were minded to vary the tariff, then consider an indicative increase to apply to all of the 6 tariffs.

A suggestion was made to review in one year's time.

Councillor Sharp proposed all 6 tariffs were increased with 5% on the flag with a review in one year. This was seconded by Councillor Hardy

Upon being put to the vote , 5 voted in favour to approve the proposal, with 3 against and 1 abstention.

It was therefore **RESOLVED** to increase all 6 tariffs with an increase of 5%, to be reviewed in one year.

The Committee was informed that a date of implementation for the increase needed to be agreed. A date of 5 May 2022 was suggested to allow a period of consultation and publication to allow the responses to be brought back to a scheduled or special Licensing & Regulatory Committee. Councillor Wallace moved the recommendation, for the implementation date of 2 May 2022, which was seconded by Councillor Humphrey and unanimously agreed.

10.3 Tax Conditionality for Taxi and Scrap Metal Licence

Members were updated about new requirements from 4 April 2022 for licensing authorities to complete a tax check when reviewing licences to drive taxis or private hire vehicles; operate private hire vehicle businesses; deal in scrap metal.

RESOLVED that the report be noted.

11. NEXT MEETING

RESOLVED that the next meeting of the Licensing and Regulatory on Wednesday 27 April, be noted.

12. URGENT BUSINESS

Members were informed of a future training session and it was hoped that all members of the committee would attend.

CHAIR _____

DATE _____