

## Appendix 3

### Proposed Responses in relation to the Consultation Comments

<b>Comment Number</b>	<b>Discussion (Agree / Disagree / Not relevant)</b>	<b>Suggested amendment to the policy</b>
1	This is covered in Appendix 2 of the Policy. The guidelines provide Members with sufficient information when determining applications for drivers / operators.	None
2	Appendix 3 of the policy outlines the vehicle specification to enable it to be licensed as a hackney carriage or private hire vehicle. Proprietors should refer to the specification when looking to licence a new vehicle.	None
3	The Council will review the hackney carriage tariff when it receives a request from the member of the trade. The Council will look to review the tariff when the decision is made in relation to zoning.	None
4	It was agreed in April 2009 that existing drivers would be given grandfather rights whereby they would not need to undergo the new DSA test. This would only be a requirement for new driver applications. However, existing drivers who fail to renew, therefore, a break in continuity of the licence they would be classed as a new application and would be required to complete the DSA test.	None
5	Appendix 3, (xvi) clearly states the plate and door crest must be securely fixed to the vehicle. Any licensed vehicle not	None

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	displaying the Council signage would be dealt with by the Council's Licensing Enforcement Team. In relation to the Licensing officer affixing the plate to the vehicle, this could potentially make the Council liable for costs if there was any damage sustained to the vehicle by the officer.	
6	The condition proposed in the draft policy relating to window tints addresses what the Council will do in regards to manufactured vehicles which have window tints as standard. The condition is also in line with the Department for Transport Best Practice Guidance.	None
7	See comment 29 below	See comment 29 below
8	Disagree with this comment as it is a condition of both a driver and vehicle licence whereby the vehicle must at all times be maintained in a safe and satisfactory condition. This comment would not promote public safety.	None
9	Need more clarification	None
10	Agree with this comment however, this will form a separate document / procedure outside of the policy.	None but will discuss with Licensing Management Team and look to introducing a procedure to address this point.
11	There needs to be specification in order to provide sufficient information for vehicle proprietors licensing new vehicles and the Council's vehicle examiners when carrying out the Council test to ensure the vehicle is satisfactory to be licensed as a	None

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	hackney carriage or private hire. There have also been no issues from members of the trade since this condition was introduced in April 2009.	
12	Approval must be sort from the Council before advertising is allowed on any licensed vehicle.	None however, if there is an issue with the displaying of advertising on the vehicle this will be picked up by the Council's Licensing Enforcement Team via out of hour's enforcement or complaints.
13	This comment seems to contradict comment number 7. See comment 29 below.	See comment 29 below.
14	Agrees with proposed condition within the draft policy.	None
15	Agrees with proposed condition within the draft policy.	None
16	Consistency applies throughout the County in relation to all conditions highlighted within the policy. In terms of regional consistency, a sub group has been formed which consists of officers from authorities throughout the Northern region where taxi issues will be discussed.	None
17	Comment not relevant to policy	None
18	See comment 29 below	See comment 29 below
19	Comment not relevant to policy. These issues (if and when necessary) will be dealt with accordingly through the Council's Corporate Complaint's Procedure.	None

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20	This issue was discussed at a Countywide Area Taxi Working Group meeting where a representative from the Fleet Management Team explained the Certificate of Compliance is a higher standard of test than that of a MOT as this incorporates checks in relation to the policy. Vehicle proprietors are aware that they may also have a MOT however, this would be at an additional cost.	None
21	Comment not relevant to the policy. This would be dealt with by the Council's Licensing Enforcement Team.	None
22	Partially agrees with proposed condition. For all those private hire vehicles who display top signs it would only be fair to introduce this condition over a 12 month period as a number of private hire vehicle owners have incurred substantial costs in purchasing top signs.	None
23	Comment not relevant to policy.	None however, this will be addressed through the Fleet and Licensing Management Team Meeting which is held every 3 months. This can also be covered by the Council's Licensing Enforcement Team when officers conduct spot checks on licensed vehicles.
24	The Health Act 2006 addresses this comment. Where a driver is found smoking in a licensed vehicle, the Licensing Enforcement Officers have the authority to issue fixed penalty notices.	None

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25	This is addressed through comment number 12 above.	See comment 12 above.
26	Comment not relevant to policy. This will be addressed by the Council's Licensing Enforcement Team.	None
27	Alternative wording agreed.	Policy amended accordingly.
28	Alternative wording agreed.	Policy amended accordingly.
29	<p>The Licensing Section agrees with the Fleet Management after providing a detailed analysis which shows the number of vehicles which have failed the Council Test upon initial inspection and the percentage of those vehicles which are 3 years and under from date of registration. Therefore, the vehicle testing frequency will remain as it is for the vehicle to undergo a Council Test every 6 months.</p> <p>However, the testing frequency relating to older vehicles (10 years from date of registration) will remain as stated in the draft policy. This is in line with the Department for Transport's Best Practice Guidance.</p>	Policy amended accordingly.
30	This comment is covered within Appendix 4, Special Vehicle Licence Conditions of the policy.	None
31	As part of the driver licence conditions stated within the policy, vehicles must be at all times be maintained in a safe and satisfactory condition and keep their vehicles clean and suitable for hire to the travelling public. As part of the driver	None

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	eligibility criteria the applicant must undergo a locality / knowledge test. This test covers both the locality of County Durham and the knowledge the driver has in relation to the Council's taxi policy.	
32	Such schemes, for example ambassador status, are already being considered by the Licensing Section.	None
33	Comment not relevant to policy	None this would be addressed directly to the rail station which is already being looked at by the Licensing Enforcement Team.
34	Comment noted.	Policy amended accordingly.
35	<p>Training for those drivers who operate wheelchair accessible vehicles was discussed at length at the Countywide Area Taxi Working Group meeting held 30 September 2010 where all Countywide representatives were in attendance. It was explained by the Passenger Transport Manager that the majority of licensed drivers who hold Home to School contracts and operate a wheelchair accessible vehicle would have already undergone the necessary training. It would be introduced to any new drivers or to those who currently drive a wheelchair accessible vehicle but do not hold any contracts.</p> <p>It was asked of the Countywide taxi working group representatives if they were in favour of introducing the training as a requirement to those drivers who operate wheelchair accessible vehicles. All were in favour of the</p>	<p>Policy to be amended accordingly however, there would be some additional information the Licensing Section would need to obtain before this condition was enforced. The information is not currently available as we do not record all wheelchair accessible vehicles however, Passenger Transport would presumably hold a register of those vehicles which hold Home to School contracts. We would also need to identify those drivers who have already completed the training which again Passenger Transport may have this particular information.</p> <p>One additional process would be to contact Payne Security who supply the driver I.D. badge and ask</p>

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	<p>training however, all representatives did state that the training could be carried out within 3 – 6 months of obtaining the licence. The drivers badge could then be marked in some way by means for example with a 'W' or with the wheelchair accessible logo to identify the driver has been properly trained in handling the safety of the passenger who is travelling in a wheelchair.</p> <p>A meeting was also held with the Disability Partnership Group as part of the Equality and Diversity Impact Assessment Screening of the draft policy where this point was raised and highlighted whereby there is a need for properly trained drivers of wheelchair accessible vehicles. Members of the group also stated that a public register could be held centrally and made available to certain service users with disabilities or for those who require a wheelchair accessible vehicle as this does not exist at present.</p>	<p>them how we would be able to add a mark on the badge / licence for those drivers who have undergone the wheelchair accessible vehicle training.</p>
36	See comment 29 above.	Policy amended accordingly. See comment 29 above.
37	Agrees with proposed condition stated within the draft policy	None
38	Agrees with proposed condition stated within the draft policy	None
39	Comment noted. The Licensing Section already requires specific levels of insurance when licensing a vehicle. The proprietor must ensure the vehicle is covered for either public hire / private hire depending if it is being licensed as a	None

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	hackney carriage or private hire vehicle. The appropriate checks are carried out to ensure the vehicle is insured at all times throughout the duration of the licence.	
40	This process is already applied at application stage and would be picked up at that stage if the private hire operators address was outside the County Durham Area. This condition has been added as it was originally omitted in the original policy developed in April 2009.	None
41	Comment noted.	Policy amended accordingly to include specific requirements of appropriate dress of the driver.
42	<p>The Zafira type models are not prohibited from being licensed as a hackney carriage / private hire vehicle. However, it has been identified that these type of vehicles which are able to carry up to 6 persons would be restricted to only 4 passengers as the rear seats do not comply with the vehicle specifications within the policy. These specifications are the seat height, width etc and the access and egress is restricted from the rear seats also.</p> <p>The Zafira type models which were previously licensed before April 2009 have been issued with a dispensation notice to allow them to continue to be licensed as 6 passengers up until the lifetime of the vehicle.</p>	None
43	Comment noted	Policy amended accordingly
44	See comment 20 above. The Licensing Section are looking at	See comment 20 above



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	ways to inform the relevant authorities i.e. the Local Police to inform them of the Certificate of Compliance which exempts a licensed vehicle from obtaining a MOT Certificate.	
45	<p>There is currently no issues with the current emissions policy which is Euro 3 and Euro 4. However, the policy is constantly under review and if necessary an interim amendment to the policy can be applied in relation to emissions before the formal review in 2014.</p> <p>Additionally, there were no comments received during the consultation period by other relevant departments i.e. Highways, Pollution Control, Regeneration etc in relation to the current emissions policy to suggest we would need to raise the standards.</p>	None
46	<p>At present it has been identified through members of the trade and the Countywide and Area taxi working groups that there is an issue of what the difference is between a hackney carriage and private hire vehicle licensed in County Durham.</p> <p>Therefore, to try and alleviate this issue we are currently in the process of rolling out a new private hire plate and door crest which is a very different design to that of the hackney carriage. In addition, we would also like those private hire vehicles which currently display top signs to have these removed within a 12 month period. This is also best practice in accordance with the Department for Transport Guidance.</p>	None
47	Comment noted	No amendments as of yet however, the Licensing Section would require more information on the

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		wheelchair accessible vehicle testing regime and in time will work with the relevant departments i.e. Fleet Management and Passenger Transport to where we can incorporate the higher standard into one vehicle test. The change to the policy can be done by way of an interim amendment which would have to be agreed by Members of the General Licensing and Registration Committee.
48	Agrees with proposed condition stated within the draft policy	None
49	Comment noted.	Policy amended to include the following condition:  'Drivers need to make passengers aware to be cautious when they are entering and alighting to and from the vehicle to ensure they are not put at risk by oncoming traffic'.
50	The current Locality / Knowledge Test already covers localities throughout the whole of County Durham. This is because once a licence is issued to a driver they can operate throughout the area of County Durham.	None