

AGENDA ITEM 4 – POLICY REVIEW CONSIDERATIONS

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No	Highlighted Matter	Considerations
1	<p>Vehicle Emissions and Manufacture Criteria: Should a vehicle age policy be included, or should we continue with a policy based solely on Euro-Tech manufacturing emissions standards?</p> <p>Pages 7 and 8 Para 4.0 of Proposed Policy in Appendix 2; Page 27 and 28 of bundle</p> <p>See also Appendix 7 - Vehicle Emissions and Age Restrictions Policy Options</p> <p>Current policy: Page 6, para 3 of current policy; Vehicle Emissions and Manufacture Criteria Page (108 of bundle)</p> <p><i>3.1. New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 5" or higher.</i></p> <p><i>3.2. Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above.</i></p>	<ul style="list-style-type: none"> • Some Councils do include vehicle age restrictions, and some don't • Age policies are not seen as best practice by the DfT however, the DfT guidance is old and outdated and will soon be updated and revised • Age policies can offer a clear set guideline for drivers, owners, operators, and councils as to vehicle acceptability • The original proposal including a vehicle age element was generally supported by non-trade respondents • Age policies were generally opposed by the trade and seen as being too restrictive and financially onerous • It can be argued that a well-maintained vehicle may be less polluting than a poorly looked-after newer one • MoT/CoC standards include emission criteria and standards for road use irrespective of age but aligned to manufacturer emission standards • EuroTech Emission standards associated with manufactured vehicles are age-related. The newer the vehicle the higher the manufactured emission standard • Age standards can be arbitrary and subjective • The connection between local air quality and taxis is unclear • Given that there is currently no age restriction policy on DCC licenced vehicles there is a risk that the contribution from taxis may increase if the taxi fleet, which is predominantly relatively old Euro 5 diesel, does not improve. • A policy based on emission standards and a phased removal of vehicles with lower standards may offer a reasonable solution. • The original policy based on a regional proposal has not been adopted by all other councils in the region • An alternative policy on emissions based on Eurotech standards is offered in the post-consultation revised policy as an alternative officer proposal
2	<p>Locality tests: Should we keep locality (topographical) testing as a requirement for both hackney carriage and private hire drivers; or discontinue its application for both or either category of licenced driver?</p> <p>Pages 24 of proposed policy Appendix 1: Drivers; Eligibility; c) Driver Knowledge and Locality Tests Page 44 of bundle</p>	<ul style="list-style-type: none"> • Currently, locality testing is an integral part of the application process for both private hire and hackney carriage drivers. Failing topographical testing currently renders drivers as improper (unsatisfactory) in the eyes of the Council. • Many councils include locality or topographical testing as part of their application processes. Some do not.

	<p>See also, P61 (81); 52 (152) Committee Referrals and Officer Revocations</p>	<ul style="list-style-type: none"> • To date, drivers have been expected to have a reasonable knowledge of the county, its major or significant places, buildings and landmarks and which areas are in or outside the licensing area. • The trade has often complained that drivers licensed by other councils who come into Co Durham don't have good topographical knowledge and that this may place their passengers at risk or may offer substandard levels of service. • The trade is increasingly complaining about locality testing asserting that satellite navigation is so ubiquitous that the ability of drivers to have the knowledge of the County is rendered unnecessary • Licensed drivers may operate inside or outside the area of the council that has licensed them and changes to taxi business models has increased the range and frequency of many taxis. Taxis licensed by other councils may work in Co Durham without having to have undergone locality testing and taxis licensed by Durham may operate outside of the County some, much or all the time. • Several DCC licensed drivers and operators have complained that topographical testing is unnecessary, especially for PH vehicle drivers as bookings are in advance, however, many PH drivers use Apps and other modern booking methods that enable almost instantaneous bookings • Complaints of the testing being too difficult, onerous and time consuming have increased. It is regularly asserted that topographical testing currently is an unnecessary Burdon that puts prospective drivers off applying and that leads to drivers applying to other authorities for licences and that makes driver recruitment difficult. • As drivers of HC vehicles can be hired instantaneously from a rank or in the street, the argument for them to have a good local knowledge is perhaps stronger however the hiring of some PH vehicles may also be almost instantaneous via modern technology • If Members agree to remove the requirement for locality testing, they may wish to consider doing so for PH drivers but maintain the requirement for HC drivers.
<p>3</p>	<p>Fire extinguishers in licensed vehicles: Should we remove from the policy the requirement to carry fire extinguishers?</p> <p>Page 42 of Appendix 2 proposed policy; para 22; page 62 of bundle</p>	<ul style="list-style-type: none"> • The current policy requires that every vehicle must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. This requirement was based on and supported by previous advice from Durham and Darlington Fire and Rescue Service • Durham and Darlington Fire and Rescue have recently written that "...we would be happy for them NOT to be a requirement in Taxis. The

		<p>reasoning being that car fires are relatively few and far between (other than Arson) and with the introduction of a Fire Extinguisher it places a pressure on someone to use it i.e., to get closer to the fire which we would prefer didn't happen. Obviously with this there is a great chance that they get burnt or overcome with fumes or get caught out with a rapid escalation of the fire"</p> <ul style="list-style-type: none"> • Some drivers have argued that the presence of a fire extinguisher is not only unnecessary but is dangerous placing occupants, untrained drivers, and passengers at risk especially in confined spaces. • The argument that it would be better to have one and not need it rather than need one and not have one may be discounted by the updated, more recent comments from the fire service. • Arguably, the requirement for employees and the self-employed in this area is covered by health and safety legislation and therefore rests outside taxi licensing policy. • It is considered that the requirement could be removed without adversely effecting public safety
4	<p>First Aid kits in licensed vehicles: Should we remove from the policy the requirement to carry a first aid kit?</p> <p>Page 42 of Appendix 2 proposed policy; para 22; page 62 of bundle</p>	<ul style="list-style-type: none"> • Current policy requires every licensed vehicle to carry a "first aid" kit and specifies the minimum contents • Several drivers have argued that this requirement is unnecessary and can place themselves and others at risk if they are untrained and try to administer first aid to themselves or others • To date, we have been unable to gain any advice on this subject form Health and Safety or the medical profession • If drivers e.g. cut themselves and do not have basic first aid supplies, they could put themselves and others at risk of infection • Arguably, the requirement for employees and the self-employed in this area is covered by health and safety legislation and therefore rests outside taxi licensing policy. • Checking of this requirement is part of the CoC at the testing station and garage mechanics may be incapable handling first aid kits with oily, dirty hands. • It is considered that the requirement could be removed without adversely effecting public safety
5	<p>Zero or reduced fee charges for electric vehicles, balanced out with higher fees for more polluting vehicles or by subsidy:</p> <p>consideration of the introduction of a fee charging scheme to incentivise uptake of lower emission and zero emission vehicles;</p>	<ul style="list-style-type: none"> • The funding of taxi licensing is reliant on fees and charges. Legally, licensing cannot make any profit and should not be operated at a financial loss but should aim at cost neutrality.

	<p>whether changes to licence fees would be appropriate taking into consideration funding arrangements for taxi licensing and Licensing Services</p> <p>Page 21 of Appendix 2 Proposed policy para 21 Licence fees; Page 41 bundle</p>	<ul style="list-style-type: none"> Alteration of licensing Services funding/fee charging arrangements to incentivise uptake of less polluting vehicles would require detailed, in-depth financial consideration and fiscal planning arrangements In the longer-term, if the uptake of zero and low emission vehicles increased, a fee charging scheme based on emissions would place the department under considerable financial pressure as income from taxi vehicle licensing declined i.e. where would the money to pay for the service come from? It is considered at this stage that vehicle fees and charging arrangements should not be altered via policy to incentivise the uptake of zero and low emission vehicles.
6	<p>Adoption of a new policy on offences: Consideration whether to adopt the IOL policy standards in full or in part.</p> <p>Page 32 of Appendix 2, proposed policy: Appendix 2: Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences Page 52 of bundle</p> <p>NOTE: missing word on Page 34 (54 bundle) Please note that <u>MINOR</u> convictions relating to driving will not be considered when determining if applicants for vehicle and operator licenses meet the 'fit and proper' threshold.</p>	<ul style="list-style-type: none"> See appendix 9 - Comparison of Assessment of Previous Convictions in National Standards with Policy Proposals We mirror the national and IOL standards in many respects however, we add to those standards including such categories as 'other violent offences', 'motoring convictions and minor traffic offences or vehicle related offences', 'Major traffic offences', 'hackney carriage and private hire offences and other relevant factors in connection within areas not covered We propose our policy which includes and supplements the national standards, has a very close relationship to the IOL standards and which also proposes a driver improvement scheme where an applicant has 6 points on their DVLA driving licence for minor traffic or similar offences
7	<p>Disability awareness and refresher training to be included in the proposed policy: Should this new requirement be included?</p> <p>Page 27, para f) of Appendix 1 Drivers, Eligibility; Appendix 2, The proposed policy: Disability Awareness Training; Page 47 of bundle.</p> <p>AND page 28 of proposed policy Continuing Suitability and Renewal Process h) (page 48 bundle)</p>	<ul style="list-style-type: none"> The new UK taxi and PH Vehicle standards do not include this requirement The DoT guidance states that local licensing authorities should also encourage their drivers to undertake disability awareness training, The Disabled Persons Transport Advisory Committee (DPTAC) position on, and recommendations about, the accessibility of taxis and private hire vehicles (PHVs) includes the proposal that taxi and PHV services should be fully accessible to disabled travellers. "The driver needs to take active steps to ensure that the passenger is safe and comfortable and provide reasonable assistance to enable the passenger to use their service." In their consultation document DPTAC recommends that it should be part of the role of a licensing authority to make drivers aware of the breadth of their duties and provide training in how to carry out the full extent of their role. This being the case, licensing authorities will need, with appropriate

		<p>guidance from the government, amongst other matters, to provide training for drivers on disability awareness and wider customer care issues.</p> <ul style="list-style-type: none"> • Taking into consideration all responses and, arguments relating to the proposals for drivers to be trained in disability awareness, we are minded to insert such a requirement in our proposed policy for consideration by Members. • We are also minded to ask Members if they would want the requirement for disability awareness refresher training to be included in the proposed policy and if so, at what frequency? I.e. for new applications, all prospective drivers to have undergone disability awareness training and for existing licensed drivers, E.g. From 31st March 2022, all licensed drivers must undergo DISABILITY awareness refresher training before their licence is renewed, if they have not already received DISABILITY awareness training (or DISABILITY awareness refresher training) within the previous 3 years. • We propose to include this requirement as part of the application process and for all drivers as an assurance of their ongoing suitability to hold a licence.
8	<p>Safeguarding/Sexual exploitation including child sexual exploitation refresher training to be included in the policy: Should this new requirement of refresher training be included?</p> <p>Page 26, para e) of Appendix 1 Drivers, Eligibility; Appendix 2, The proposed policy: Safeguarding including CSE Awareness; Page 46 of bundle.</p> <p>AND page 28 of proposed policy Continuing Suitability and Renewal Process g) (page 48 bundle)</p>	<ul style="list-style-type: none"> • Our current policy requires that all applicants will be required to attend a Child Sexual Exploitation (CSE) awareness training course. • We propose a requirement for refresher training Safeguarding (including Child Sexual Exploitation) every three years • Some comments received submit that refresher training is unnecessary and would be unduly burdensome
9	<p>CCTV in taxis: Consideration of whether all taxis and private hire vehicles should have internal CCTV fitted as standard.</p> <p>Page 41 of proposed policy; para 18 standard conditions Page 61 of bundle</p> <p>Page 62 of proposed policy Appendix 8: C.C.T.V Installed in any Licenced Vehicle; Page 82 of bundle</p>	<ul style="list-style-type: none"> • The compulsory fitting and use of CCTV in all licensed vehicles is generally supported by the public • The compulsory fitting and use of CCTV in all licensed vehicles is generally opposed by the taxi trade • Specifying makes, models and capabilities and usage of CCTV is difficult and problematic • Although supported by the police, no evidence to support its use locally has been provided

		<ul style="list-style-type: none"> • The purchase, installation and maintenance of CCTV suitable systems would be expensive and place a heavy financial burden on drivers and vehicle owners. • Mandating the use of CCTV would place significant legal responsibilities on the Council. The authority would have legal data controlling responsibilities as a result. • Taking into consideration all responses and arguments relating to the question about whether all taxis and private hire vehicles should have internal CCTV fitted as standard, we propose to keep the existing policy in relation to the fitting of CCTV in licensed vehicles as it is and not to mandate its installation as standard in all licensed vehicles – no change to proposals is recommended despite apparent support from the general public for its inclusion as a mandatory feature of taxi licensing.
10	<p>Contract exemption for displaying decals etc. Consideration of reduction of number of days required under contract to allow exemption</p> <p>Page 17 of proposed policy paras 15.24 to 15.32 NOTE 15.25 page 37 of bundle</p>	<ul style="list-style-type: none"> • The Council has previously decided that for the purpose of this policy, they consider the use of a higher standard and more luxurious vehicle used exclusively for the purposes of carrying passengers under a written contract (the duration of which must be not less than 60 days) to be the minimum standard for an application not to display a licence plate and other identification livery to be considered. • Respondents have suggested that 60 days is too long, and that this requirement is too prohibitive • Although we support the exemption, we need to balance the requirements and controls against the costs to the trade and need to prevent or minimise the risks associated with licensed vehicles carrying out general private hire work without displaying the correct identifying livery • Members may wish to consider reducing the number of days e.g. 40 or 30. • It needs to be noted that the more frequently stickers are changed, the more replacements will be needed leading to more expense in funding replacements • We do not allow magnetic livery
11	<p>Intelligence led and random drug and alcohol testing: Consideration of intelligence led drug and alcohol testing</p> <p>Pages 9 of proposed policy and 29 of bundle; 6.0 Promotion of taxi licensing objectives (h); page 36 (56 of bundle): Appendix 2: Determination of Suitability of Applicant and Licence Holders for</p>	<ul style="list-style-type: none"> • We do not propose random drug testing however, we do propose Intelligence led and drug and alcohol testing – to be carried out by/in conjunction with the police • Proposed that: Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo

	Vehicle, Driver and Operator Licences	drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.
12	The introduction of driver improvement schemes: Consideration of imposition of driver improvement schemes Pages 9 of proposed policy and 29 of bundle; 6.0 Promotion of taxi licensing objectives (i); 28 (48 bundle); page 34 (54 of bundle) Appendix 2 of proposed policy Appendix 2: Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences	<ul style="list-style-type: none"> Proposed that: Where an applicant has 6 points on their DVLA driving licence for minor traffic or similar offences, they will be required to undertake a driver improvement scheme at their own expense. The Licensing Authority hold a list of current providers of the driving improvement scheme.

- The post-consultation revised policy (Appendix 2) - some of the text is in red. These are changes to policy that were originally proposed for consideration and which were consulted on. Some of the text is in purple. These are further changes to policy being proposed after the consultation and which resulted from officer appraisal of the consultation responses. The current policy wording is in black. These text colours are also referenced/explained in the SMT Report.
- The 'Assessment of Taxi Survey Responses' (Appendix 6) - Some text is in purple. These are further changes to policy being proposed after the consultation and which resulted from officer appraisal of the consultation responses. Some of the text is in red. These are matters that are being put forward for additional consideration by Members at GLRC. These text colours are also referenced/explained in the SMT Report.

Along with the main report, the following attachments will comprise the appendices:

Appendix 2 - The post-consultation revised policy; Table of Changes (pre- and post-consultation): [page 21](#)

Appendix 3 - The current taxi policy: [page 103](#)

Appendix 4 - The pre-consultation revised version of the current taxi policy: [page 159](#)

Appendix 5 - The Taxi Licensing Survey/Consultation Questionnaire; Taxi Policy Briefing Note; Consultation Trade Letter: [page 231](#)

Appendix 6 - The results of the consultation including statistical data and information, survey responses, associated commentary and discussion (Final Output sans OE.doc; DATA.xlsx; Assessment of Taxi Survey Responses): [page 247](#)

Appendix 7 – Vehicle Emissions and Age Policy Options Appraisal: [page 311](#)

Appendix 8 - Arrangements for immediate licence revocations by Councils in the Northeast Region: [page 324](#)

Appendix 9 – Comparison of Assessment of Previous Convictions in National Standards with Policy Proposals: [page 328](#)

Appendix 10 - Comparison of DFT Taxi and PH Vehicle Standards with Proposed/Revised DCC Taxi Policy: [page 335](#)

Appendix 11 – Screening Equality Impact assessment updated: [page 338](#)