



## Special General Licensing and Registration Committee

**Date** Monday 6 March 2023  
**Time** 1.30 pm  
**Venue** Committee Room 2, County Hall, Durham

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### Business

#### Part A

#### Items which are open to the Public and Press

1. Apologies for Absence
2. Declarations of Interest (if any)
3. Review of the Council's Hackney Carriage and Private Hire Licensing Policy (Pages 3 - 118)
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
24 February 2023

To: **The Members of the General Licensing and Registration Committee**

Councillor D Stoker (Chair)  
Councillor C Hunt (Vice-Chair)

Councillors R Adcock-Forster, P Atkinson, A Batey, C Bihari, J Blakey, D Brown, L Brown, J Chaplow, I Cochrane, T Duffy, J Griffiths, O Gunn, C Hampson, G Hutchinson, B Kellett, L Mavin, I McLean, E Peeke, R Potts, W Stelling, D Sutton-Lloyd, E Waldock, A Watson and M Wilson

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**General Licensing and Registration  
Committee**

**6<sup>th</sup> March 2023**

**Review of the Council's Hackney  
Carriage and Private Hire Licensing  
Policy**

**Ordinary Decision**



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**Report of Corporate Management Team**

**Alan Patrickson, Corporate Director of Neighbourhoods and  
Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural  
Communities and Highways**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To request General Licensing and Registration Committee's (GLRC) approval of the revised Durham County Council's Hackney Carriage and Private Hire Licensing Policy, referred to as the "taxi policy" and their recommendation for adoption by Council.
- 2 To consider a possible change to the policy, that was previously agreed by GLRC in November 2022, with an option of considering whether to extend the deadline for licensing of Euro 5 vehicles from March 2025 until March 2026.

**Executive summary**

- 3 The current Durham County Hackney Carriage and Private Hire Licensing Policy was initially adopted by the Council in April 2016. The policy was further amended in April 2018.
- 4 The current taxi policy provides that the Council will review it every five years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly.

- 5 Consultation on the existing policy and proposed changes is integral to the overall policy review process, leading to the adoption of a revised policy by Council. A full, 12-week public consultation originally took place between September 2020 and November 2020 and following the consultation, the responses were collated, assessed, and considered by officers.
- 6 Proposals were presented to GLRC on 13 September 2021 concerning:
  - (a) the possible introduction of new vehicle age restrictions and updated engine emission standards;
  - (b) changes to the policy on the determination of suitability of applicant and licence holders for vehicle, driver and operator licences associated with the adoption of standards developed and promoted by the Institute of Licensing (IOL);
  - (c) introduction of disability awareness training and subsequent refresher training for this subject and for the existing safeguarding awareness training including child sexual exploitation (CSE) awareness;
  - (d) changes to officer delegations to enable immediate revocation of hackney carriage and private hire driver licences by senior officers subject to specific criteria and control measures;
  - (e) the incorporation of newly published statutory taxi and private hire vehicle standards;
  - (f) intelligence led and random drug and alcohol testing;
  - (g) the introduction of driver improvement schemes;
  - (h) Contract exemptions.
- 7 The revised version of the taxi policy containing those proposals agreed by GLRC is attached as Appendix 2.
- 8 In March 2022, Members requested a further, 4-week public consultation in relation to the version of the policy previously agreed by GLRC to consider the impact of coronavirus on the trade and passengers as part of the policy review.
- 9 A second consultation exercise was undertaken between Monday 20 June and Sunday 17 July 2022.
- 10 GLRC is requested to consider the contents of this report and confirm the previously agreed revision of the taxi policy or agree to any further

changes required to the revised version prior to recommendation to Full Council for adoption.

- 11 In November 2022 GLRC recommended the Policy for adoption to Full Council. At full Council on 7 December 2022, there was a motion passed that the Portfolio Holder would meet with representatives of Durham Taxi and Private Hire Association (DTPHA). This meeting has taken place and has resulted in the presentation of further options for consideration by GLRC to either keep to the policy as previously agreed or to extend the provision in Paragraph 4.2 of the Policy to enable the continued licensing of Euro 5 vehicles from January 2025 until January 2026. After this date, such vehicles licences would no longer be renewed

### **Recommendation(s)**

- 12 GLRC is recommended to:
- a) consider this report together with the proposed revised taxi policy and;
  - b) to consider a possible change to the policy, that was previously agreed by GLRC in November 2022, with an option of considering whether to extend the deadline for licensing of Euro 5 vehicles from March 2025 until March 2026.
  - c) agree to recommend the taxi policy, including any revisions for consideration and final completion by Council.

## Background

- 13 The Policy Review - The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in April 2016. The policy was amended in 2018 because of changes to immigration legislation.
- 14 Following its last revision, several matters in the policy had been identified that needed to be considered as part of a policy review. The initial proposed revision included several significant and potentially contentious matters associated with both licensed vehicles and their drivers including:
  - 15 As a result of the Covid-19 pandemic and the initial countrywide lockdown, the original planned date for the start of public consultation on the taxi policy proposals was postponed from June to September 2020. This delayed consultation period ended on Sunday 29 November 2020.
  - 16 The outcome of the initial consultation exercise together with several additional changes to the initial proposals were reported to GLRC on 13 September 2021.
  - 17 The GLRC was asked to consider and make decisions on their appropriateness for inclusion in the proposed revised taxi policy the following matters:-
    - (a) Vehicle Emissions and Manufacture Criteria – whether to accept and recommend proposals which included an age policy or to extend and update our existing policy based purely on manufactures emission standards. The proposal did not receive strong support from the taxi trade during the initial consultation process. Regionally, despite differences in Council policies, there is a drive for authorities to include this form of policy to reduce emissions and improve air quality. GLRC recommended a revised policy based solely on Euro vehicle emission standards in line with current policy;
    - (b) Locality tests – whether to keep locality (topographical) testing and a requirement for both hackney carriage and private hire drivers; or to discontinue its application for both or either type of licenced driver. GLRC recommended removal of the requirement for prospective private hire drivers to undergo topographical/locality testing;
    - (c) Removal of the policy requirements to carry fire extinguishers and first aid kits in licensed vehicles - whether licensed vehicles should have to carry these items. GLRC recommended maintaining these requirements for licensed vehicles;

- (d) Zero or reduced fee charges for electric vehicles, balanced out with higher fees for more polluting vehicles or by subsidy – whether changes to licence fees would be appropriate taking into consideration funding arrangements for taxi licensing and Licensing Services. GLRC recommended maintaining current fee setting arrangements in-line with existing financial management processes;
- (e) Adoption of a new policy on offences – whether to adopt the Institute of Licensing (IOL) policy standards in full or in part. We considered alternatives suggested by respondents to the initial consultation and concluded that no compelling reasons for departure from the proposed policy which is in line with the new Statutory Taxi and Private Hire Vehicle Standards. We proposed to incorporate the IOL standards in part but not in relation to the section on minor motoring offences or motoring offences involving disqualification. GLRC recommended the proposals as incorporated in the proposed revised policy;
- (f) Safeguarding including child sexual exploitation (CSE) and disability awareness and refresher training to be included in the proposed policy and if so, at what frequency – Currently disability awareness training is not part of the application process. It was proposed that for new applications, all prospective drivers to have undergone disability awareness training and for existing licensed drivers by a specified date and that 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. GLRC recommended the proposals as incorporated in the revised policy for Safeguarding (CSE) and DA training and periodic refresher training;
- (g) CCTV in taxis - Taking into consideration all responses of the initial consultation 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 – GLRC recommended no change to existing policy requirements and do not propose its inclusion as a mandatory feature of taxi licensing;
- (h) Contract exemption for displaying decals etc. – although we proposed no change to policy, Members considered reducing the number of days required to be considered for an exemption. GLRC recommended relaxation of the current rules with

arrangements to be made at application on a case by case basis in conjunction with the Chair and Vice Chairs of GLRC.

- 18 The revised taxi policy agreed by GLRC was scheduled for reporting to full Council on Wednesday 8 December 2021 but was deferred until Wednesday 26 January 2022. The report was then deferred again at that meeting.
- 19 In March 2022, Members sought to carry out a further, 4-week public consultation in relation to the previously agreed version of the policy so that the full effects of the pandemic on the travelling public and the trade could be considered.
- 20 On 28 March 2022, the Government embarked on a consultation on Taxi and Private Hire Vehicle Licensing, Best Practice Guidance for Licensing Authorities in England. This document confirms best practice in relation to several taxi licensing related issues. This consultation is now closed.
- 21 The Council's current taxi policy is not in accordance with current national standards or this proposed guidance. The revised version of the taxi policy agreed by GLRC would bring our current taxi policy in accordance with the national standards. Subject to the outcome of the Government consultation the revised taxi policy may not meet any revised guidance issued by the Department for Transport (DoT) and this may prompt a further policy review.
- 22 Initially the decision was taken to wait until the new best practice guidance was formalised by the DoT after the end of the national consultation that ended in June 2022. The DoT was contacted to ask for its opinion on this matter and the response was that we should press ahead with this policy review in order that national standards can be brought in as soon as possible.

## **Second consultation exercise**

- 23 The second, 4-week consultation took place between Monday 20 June and Sunday 17 July 2022 and was carried out in accordance with guidance and information provided by DCC legal Services and DCC Partnership Team's Consultation and Engagement section.
- 24 The consultation exercise was widely advertised and published on the Council's website and via directed consultation methods agreed by the Council's Consultation Officer Group (COG). See Letter to Taxi Trade Appendix 3.
- 25 During the consultation period, all respondents were asked to send their comments to the email address: [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)



- 26 At the end of the consultation period, a total of 53 responses had been received in total which included 5 separate responses from 1 respondent.
- 27 The email responses received together with comments from Licensing Services are shown in Appendix 4.
- 28 Matters that were not of a policy nature or which concerned subjects outside the remit of Council policy have not been taken forward for further consideration.
- 29 Some of the proposals in the revised policy are intended to bring our current taxi policy in line with current national standards and have not been challenged during consultation.
- 30 Many of the points raised by respondents however have highlighted concerns around the proposals on vehicle emissions.
- 31 There is a general acceptance that vehicles licensed for the very first time by DCC should meet Euro 6 emission standards. The respondents from the taxi trade are against the proposals for vehicle licence renewals involving older Euro 4 and 5 vehicles.
- 32 In the main, concerns are associated with the costs of vehicle replacement within the proposed timescales. In response to the representations received a range of options are presented for further consideration by GLRC to address these concerns.

### **Second Deferral**

- 33 On 7<sup>th</sup> November 2022, members recommended the proposed policy to full Council for adoption at its 7 December 2022 meeting.
- 34 At that meeting the policy was deferred with a motion passed for the Cabinet Portfolio lead for Rural Communities and Highways and Councillor Carl Marshall to meet with representatives of DTPHA.
- 35 A meeting took place on 5 January 2023 where it was agreed that a further option of extending the deadline for requirement to licence Euro 5 vehicles from January 2025 until January 2026 would be considered by GLRC.

### **Material Considerations**

- 36 The taxi policy proposals previously agreed by GLRC recommended the implementation of the proposals relating to the Euro 4 and Euro 5 emission standards in respect of licensing renewals after 1 January 2023 and 1 January 2024 respectively. Given the consultation

responses Members may however wish to extend these timescales, keep them as they are or remove this requirement altogether. Removal of the requirement would seem at conflict with the general acceptance of newly licensed vehicles required to meet Euro 6.

- 37 In addition to the economic difficulties voiced by the trade and others, the effect of the removal or phasing out of older vehicles would catch wheelchair accessible vehicles (WAVs) under the current proposals and a collective opinion appears to be that WAVs should not be subject to emission control conditions.
- 38 Another related counter proposal suggested by taxi trade respondents involves the retrofitting of pollution or emission control equipment to the licensed vehicles that were not manufactured to Euro 6 standards. The efficacy and practicalities associated with such a proposal are subjects that extend beyond the knowledge and experience of Licensing Officers. Therefore, expert opinion from outside the service has been sought from the Energy Savings Trust on these propositions made by taxi trade respondents.
- 39 The advice from the Energy Saving Trust stated that fitting hydrogen on demand systems to Euro 4 and 5 cars will not make them cleaner than Euro 6.
- 40 As a result of the information provided by the Energy Saving Trust, there is insufficient evidence to support including retrofitting of emission control equipment to taxis is an effective means of providing a contribution to the overall reduction of pollution levels from vehicles in County Durham. The contribution of such methods towards climate change reduction is also in question.
- 41 The following options are presented for consideration:

**(a) Option A**

- (i) **New Applications (Newly Licensed Vehicles)** - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher;
- (ii) **Renewal Applications (Existing Vehicles / Continued Licensing)**
- after 1 January 2023, we will not accept renewal applications for licensed vehicles meeting Euro 4 or lower. This date could be extended should members feel appropriate;

- after 1 January 2024, we will not accept renewal applications for licensed vehicles meeting Euro 5 or lower. This date could be extended should members feel appropriate;
  - (iii) **Zero emission vehicles** - fully electric and zero emission (at source) vehicles are welcomed by the Council;
- (b) **Option B** (Wheelchair accessible vehicles exempt from emission manufacturers standard controls) \* date to be decided by Members:
  - (i) **New Applications (Newly Licensed Vehicles)** - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher;
  - (ii) **Renewal Applications (Existing Vehicles / Continued Licensing):**
    - after 1 January 2024, we will not accept renewal applications for licensed vehicles\* manufactured to the emissions standard Euro 4 or lower;
    - after 1 January 2025 or 2026, we will not accept renewal applications for licensed vehicles\* manufactured to the emissions standard Euro 5 or lower;
    - \*Renewal applications for wheelchair accessible vehicles will not be subject to the above vehicle emission requirements;
- (c) **Option C** (No age or Emission control restrictions on existing licensed vehicles other than those imposed nationally via MOT/CoC testing requirements):
  - (i) **New Applications (Newly Licensed Vehicles)** - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher.

42 The range of options as set out in paragraph 37 above, are not exhaustive and will require a Member decision to be made on which option they wish to take forward and possibly, what dates for compliance should be inserted into the chosen policy. We would recommend Option B with an effective date of 1 January 2024 for renewal of licences for vehicles manufactured to the Euro 4 standard and lower and 1 January 2025 or January 2026 for Euro 5 standard and lower in relation to renewal applications as this would provide further

time for existing licence holders to meet the required emissions standard.

43 Following the second consultation process, officers from Licensing Services offer the following additional proposals for consideration:

- **English language proficiency** - The National Standards state that a lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above, currently the level of English assessed by officers during knowledge and locality interviews. If these are removed for PH and or HC drivers, officers may be unable to make a reasonable assessment of language proficiency unless we incorporate this into remaining knowledge tests. If there is any doubt about an applicant's ability to communicate in English, (spoken and / or written), we recommend they will be required to undertake and pass an English Speaking for Other Languages, (ESOL), course, the cost of which is to be covered by the applicant.
- **Refresher training for Child Sexual Exploitation and Disability awareness (CSE and DA)** - these requirements which stem from the national standards were previously accepted by GLRC. We have been unable to secure support from any other section of the Council to provide such training therefore, subject to this policy being adopted, we will keep a list of external training providers who can provide the necessary training and refresher training via on-line processes. We recommend that from the adoption of the policy, new drivers must have completed a recognised CSE and DA course from an approved provider prior to being licensed. We also recommend that from the date of adoption of the policy, existing licensed drivers must complete a recognised CSE refresher course from an approved provider within 3 years (dependant on when they did their last course) and must complete a recognised DA course from an approved provider within 12 months.

## **Main implications**

44 A failure to review, revise and update the Council's taxi licensing policy would result in the Council's inability to properly administer, manage,

and regulate the taxi licensing process. It would result in a failure to adopt the national standards aimed at protecting children and vulnerable persons. This would lead to unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The Council would be open to charges of maladministration and to legal challenges.

## Conclusion

- 45 Further consultation on the policy has taken place in accordance with the wishes of the Council.
- 46 The revised taxi policy has been subject to an initial Equality Impact Screening Assessment which has taken into consideration the current taxi policy and proposed revisions to the policy as agreed by GLRC in September 2021 and subsequently November 2022. No overall impacts have been identified across the equality strands.
- 47 A further screening assessment will be undertaken should there be any further changes to the revised taxi policy agreed by GLRC and prior to reporting to full Council.
- 48 Any recommendations made by GLRC in relation to revisions to the taxi policy will, if agreed and adopted by Council, enable the updated, revised policy to come into operation in April 2023.

## Background papers

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy 2016 (as amended in 2018)  
<https://www.durham.gov.uk/media/5945/Hackney-Carriage-and-Private-Hire-Licensing-Policy/pdf/HackneyCarriagePrivateHireLicensingPolicy.pdf?m=636634554282130000>
- Report to GLRC 13 September 2021 – 'Review of the Council's Hackney Carriage and Private Hire Licensing Policy' and Appendices 1-11  
<https://democracy.durham.gov.uk/documents/s143998/Revision%20of%20Taxi%20Licensing%20Policy%20Report.pdf>
- Policy review considerations  
<https://democracy.durham.gov.uk/documents/s144410/Policy%20Review%20Considerations.pdf>

- Taxi Policy Briefing Note  
<https://democracy.durham.gov.uk/documents/s149020/App%205c%20-%20Taxi%20Policy%20Briefing%20Note%20Consultation.pdf>

### **Other useful documents**

- Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (2010)  
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>
- Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf)
- Vehicle Emissions and Age Restrictions Policy Options  
<https://democracy.durham.gov.uk/documents/s149024/App%207%20-%20Vehicle%20Emissions%20and%20Age%20Policy%20Options%20Appraisal.pdf>

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## **Appendix 1: Implications**

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### **Legal**

The Hackney Carriage and Private Hire Licensing Policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing and also in accordance with relevant government guidance.

### **Finance**

None.

### **Consultation**

Two full public consultation processes have been undertaken in respect of the review of this policy.

### **Equality and Diversity / Public Sector Equality Duty**

The existing Hackney Carriage and Private Hire Licensing Policy has gone through a full Equality and Diversity Impact Assessment. The revised taxi policy has also been subject to a screening assessment prior to reporting to Committee and is attached in Appendix 5.

### **Climate Change**

Revising the policy on Vehicle Emissions and Manufacture Criteria for licensed vehicles will help to ensure that vehicles licensed by DCC will meet current or recent emission standards, thereby contributing to climate protection and local air quality management.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

## **Risk**

A failure to review, revise and update the Council's taxi licensing policy would result in the continuation of the existing out-of-date policy with no replacement. This would result in the Council's failure to adopt new national standards for taxi licensing and the inability to properly administer, manage and regulate the taxi licensing process. This would result in unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The Council would be open to charges of maladministration and to legal challenges.

Possible challenges to any legal actions taken under taxi legislation resulting from actions taken in accordance with the policy; and possible legal action that could be taken against the policy itself, such as a judicial review of the new policy.

The final revised policy once adopted may be subject to challenge and complaint.

## **Procurement**

None.



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**Appendix 2: Revised Hackney Carriage and Private Hire  
Licensing Policy previously agreed by General Licensing and  
Registration Committee**

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**Neighbourhoods and Climate Change**

**Community Protection Services**

# **Hackney Carriage and Private Hire Licensing Policy 2021 to 2026**

## Version control

Amendments to the policy are noted below.

Version Date	Version ref	Revision History	Reviser	Approved by	Review Date
12 May 2011	V1	Final Version	Joanne Waller Head of EHCP Neighbourhood Services	County Council	April 2016
13 April 2016	V2	Final Version	Joanne Waller Head of EHCP Neighbourhood Services	County Council	April 2021
25 January 2017	V3	Final Version	Joanne Waller Head of EHCP Adult and Health Services	County Council	April 2021
18 April 2018	V4	Amended Final Version	Joanne Waller Head of EHCP Adult and Health Services	County Council	April 2021
December 2022	V5	Recommended Final Version	Joanne Waller Head of Community Protection; Neighbourhoods and Climate Change	County Council	January 2022 Pending

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## 1. Introduction

- 1.1. Durham County Council (DCC) is responsible for the licensing and regulation of the hackney carriage and private hire activities within the area administered by the Council. This policy sets out and explains how the Council undertakes its functions relating to the licensing and regulation of hackney carriages, private hire vehicles, drivers, and private hire operators.
- 1.2. In adopting the licensing policy, the Council recognises the needs of all persons for safe and convenient taxi transportation and the importance of this for the local economy and to the vibrancy of the County. This policy, which replaces all previous taxi policies, shall apply throughout the administrative area of Durham County Council from the date of adoption.
- 1.3. This policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing. When developing this policy, the following have been taken into consideration:
  - The aims and objectives of this policy (see below)
  - Current legislation
  - The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010
  - Regulators Code 2014
  - Departmental Enforcement Policy
  - Local Government Association Template Criminal Convictions Policy 2015
  - The Department for Transport ‘Statutory Taxi and Private Hire Vehicle Standards’ 2020
  - The Equality Act 2010
- 1.4. The Council has considered the views of key partners, stakeholders and any other person who has responded to the consultation when preparing this policy. A full list of those consulted in preparing this Policy is available from Licensing Services.
- 1.5. The development, review, application, and implementation of this policy will be the responsibility of the Council’s Licensing Service and Elected Members sitting as the Licensing Committee.
- 1.6. The General Licensing and Registration Committee may make decisions that change the content of this policy. The changes may have immediate effect or may come into effect on a given date.

## **2. Hackney Carriage and Private Hire Licensing**

- 2.1 Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers, and operators. This policy sets out application requirements and ongoing standards that must be met by the hackney carriage and private hire trade licensed by Durham County Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.
- 2.2 A hackney carriage vehicle is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means they can stand at public ranks or be hailed / flagged down in the street by members of the public, when operating within their licensing authority's own geographical area (the controlled area). Outside their controlled areas, the law prevents hackney carriages from being hailed / flagged down in the street or from standing at public ranks.
- 2.3 A private hire vehicle must also have no more than 8 passenger seats however, they must be 'pre-booked' through a licensed private hire operator and may not ply for hire nor use public ranks either inside or outside their controlled areas.
- 2.4 The principal aims of licensing the hackney carriage and private hire vehicle trades are to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.
- 2.5 The Council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the Council are safe, comfortable, properly insured, and available where and when required.
- 2.6 The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Local Authority.

## **3. Hackney Carriage and Private Hire Drivers**

- 3.1 An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed, the driver must remain a fit and proper person throughout the duration of the licence.
- 3.2 Whilst there is no definition of a fit and proper person, the Department for Transport Guidance suggests that the Council is effectively asking the following question:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

3.3 During the application process, the Council will undertake several checks to gather the information necessary to assess the suitability of the applicant.

3.4 Factors that will be considered when reaching a decision include:

- Criminality (whether the applicant has any criminal convictions or cautions)
- Driving licence – length held, and penalty points endorsed
- Right to work in the UK
- Medical Fitness
- General conduct/standards of behaviour
- Conduct of the applicant during the application process
- Previous licensing history
- Knowledge of County Durham and other matters such as the Highway Code, this policy and taxi legislation
- Ability to communicate and understand English
- Completion of all necessary requirements of the application process
- Whether the applicant has had a licence revoked or refused by another authority

This is not an exhaustive list of matters that will be considered, and further information may be sought from other agencies such as the Police, Safeguarding Boards, other licensing authorities etc.

## 4. Vehicle Emissions and Manufacture Criteria

Tackling air pollution is one of several public health priorities aimed at safeguarding the public. To combat poor air quality, innovative and bold measures are being taken across the country to ensure the health and wellbeing in communities as well as road users. Adoption of the following proposed policy requirements will enable Durham licensed vehicles to help to reduce traffic pollution and improve local air quality in our region.

**Note:** to encourage the maintenance and continued licensing of wheelchair accessible licensed vehicles (WAVs), those WAVs already licensed by DCC will be exempt from our requirements for manufacturers emission standards. However, newly licensed WAVs will be subject to the same emission standards that apply to all other vehicles.

4.1 **New Applications (Newly Licensed Vehicles)** - New applications for all vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher.



#### 4.2 **Renewal Applications (Existing Vehicles / Continued Licensing)**

- After the 1<sup>st</sup> January 2024, we will not accept renewal applications for licensed vehicles meeting Euro 4 or lower\*
- After the 1<sup>st</sup> January 2025, we will not accept renewal applications for licensed vehicles meeting Euro 5 or lower\*

\*Renewal applications for wheelchair accessible vehicles will not be subject to the above vehicle emission requirements

4.3 **Zero emission vehicles** - fully electric and zero emission (at source) vehicles are welcomed by the Council.

### 5. **Taxi Licensing Aims and Objectives**

5.1 The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the public. The Council will carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- a) The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder - To ensure that all licensed drivers, vehicle licence holders and private hire operators are fit and proper persons
- b) The safety and health of the public and drivers - to ensure that safe, comfortable, reliable, and accessible hackney carriage and private hire vehicles are available for all who require them
- c) Encouraging environmental sustainability
- d) To provide clarity for licensees with respect to the Council's requirements and the decision-making process
- e) To promote a professional and respected hackney carriage and private hire trade

5.2 The Council aims to ensure that the hackney carriage and private hire services offered within the County are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance, and appropriately enforced. These objectives will be considered by the Council when making decisions.

### 6. **Promotion of taxi licensing objectives**

6.1 Methods used by this Council to promote the licensing objectives of this policy will include:

- a) Setting the standards for the licensing of drivers, vehicles, proprietors, and operators
- b) The licensing and routine inspections of vehicles, with appropriate follow-up action
- c) Routine inspection of insurance policies, with appropriate follow-up action
- d) The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence
- e) Investigation of complaints with appropriate follow-up action
- f) Liaison with the Police, other local authorities, and other relevant agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders/applicants
- g) Taking enforcement and / or disciplinary action including legal proceedings, verbal and written warnings, written cautions, notices, suspension, or revocation of licences for breaches of legislation or conditions or any other reasonable cause
- h) Intelligence led drug testing (see Appendix 2)
- i) The imposition of driver improvement schemes' (see Appendix 2)

6.2 When considering applications and taking enforcement action against existing licence holders, the Council as the Licensing Authority will have regard to the current Community Protection Enforcement Policy.

## **7. Delegations**

7.1 Under the Council's Constitution, the General Licensing and Registration Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. The Sub-Committee will determine contested and non-conforming applications, misconduct, contraventions, and suspensions and revocations.

7.2 All licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. Under DCC constitutional arrangements, in cases involving serious misconduct and where public safety is in imminent jeopardy, this role has been delegated to senior officers and managers with responsibility for the licensing service.

7.3 Officers in Licensing Services have delegated powers to grant licences where there are no criminal or other concerns that give rise to doubts over the suitability of the applicant to hold a licence.

7.4 The Licensing Manager, the Licensing Enforcement Team Leader and Licensing Enforcement Officers may issue warning letters on behalf of the Council.

- 7.5 Hackney carriage/private vehicles licensed by the council (and vehicles licensed by participating authorities in accordance with adopted cross-border authorisation arrangements) may be suspended by the Licensing Manager, the Licensing Enforcement Team Leader and Licensing Enforcement Officers.
- 7.6 The Council has the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. A decision to suspend or revoke is based on the evidence available at the time the determination was made. New evidence may, of course, become available later. If, for example, the allegations against a licence holder were, on the balance of probability, considered to be unfounded, or their fitness to drive was proven satisfactory, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process will be used. We will operate a Fast-Track application process for licence reinstatement following an officer revocation in such cases.
- 7.7 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.
- 7.8 All licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. At Durham County Council, this role has been delegated to senior officers and managers with responsibility for the licensing service.

## **8. Partnership Working**

- 8.1 The Council will actively engage and seek to work in partnership with the following agencies, groups, and individuals to promote the licensing objectives:
- a) Members of the local hackney carriage and private hire trade
  - b) Taxi working groups
  - c) Durham Constabulary
  - d) Other Council departments
  - e) Disability groups
  - f) Regional licensing groups
  - g) Any other appropriate formation which may contribute to the promotion of the objectives

## 9. Duties and Obligations under the Equality Act 2010

- 9.1 To achieve the above standard the Council will endeavour to comply with the duties and obligations under the following legislation:
- a) The Equality Act 2010
  - b) Human Rights Act 1998
- 9.2 Providers of transport services by way of hackney carriage and private hire vehicles are now deemed to be providers of services to the public for the purposes of Part 3 of the Equality Act 2010.
- 9.3 A Statutory Code of Practice - *Service, Public Functions and Associations* - has been issued and provides guidance on specific issues associated with the Act. Licence holders should read this code and ensure they operate in accordance with it. As it is a statutory code, approved by Parliament it is admissible under the Act and Courts must take them into account where relevant.
- 9.4 Following the information provided in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately, the Courts will provide authoritative interpretation of the Code.
- 9.5 Where a disabled person believes they have been discriminated against the main remedies available are damages including compensation for injuries to feelings, an injunction, and a declaration, however the claimant should seek independent legal advice before commencing any claim.
- 9.6 It is a condition of a vehicle licence that wheelchair accessible vehicles always have the appropriate equipment to be able to transport passengers in wheelchairs. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- 9.7 Licensed drivers are under a duty to carry a passenger's guide/assistance, hearing, and other prescribed assistance dog in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the Council for an exemption from the duty on medical grounds.
- 9.8 A medical certificate must be provided at the driver's expense, from the drivers own GP which demonstrates the driver has a genuine medical condition that is aggravated by exposure to dogs. This evidence should be in the form of a blood test, a skin prick test or clinical history. If granted, the Council will issue a tactile notice of exemption which must be displayed in any licensed vehicle driven by the driver and must be made available for inspection upon request and a register will be kept of exempt drivers.

- 9.9 Under the Equality Act 2010, the council will make and hold a list of wheelchair accessible vehicles (designated vehicles). The Act requires the drivers of those vehicles to carry passengers in wheelchairs, aid those passengers and prohibits them from charging extra. The relevant requirements of the Act do not apply to drivers who have a valid exemption certificate, which must be displayed in the vehicle. The Department for Transport has published statutory guidance, *Access for Wheelchair Users to Taxis and Private Hire Vehicles*. This guidance has been issued to assist councils in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle services.
- 9.10 The Equality Act 2010 makes clear that if carrying a passenger in a wheelchair, there cannot be any extra charge for doing so. This means that a taxi meter should not be started or left running whilst the driver performs duties required by the Act or as the passenger enters, leaves, or secures their wheelchair within the passenger compartment.
- 9.11 Persons who breach duties imposed by the Equality Act may be guilty of a criminal offence.
- 9.12 Further information is available from the Equality and Human Rights Commission.

## **10. Conditions**

- 10.1 The Council can impose such conditions as it deems necessary in relation to the grant or a renewal of any licence except a hackney carriage driver's licence.
- 10.2 Standard conditions relating to licences are included in the appendices. In addition, the Council may impose additional conditions, where considered necessary or appropriate in the circumstances.

## **11. Enforcement**

- 11.1 Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the departmental enforcement policy. This policy can be accessed via the Council's website.

## **12. Other Regulatory Regimes**

- 12.1 Other statutory requirements may apply to the provision of any regulated activities provided by a licensed vehicle or at premises, and the responsibility for compliance rests with the licence holder and / or proprietor.

### **13. Decision Making**

- 13.1 The powers of the Council will be exercised in accordance with this policy and as delegated through the Council's Constitution.
- 13.2 The Council will make all decisions in relation to licensing matters on their own merits.
- 13.3 The Council will provide reasons for all decisions that it makes.

### **14 Complaints Procedure**

- 14.1 Durham County Council expects high standards of conduct and behaviour from the hackney carriage and private hire trade and all licence holders should always maintain these standards.
- 14.2 It is recognised that there may be occasions when members of the public or the trade may make complaints about licensed drivers, operators, and vehicles. Complaints will be dealt with in accordance with the Council's Complaints procedures. Information about how to make a complaint will be displayed within the licensed vehicle and on the Council's website.
- 14.3 Durham County Council recognises that some complaints can be frivolous, vexatious, and repetitious. Such complaints will not normally be pursued. Under these circumstances, reasons why the complaint has not been investigated, followed-up or acted upon will usually be provided.
- 14.4 Members of the licensed trade will be expected to provide reasonable levels of assistance and cooperation to officers when carrying out their investigations. A failure to assist or cooperate may result in actions being taken against individuals and organisations where it is appropriate and possible to do so.
- 14.5 Following completion of the investigation all parties will normally receive confirmation of any action taken.
- 14.6 If any party is not satisfied with the outcome of the investigation the Council has a Corporate Complaints Procedure.

### **15 Vehicle Licence Holders**

- 15.1 The Council has discretion over the types of vehicle that it can licence as Hackney Carriage and Private Hire vehicles. In setting the standard vehicle conditions the Council has taken account of passenger needs. Any application

for a new vehicle licence will only be considered if it complies with the policy and conditions set out by the Council in Appendix 3 and Appendix 4 of this policy.

- 15.2 Category A and B “write offs” will not be licensed as Hackney Carriage or Private Hire Vehicles.
- 15.3 All vehicles shall have an appropriate ‘type approval’ which is either:
- European Whole Vehicle Type approval
  - British National Type approval; or
  - British Single Vehicle Approval (SVA)

This paragraph will specifically apply to special vehicles as identified in Appendix 4.

- 15.4 From the adoption of this policy all licensed vehicles will be subject to the requirements of paragraph 4.0 of this policy.
- 15.5 Any material displayed on the vehicle other than self-promotional information must be approved by the Licensing Manager or a Licensing Team Leader. Examples of the material and its proposed placement must be forwarded to the Licensing Manager and Licensing Team Leader for their consideration and approval prior to being displayed on the vehicle.
- 15.6 Self-promotional or other material requiring approval must not be displayed on the front doors or in such a manner which may obscure or detract from the Council signage or vehicle top sign. NOTE – such material may be applied to the lower door or sill if it does not obscure or detract from the Council livery.
- 15.7 Any approved advertising should not conflict with the Licensing Objectives and should comply with the requirements of the Advertising Standards Agency. Advertising in this context does not include such information as the name and contact details that relate to the private hire or hackney carriage company or proprietor that owns or operates the vehicle. Such details are to be regarded as self-promotional information. Self-promotional information in this context does not lend itself to any other interests outside the owner or operator’s private hire or hackney carriage company.
- 15.8 **Testing** - Prior to being licensed all vehicles must have been successfully tested with the preceding six months. All new vehicles must be presented for an inspection at one of the Council’s appointed testing stations prior to being licensed, subject to meeting all the requirements of the test a Certificate of Compliance, which lasts for one year, will be issued if the vehicle is to be used on a public highway.

**NB** the Certificate of Compliance exempts a licensed vehicle from requiring a MOT test certificate. However, proprietors must be aware if the vehicle licence

is surrendered, suspended, revoked, or not renewed the vehicle must have a MOT certificate in place. There may also be other circumstances when the lack of an MOT test certificate may render the use of the vehicle on the highway unlawful. The onus of responsibility in this matter rests with the vehicle's owner and or driver, not Durham County Council.

- 15.9 A licensed vehicle will be required to be tested twice annually. However, if the vehicle is over 10 years old at the time of renewal it will be required to be tested three times annually.
- 15.10 Post- accident inspection and testing - In cases where a licensed vehicle has been in an accident and is suspended, a post-accident inspection test will be required.
- 15.11 Where a post-accident inspection and test is required, in cases when there is less than 6-weeks before the next scheduled test is due, the vehicle proprietor will be offered the option of carrying out the post-accident inspection and test in place of the next scheduled test.
- 15.12 Licence holders will normally be sent correspondence from Licensing Services in advance of the expiry of their licence. They should apply to renew the licence using the online form via the Council's website where they can also specify a preferred date and time for the vehicle fitness test. Licensing Services on receipt of the application will arrange and confirm with the applicant the vehicle fitness test. Upon meeting all the requirements of the test, a Certificate of Compliance, which lasts for one year will be issued. Even in the absence of a reminder, the onus of responsibility for renewals rests with the licence holder.
- 15.13 All tests (and retests where applicable) must be paid for prior to the vehicle being presented. A failure to attend an appointed test date will normally result in a charge being imposed.
- 15.14 Serious or repeated test failures may indicate poor vehicle maintenance. In such cases it may be necessary to refer the vehicle proprietor and / or driver to the Council's Licensing Committee to determine matters associated with ongoing suitability.
- 15.15 Vehicle licence holders who fail to present their vehicles for test or who re-schedule their test for a date which is later than has been scheduled, will have their vehicle licence suspended. Where appointments have been re-scheduled for an earlier date and time, no action will be taken.
- 15.16 Window Tints - Window tints shall comply with the following
- a) The front windscreen shall allow 75% of light to be transmitted through
  - b) The front side windows shall allow at least 70% of light to be transmitted through them



- c) Other windows shall allow at least 70% of light to be transmitted through them. Rear windows must be of manufacturers standard for the vehicle, aftermarket tints or films will not be accepted
- 15.17 The Council recognises that vehicles may be manufactured with glass that is darker than that specified in the standard vehicle conditions prescribed in this policy. Because of the large costs and inconvenience associated with changing glass the Council will exercise discretion in the case of vehicles manufactured with window tints outside that standard.
- 15.18 **Temporary Replacement Vehicles** - The Council will allow the temporary licensing of vehicles in cases where an existing licensed vehicle suffers mechanical failure or accident damage which results in it having to be taken off the road for a period. Temporary replacement vehicles, which will not be subject to colour conditions, may be licensed for a period not exceeding two months.
- 15.19 If a Licensed vehicle is damaged in an accident or by any other means, the licence holder must report the damage to Licensing Services as soon as reasonably practicable and in any case within 72 hours. An examination will determine whether the vehicle is roadworthy or in need of repair and an accident damage form will be completed. If the vehicle has sustained major damage, then the location of the vehicle must be given so that it may be inspected by an Authorised Officer.
- 15.20 If the vehicle has sustained minor damage the vehicle licence holder will be given 14 days to repair the vehicle and to present it for inspection.
- 15.21 **Special Vehicles** - The Council may licence a motorised 'special' vehicle as a private hire for the carriage of up to eight passengers provided that such a vehicle has been issued with at least a Single Vehicle Approval (SVA) certificate and that the requirements in these specifications can be satisfied. Only an original SVA certificate will be accepted by the Council as proof of the vehicle satisfying the requirements to obtain that approval.
- 15.22 Prior to any licence being issued a vehicle compliance certificate must be issued by the Council. Where the vehicle is unable to be tested at a Council test centre, alternative testing arrangement must be made by the applicant. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor.
- 15.23 When imported into this country the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.
- 15.24 **Exemptions** - Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to grant exemptions to private hire vehicles from displaying licence plates and other prescribed livery.

- 15.25 The Council has 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 to be the minimum standard for an application not to display a licence plate and other identification livery to be considered.
- 15.26 The Council will not exercise its discretion in granting this exemption for any vehicle which is to be used for any other purpose than as described above.
- 15.27 The booking of a vehicle regardless of its “standard” for the purposes of carrying passengers to special events, airport services, celebrations, or nights out not under a written contract is routine private hire work and will not satisfy the criteria for consideration of the exemption. For the avoidance of doubt, transportation contracts issued by e.g. the NHS, Durham County Council passenger transport team etc will not satisfy the criteria for exemption.
- 15.28 Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy.
- 15.29 If the owner of a vehicle wishes to ask the Council to exercise its discretion to exempt the vehicle from displaying a licence plate and other identification livery they must apply to the Council (Licensing Services) in writing, providing evidence to support the application. Applications will be considered and determined on an individual basis by senior officers/managers in conjunction with the with the Chairman or Vice Chairman of the Licensing Committee.
- 15.30 An exemption from displaying a plate and other identification livery is a privilege rather than a right and the benefit of the exemption will be granted at the Councils discretion.
- 15.31 The Council has the power to withdraw the exemption if the related conditions are not complied. Council Officers will periodically check booking records to ensure compliance with the policy.
- 15.32 **Stretched Limousines** - Imported Stretched Limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime before they are registered. The Authority will request sight of the SVA certificate to ensure that the vehicle was tested by DVSA before being registered and licensed (taxed) by DVLA. The DVLA test verifies that the converted vehicle is built to certain safety and environmental standards. Stretched Limousines that clearly have more than eight passenger seats will not be licensed as PHV’s because they are outside the licensing regime for PHV’s.

## **16 Vehicle Insurance**

- 16.1 Proprietors of licensed vehicles must ensure that a valid insurance policy, providing the relevant level of cover, is in place throughout the period a vehicle is licensed. This insurance policy must be in place before a licence can be granted. Where the policy covers several licensed vehicles, proprietors must also produce the schedule showing the list of insured vehicles.
- 16.2 Hackney carriages must be insured for public hire purposes. Private hire vehicles must be insured for private hire purposes.
- 16.3 Proof of continuous vehicle insurance must be provided, in a clearly legible form, to Licensing Services by the vehicle proprietor. Proof of continuous insurance should also be produced upon request by an authorised officer of the Council. Where valid insurance is not provided or produced upon request vehicle licences will be suspended.

## **17.0 Transfer of Interest**

- 17.1 The proprietor shall notify the Council on the appropriate form within 14 days from change of ownership, giving the name and address of the new proprietor, if the interest or part interest in the vehicle is transferred to another person not currently named on the licence.
- 17.2 If the interest is transferred to a person currently named on the licence, the Council should be advised to remove the outgoing proprietor.
- 17.3 The new proprietor shall complete the appropriate application form and will be requested to provide the following documents to the Council:
  - a) Vehicle registration document (V5C) in new proprietor's name. If this has not yet been received then, once the application has been submitted, 28 days will be given to produce the appropriate V5C document.
  - b) Valid certificate of motor insurance.
  - c) Details of the operator of the vehicle (private hire only).

## **18. Changes to 'Person Concerned' with the Keeping, Employing and Letting of Vehicles**

- 18.1 Vehicle proprietors shall notify the Council, using the appropriate form within 72 hours, if there is a change to the person who is named on the licence as being concerned with the keeping, employing, and letting of the vehicle.

## 19. Drivers

- 19.1 Only on receipt of a complete application, can the Council issue a hackney carriage or private hire driver's licence to an applicant, provided they meet the criteria for new drivers as outlined in this policy and are fit and proper persons.
- 19.2 In determining whether a driver is fit and proper, the Council will consider various criteria, which will include such things as: the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal record, and any previous history as a licence holder in accordance with Appendix 1 and Appendix 2.
- 19.3 Drivers who are intending to operate wheelchair accessible vehicles should complete a course which should provide instruction to drivers on the correct procedures for clamping and restraining a wheelchair and other relevant aspects of carrying passengers with a disability. The cost of the training will be met by the applicant.
- 19.4 The Council expects all drivers to behave in a civil and professional manner. They should be polite, helpful, and respectful to members of the public, the Police, Council employees, other public officials and other licensed drivers, this includes on social media platforms. Failure to do so may result in a referral to the Council's Licensing Committee.
- 19.5 Whilst using any licensed vehicle drivers must not engage in any sexual activity with or without their passengers, make inappropriate physical contact or make inappropriate comments of a sexual nature.
- 19.6 The Council will not normally determine a new driver application where there are any outstanding legal proceedings until such proceedings are disposed of. This includes ongoing investigations, pending cases and appeals. The Council will endeavour to refer any application where there are any outstanding legal proceedings to the next available licensing committee.
- 19.7 Following an appearance at committee, a direction will be made in any notice of decision as to any future referral to the licensing committee following the outcome of any legal hearing this is to include occasions where an individual is completely exonerated or charges being unsubstantiated.
- 19.8 Because of the number of drivers with cautions and/or convictions for drug related offences, the Council may require drug tests on drivers on an intelligence led basis. (See Appendix 2)
- 19.9 If a driver wants to carry out home to school contract work on behalf of the Council, they should contact the Council's Sustainable Transport Department via email at [IPTMonitoring@durham.gov.uk](mailto:IPTMonitoring@durham.gov.uk)

## **20. Private Hire Operators**

- 20.1 Only on receipt of a complete application, can the Council issue a private hire operator's licence to an applicant, provided they meet the criteria outlined in this policy.
- 20.2 In determining whether an applicant is a fit and proper person, the Council will consider the applicant's criminal record and any previous history as a licence holder in accordance with Appendix 2 and Appendix 5.
- 20.3 A private hire operator licence will only be granted to an address within the area administered by Durham County Council.

## **21. Licence Fees**

- 21.1 The Council will set fees for licences at a level that will recover the costs recoverable under statute, incurred by the Council for issue, administration, control, and supervision of that type of licence.
- 21.2 Where refunds are due to any licence holder or applicant, they will normally be calculated on a pro-rata basis and an administration charge deducted.

## **22. Hackney Carriage Fares Policy**

- 22.1 When setting hackney carriage fares the Council will have regard to:
- a) The needs of the travelling public and what it is reasonable to expect people to pay
  - b) The need to give the trade enough incentive to provide a service at the times when it is demanded
- 22.2 Once a table of fares has been approved by the Council, any request for a review of that table of fares would not normally be considered for a period of at least 12 months.
- 22.3 The Council supports the practice of drivers of licensed vehicles requesting advance payment of fares; this does not remove any requirement for the taximeter to be used on such occasions.

## **23. Review**

- 23.1 This policy will be reviewed at least every 5 years. However, the Council may also make such revisions as it considers appropriate and publish it accordingly.

- 23.2 The Council from time to time will prepare and review procedures covering aspects of hackney carriage and private hire licensing including both enforcement and administration processes.

## **24. Contact Us**

- 24.1 Licensing Services can be contacted via e-mail at the following e-mail addresses:
- For Licensing Administration please use [Licensing@durham.gov.uk](mailto:Licensing@durham.gov.uk)
  - For Licensing Enforcement please use [Licensingenforcement@durham.gov.uk](mailto:Licensingenforcement@durham.gov.uk)

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## Appendix 1: Drivers

An application for a driver licence must be made on the specified form.

Drivers' licences will only be granted subject to proof of eligibility and all other application criteria being met.

Drivers' licences will only be renewed subject to all application criteria being met and consideration of the applicant's continuing suitability.

A licence, when granted, will be valid for a period up to three years, (or less as the Council may decide is necessary in certain circumstances).

When a driver license is granted the license holder will be issued with two identification cards (badges). These must both be displayed when the driver is available for hire or carrying passengers. One "badge" must be worn on the body of the driver the other being displayed in a prominent place in the vehicle where it can be easily seen by any passenger.

### Eligibility

The Council will, in considering whether an applicant is a fit and proper person to hold a driver license require the applicant to meet the criteria set out below.

- a) **Qualification** - The applicant will be required to provide proof that they have held a full UK drivers licence, or equivalent, for a period of not less than 12 months prior to the application being submitted. A full DVLA driving licence showing the applicants current address must be produced.
- b) **Driving Assessment** - The applicant will be required to provide evidence that they have passed a suitable and satisfactory driver assessment test designed to assess the driving competency of hackney carriage and private hire drivers. The Council holds a list of approved driving assessment providers which have been subject to Council vetting and approval.
- c) **Driver Knowledge and Locality Tests** - *Applicants for hackney carriage driver licences will be required to undertake both the Council's knowledge and locality tests. Applicants for private hire driver licences will be required to undertake the Council's knowledge test. Applicants will be required to demonstrate basic oral and written English language skills to pass these tests. The knowledge test will also include a section on basic numeracy. Testing will be carried out in accordance with guidance issued by the council and may be reviewed from time to time. All applicants claiming dyslexia, or any form of learning difficulty will be required to provide medical proof of the condition e.g. screening results, to enable extra forms of help or assistance to be afforded.*



- d) **Medical Fitness** - Under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a driver's licence to produce a certificate signed by a registered medical practitioner to the effect that they are physically and mentally fit to be the driver of a hackney carriage or private hire vehicle.

The Council requires a medical certificate upon an initial application for a driver's licence. In addition, or in place of such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to their fitness to be a driver of a hackney carriage or private hire vehicle.

In line with Department of Transport guidelines, the Council applies the DVLA Group 2 driver standards for the medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

Upon an initial application for a driver's licence the applicant shall produce a completed medical examination report provided by the Council. This report must be completed by the applicant's own G.P. or a medical practitioner with access to the applicant's full medical history. The applicant is responsible for paying the fee for the examination. If the Council requires any further information in respect of any matter identified in the medical report the Council may either contact the G.P. direct or request the applicant to obtain the information.

During the initial application process the medical examination report will be deemed valid for a period of 6 months after which, if the application process is still ongoing, either a new medical form or a letter from the G.P. who carried out the original medical assessment, confirming that there has been no change in the medical fitness of the applicant, will be required.

The medical practitioner must confirm that:

- They have examined the applicant
- The applicant is registered with the practice and/or they have full access to the applicant's full medical records
- The medical examination was carried out to the DVLA's Group 2 standard
- They consider the applicant meets Group 2 standard and to be fit to act as the driver of a hackney carriage or private hire vehicle

Existing licensees aged 45 years and over must provide a medical examination report as evidence of their medical fitness to hold a licence every 5 years and from the age of 65 years, annually.

If a driver has any change in their medical condition or a medical condition that requires notification to the DVLA e.g. sleep apnea, heart attack, stroke etc. they shall also be required to notify the Council as soon as possible and confirm in writing within 7 days.

In addition to the above requirements, where a driver suffers from a condition that requires monitoring, but which would not prevent them from driving, they are required to provide written confirmation from their G.P. or consultant at intervals, as recommended by the DVLA standards, that they continue to meet Group 2 standards and remain fit to carry out the duties of a licensed driver.

Applicants with insulin treated diabetes may be licensed but will be required to meet the criteria contained in the medical fitness to drive guidelines and if a license is granted will then be subject to the submission of an annual medical report from a consultant specialising in treating diabetes.

If the Council is not satisfied as to the medical fitness of a new applicant, a hackney carriage or private hire driver's license will not be granted.

If the Council is not satisfied as to the medical fitness of an existing licensed hackney carriage or private hire driver, there may be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

- e) **Safeguarding including CSE Awareness** - Applicants will be required to attend a Safeguarding and Child Sexual Exploitation (CSE) awareness training course.

All drivers must undergo Safeguarding awareness training (including Child Sexual Exploitation awareness) before being licensed. We consider that this training is so important that all drivers should undergo refresher training periodically, at least every 3 years. From 1<sup>st</sup> January 2023, all existing licensed drivers must undergo CSE awareness refresher training before their licence is renewed, if they have not already received CSE awareness training (or CSE awareness refresher training) within the previous 3 years.

These programmes have been developed to help drivers to:

- provide a safe and suitable service to vulnerable passengers of all ages
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

- f) **Disability Awareness Training** - Applicants will be required to attend a disability awareness training course.

All drivers must undergo disability awareness training before being licensed. We consider that this training is so important that all drivers should undergo refresher training periodically, at least every 3 years. From 1<sup>st</sup> January 2023, all existing licensed drivers must undergo disability awareness refresher training before their licence is renewed, if they have not already received disability awareness training within the previous 3 years.

- g) **Suitability** - The Council must be satisfied that an applicant is a fit and proper person to hold a driver licence. Applicants must undergo a Driver Vehicle Licensing Agency (DVLA) check and an enhanced Disclosure & Barring Service (DBS) check which will check both adult and child barred lists. Applicants will also be required to subscribe to the DBS update service and ensure continuity.

Applicants from outside the United Kingdom must obtain a certificate of good conduct/character from the relevant Embassy or Consulate.

The Council requires all applicants who have resided in the country for less than five years to obtain a DBS or equivalent and a Certificate of Good Conduct / Character from their relevant Embassy or Consulate which must be authenticated, translated, and sealed by the Embassy or Consulate. Any expenses incurred must be met by the applicant.

Additional information will be considered as appropriate. For example, all applications will be subject to a right-to-work check under the Immigration Act 2016.

- h) **National Register of Taxi Licence Refusals and Revocations (NR3)** - The Licensing Authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for Licensing Authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. This is a requirement for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence. Therefore:

- Where a hackney carriage/ PHV Driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

- **Language proficiency** - If there is any doubt about an applicant's ability to communicate in English, (spoken and / or written), they will be required to undertake and pass an English Speaking for Other Languages, (ESOL), course, the cost of which is to be covered by the applicant.

## Continuing Suitability and Renewal Process

The ongoing suitability of a licence holder will be monitored. In addition, the following specific checks will be carried out upon renewal, or at any other time deemed necessary by the Council:

- a) DVLA check
- b) DBS update service (if a driver is no longer subscribed to the DBS update service at the time of making an application for renewal, they will be required to apply for a new DBS certificate and subscribe to the update service prior to a renewal application being processed and a licence granted)
- c) Notification of Convictions/Cautions/Arrest/Ongoing or Pending prosecutions or investigations etc. This is to include motoring fixed penalties and antisocial behaviour notices and attendance of any speed awareness courses
- d) Private hire licence holders must notify the Licensing Authority within 48 hours of their arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence and any motoring offence. (We strongly recommend and encourage hackney carriage licence holders to do the same). An arrest for any of the offences within this scope will result in a review by the Licensing Authority as to whether the licence holder is fit to continue to do so
- e) Checks carried out because of information or intelligence received by Licensing Services
- f) Periodic medical examination
- g) Periodic safeguarding including CSE awareness training
- h) Periodic disability awareness training
- i) Right-to-work / immigration checks
- j) Check of the National Register of Taxi Licence Refusals and Revocations (NR3)
- k) Requirement to undertake a driver improvement scheme

**NB** Under no circumstances will a licence be issued until such time as all required checks are completed and supporting paperwork produced to licensing staff. All costs associated with medical checks and certification to be met by the applicant or licence holder.

At each renewal the DVLA driving licence photographic card must be produced, this must be valid and must bear the correct address for the applicant; failure to produce this will result in the application not being processed.

Licence holders will normally receive notification in advance of the expiry of their licence and can apply using the online form via the Council's website.

**Note: Although, a reminder may be sent as a matter of courtesy, it is the licence holder's sole responsibility to ensure their renewal application is received prior to the expiry date of the licence. To avoid any delays, Applicants are encouraged to apply to renew their licence at least 10-working days prior to the expiry.**

Late renewal applications - This policy clearly outlines what is required for a renewal application for each type of licence, and at what point the application will be accepted. This includes specific information, e.g. DBS certificates, medicals, immigration documents etc. This aims to reduce any possibility of disputes over whether a valid renewal application has been made.

This policy covers the question of late renewal applications. In *R (on the application of Exeter City Council) v Sandle* [2011] LLR 480 Admin Ct. It was accepted that an application to renew a vehicle licence could still be made after the licence had expired, provided two criteria were met. We will apply the same reasoning and principles to driver and operator licences.

Firstly, the application had to be made within a short time of expiry (the judge mentioned two or three days before it should not be accepted); and secondly, there must also be a good reason for the delay in applying before expiry. The judge also made the point that any condition on the licence (which should derive from the council's policy) would be significant. Collins J stated:

*“But I must make it clear that if it is apparent from the conditions that the application has to be made within the period the licence is in force, it will take very strong case and very exceptional circumstances for an applicant who fails to make his application for renewal in time to be able to justify a claim that the council ought in the circumstances to have granted his licence. Such exceptional circumstances can exist and as I say it would be sensible for a council to give two or three days at least before taking the step of deciding to grant it [in this case a hackney carriage proprietor's licence] to someone else”.*

It is the policy of Durham County Council that we will accept a late renewal application made within 3-working days of the expiry date. Any application received after that period will not be processed unless the applicant can provide exceptional circumstances and good reasons for the delay. These will be considered by officers with management responsibility for the Licensing Service.

**Important – when a driver licence has expired, until or unless a new licence has been granted, you must not drive a licensed vehicle.**

### **Voluntary return of licence (surrender of licence)**

The introduction of the National Register (NR3) has brought into sharp focus the need to resolve any outstanding issues prior to the acceptance of any surrendered licence. If there are any matters which bring into question whether a driver is fit and proper to hold a licence, then the Council may exercise its discretion in refusing to

accept a surrender of the licence. Such matters could include for example, alleged misconduct, ongoing criminal investigations, and complaints etc. This list is not exhaustive.

## Standard Conditions of a Private Hire Driver Licence

The licensed driver shall:

- a) Notify the Council as soon as possible, and confirm in writing within seven days, of any alteration to their circumstances or material including but not limited to:
  - (i) Change of address
  - (ii) Change of name
  - (iii) Change of private hire operator
  - (iv) Accepting a fixed penalty notice or caution, or receiving a Criminal Behaviour Order (CBO), attendance at any speed awareness course
  - (v) Injury sustained or illness including mental health illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability
  - (vi) Details of any motoring fixed penalty endorsements received
- b) Notify the Council within 48 hours of being arrested/bailed/charged with/convicted of, reported for an offence, or otherwise investigated in connection with any criminal or motoring offence.
- c) Notify the Council as soon as possible, and confirm in writing within 48 hours, of any traffic accident they are involved in whilst driving a licensed vehicle.
- d) Apply for and provide a DBS disclosure upon request.
- e) Provide a copy of their DVLA driving licence or equivalent upon reasonable request.
- f) Produce a valid medical certificate, upon request (Failure to do so will result in the licence being suspended).
- g) When requested attend a medical practitioner and/or submit to any drug test deemed appropriate.
- h) Always behave in a professional manner when working.
- i) Keep their vehicles always clean and suitable for use by members of the public.
- j) Where appropriate, assist passengers into and out of vehicles.
- k) Offer passengers reasonable assistance with luggage.
- l) Bring to the attention of passengers any dangers associated with egress from the vehicle.
- m) Ensure that the way they carry out their business is such that no unreasonable disturbance is caused to other road users, businesses and residents.
- n) To behave in a civil and professional manner. They should be polite, helpful and respectful to members of the public, the Police, Council employees, other public officials and other licensed drivers, this includes on social media

- platforms. Failure to do so may result in a referral to the Council's Licensing Committee.
- o) Not tamper with, or permit any person to tamper with, any taximeter or its fittings.
  - p) Display the identification badges issued to them in the manner prescribed within this policy.
  - q) Report the loss of their private hire driver identification badge to the Council immediately.
  - r) Ensure that they charge passengers only the fare previously agreed between the operator and passenger, if a taximeter is used only the fare displayed on the taxi meter at the end of the journey can be charged, unless a lower fare is previously agreed with the passenger.
  - s) Provide a receipt to a passenger upon request, the receipt shall as a minimum include:
    - (i) The fare
    - (ii) Pick up location
    - (iii) Destination
    - (iv) Operator Name
    - (v) Driver/Vehicle number
    - (vi) Date
    - (vii) Time

## **Appendix 2: Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences**

### **Guidelines on the relevance of arrest, conviction, caution, or any other relevant information including complaints and intelligence**

Licence holders and applicants for driver, vehicle and operator licences are required to disclose all convictions, fixed penalty notices and cautions, including those that would in other circumstances be regarded as spent under the Rehabilitation of Offenders Act 1974, subject to Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. This order creates categories of 'protected cautions' and 'protected convictions', which applicants and licensees must be treated as not having committed, or been charged with, or prosecuted for, or convicted of, or sentenced for, even though 'spent' cautions and convictions may be taken into account.

Licence holders and applicants must also disclose details of any ongoing investigations and any pending prosecutions. This includes being reported for an offence, any arrest and subsequent bail where charges have not been laid.

The disclosure of a criminal record or other information will normally prevent an applicant from obtaining a licence until such time, in accordance with the following paragraphs, has elapsed since the conviction.

In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour or other complaints.

Whilst there is no definition of a fit and proper person, the Department for Transport Guidance suggests for licensed drivers, that the Council is effectively asking the following question:

*“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”*

The following test will be used to consider whether an operator is deemed to be fit and proper:

*“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes”*

The following test will be used to consider whether a vehicle proprietor is deemed to be fit and proper:



*“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”*

Licensing authorities must make difficult decisions, but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be ‘given the benefit of doubt’. If the committee or delegated officer is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

The Council considers all offences to be relevant offences (subject to the above Exemptions Order) when considering the suitability of a person to hold or retain a licence.

The following types of offence will be viewed as serious (in no order of priority):

- a) Dishonesty
- b) Violence (including Criminal Damage & Sexual Offences)
- c) Alcohol Related Offences
- d) Public Order Offences
- e) Motoring Offences
- f) Possession of or Possession with the Intent to Supply controlled substances
- g) Obscenity (which includes the possession, making or distribution of unlawful obscene images / materials on computer or the internet)
- h) Racially or religiously aggravated offences
- i) Offences of a discriminatory nature
- j) Offences involving Indecency or other offences of a Sexual Nature
- k) Contravention of Licensing Laws or Conditions
- l) Disqualification from driving a motor vehicle at any time in the three years prior to applying for a licence
- m) Offences involving animal cruelty
- n) Criminal Behaviour Orders
- o) Offences subject to the Equality Act 2010
- p) Inclusion on any of the barred lists

### **Applications for Vehicle, Driver and Operator Licences following a conviction / caution and the ongoing suitability of Licence Holders**

If an applicant has been convicted of a criminal or motoring offence within the time periods specified below the Council will normally refuse an application. These offences will also be used to consider the ongoing suitability of existing licence holders. In the following list the term ‘applicant’ and ‘application’ refers to both new applicants for a licence and to existing licence holders.

**Please note:** Minor offences/convictions relating to driving will not be considered when determining if applicants for vehicle and operator licenses meet the 'fit and proper' threshold.

## Motoring offences

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

**Minor traffic offences or vehicle related offences** - These are offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and have not resulted in injury to any person or damage to any property including vehicles.

Where an applicant has 7 or more points on their DVLA driving licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.

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. If the driver assessment results indicates a score of 65 or higher indicating a high risk or unsafe driving or unsafe driving then the driver will be referred to Licensing Committee for Members to determine their suitability.

**Major traffic offence or vehicle related offence** - These are ones which are not covered above and any offences which resulted in injury to any person or damage to any property including vehicles. They also involve driving without insurance or any offences connected with motor insurance.

All major traffic offences (unless specified below) - a licence will not be granted until at least seven years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Using a mobile phone while driving a motor vehicle - a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Drink driving / driving under the influence of drugs - a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

**Crimes / motoring offences resulting in death** - Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person, they will not be licensed.

**Exploitation** - Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

**Offences involving violence against the person** - Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

**Possession of a weapon** - Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

**Sexual offences** - Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

**Dishonesty** - Where an applicant has a conviction for any offence where dishonesty is an element of the offence including:

- a) Theft
- b) Burglary
- c) Fraud
- d) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- e) Handling or receiving stolen goods
- f) Forgery
- g) Conspiracy to defraud
- h) Obtaining money or property by deception
- i) Other deception
- j) Or similar offences or offences which replace the above offences

A failure by a licence holder to disclose an arrest that the Licensing Authority is subsequently advised of might be behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

A licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

**NOTE: Any inaccuracies, or failure to record or report convictions, will normally result in the refusal of an application.**

**Drugs** - Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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 drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

**Discrimination** - Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

**Hackney carriage and private hire offences** - Where an applicant has a conviction for an offence associated or connected with hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

**Other violence offences** - An application will normally be refused / revoked where there is an offence for arson unless ten years have elapsed since the completion of any sentence imposed.

An application will normally be refused / revoked unless five years have elapsed since the completion of any sentence imposed for any of the following offences:

- a) Riot
- b) Obstruction
- c) Criminal damage
- d) Resisting arrest
- e) Or similar offences or offences which replace the above offences

**Barred lists** - In the interests of public safety, Durham County Council's policy is that we will not issue a licence to any individual that appears on either barred list. However, should the council consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.

## Other Relevant Factors

The Council may consider any other matter or matters that may affect whether an applicant or licence holder is a fit and proper person, such factors include but are not limited to:

- a) Convictions/Cautions for any other offence not listed above
- b) Any diversion scheme offered as an alternative to conviction (i.e. “checkpoint” or restorative approach)
- c) Mental Health Act Orders
- d) Police intelligence/information
- e) Drug/Alcohol use and Detoxification
- f) Terrorist offences and terrorism
- g) Hate crimes
- h) Any offence involving the mistreatment of animals
- i) Other relevant information disclosed
- j) Any complaints or the accumulation of complaints regarding a licence holder’s conduct
- k) Matters contrary to the requirements of this policy

**Note: Failure to disclose all arrest/bail/convictions, fixed penalty notices, cautions, (subject to the Exceptions Order) and/or ongoing investigations, being reported for an offence and/or pending prosecutions may affect the grant of a licence or may lead to the revocation of a licence.**

## Appendix 3: Vehicle Licences

An application for a vehicle licence must be made on the specified form.

Vehicle licences will only be granted subject to all application criteria being met and will be valid for a period of one year.

The Council must be satisfied that applicants for vehicle licences are fit and proper persons to hold a licence, they pose no threat to the public and have no links to serious criminal activity.

If an applicant for a vehicle licence is not already licensed as a driver, and already subject to DBS checks, then a basic DBS certificate will be required annually. If the applicant is a limited company, then a basic DBS certificate must be provided by each director. If the applicant is a partnership, then a basic DBS certificate must be submitted by each partner.

Should an individual cease to hold a driver licence then a basic DBS certificate will be immediately required.

Licence holders will normally receive notification in advance of the expiry of the vehicle licence and can apply using the online form via the Council's website. Although, a reminder may be sent as a matter of courtesy, it is the licence holder's sole responsibility to ensure the renewal application is received prior to the expiry date of the licence.

To avoid any delays, applicants are encouraged to apply to renew their licence at least 10 working days prior to the expiry.

The following conditions will apply to all vehicles (Hackney Carriage and Private Hire) licensed by the Council.

### Standard Conditions

1. The vehicle shall be right-hand drive and the body must be a fixed head type (hard top).
2. Notwithstanding condition 1.5 (below) the vehicle will only be licensed to carry the number of passengers specified on the V5 registration document.
3. The design condition or appearance of a licensed vehicle must not be changed without first obtaining written consent from the Council any changes may require an additional vehicle inspection to be carried out.
4. Where the seats are placed facing each other there must be a clear space of 38cm subject to a 2cm tolerance between any part of the front of a seat and any part of any other seat that faces it.

5. Occasional (tip-up) seats must be arranged to rise automatically when not in use.
6. A fully operational heating and ventilation system must be fitted and maintained for the driver and passengers. All vehicle body parts and trimmings must be fitted and maintained in good working order both internally and externally.
7. Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
8. Reasonable efforts should be made that in the event of mechanical failure a passenger's journey can be completed in a safe and reasonable manner in an alternative licensed vehicle.
9. The vehicle licence plate must be displayed and securely attached with bolts or screws on the outside rear of the vehicle. Attachment by adhesive tape and/or magnets is not acceptable. Licence plates must not be altered or defaced in any way. The condition of the plate remains the responsibility of the licence holder.

The plate remains the property of the Council and must be returned upon expiry, surrender or suspension of the vehicle licence.

10. The vehicle must prominently display the following:
  - internal licence plate / complaint sticker on each window so it is clearly visible in all passenger areas
  - driver I.D.
  - door crests as supplied and required by the Council which shall be permanently fixed to the front nearside and offside doors of the vehicle in a central position (attachment by magnets is not acceptable)
  - No-smoking signs as required by law
11. Smoking cigarettes, cigars, pipes etc and the use of electronic cigarettes (vaping) and similar shall be prohibited in all licensed vehicles all the time.
12. Any material displayed on the vehicle other than self-promotional information must be approved by the Licensing Manager or Licensing Team Leader. Examples of the material and its proposed placement must be forwarded to the Licensing Manager and Licensing Team Leader for their consideration and approval.
13. Self-promotional or other material requiring approval must not be displayed on the front doors or in such a manner which may detract from or obscure the Council signage or vehicle top sign. **NOTE: such material may be applied to the lower door or sill if it does not obscure or detract from the Council livery.**

14. All vehicles shall undergo an inspection by the Council's appointed testing station(s) as required, subject to the requirements of this policy. See section 16.0 above.
15. Vehicle proprietors must inform the Council at the earliest opportunity, and in writing within 72 hours, if any licensed vehicle has been involved in an accident or sustained damage.
16. No fittings, devices or lights may be attached or carried inside or outside the vehicle that could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the driver's or passengers' view out of the vehicle.
17. Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
18. CCTV shall be permitted in vehicles. Where such devices are fitted within the vehicle conditions at Appendix 8 shall apply
19. No animals other than those owned by fare paying passengers shall be carried in any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.
20. Window tints shall comply with the following:
  - a) The front windscreen shall allow 75% of light to be transmitted through
  - b) The front side windows shall allow at least 70% of light to be transmitted through them
  - c) Other windows shall allow at least 70% of light to be transmitted through them. Rear windows must be of manufacturers standard for the vehicle, aftermarket tints or films will not be accepted

The Council recognises that vehicles may be manufactured with glass that is darker than that specified in the standard vehicle conditions prescribed in this policy. Because of the large costs and inconvenience associated with changing glass the Council will exercise discretion in the case of vehicles manufactured with window tints outside that standard.

21. If carrying a child, the driver **MUST** ask a responsible adult if they would like the child locks activated. The child locks must not be activated in any other circumstances

**NB** Under no circumstances must any passenger be locked in a licensed vehicle against their will.



22. The vehicle may carry a suitable fire extinguisher sited in a readily accessible place known to the driver. This is not a requirement but is optional. If carried it is recommended that the appliance should have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents together with an unexpired tested until or use before date. If a fire extinguisher is carried, the driver should have received suitable and sufficient training to use it.
23. The vehicle may carry a “first aid” kit. This is not a requirement but is optional. If carried it is recommended that any items contained in the first aid kit which are not sealed are deemed to be unsterile and should be replaced immediately. The first aid kit should be permanently marked with the vehicle’s hackney carriage or private hire vehicle licence number. As a minimum it should contain:
  - A leaflet with general guidance on first aid (for example, HSE’s leaflet Basic advice on first aid at work)
  - Individually wrapped sterile plasters of assorted sizes
  - Sterile eye pads
  - Individually wrapped triangular bandages, preferably sterile
  - Safety pins
  - Large and medium-sized sterile, individually wrapped, unmedicated wound dressings
  - Disposable gloves
24. The vehicle must be able to carry a reasonable amount of luggage which must be able to be stored securely. Luggage compartment or any attached roof rack/box must be free from the proprietors or driver’s personal property, so it is available to store passenger’s luggage. Luggage should be stored securely and not stored in such a way as to hinder access to a door.
25. There must be at least four doors. All doors must be capable of being opened from the inside (subject to activation of a child lock) and outside.
26. The interior of the passenger compartment must be maintained in a clean condition and in good repair and where fitted, any parcel shelf shall always remain in place.
27. The flooring of the passenger compartment must be covered with a non-slip material.
28. If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.
29. If a roof carrier is to be used for luggage or goods it must be of a type fitted to the guttering or to the roof rails provided by the manufacturer and must not obscure any top sign.

30. Before commencing work each day, the driver of the vehicle must take reasonable steps to ensure that the vehicle they are driving is roadworthy and complies with this policy. This should include checks on lights, tyre pressure and tread as a minimum.
31. These checks may be recorded electronically, for example via an app or manually using a check book. If the checks are recorded electronically the record must be made available upon request. If checks are recorded manually, the check book must be carried within the vehicle and be readily available for inspection. All records must be dated, signed if possible, by the driver and record the mileage at the time the check is carried out.
32. Drivers must not deliver alcohol or tobacco products to any person who is under the age of 18.
33. Any screens used must be installed in accordance with the provisions of any applicable national guidance. For example, In response to the Coronavirus (Covid-19) pandemic, the Department for Transport developed 'Coronavirus (COVID-19): safety screens for taxis and PHVs Guidance' for the safe and appropriate fitting of separating screens between the front and rear of a taxi or private hire vehicle. The installation of screens is one mitigation to prevent the transmission of the Covid-19 virus from driver to passenger and vice-versa. The guidance forms part of the Department for Transport's Vehicle Safety Standards Information Sheets series.

Taxi and Private Hire Vehicle licencing authorities are asked to be mindful of this guidance when they receive requests for approval for the installation of screens and/or panels.

The devices installed e.g. screens should not be significantly changed or modified from the original manufactured design. In cases where it is necessary to modify the original design of the device (for example, to facilitate installation of the device in the vehicle), assurances should be sought from the supplier/installer that the modification does not raise any concerns in relation to safety of the device and complies with the relevant UK safety legislation.

34. **The installation of screens on a temporary basis** - If any vehicle licence holder wishes to fit a protective screen in their vehicle, they must first:
  - Notify Licensing Services of their intention to fit a protective screen by emailing [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk) together with.
  - Proof from their insurer that fitting the protective screen will not result in their insurer refusing to cover the vehicle; and
  - An agreement to remove the protective screen within a maximum of 21 days after any social distancing restrictions have been removed by Government

- 35 **The installation of screens on a permanent basis** – if you wish to install a safety or infection control screen between the driver and passenger compartment of a licensed vehicle, the following criteria must be met:
- Any fittings and equipment must comply with the Road Vehicle (Construction and Use) Regulations
  - Any screen must be tested to the relevant EU standard for an original equipment type approval test covering interior fittings
  - The screen must be approved by MIRA or other comparable independent product engineering, testing, consultancy and certification organisation
  - Screens must be professionally and securely fitted in accordance with the manufacturer's instructions
  - Confirmation from the vehicle's manufacturer should be sought to confirm that the screen does not compromise the integrity of the vehicle structure
  - Screens should be constructed of Polyethylene terephthalate glycol (PETG) or polycarbonate
  - The screen should not impede the driver's vision, movement, or communication with passengers
  - The screen should not impede driver or passenger access or egress to the vehicle
  - Your insurer should be notified of any modifications you make to your vehicle

The vehicle licence holder must notify Licensing services via email [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk) to confirm any fitting of a screen complies with the information above and provide the certification as requested.

### **Hackney Carriage Vehicles**

In addition to the standard conditions, the following conditions will apply to Hackney Carriage vehicles.

1. Only white vehicles will be licensed as Hackney Carriage Vehicles. (Vehicles licensed before 1 April 2011 are exempt from this colour condition, however such vehicles may only be replaced by white vehicles)
2. An illuminated taximeter must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
3. The taximeter shall be securely fitted, maintained in full working order, sealed and calibrated by an approved agent within the Council's approved hackney carriage fare scale and shall not be tampered with. (Licensing services hold a list of approved agents)

4. A current fare table must be displayed in a position that is clearly visible in the passenger compartment.
5. Display a roof sign. This sign must prominently display the word TAXI (minimum font size of 5cm per letter) and must always be illuminated when the vehicle is available for hire. It must be used and maintained in accordance with the manufacturers design, construction and use specifications.
6. Display a “for hire” sign in the front passenger side of the windscreen that is illuminated when the vehicle is available for hire. Exceptions will be made for purpose-built vehicles where the “for hire” sign is fitted as standard.

### **Private Hire Vehicles**

In addition to the standard conditions, the following conditions will apply to Private Hire vehicles.

1. Private hire vehicles may be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.
2. Any taximeter fitted in a private hire vehicle must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
3. Any taximeter fitted to a private hire vehicle shall be securely fitted, maintained in full working order and a table detailing the fares applied must be displayed in a position that is clearly visible in the passenger compartment.
4. The words “taxi”, “cab”, “for hire” or anything that may suggest that the vehicle is a Hackney Carriage must not be displayed on any part of any private hire vehicle.
5. An operator consent form must be completed by the vehicle proprietor and operator on grant or renewal of the vehicle licence. An operator consent form must also be completed when there is a change in operator during the life of the licence.

### **Wheelchair Accessible Vehicles**

In addition to the standard conditions and those applying to hackney carriage and private hire vehicles, further conditions apply to wheelchair accessible vehicles as set out in this section. Where the conditions for wheelchair accessible vehicles conflict with the standard conditions; the wheelchair accessible vehicles conditions will apply.

1. The vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

2. Either the rear or a nearside door must be used for wheelchair access. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 780mm (30<sup>3</sup>/<sub>4</sub>" ). The minimum angle of the door when opened must be 90 degrees (the minimum angle will not be relevant in the case of a sliding door).
3. The floor to ceiling height where the disabled passenger will sit must be a minimum of 1350mm (54<sup>3</sup>/<sub>4</sub>" ).
4. All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead to provide further stability.
5. Facilities for the loading of a wheelchair and occupant must always be available for use at the nearside or rear passenger doors. This ramp must comply with all Equality Act recommendations as to design and installation.
6. An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers. Ramps must be rigid when in use. There must be a slip resistant surface on the ramp with outer edges coloured.
7. The gradient of the ramp for an unassisted wheelchair user should be 4.76 degrees and 10 degrees for assisted wheelchair users.
8. Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair, in order to assist a person to remain in it whilst travelling, will not be acceptable.
9. Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.
10. All anchorages and restraints must not cause danger to any passenger.
11. If a step is required for assisted entry, then the step must be covered with a slip resistant surface.

## **Appendix 4: Special Vehicle Licence Conditions**

### **Standard Conditions for Special Vehicles**

In addition to the standard conditions, the following extra conditions apply to special vehicles. Where the conditions for special vehicles conflict with the standard conditions, the conditions for special vehicles will apply

1. Forward and rear facing seats must be fitted with a 3-point, inertia reel seatbelt.
2. Efforts must be in place to ensure that: in the event of mechanical failure, the passenger's journey can be completed in a safe and reasonable manner.
3. The Council will require the vehicle to undertake a MOT test twice yearly.

### **Conditions for Stretch Vehicles**

In addition to the standard conditions and conditions for special vehicles, the following extra conditions apply to stretch vehicles. Where the conditions for stretch vehicles conflict with the standard conditions or conditions for special vehicles, the conditions for stretch vehicles will apply:

1. The maximum length of the vehicle "stretch" must not exceed 3048mm. Each passenger seating area must be at least 400mm wide with a flat area in front of each seat of 300mm x 300mm.
2. The tyres must be of an approved rating as specified by the manufacturer, meet legal requirements, and have a minimum tread depth of 2mm and must include and one full sized spare wheel.
3. The vehicle is not used in any contract or provision for carrying school children or any unaccompanied children under the age of 18 years (the driver may not act as an accompanying adult).
4. The Council's exemption disc will always be displayed on the front windscreen.
5. The private hire vehicle licence plate must be securely fixed in a visible position inside the luggage compartment.
6. The vehicle's Exemption Certificate/Notice must always be carried in the vehicle and produced on request to any Police Officer or Authorised Officer of the Council.

## Licence Conditions for Horse-Drawn Vehicles

In addition to the standard conditions for special vehicles, extra conditions apply to horse-drawn vehicles as set out in this section. Where the conditions for horse-drawn vehicles conflict with the standard conditions, the following extra conditions will apply:

1. The driver must ensure every part of the harness of the animal or animals drawing the carriage is kept in order, so that the animal or animals are properly and securely attached to the carriage and under control.
2. The driver must not feed or allow any animal harnessed or otherwise attached to a carriage to be fed, except with food contained in a proper bag or other receptacle.
3. Proprietors must arrange for animals to be checked at least annually, and at any other time at the request of the Council, by an approved veterinary surgeon. The licensee shall meet any costs involved. Where an animal is found to be unfit, its use in the operation of a hackney carriage shall be discontinued until such time as a certificate of fitness signed by the veterinary surgeon is produced to the Council's authorised officer.
4. Proprietors must arrange for testing of the carriage on an annual basis and at the request of the Council.

## Other Vehicles

1. Consideration may be given to alternative forms of transport being licensed; however, the Council will expect applications to be accompanied by information regarding the safety of the proposed operation, any proposed routes and pick up points, times and area of operation, details of the vehicle(s) and public liability insurance.
2. Vehicles must be fitted with seatbelts that meet BSI standards.
3. The Council will undertake consultation with anybody it considers appropriate with such an application and may attach such conditions as it thinks reasonable and proportionate. These may include conditions not applied to conventional hackney carriage or private hire vehicles.

## Appendix 5: Private Hire Operator

An application for a private hire operator licence must be made on the specified form. Private hire operator licences will be issued subject to proof of eligibility.

The Council must be satisfied that applicants for private hire operator licences are fit and proper to hold a licence. To do so, a basic DBS check must be provided annually. If the applicant is a limited company, then a basic DBS certificate must be provided by each director. If the applicant is a partnership, then a DBS certificate must be submitted by each partner. If the applicant is currently licensed as a driver, they will be exempt from this requirement as they are already subject to DBS checks.

The following test will be used to consider whether an operator is deemed to be fit and proper:

*“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes”*

A licence will be valid for a period up to five years (or less as the Council may decide is necessary in certain circumstances) subject to continuing suitability. It may be renewed following approval of a valid renewal application.

Operators will normally receive notification in advance of the expiry of their licence and can apply using the online form via the Council’s website. Although, a reminder is sent as a matter of courtesy, it is the operator’s sole responsibility to ensure their renewal application is received prior to the expiry date of the licence.

To avoid any delays, applicants are encouraged to apply to renew their licence at least 10 working days prior to the expiry.

### Standard Conditions

The operator’s licence will be subject to the following conditions:

1. Operators must keep legible, handwritten or electronic records of each booking for a period of no less than six months. Records must include:
  - a) The date and time of the booking and if different the time and date of the proposed journey
  - b) The name and address or telephone number of the hirer
  - c) The agreed time and place of the proposed pick up
  - d) The destination including address or street name
  - e) The name and licence number of the driver
  - f) The licence number and registration of the vehicle allocated for the booking
  - g) Any agreed fare
  - h) The name of any individual that dispatched the vehicle



- i) The name of any individual that responded to the booking request
2. The operator shall keep legible, hand-written or electronic records of the particulars of all private hire vehicles operated by them which shall include:
  - a) Vehicles make, model and colour
  - b) Vehicle registration mark
  - c) Number of passenger seats
  - d) The vehicle licence number
  - e) The company call-sign for the vehicle
  - f) The vehicle proprietor's name and address
  - g) Insurance particulars of all vehicles working on behalf of the operator
  - h) The date the vehicle was added to the operator's fleet
  - i) The date the vehicle was withdrawn from the operator's fleet
  - j) Name and address of the owner
  - k) Name, address and the licence number of drivers of such vehicles
3. The operator shall keep legible, hand-written or electronic records of the particulars of all drivers employed or otherwise engaged by them which shall include:
  - a) The name and address of the driver and any change of address of a driver during their service with the operator
  - b) The name, address and company call-sign assigned to the driver
  - c) The date the driver commences working for the operator
  - d) The date the driver ceases working for the operator
4. The operator shall permit an authorised officer of the Council or a Police officer access to records required by their licence at all reasonable times.
5. The operator shall retain from every licensed driver employed or otherwise engaged by them, a copy of that driver's licence, and shall retain it for the period of such employment or engagement. The operator shall record the overall period or periods, during which, such employment or engagement continues.
6. The operator shall retain a copy of all vehicle licences in respect of vehicles used in their business.
7. The operator shall ensure that the vehicle fulfils bookings at the appointed time and place unless delayed or prevented by some justifiable cause.
8. If provision is made by the operator for the reception of members of the public proposing to hire a vehicle, adequate arrangements shall be made for the seating of customers and it is recommended that toilet facilities within the premises be provided for public use.

9. Where the premises are open to the public the operator shall provide a copy of the public liability insurance to the Licensing Authority.
10. The Council expects operators and their employees to behave in a civil and professional manner. They should be polite, helpful and respectful to members of the public, the Police, Council employees, other public officials and licensed drivers, this includes on social media platforms. Failure to behave in such a manner may result in a referral to the Council's Licensing Sub Committee.
11. Notify the Council as soon as possible, and confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
  - a) Change of address
  - b) Change of name
  - c) Change of office from which they operate
  - d) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal offence
  - e) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO)
  - f) Any change in directors or partners
12. A register of all staff that will take bookings or dispatch vehicles must be maintained and available for inspection. The register should be a 'living document' that maintains records of all those in these roles for a period of no less than six months.
13. Operators must require a basic DBS check from all individuals listed on the register of booking and dispatch staff upon commencing appointment and then once every 3 years. DBS certificates provided by the individual should be no more than 28 days old when submitted and this should be evidenced. A record that the operator has had sight of a basic DBS certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate shall be requested and sight of this recorded. Alternatively, a 'responsible organisation' can request the check on an operator's behalf. A link to a list of responsible organisations is provided in the Statutory Taxi and Private Hire Vehicle Standards.
14. Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators shall be required to evidence that comparable protections are applied by the company to which they outsource these functions.

15. When individuals start taking bookings and dispatching vehicles for an operator they shall be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
16. Operators or applicants for an operator licence will be required to provide a policy on employing ex-offenders in a role that involves taking bookings or dispatching vehicles. Operators shall ensure any staff employed are compatible with their policy on employing ex-offenders. Operators shall have regard to the assessment of previous convictions annexed to the Statutory Taxi and Private Hire Vehicle Standards when preparing their policy on the employment of ex-offenders.
17. Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.
18. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking is not permitted without the informed consent of the booker.

## Appendix 6: Glossary

**“Applicant”** and **“Application”** refers to applicants for new licences but for the purpose of this policy, will also include existing drivers, vehicle and operator licence holders in connection with the assessment of their ongoing suitability.

**“Appointed Testing Station”** means an appointed garage where the vehicle tests are carried out.

**“Authorised Officer”** means a person who has the power or right to enforce.

**“Certificate of Compliance”** means a certificate confirming that a licensed vehicle has passed the Council's vehicle test. A certificate of compliance acts in lieu of a MOT certificate whilst the vehicle remains licensed, should a vehicle be suspended for any reason a MOT certificate must be in place before the vehicle can be used for social, domestic and pleasure purposes.

**“Certificate of Good Conduct”** means a certificate of good conduct relating to a Police records check. For example, if an applicant has lived abroad, on their return to the UK, a licensing application may need confirmation that the applicant has no criminal record. This certificate will suffice the requirement.

**“DBS”** means the Disclosure and Barring Service, an executive agency of the Home Office that provides access to criminal record and other relevant information to organisations in England and Wales and who carries out checks forming a disclosure.

**“Department for Transport”** means the central government ministry which provides leadership across the Transport Sector to achieve its objectives, working with regional, local and private sector partners to deliver many of the services.

**“Driver Proficiency Test”** means drivers expert test as laid down by The Driver and Vehicle Standards Agency (DVSA) for taxi drivers.

**“DVLA Check”** means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.

**“DVSA”** means Driver and Vehicle Standards Agency.

**“Enforcement Policies”** mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.

**“Hackney Carriage Vehicle”** means a vehicle licensed to carry passengers for hire or reward. It can be hailed by a prospective customer, wait on the rank and “ply for hire” where no other restrictions exist that would prevent them doing so.

**“Inertia Reel Seatbelt”** means a reel that allows a vehicle seat belt to unwind freely but which locks under force of impact or rapid deceleration.

**“Integrated Transport System”** means complete / total transport is available.

**“Licensing Authorities Constitution”** means the body of fundamental principles or established precedents by which the organisation is governed.

**“Licensing Committee”** means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.

**“Licensed Vehicle”** means both a Hackney Carriage and Private Hire Vehicle.

**“Limousine”** means a vehicle which has an engine capacity of 2800 c.c. or more, produced by a manufacturer as a luxury/high end vehicle. It will generally be obvious that a vehicle has been produced for this purpose and it will have a selection of extras that one would expect to be fitted. If doubt/contention exists, then the final arbiter shall be the manufacturer. Seating arrangements will consist of forward and/or rear facing seats only.

**“Livery”** means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.

**“LPG”** means Liquefied Petroleum Gas.

**“MOT”** means the Ministry of Transport Test which is an annual test of older vehicle safety and road worthiness. MOT test certificates are currently issued by the Driver and Vehicle Standards Agency (DVSA) an agency within the Department for Transport.

**“Ply for Hire”** means when a vehicle is made available for immediate hire. Only licensed hackney carriages may ply for hire and may only do so within the district in which they are licensed.

**“Private Hire Operator”** means a person licensed to make provision for the invitation or acceptance of bookings for private hire vehicles.

**“Private Hire Vehicle”** means a vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is licensed to be provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles may only be pre booked through a licensed private hire operator.

**“Relevance of Convictions”** means convictions that may be taken into consideration when assessing matters.

**“Relevant Offences”** mean criminal matters of a nature that may be considered when applications are being assessed.

**“Stakeholder”** means a person with an interest or concern in something.

**“Taximeter”** means a mechanical or electronic device installed in licensed vehicles that calculates passenger fares based on a combination of distance travelled and waiting time.

**“The Council”** means the Authority responsible for the administration and regulation of taxi legislation and regulation.

**“The Guidance”** means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010.

**“Vehicle Compliance Pass Certificate”** means the Council’s compliance test confirming the vehicle meets the standards required by the Local Authority.

**“Vehicle Exemption Certificate Notice”** means a notice granting exception from the liability or obligation imposed on others.

## Appendix 7: Enforcement Procedures and Escalation

This appendix has been produced to provide details and guidelines on the processes which may be used by Licensing Services in support of the main policy when dealing with individuals / operators which raise concerns over whether they remain fit and proper to hold a licence.

### Enforcement Aims

The aim of any sanctions and penalties is to:

- a) Change the behaviour of an offender
- b) Eliminate financial gain or benefit from non-compliance
- c) Be proportionate to the nature of the offence, past history of the offender
- d) Act to deter future non-compliance

### Verbal/written advice and warnings

In all cases licence holders will be interviewed by a Licensing Enforcement Officer.

Licensing services can, at any time, issue warnings based on the various options below:

**Written Warnings** – This option may be considered for breaches of conditions or isolated or non-serious incidents of questionable conduct observed by officers, the Police or by the public. A copy of the warning will be recorded and held on the licence holder's record; the warning may be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Committee Referral and Officer Revocations** – Committee referrals will be considered for repeated breaches of conditions and in relation to questionable conduct. Both options will also be considered for the most serious breaches of conditions and misconduct that raises significant concern affecting matters of public safety and protection. Previous warnings may be taken into consideration by the Licensing Committee.

### Committee Referrals and Officer Revocations

The review of a licence by the Councils Licensing Committee will be sought following persistent breaches of conditions or poor conduct, similarly a review will be sought in response to the most serious breaches and misconduct that raises significant concern affecting matters of public safety and protection.

Officer revocation may take place if it appears that the interests of public safety require the immediate revocation of the licence. This approach is appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public

safety. Factors including the immediacy and significance of the risk to public safety will be important matters for consideration.

New evidence may, of course, become available later. If, for example, the allegations against a licence holder were now, on the balance of probability, considered to be unfounded, or their fitness to drive was proven satisfactory an expedited re-licensing process will be used. We will operate a Fast-Track application process for licence reinstatement (if appropriate) following an officer revocation in such cases.

On referral to the Licensing Committee elected members will have the following options:

- a) To take no further action
- b) To issue a written warning
- c) To suspend a licence for example:
  - to require a driver to sit/re-sit the Councils knowledge and locality test(s)
  - to require a driver to undertake training in a subject appropriate to the reason(s) for their referral
- d) To revoke any of the following licences:
  - hackney carriage and private hire driver
  - private hire operator
  - hackney carriage or private hire vehicle

We will exercise our regulatory activities in a way which is:

**Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.

**Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.

**Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.

**Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and

**Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.



## Appendix 8: C.C.T.V Installed in any Licensed Vehicle

Where a CCTV system is installed in any vehicle the following conditions will apply.

1. Notices informing of the CCTV must be displayed inside the vehicle in a prominent position where it can be easily read by persons both inside and outside of the vehicle. These notices shall be maintained in a clean and legible condition.
2. The licence holder shall ensure that the system is properly maintained in accordance with the manufacturer's instructions.
3. On request of an officer of the council or a police officer the licence holder shall ensure that the CCTV system is made available within a reasonable time and in any event within 7 days of the request.
4. The licence holder shall take all reasonable steps to ensure that any driver of the vehicle is aware of the conditions relating to CCTV and that adequate instruction has been given in both the operation of the system and retrieving images.
5. The licence holder as the data controller shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.
6. The licence holder as the data controller shall take all reasonable steps to ensure that no other person keeps, uses or attempts to use any equipment to access the data and images stored on the system.

Please note: Notices informing of the CCTV must be displayed in a prominent position where it can be easily read by persons wishing to enter the vehicle. These notices shall be maintained in a clean and legible condition.

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## **Appendix 3: Consultation Letter to the Trade**

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20<sup>th</sup> June 2022

Dear Sir / Madam

**Further Consultation on Important Changes to the Councils Hackney Carriage and Private Hire Licensing Policy (The Taxi Policy)**

I am writing to invite you to comment on the proposed, revised Taxi Policy produced after consultation which took place in 2020. This incorporates new national standards and was accepted by the Council's Licensing Committee in 2021 but has not yet been adopted by the Council.

We want to take all stakeholders views into account and the Council is particularly seeking further views from the public, Councillors, and taxi trade members on the proposed, updated Taxi Policy prior to adoption.

As a result of the Covid pandemic, a further 4-week consultation has been agreed prior to adoption of a revised policy by the Council. This is to allow for further responses that may result from and reflect the effect of the pandemic on the taxi trade and the travelling public. We expect a final revised version of this new policy will come into operation later this year.

You will be able to view and download the revised policy from the Council's website by searching on the latest consultations.

By reading through the proposed policy, you will be able to see all the Council's requirements and expectations for licensed drivers, vehicles, and operators. Much of the policy remains the same or much like the current version however, some significant changes have been proposed. These include:

**1. Vehicle Emissions and Manufacture Criteria**

**New Applications (Newly Licensed Vehicles)** - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 6" or higher.

**Renewal Applications (Existing Vehicles / Continued Licensing)**

- After the 1<sup>st</sup> January 2023, we will not accept renewal applications for licensed vehicles meeting Euro 4 or lower

**Consumer Protection**

Durham County Council, Annand House, PO Box 617, Durham DH1 9HZ

- After the 1<sup>st</sup> January 2024, we will not accept renewal applications for licensed vehicles meeting Euro 5 or lower

## **2. Removal of locality (topographical) testing requirements for private hire drivers**

**NOTE:** Knowledge testing requirements will still apply, and prospective hackney carriage drivers will still need to be tested on both knowledge and locality matters.

## **3. Adoption of a new policy on offences**

The Council has taken into consideration the recently published Statutory Taxi and Private Hire Vehicle Standards and the proposals of the Institute of Licensing (IOL). The new policy does not mirror the IOL standards in all respect and our policy is in-line with the new National Standards.

## **4. Driver improvement scheme**

Introduction of a driver improvement scheme for applicants with 6 points on their driving licences and for existing drivers who accrue 6 points.

## **5. Safeguarding and Disability Awareness Training**

Safeguarding awareness including child sexual exploitation awareness training and disability awareness training requirements for both new and existing drivers is included in the new policy.

- **Safeguarding including CSE Awareness** - Applicants will be required to attend a Safeguarding and Child Sexual Exploitation (CSE) awareness training course. All drivers must undergo Safeguarding awareness training (including Child Sexual Exploitation awareness) before being licenced.

We consider that this training is so important that all drivers should undergo refresher training periodically, at least every 3 years. From 1<sup>st</sup> January 2023, all existing licensed drivers must undergo CSE awareness refresher training before their licence is renewed, if they have not already received CSE awareness training (or CSE awareness refresher training) within the previous 3 years.

- **Disability Awareness Training** - Applicants will be required to attend a disability awareness training course.

All drivers must undergo disability awareness training before being licenced. We consider that this training is so important that all drivers should undergo refresher training periodically, at least every 3 years. From 1<sup>st</sup> January 2023, all existing licensed drivers must undergo disability awareness refresher training before their licence is renewed, if they have not already received disability awareness training within the previous 3 years.

## **6. Contract exemption for displaying decals etc**

The rules are being relaxed and rather than applying strict rules regarding the length of contracts that will enable an exemption to be applied for, considerations will be made on a case-by-case basis by senior officers in conjunction with the Licensing Chair and Vice Chairs.

## **7. Arrangements for dealing with serious matters that may require the immediate revocation of a driver's licence**

In accordance with the Statutory Taxi & Private Hire Vehicle Standards we have put in place a process that will allow for the immediate revocation of licences when the public is at serious and or imminent risk. In such cases, licences will not be suspended pending the outcome of a committee decision.

A decision to revoke a licence does not however prevent the issuing of a new licence should further information be received that alters the balance of probability of a decision previously made. A decision to suspend or revoke is based on the evidence available at the time the determination was made. New evidence may, of course, become available later. We will implement and operate a Fast-Track re-application process for licence reinstatement following an officer revocation in such cases. The right of appeal to a Magistrate's court also continues.

### **Changes to Department of Transport Guidance (DfT)**

The Department of Transport are carrying out a national consultation on best practice guidance, the results of which will be issued later this year. The DfT have advised us to implement the measures covered by the Statutory Taxi and Private Hire Vehicle Standards as soon as possible in an adopted policy following this consultation. Although, we do not expect the results of the best practice guidance consultation to impact on the standards, changes to guidance may impact on our future policy. We will be in a better position to know if another consultation exercise is required when the best practice guidance is published.

**Important: This second consultation will take place over 4 weeks starting Monday 20<sup>th</sup> June 2022. If you want to comment on the proposed policy, please send your comments by email to [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk) by midnight on Sunday 17<sup>th</sup> July 2022.**

**Please note: All consultation responses must be sent in writing to the above email address. Any correspondence or comments sent by any other means will not be considered.**

Thank you in advance of your responses and to those individuals and organisations who had provided comments and feedback during the previous 12-week consultation period.

I am sorry that the consultation, development, reporting, final adoption, and publication of this new policy has taken such a long time but unfortunately there have been several unavoidable delays, mostly associated with the Covid pandemic. I greatly appreciate your patience in this respect.

Yours sincerely

**Craig Rudman  
Licensing Manager**

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**Appendix 4: The email responses received together with  
comments from Licensing Services**

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No	Respondent	Response	Comments
1	Cllr Mike Currah	I would like to give some feedback on the changes proposed. In terms of the vehicle emissions changes, I think that given the current cost of living crisis, which is likely to worsen in the Autumn, that we should [not] be increasing costs for taxi drivers and taxi businesses. Therefore, I would propose that the changes in vehicle standards should be postponed for at least a year, to avoid any increase in costs at this time.	Cllr Currah proposes postponement of vehicle emission standards in policy for economic reasons
2	Respondent	Hello, in response to the proposal for renewal applications, I would like to mention that if I apply for a renewal of my vehicle after January 2024, I would Not be able to work for the final year which would lead to my retirement. This proposal would force me into buying a vehicle and not give me sufficient time to pay for it in 1 year	Respondent concerned about economic effect of proposed emission standards i.e., having to change his car to meet new standards close to his planned retirement.
3	Respondent	As the authorities are stimulating acquisition of vehicles manufactured to the emissions standard "EURO 6" or higher, a nice incentive would be helping taxi drivers to buy new vehicles! Just to clarify it better on a practical example, Brazilian taxi drivers pay only 70% for new vehicles and the remaining 30% the government release to improve that kind of public fleet. Summarising: More financial government investment, more new cars on streets, environment pleased for less bad fuel emissions, more taxi drivers glad and, even more important, more bliss costumers on their comfortable and safe journeys!	Respondent proposing financial assistance for licence holders to buy newer, replacement vehicles to meet new emission standards.
4	Respondent	After reading the changes to policy I agree with euro standards and removal of private hire locality test we need more drivers as there is a shortage of new ones. The driver improvement scheme I am not so much in favour of unless it applies to all council employees as well, while we carry passengers surely all drivers have a responsibility drive safely at all times. Safeguarding and disability training are a necessity. Everything else is ok.	Respondent generally happy with proposals however thinks a driver improvement scheme should apply to council workers as well. Noted however, the policy would only apply to those licensed to own, drive and operate licensed vehicles.
5	Respondent	HC/PH changes. - I have no comment to make other than the current service provided by licensing falls way below what it should be.	Respondent complaining about the heavier, more cumbersome wheelchairs. Points noted. Wheelchair access and drivers'

		<p>Disabled persons Act - For the last 40 years or so I have provided as good a service as possible to any disabled person or assistance dog user, I have never refused to carry any person in this category. However over the last few years there has been a sharp increase in the use of battery powered wheelchairs and mobility scooters. In the main these are extremely heavy and usually require a level of dismantling to get them into the vehicle, this is sometimes impossible as you are invariably alone and obviously the passenger is unable to assist. Trying to lift a 50 kilo power chair into a car boot is not good practice. Damage could be done to both the chair / scooter , your vehicle and to the driver. There is also the chance of a battery leakage. We should not be required to man handle this type of equipment.</p>	<p>responsibilities are subject to guidance and legislative controls.</p>
6	Respondent	<p>Is the council going to make a one tier system with these new changes? As you know private hire cannot pick up or drop off in a taxi rank even with a booked customer. Where is the safety of our customers considered, not only disabled ones? Equality covers members of the public.</p>	<p>Respondent appears to ask if DCC is going to remove the legal differentiations concerning hackney carriages and private hire. This is beyond our remit and legal capabilities.</p>
7	Respondent	<p>There is no indication the range of Disabilities which are covered by the Disability Awareness Training. Which organisation provides the training? Is the training restricted to Mobility, Visual difficulties? Have a range of Durham County based organisations/individuals been consulted on the content of the training?</p>	<p>Points noted. There are several known providers of disability awareness training. We are developing a list of disability awareness training providers, including bespoke courses and training package for their licensed drivers. These will be evaluated prior to publication.</p>
8	Respondent	<p>Good morning Helen, many thanks for allowing me to attend your meeting on the 5th of July, I found it to be very constructive. Can I formally ask if the powers that be, take into consideration the drivers who are due for retirement in 2026 bearing in mind their vehicles may be Euro 5 compliant. I would like to stress that revocation of these vehicles would not give the drivers time to finance newer euro 6 vehicles and would effectively force people close to retirement out of a job. An extension would be greatly appreciated to allow drivers to retire gracefully and alleviate the stress attributed from financing another vehicle.</p>	<p>Respondent's second submission raising his concerns about economic effect of proposed emission standards i.e., having to change his car to meet new standards close to his planned retirement. Noted</p>



9	Respondent	<p>Durham Council seem adamant to make driving in our city impossible or unaffordable, while drivers from outside areas have the freedoms of lesser rules &amp; regulations</p> <p>I feel DCC discriminate Durham owner drivers, which is really inappropriate</p> <p>The trade should be left as it is to carry on without any change !!</p> <p>Changing rules &amp; regulations @ this time, post Covid &amp; War &amp; Fuel &amp; Energy hike is like kicking the trade while its on the floor</p> <p>Where does everyone think all this extra money comes from ?..</p> <p>Until Government make ALL councils have SAME rules on drivers &amp; emissions, I feel DCC need to put their foot on the brakes 🙄🙄</p> <p>Outside drivers will still come into our city regardless &amp; drivers will also just get plated &amp; badged elsewhere &amp; work in Durham as 100s do already !!!</p> <p>Therefore, DCC will lose money not gain</p>	<p>Respondent voicing concerns about changes to emission standards for licensed vehicles under the current economic climate.</p>
10	Respondent	<p>I am writing this letter to comment on the recent policy changes, requiring that commercial vehicles used in transport operations with Euro 4 engines are to be replaced with vehicles using Euro 6 engines from 1st January 2023 onward. Please consider this letter on behalf of my business, as well as other small businesses within the local constituency.</p> <p>A direct quote in an article from MPs published by the Department for Business Innovation &amp; Skills is that “Small businesses are vital to the UK economy” and that “The Government is committed to creating the right long-term environment to help many more people start and grow their enterprise.”</p> <p>We are a small, local business with 4 vehicles, two of them recently purchased as replacements for old vehicles – of which we will soon be required to replace again due to policy changes. As I’m sure you can appreciate, purchasing, maintaining and operating good-quality vehicles is not an easy feat, nor is it an inexpensive activity.</p> <p>The policy changes set to be implemented in Q1 2023 will no doubt force us and many other small, local businesses to potentially needlessly purchase very expensive vehicles in</p>	<p>Respondent voicing concerns about changes to emission standards for licensed vehicles under the current economic climate. Seeking delay in implementation of proposals regarding emission standards for existing vehicles</p>

		<p>finance agreements – this paired with the current financial squeeze that everybody is undergoing will undoubtedly lead to failure and foreclosure of many businesses such as ours.</p> <p>This letter is not a request to allow concessions to the policy, nor to prevent it, but simply to delay it – we need more time. A chance for local economies to bounce back, a chance for the average person to start using small, local businesses again. If the quotes are true on creating an environment to allow small enterprises to endure, a delay in policy changes surely cannot be so drastic.</p> <p>I hope you understand and acknowledge our plea.</p>	
11	Respondent	<p>To whom this may concern Craig Rudman this is Carl Bussey Spennymoor Taxis I'm a bit concerned of the struggle that we are having at the moment trying to find Euro 6 vehicles to go on as a taxi and I think that euro 4 should come off in January 2023 but I think euro 5 should stay on till January 2025 as long as they're abide by the council rules and kept in good condition and well serviced and you could ask them to provide the service records for that extra year which I have no problem doing just that we cannot find any vehicles on Euro 6 at the moment for reasonable price specially 7 seater and 9 seater taxis are very hard to get and I think new drivers coming on should not have to do a locality test and a knowledge test this is making it very hard for us to find drivers and County Hall are struggling covering the contracts at the moment they cannot get no 7 seater and 9 seater to do their contracts as I think they should be left on at the moment just to help County Hall out if you don't believe me please contact them because they are struggling to get people to cover their contracts children to go to schools I hope this will help all the taxi drivers in County Durham and new Ones to thanks Carl Bussey Spennymoor taxis contact number</p>	<p>Respondent voicing concerns about changes to emission standards for licensed vehicles under the current economic climate. Seeking delay in implementation of proposals regarding emission standards for existing vehicles. Also, wanting removal of both knowledge and locality tests for new drivers to make it easier for him to recruit new drivers.</p>
12	Cllr Richard Ormerod	<p>Can the review of the Licensing Policy be used to include a statement about drivers being expected to abide by the rules of the road? In addition, can it specifically deal with the controls and requirements relating to the use of</p>	<p>Points noted however, it isn't for licensing policy (or conditions of licence) to replicate/duplicate other laws that already apply. <i>'Operators need to familiarise themselves with the law and</i></p>

		<p>designated taxi ranks and the picking up and setting down of passengers out with the ranks? It would seem to me that there is nothing to lose by this. It wouldn't place any extra burden on the council and surely encouraging people to obey the law has got to be a good thing.</p>	<p><i>ensure they employ suitable work methods to comply with the law and avoid committing licensing offences.</i> May be reasonably included. Or some similar wording.</p>
13	Respondent	<p>Hi, I think the length of time to get a euro 6 car should be extended as people just don't have the money at present to buy a new vehicle. I do see why it is necessary but maybe extend by another year or see what can be done grants /loans etc .as of changing tests I think the locality should be made easier on hack as well as private hire that's why there are no drivers attempting it thanks Darren</p>	<p>Respondent voicing concerns about changes to emission standards for licensed vehicles under the current economic climate. Seeking delay in implementation of proposals regarding emission standards for existing vehicles.</p>
14	Respondent	<p>Regarding the further consultation on Durham's Taxi Policy, I am urging Councillors to feedback and demand that the 1996 Employment Act is attached as a condition of holding an Operators License with Durham County Council. <a href="https://www.legislation.gov.uk/ukpga/1996/18/contents">https://www.legislation.gov.uk/ukpga/1996/18/contents</a> Sadly since 2012 and notably since 2017 with Durham County Council, many Private Hire drivers have been misclassified and deprived of various working rights under the 1996 Employment Act via Operator(s) that they were working for. In February 2021 there was a Supreme Court Ruling confirming the misclassification of these drivers under the 1996 Employment Act. <a href="https://www.supremecourt.uk/watch/uksc-2019-0029/judgment.html">https://www.supremecourt.uk/watch/uksc-2019-0029/judgment.html</a> Time has ran out for Operator(s) who have been exhausting the Court and Appeals system for the last 8 years - right up to the Supreme Court. The time has come to abide by the Law like everyone else, and to stop denying basic workers rights. Important point for councillors to note - When Operators denied basic workers rights it has allowed loopholes to be created for Operators to avoid VAT. SAFETY OF THE PUBLIC Further element and most importantly to consider is that when drivers are exploited it can lead to the public being put at risk. Im sure most of us are aware of the sweatshop conditions that Uber drivers have been working</p>	<p>"The case referred to applied to Uber drivers. Not all private hire operators will be the same so some drivers may be workers, and some may not. It is a matter for the particular company to determine the status of their drivers and a driver can complain to the employment tribunal if they take issue with this. Each operator needs to comply with legislation relevant to their business, but we do not consider that it should be included in the policy that conditions should be attached relating to caselaw which could continue to evolve". Catherine Hazel and Stephen Buston.</p> <p>If a driver wishes to take a complaint to an employment tribunal and is successful, if the operator failed to comply with a ruling, there may be the option/possibility to take the operator to Licensing Committee in connection with their propriety.</p> <p>Like the European Working Hours directive, drivers would have the choice to opt out and maintain their self-employed status, however if any challenges were to be made, this route may be appropriate (unless advised otherwise).</p>

		<p>in, via the media and/or Frank Fields report into it.  <a href="https://www.politicshome.com/thehouse/article/uber-are-subjecting-workers-to-sweated-labour-for-poverty-pay-in-the-gig-economy">https://www.politicshome.com/thehouse/article/uber-are-subjecting-workers-to-sweated-labour-for-poverty-pay-in-the-gig-economy</a></p> <p>1. Maintenance of vehicles will reduce to a lower standard and service intervals will be increased - if drivers aren't even receiving basic minimum wage.</p> <p>2. Drivers will also work longer hours increasing fatigue levels and damaging the wellbeing of workers. Again putting the public at risk.</p> <p>CONCLUSION It is a 'NO BRAINER' that the 1996 Employment Act is attached as a condition of holding an Operators License. I am very surprised it has not ALREADY been included in the proposed changes as the Department has had almost 18 months since the ruling was handed down. I am not aware or have been supplied of a logical and/or legal reason why it should not be?</p> <p>The next Policy review will not be until 2026 - can we afford another 4 years of a 'race to the bottom' and potentially putting the safety of the public at risk?</p> <p>I urge all elected members not to adopt this policy in its current state unless an acceptable reason has been given not to attach the 1996 Employment Act as a condition of holding an Operator's License, and for relevant elected members not to vote in favour of it.</p>	
15	Respondent	<p>Could I suggest that we are not forced to carry first aid kits and fire extinguishers within HC and private hire vehicles without adequate training given for their usage. A large part of this training should involve Risk assessment, and PPE.</p>	Points noted.
16	Respondent	<p>After I failed to renew my licence on time some years ago, could I suggest that it would be, in future, any driver failing to renew on time, given that licence back and a fine issued as a penalty for late renewal. This would be a deterrent for late renewal. Drivers however would Not be entitled to drive until that renewal is processed.</p>	We have no powers to issue fines under this legislation.
17	Respondent	<p>Could a Mot be undertaken as the primary objective to the COC. Legistically this is possible. New policy.</p>	Points noted.
18	Respondent	<p>New proposal new policy. This is too much for taxi drivers also very hard</p>	Respondent raising concerns about economic impact of

		time going on, Uber should not working in Durham with Newcastle plate on	proposals. Voices unsubstantiated opinion about Uber.
19	Respondent	<p>I wish to comment on the taxi policy consultation.</p> <p>1. Vehicle Emission standards Hybrid vehicles should have they license renewed after 1st January 2024. These vehicles are the next best to fully electric vehicles. They are already low emission and environmentally friendly and mostly Zero Road tax. There is no mention of these in the policy.</p> <p>2. Driver improvement Scheme Should be implemented at 9 points.</p> <p>3. Safeguarding and disability awareness course should be refreshed every 5 years.</p>	Points noted
20	Respondent	DT and PHA Response	Points noted – see comments in connection with DT and PHA response below
21	Respondent	<p>1) I am sure you will have been getting a lot of comments on the announced euro 6 proposals, particularly from minibus owners. I am in the position of having to replace my minibus now and having searched about i am horrified and dismayed at the prices of suitable second hand Euro 6 minibuses they are in the region of 18k-20k minimum, and im sure other owners are having a similar experience and probably (like myself) wont be replacing theirs. This is going to cause huge logistical problems for Durham home to school transports department with even fewer buses available than there is now. In the past the regulations allowed minibuses to be a euro level down from cars and i propose the council amends the proposals to make Cars euro 6 and minibuses euro 5 once again, this would make it more realistic for us to run.</p> <p>2) why are the proposals only aimed at the taxi industry?? why dont they apply to psvs and the councils own transport vehicles?? the word "discrimination" springs to mind</p> <p>3) given the recent oil company profiteering ,why is there no mention of HELP to the taxi industry by way of substantial meter price increases.</p>	<p>Respondent raising concerns about economic impact of proposals.</p> <p>We can only develop and adopt policies that relate to vehicles that we licence.</p> <p>Request for tariff increase rests outside policy and is being dealt with via the recognised legal channels</p> <p>When a licensed vehicle fails a test, despite not being mechanically fit and potentially a public safety issue, the licence remains in place unless and until a suspension notice is issued and for this reason a suspension notice is issued as soon as possible.</p> <p>When a licence is due to expire the licence holder is written to in advance of the expiry of the licence to remind them that the expiry is imminent and to offer the licence holder the opportunity to renew the licence. After the expiry of the licence they are also sent a letter notifying them that the vehicle licence has expired and must not be used as a licensed vehicle and requesting return of the expired licence plates.</p>

		4) When a vehicle fails its test, a letter is hand delivered to the business address within an hour warning NOT TO USE THE VEHICLE AS A TAXI. Why then, when a vehicle fails to be re-licensed, is there not a similar letter sent or delivered to the owner giving a SIMILAR WARNING, after all we are not infallible???	
22	Cllr Liz Brown	<p>Dear all, I should like to put forward the following observations as part of this review.</p> <p>1. P27, Appendix 1. Continuing Suitability and Renewal Process. In this age of computer records a reminder could surely be sent to all licence holders before their personal licence is due for renewal rather than holders "normally" receiving a reminder "as a matter of courtesy"</p> <p>2. P37, Appendix 3, 5th Paragraph. Vehicle Licences. Again the weasel words "normally" and "matter of courtesy". Vehicle Licences are computerised. Computers can be programmed to send out reminders automatically.</p> <p>3. P40, Appendix 3, Paragraph 22. Vehicle Licences Re the carrying of a fire extinguisher. I have consulted with the Deputy Chief Fire Officer of Durham about the Fire Brigades advice on car fires. The advice is to get passengers out and as far away from the vehicle as possible and not attempt to fight the fire. My fear is that a "readily accessible" fire extinguisher could be used as a weapon. If a means of fire fighting is deemed necessary then a fire blanket would allow an extra few minutes to get passengers out.</p>	<p>A letter is generally sent 99.9% of the time at least 8 weeks in advance of the expiry of licence. They will also get a reminder email from the DASH system if they did their initial application online.</p> <p>See point 1 above</p> <p>Points noted</p>
23	Respondent	DT and PHA Response	Points noted – see comments in connection with DT and PHA response below.
24	Respondent	DT and PHA Response	Points noted – see comments in connection with DT and PHA response below.
25	Respondent	DT and PHA Response	Points noted – see comments in connection with DT and PHA response below.
26	Respondent	DT and PHA Response	Points noted – see comments in connection with DT and PHA response below.
27	DTPHA TAXIASSOCIATION (DT and PHA Response)	The main problems with the policy are as follows:	Vehicle emissions and Manufacturing criteria – see options in appendix X.

		<p>4.0 Vehicle Emissions and Manufacture Criteria</p> <p>Tackling air pollution is one of several public health priorities aimed at safeguarding the public. To combat poor air quality, innovative and bold measures are being taken across the country to ensure the health and wellbeing in communities as well as road users. Adoption of the following proposed policy requirements will enable? No, it will force! Durham licenced vehicles to help to reduce traffic pollution and improve local air quality in our region:</p> <p>This policy fails on many levels. 75% of Wheel Chair vehicles would need replacing @ up to £50K each about £4,350,000 About 50% of all other vehicles would need replacing @ up to £32K each about £16,576,000 About £20,926,000 austerity from 2010, lockdown and restriction 2020-22 some drivers earning £12 a day at times, for the small and sole traders where is that money coming from? We were not sat at home on pay and expenses, or receiving a generous allowance plus expenses.</p> <p>Retrofitting with the www.Atmos-clear.com type system will make all Euro4 &amp; Euro5 vehicles cleaner than Euro6 for a more reasonable cost to the trade of £277,695. (£459 per vehicle) Considering what has happened this is a more proportionate way forward and complies with 1.2 of the regulators code: 'minimising the costs of compliance for those they regulate;'</p> <p>Already councillors and the public are complaining that there are no taxis in Barnard Castle, Bishop Auckland, Crook and the Wear Valley area, Chester-le-Street area, Newton Aycliffe and the Sedgfield area. With this it will get worse putting people in danger from people posing as taxis picking up lone females or students walking home by riverside paths. It also fails as a green policy as it doesn't take those 'dirty vehicles' off the counties roads but puts them in the publics hands.</p>	<p>Retrofitting with the www.Atmos-clear.com type system – Respondent raising concerns about economic impact of proposals and offering alternatives for consideration including a delay in implementation and the ability to use pollution control equipment fitted retrospectively to older vehicles. Comments from specialist in this field, Colin Smith, Programme Manager Freight and Clean Vehicle Retrofit – The Energy Saving Trust:</p> <p><i>"With respect to the Atmos-Clear system my previous answer still applies, I do not believe that these hydrogen on demand systems reduce emissions or improve fuel efficiency or in the 15 years at Energy Saving Trust I have not seen an independent test report that demonstrates the claims made by the suppliers of such systems. I suspect it would be quarter of a million wasted fitting these systems. I believe fitting these systems to Euro 4 and 5 cars will not make them cleaner than Euro 6.</i></p> <p><i>Depending on what you are trying to address in terms of emissions, either air pollutants (PM and NO<sub>2</sub>-) or GHG emissions (climate change) will affect the standards you put in place. Ideally, we should be addressing both and the passenger car solution for that is electric with zero tailpipe air pollutants and if 100% renewable electricity is used to charge the EV then you address the GHG aspect. However, that will be an expensive option for taxi drivers and would require investment in charging infrastructure to allow for the range limitations of EVs (although having that data on daily miles driven by taxi drivers in your area would help understand the extent of range limitations).</i></p>
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		<p>7.6 The Council has the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. A decision to suspend or revoke is based on the evidence available at the time the determination was made. New evidence may, of course, become available later. If, for example, the allegations against a licence holder were, on the balance of probability, considered to be unfounded, or their fitness to drive was proven satisfactory, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process will be used. We will operate a Fast-Track application process for licence reinstatement following an officer revocation in such cases. If someone is revoked on spec by an officer it could take months to get them back on the road, the delay could take them out of the trade altogether. Suspension can be rescinded in a matter of minutes when the facts have been discovered.</p> <p>8.0 Partnership Working 8.1 The Council will actively engage and seek to work in partnership with the following agencies, groups, and individuals to promote the licensing objectives: This is not “will” but “MUST” in accordance with section 2.1 of the regulators code, this is not optional, it is mandatory for all “regulators” Failure to hold a working group meeting since Dec 2019 proves this to be a joke. Inaction and deliberate avoidance of any meeting or cooperation with the trade despite the many modern ways of holding a meeting. The continued refusal to open the phone lines shows the contempt we are held in.</p>	<p><i>From an air quality perspective, it looks like your policy doesn't differentiate petrol from diesel, charging CAZ standards are Euro 4 for petrol and Euro 6 for diesel but I guess most taxis will be diesel for the better fuel economy over petrol (although there is less of an advantage if the driving is urban stop start and short journeys). For Durham I expect would be a higher-than-average miles per job than a more city based fleet.</i></p> <p><i>A Euro 4 (introduced in 2005/2006) car will be in the age range 13-16 years A Euro 5 (introduced in 2009/2012 – there was Euro 5a and Euro 5b) 10 – 13 years Dieselnet is a great source of info on emission standards (<a href="https://dieselnet.com/standards/eu/ld.php">https://dieselnet.com/standards/eu/ld.php</a>)</i></p> <p>The availability of taxis in Barnard Castle, Bishop Auckland, Crook and the Wear Valley area, Chester-le-Street area, Newton Aycliffe and the Sedgefield area. – points noted.</p> <p>Revocation and fast-track reinstatement of licences – This requirement stems from the UK National Standards for taxi and private hire licensing. Points and opinions noted however, system has been approved by legal officers. Application would still be required however the application may be fast-tracked through the complete administration process.</p> <p>Partnership Working – points noted, a question of semantics.</p> <p>Knowledge and Locality Tests – points noted</p> <p>Safeguarding including CSE – DBS categories and rules are set by DBS not the Council. The category for taxi drivers is different to the category for adult and child contract work and DBS certificates are not</p>
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		<p>Appendix 1: Drivers  P26 Driver Knowledge and Locality Tests  Locality tests are either good for both or no good for either.  Pre booked customers frequently change route or destination and it take a matter of seconds to get a destination on a modern mobile.  Google 'Directions DH7 8RS' How long did that take before setting off?  Many customers do not bother with the address just tell you the postcode for ease, especially if they are drunk and liable to fall into a deep sleep.</p> <p>P28  e) Safeguarding including CSE Awareness - Applicants will be required to attend a Safeguarding and Child Sexual Exploitation (CSE) awareness training course.  All drivers must undergo Safeguarding awareness training (including Child Sexual Exploitation awareness) before being licenced. .  f) Disability Awareness Training - Applicants will be required to attend a disability awareness training course.  g) Suitability - The Council must be satisfied that an applicant is a fit and proper person to hold a driver licence. Applicants must undergo a Driver Vehicle Licensing Agency (DVLA) check and an enhanced Disclosure &amp; Barring Service (DBS) check which will check both adult and child barred lists. Applicants will also be required to subscribe to the DBS update service and ensure continuity.  Everyone is kingdom building with different department running similar courses and not accepting others meaning drivers have to duplicate the same thing wasting time and money. DBS should be done incorporating with Integrated Passenger Transport and Licensing requirements so one DBS is needed and shared. This would increase the number of drivers available for IPT as well as comply with part 4 of the regulators code.</p> <p>Applications for Vehicle, Driver and Operator Licences following a conviction / caution and the ongoing suitability of Licence Holders  P38</p>	<p>interchangeable between categories</p> <p>Points on licences – in addition to any policies on such matters i.e. where a threshold is set, all cases are always considered on their individual merits. The safety of the traveling public is paramount and the propensity to accrue penalty points indicates a propensity towards poor driving, law breaking and increased risks to fare paying passengers.</p> <p>Occasional (tip-up) seats – point noted</p> <p>Display of plates and stickers – points noted</p> <p>Fire extinguishers and first aid kits – points noted</p> <p>Occasional (tip-up) seats – point noted. Comments from Fleet Manager:</p> <p>Almost every black cab has this type of seat, they are industry standard.</p> <p>Have we any data regarding the accident rate involving tip up seats? I cannot find any online which would suggest there are no real issues.</p> <p>The seats are type approved and safety tested and need to automatically tip to enable full access whilst carrying items into the cab, a passenger would struggle trying to negotiate past a seat that did not automatically tip up as they are usually in place to offer the most seating in the smallest space allowed.</p> <p>Alex Cummings  County Fleet Manager  Neighbourhoods and Climate Change  Durham County Council</p>
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		<p>Training as in new guidelines that will come into force after this policy has been approved, we are not in business to supply others but if the council wants us to carry them they should provide, replace and train us at the councils expense, on that basis we could even carry defibrillators.</p> <p>Mike Anderson Chair Durham Taxi &amp; Private Hire Association</p>	
28	Respondent	<p>I would remind you that we had nearly 2 years were taxis and PHVs were hardly used. A prime example I purchased a EURO 5 compliant vehicle on a 2014 plate in February 2020 with 63k on the clock. It was hardly used during the pandemic until the schools restarted and this new policy if adopted by DCC will force me and many others to purchase another vehicle by Jan 2024? I would also like to ask if DCC want to make all taxis/PHVs EURO 6 compliant by 2024 why do they give so many school contracts to companies using bus/coaches many aged between 12/22 years of age?</p> <p>I would suggest that yes maybe EURO 4 compliant vehicles should be removed by 2024 not 2023 as the policy suggests and EURO 5 within 1 year of when EURO 7 has been introduced to the UK which if still on schedule should be 2025? This at least gives those affected an extra 12 months to prepare for the extra financial restrictions put on them by DCC. It seems our Council may have missed that in the news there is a cost-of-living crisis hitting the UK?</p>	<p>Points noted – contract work lies outside remit of DCC Licensing Services</p> <p>Respondent raising concerns about economic impact of proposals.</p>
29	Respondent	<p>4.0 Vehicle Emissions and Manufacture Criteria</p> <p>Tackling air pollution is one of several public health priorities aimed at safeguarding the public. To combat poor air quality, innovative and bold measures are being taken across the country to ensure the health and wellbeing in communities as well as road users. Adoption of the following proposed policy requirements will enable Durham licenced vehicles to help to reduce traffic pollution and improve local air quality in our region: I am led to believe that at the moment, 75% of Wheelchair access vehicles</p>	<p>Respondent raising concerns about economic impact of proposals and offering alternatives for consideration including a delay in implementation and the ability to use pollution control equipment fitted retrospectively to older vehicles. See also comments in relation to response from DT and PHA response in connection with the retro fitting of emission control equipment</p> <p>See comments in relation to DT and PHA response above.</p>

		<p>licensed by DCC only meet Euro 4 or Euro 5 and as such will need replacing.</p> <p>Purchasing wheelchair access vehicles is proving very difficult, new vehicles are requiring a minimum 2 year lead time, though that keep slipping due to the microchip supply issues, and the war in Ukraine impacting the supply chain for steel and wiring harnesses for new vehicles. Second hand vehicles are commanding a price similar to brand new vehicles. To get a reasonable priced wheelchair access vehicle you have to look at pre 2015, which means many are Euro 5.</p> <p>to Euro 6, I mean either Euro 6 or Electric Vehicles)</p> <p>None wheelchair accessible Vehicles.</p> <p>From 1st January 2023, only Euro 6 vehicles will be issued with a new license.</p> <p>From 1st September 2023, no Euro 4 vehicles will be permitted to renew their license and must be replaced with a Euro 6 vehicle.</p> <p>From 1st September 2023, to be able to renew a Euro 5 vehicle it MUST be retrofitted with a fully functioning <a href="http://www.atmos-clear.com">www.atmos-clear.com</a> which is capable of reducing harmful emissions by up to 72%, whilst delivering a 10% decrease in fuel usage. No Atmos-Clear = no renewal.</p> <p>From 1st September 2025, no Euro 5 vehicles will be permitted to renew their licenses and must be replaced with Euro 6 vehicles.</p> <p>From 1st September 2026, All Euro 6 vehicles (not EV) over 4 years of age# be required to be retrofitted with the Atmos-Clear system. (This will ensure the vehicles remain as clean as possible as they age)</p> <p>Wheelchair accessible Vehicles.</p> <p>From 1st January 2023, only Euro 6 vehicles will be issued with a new license, unless the owner is transferring a plate from a Euro 4 accessible vehicle to a Euro 5 accessible vehicle and is retrofitted with the Atmos-Clear system.</p> <p>From 1st September 2023, Euro 4 or Euro 5 vehicle may only have licenses renewed if retrofitted with a fully functioning Atmos-Clear System.</p> <p>From 1st September 2024, Euro 4 accessible vehicles may not be</p>	
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		<p>renewed, and may only be replaced with a Euro 6 vehicle.</p> <p>From 1st September 2026, Euro 5 vehicles may not be renewed and must be replaced with Euro 6 vehicles.</p> <p>From 1st September 2027, All Euro 6 vehicles (not EV) over 4 years of age# be required to be retrofitted with the Atmos-Clear system. (This will ensure the vehicles remain as clean as possible as they age)</p> <p>If the above were adopted, it would allow the trade more time to upgrade to Euro 6 engines, whilst still allowing pollution produced by their vehicles to be reduced substantially.</p> <p>It would also reduce the average drivers fuel bill by 10%. If that reduction is accurate, my own vehicle would cost around £20 per week less to fill, so would recover the cost of installing the system in under 6 months.</p> <p># The requirement to install Atmos-Clear to Euro 6 vehicles over 4 years of age is to allow for manufactures warranties to expire, thus avoiding any drivers attempting to claim against the council should a vehicle manufacturer refuse a warranty claim on the basis the vehicle had been modified.</p> <p>7.6</p> <p>Other comments same as DT and PHA response</p>	
30	Respondent	<p>This policy is designed to decimate owner drivers and small taxi companies.</p> <p>It could have been written by the big companies as a way of getting rid of the competition.</p> <p>Following memorable incidents at previous CWWG meetings and recent revelations from the Guardian questions need asking.</p> <p>The policy is a dirty tick box green with no thought about the unintended environmental problems it will cause.</p> <p>Why would the trade invest 10s of thousands of pounds with the proposed policy?</p> <p>This was put forward by someone with little practical knowledge of the trade and zero knowledge of how business works when looking at large financial investments.</p>	Points noted

		It needs to be halted and rewritten working with the trade not against it, as Craig agreed to do at the Dec 2019 CWWG.	
31	Respondent	Please can you provide your full name. DT and PHA Response	See comments in relation to DT and PHA response above.
32	Respondent	I against your new policy this is too much for us Sent from my iPhone	Point noted
33	Respondent	Q; is it your intention to overprice the ability for people to work 🧑 No malice intended but it seems humanity has no importance to a draconian elites agenda. I wish you peace, prosperity and a life with love 🙏	Point noted
34	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
35	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
36	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
37	Respondent	<p>15.15 Vehicle licence holders who fail to present their vehicles for test or who reschedule their test for a date which is later than has been scheduled, will have their vehicle licence suspended. Where appointments have been rescheduled for an earlier date and time, no action will be taken.</p> <p>Why should the licence be suspended at that point – the licence has been paid for and should run the full duration of the licence period. Unless it is overdue then the licence should run until the vehicle is tested, regardless of rescheduling, whether earlier OR later. There may be genuine circumstances preventing the attendance to an appointment which are beyond the operators control. In these examples the Certificate of compliance expires on 31st of the month.</p> <p>Example A: Operator books vehicle test for Friday 10th, operator is delayed on holiday due to circumstances beyond their control, eg illness or flight cancellation and doesn't return home in time to get to that appointment. Can't possibly get there sooner but could reschedule by 27th.. Vehicle is plated and certificate of compliance runs until 31st .</p> <p>That vehicle licence has been paid up to 31st of that month.</p>	<p>Suspension of vehicles – vehicles licences may be suspended at this point and for that reason because of the risks of defective vehicles not being tested for mechanical fitness and not being presented for testing because the owner knows it will fail the mechanical fitness test, continuing to be driven on the highway as a licensed vehicle.</p> <p>Continuing Suitability and Renewal Process – the driver improvement scheme is designed by experts to assess and support drivers who have e.g. accrued penalty points and who's driving behaviour has been found to be sub-standard and which indicates a continuing inability to comply with highway legislation and which puts members of the travelling public at risk. It is a safeguarding measure and may be used in place of or prior to licence revocation. If a driver is required to attend such a scheme and does not want to, they would be at liberty to decline however, this would likely mean that they would be suspended or their licence would be revoked until and unless such a scheme was accessed, and their driving abilities properly assessed.</p>

		<p>Example B: : Operator books vehicle test for Friday 10th. Operator experiences a close family bereavement within 48 hours prior to the appointment and is unable to get to that appointment. Could reschedule for 27th . Vehicle is still licenced until 28th.</p> <p>Example C: Operator is an owner driver who contracts Covid within 36 hours of vehicle test.</p> <p>I think there should be some discretion/ compassion shown in cases of exceptional circumstances. It appears that operators are being penalised even when circumstances were beyond their control, and even when the licence plate is still valid and in force.</p> <p>Continuing Suitability and Renewal Process</p> <p>The ongoing suitability of a licence holder will be monitored. In addition, the following specific checks will be carried out upon renewal, or at any other time deemed necessary by the Council:</p> <p>a) DVLA check</p> <p>b) DBS update service (if a driver is no longer subscribed to the DBS update service at the time of making an application for renewal, they will be required to apply for a new DBS certificate and subscribe to the update service prior to a renewal application being processed and a licence granted)</p> <p>c) Notification of Convictions/Cautions/Arrest/Ongoing or Pending prosecutions or investigations etc. This is to include motoring fixed penalties and antisocial behaviour notices and attendance of any speed awareness courses</p> <p>d) Private hire licence holders must notify the Licensing Authority within 48 hours of their arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence and any motoring offence. (We strongly recommend and encourage hackney carriage licence holders to do the same). An arrest for any of the offences within this scope will result in a review by the Licensing Authority as to whether the licence holder is fit to continue to do so. Hackney Carriage</p>	<p>Cleanliness of vehicles – point noted</p> <p>Stickers on windows – point noted</p>
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		<p>and Private Hire Licensing Policy 2022 - 2027 31</p> <p>e) Checks carried out because of information or intelligence received by Licensing Services.</p> <p>f) Periodic medical examination</p> <p>g) Periodic safeguarding including CSE awareness training</p> <p>h) Periodic disability awareness training</p> <p>i) Right-to-work / immigration checks</p> <p>j) Check of the National Register of Taxi Licence Refusals and Revocations (NR3)</p> <p>k) Requirement to undertake a driver improvement scheme</p> <p>Before drivers can agree to be bound by these terms – surely we should be advised what exactly is included within the scope of a “driver improvement scheme”. I note it is also referred to as a “driving improvement scheme” under the motoring offences section.</p> <p>Standard Conditions of a Private Hire Driver Licence</p> <p>The licensed driver shall:</p> <p>a) Notify the Council as soon as possible, and confirm in writing within seven days, of any alteration to their circumstances or material including but not limited to: Hackney Carriage and Private Hire Licensing Policy 2022 - 2027 33 (i) Change of address (ii) Change of name (iii) Change of private hire operator (iv) Accepting a fixed penalty notice or caution, or receiving a Criminal Behaviour Order (CBO), attendance at any speed awareness course (v) Injury sustained or illness including mental health illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability (vi) Details of any motoring fixed penalty endorsements received</p> <p>b) Notify the Council within 48 hours of being arrested/bailed/charged with/convicted of, reported for an offence, or otherwise investigated in connection with any criminal or motoring offence</p> <p>c) Notify the Council as soon as possible, and confirm in writing within 48 hours, of any traffic accident they are involved in whilst driving a licenced vehicle.</p>	
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		<p>d) Apply for and provide a DBS disclosure upon request.  e) Provide a copy of their DVLA driving licence or equivalent upon reasonable request.  f) Produce a valid medical certificate, upon request (Failure to do so will result in the licence being suspended)  g) When requested attend a medical practitioner and/or submit to any drug test deemed appropriate  h) Always behave in a professional manner when working.  i) Keep their vehicles always clean and suitable for use by members of the public.</p> <p>Whilst I understand and agree the need for vehicles to be kept clean it is unfeasible and unrealistic for anyone to “Keep their vehicles always clean” . You could have your car washed and valeted and drive through a puddle on the way to pick up your next fare. Your vehicle is now not “always clean”. It makes no sense to include the word always as it is not attainable in reality.</p> <p><b>STANDARD CONDITIONS (VEHICLES)</b>  10. The vehicle must prominently display the following: • internal licence plate / complaint sticker on each window so it is clearly visible in all passenger areas  I find it excessive to have these on each window in addition to; no smoking signs (legal requirement) and signs about no eating /drinking or face masks must be worn. Exactly what size would these stickers be ? Before long we won't be able to see out of the windows, bearing in mind we also need tariff stickers and licence plate on display on windscreen.</p>	
38	Respondent	It is already difficult to get a taxi in Crook, Willington and Bishop Auckland. It makes going out difficult to go out, things will only get worse with the new policy. It needs a rethink, I agree with the taxi association.	Points noted
39	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
40	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
41	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
42	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.

43	Respondent	It is already difficult to get a taxi in Crook, Willington and Bishop Auckland. It makes going out difficult to go out, things will only get worse with the new policy. It needs a rethink, I agree with the taxi association.	Points noted
44	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
45	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
46	Respondent	<p>The National Taxi Association agree with the sentiments in the letter from the DT&amp;PHA.</p> <p>Would it be possible to organise a meeting with the National Taxi Association to discuss policy matters causing great concern to members. We note that there has not been any trade forum meetings where policy review proposals should have been discussed and agreed before being open to consultation.</p> <p>The members of the National Taxi Association believe in working with licensing authorities in the interest of all, licence holders, Councils and the travelling public.</p> <p>These interests of all cannot be fulfilled unless face to face meetings take place which is the 1st expected duty of a regulatory body in the Regulators code of practice.</p>	Points noted. A meeting with the Durham Taxi Working Group took place during the 4-week consultation period.
47	Respondent	<p>I believe the current policy put forward is going to reduce the number of drivers available.</p> <p>Like my husband many are over 50 and are starting to reduce the number of unsocial hours he does.</p> <p>Where are the new young drivers coming from? point noted</p> <p>This policy is short sighted and written by someone with no experience of the trade.</p> <p>I don't know if it is design or not, but this will put young women in danger which is why I believe it was written by a man.</p> <p>I agree with the taxi association this policy is draconian and an attack on the trade.</p>	Points noted
48	DT and PHA	As a PH Operator people are not willing to wait months to be able to work.	Points noted

		<p>The current proposed policy will mean more drivers leaving and not being replaced.</p> <p>The new policy could almost have been written by the large firms to destroy the competition.</p> <p>We agree with the taxi association and believe this needs major changes; I have never seen such anti small business actions since the 70s.</p>	
49	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
50	Respondent City of Durham Parish Council	<p>With up to 900 licensed vehicles permitted to operate in Durham City at any one time, the review of the Hackney Carriage and Private Hire Licensing Policy is of real importance to our parish area and we are grateful for the opportunity to respond to this important consultation.</p> <p>The City of Durham Parish Council applauds the extensive work which has been carried out by both the Department for Transport and Durham County Council in formulating this revised policy; with the key aims of ensuring the safety and welfare of the public, encouraging environmental sustainability and ensuring efficient taxi and private hire services in County Durham.</p> <p>Primarily, there is clearly a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector. The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department for Transport's Best Practice Guidance. It is noteworthy that the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards document (and which the proposed County Council policy seeks to incorporate) are the result of extensive consultation with the taxi and private hire vehicle sector, regulators and safety campaign groups.</p>	Points noted

		<p>Following on from the 2020 consultation, the Parish Council understands that this present consultation is taking place to allow for further responses that may result from or reflect the effects of the Covid pandemic on the taxi trade and the travelling public. Whilst much of the Policy remains unchanged from the 2020 proposals, some significant amendments have been made and these are helpfully detailed on the County Council's website.</p> <p>The Parish Council very much welcomes much of what is proposed from the 2022 amendments to the Hackney Carriage and Private Hire Licensing Policy 2021 – 2026 and would make the following comments.</p> <p>Vehicle emissions and manufacturer criteria  Firstly, the Parish Council very much welcomes that this Policy now includes a requirement that all new applications must meet at least Euro 6 vehicle emissions standards. I.e. for a diesel vehicle, it cannot emit more than 80mg/km of NOx (nitrogen oxides) gases and a petrol vehicle cannot emit more than 60mg/km. The previous Policy proposed that this commence from 1st April 2024 and the Parish Council is pleased to understand that this will commence as soon as this Policy is adopted by the Full County Council.</p> <p>Furthermore, for all renewal (existing vehicles) applications, the Council now proposes that, after the 1 January 2023, DCC will not accept renewal applications for licensed vehicles meeting Euro 4 or lower. After the 1 January 2024, DCC will not accept renewal applications for licensed vehicles meeting Euro 5 or lower. The Parish Council very much welcomes this amendment to the wording of the Policy. The Parish Council believes that specifying Euro emissions standards in the Policy is preferable to a specification of the age of the vehicle as Euro emissions standards must be the</p>	
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		<p>predominant factor of a vehicle not its age. The 2023 standard is new and acceptable to the Parish Council. However, the Parish Council requests that the original proposal from 2020 that all renewal applications from 1st April 2024 must meet Euro 6 emissions standards – as opposed to the newly proposed Euro 5 or lower standard – be reintroduced to the Policy.</p> <p>The revised Policy has also removed the 2020 proposal for wheelchair accessible vehicles (WAV), i.e. that existing licensed WAV's will have an extra two years added to the age restriction, meaning that WAV's that are more than 10 years old will not be re-licensed after 1 April 2024. The Parish Council's understanding from the new Policy is that there are no vehicle emissions standards for WAVs at all. This should be clarified in the new Policy.</p> <p>The Parish Council very much applauds the commitments made by the North East Combined Authority (NECA) at the North East Joint Transport Committee on 17th November 2020 to expand the EV charging network in the region and to invest in enabling infrastructure for this to happen. As such, the Parish Council very much welcomes the clear and unambiguous statement in the 2022 Policy that “zero emission vehicles - fully electric and zero emission (at source) vehicles are welcomed by the Council” with no specification of age restriction etc. The Parish Council would equally welcome any and all new initiatives by the County Council to support the roll out of Electric Vehicles as part of its existing fleet and thereby include an incentive to drivers e.g. a reduced application fee or similar in order to demonstrate this support. The Parish Council fully supports the additional amendments made to this Policy.</p>	
51	Respondent	DT and PHA Response	See comments in relation to DT and PHA response above.
52	Durham Green Party	Comments expressed represent the views of County Durham Green Party	Points noted

		<p>(CDGP) members. We are surprised by the delay to this policy update, but appreciate the chance to comment on the draft document. Whilst welcoming the inclusion of national guidance that should ensure better safety for passengers, we are concerned to see the watering down of the emissions/age standards for both new/replacement licensed vehicles and renewal licenses since the 2020 draft. The "proposed changes" listed on the consultation summary page are confusing regarding the vehicle emissions standards as they do not explain WHY the standards have been weakened since the last draft. Why, given DCC's commitment to reduce emissions and to lead the way on addressing climate change, is County Durham destined to potentially have the weakest emissions standards for taxi licensing across all of the North East Local Authorities (LAs)? ! How is this policy going to improve the AQMAs in Durham City and Chester-le-Street? There is also confusion on when the policy is intended to run until, as the consultation states 2026 but the draft document runs through to 2027.</p> <p>Vehicle Emissions and Manufacture Criteria (Para 4.0)  The Dept for Transport's 'Statutory Taxi &amp; Private Hire Vehicle Standards (July 2020)' refers (at Para 4.21) to the LGA's 'Taxi and PHV Licensing Councillors handbook (July 2021)', where one criterion on the main checklist asks: "Do your taxi licensing officers have a regular dialogue with neighbouring councils, with a view to adopting consistent standards, developing a common approach and to share relevant information?" Given that there was originally an aim to standardise the taxi emissions license standards across all 12 of the North East LAs (as taxis do not stay within council boundaries), we would question why the Council has been unable to achieve this. It's also confusing why some LAs are setting vehicle age limits and others are using the EURO emissions standard, as this does not seem to account for</p>	
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		<p>any retrofitting of vehicles. Perhaps an emissions test would be better? We welcome that all new applications will need to meet the EURO 6 standard but it means that from this year newly licensed vehicles could be 7+ years old, which lags behind the previous aim of new licenses only for vehicles less than 4 years old (which Newcastle, Hartlepool, Darlington, and Gateshead have). Newer vehicles generally have better fuel efficiency. The proposal for vehicle license renewals has also drifted slightly from the original aim (and the phrasing at Para 4.2 is a tad confusing) but we can understand the need to phase in the EURO 5 standard (2023, vehicles 9-12 years old) then EURO 6 standard (2024, vehicles up to 9 years old), but again, many other LAs have more stringent age limits for renewals. At Para 4.3 we feel there should be more of a statement on how DCC will be encouraging licensees to switch to LEVs, eg via grants or by the introduction of CAZ/LEZs in the towns/city.</p> <p>Promotion of taxi licensing objectives (Para 6.0) We feel that there is little in this section on the aim (5.1c) of "encouraging environmental sustainability". There should be a recognition that emissions (and noise pollution) from taxis could be further reduced by better maintenance of vehicles, eco-driving practices and by drivers switching off engines when stationary or idling, both at taxi ranks and when picking up from private addresses. Other LAs have a statement on this in their policies (eg Darlington, Stockton and Newcastle). Under para 6.2 there is reference to a "current Community Protection Enforcement Policy", but our members were unable to find this on the DCC website. A clear policy is needed on what any enforcement should be regarding excessive engine idling or poorly maintained vehicles.</p> <p>Appendix 1: Drivers We feel that, in addition to the safeguarding and disability</p>	
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		<p>awareness training, drivers should attend emissions awareness training (smarter driving/no idling etc) and vehicle maintenance training (for better road efficiency).</p> <p>Additional The draft policy does not include a 'code of conduct' for drivers/passengers or 'taxi rank etiquette' which are included in the policies of other LAs, eg Newcastle's. This could include a requirement for private hire taxis to turn off their engines when waiting (as a courtesy to residents) and no engines idling at a taxi rank, or the use of start/stop technology. Driver behaviour can be as much of a factor in reducing emissions as the standards.</p> <p>[Response compiled by Janet Hutchinson on behalf of COGP members</p>	
53	The City of Durham Trust	<p>Dear Sir or Madam,</p> <p>Hackney Carriage and Private Hire Licensing Policy</p> <p>The Trust is grateful for the opportunity to respond to these proposals.</p> <p>Vehicle emissions and manufacture criteria The Trust welcomes the phasing out of vehicles which do not meet the Euro 6 standard. For newly-registered vehicles the Trust would like to see stronger criteria. The first registrations for Euro 6 compliant vehicles were seven years ago. Requiring newly-registered vehicles to meet the Euro 6 standard and to be less than 4 years old as required by Newcastle. Darlington, Gateshead and Hartlepool would be of benefit, as newer vehicles will tend to be even more fuel-efficient.</p> <p>The Trust would like to see the policy strengthened to encourage a move to low emission vehicles (e.g. fully electric). Giving notice of a future date when licence renewal for fossil-fuel vehicles will start to be phased out would enable taxi companies to plan their replacement programmes. Perhaps for firms with large fleets the council could require a steadily-</p>	Points noted. Taxi rank and telemetry proposals lie outside licensing policy remit.



		<p>increasing percentage of vehicles to be electric over the rest of the decade. The Council should also require higher emissions standards within air quality management areas like Durham City Centre.</p> <p>Environmental sustainability Although environmental sustainability is listed as one of the aims and objectives of the licensing policy at 5.1(c) there is little, other than the inspection and testing of vehicles, to deliver this aim. The policy should include a requirement to turn off engines when waiting at taxi ranks or when a taxi or private hire vehicle is collecting a passenger. This would reduce both emissions and noise pollution. Newcastle and Darlington each have statements to this effect in their policies. Prior to the commencement of the bus station works, idling taxi engines contributed greatly to the localised air pollution in North Road. Could compulsory training for drivers also include fuel-efficient driving techniques?</p> <p>Taxi ranks The more popular taxi ranks may be oversupplied with vehicles, and when a taxi rank is full, taxi drivers may be tempted to park their vehicles in loading bays and other locations approaching tail end of the rank. The Trust would also like to see stronger wording against this practice coupled with enforcement. Long taxi ranks, such as on North Road, occupy a lot of valuable street space without the level of demand during the daytime to justify the number of waiting vehicles. It is essentially parking provision in premium street space which should be reallocated to sustainable transport or features such as seating to make streets more liveable. Could a common online/telephone taxi hailing/booking system reduce the need for taxi ranks and improve the taxi service by spreading vehicles more evenly? Reducing the distance travelled by taxis travelling empty would reduce emissions and help support our climate change objectives.</p>	
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		<p>Road safety Some insurers now offer motorists lower premiums in return for installing a “black box” which monitors the style of driving and compliance with speed limits. Is it possible for the council to require telematic monitoring through the licensing regime to improve road safety?</p> <p>Yours faithfully,</p> <p>Francis Pritchard Hon. Secretary</p>	
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## **Appendix 5: Equality Impact Screening Assessment**

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## Durham County Council Equality Impact Assessment

**NB:** The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

### Section One: Description and Screening

<b>Service/Team or Section</b>	Licensing Services, Community Protection, Neighbourhood Services/ Regeneration and Local Services
<b>Lead Officer</b>	Craig Rudman
<b>Title</b>	Hackney Carriage and Private Hire Licensing Policy
<b>MTFP Reference (if relevant)</b>	
<b>Cabinet Date (if relevant)</b>	
<b>Start Date</b>	20 <sup>th</sup> February 2020
<b>Review Date</b>	Prior to Adoption by Council by end of 2021

### Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The Hackney Carriage and Private Hire Licensing Policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing and also in accordance with relevant government guidance. In formulating this policy, the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, Human Rights Act 1998, Crime and Disorder Act 1998, and the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and the Equality Act 2010. – All previous and current policy versions have been subject to screening following the initial full EIA. This screening assessment has taken into consideration the current policy and the proposed changes pre-consultation. A further screening assessment will take place once the final draft of the proposed revised policy is available in December 2020 prior to reporting to GLRC and in February 2021 prior to reporting to full Council. The following

proposed changes/amendments have been considered and subjected to the screening process:

### **SM Report Appendix 3: Table of Pre-Consultation Proposals**

1 New Licences - An age restriction policy to be adopted with a 4-year vehicle age policy with effect from April 2020 for all newly licensed vehicles. This means the EURO 6 emissions standard applies from April 2020 to all new licences  
Existing Vehicles - From April 2023, to adopt an 8-year age policy so vehicles older than 8 years will not be licensed. From April 2023 all diesel and petrol engine vehicles must be Euro 6. The taxi trade therefore has 4 years to comply (3 years from April 2020).

Wheelchair accessible vehicles - Existing vehicles will have an extra 2 years added to the age restriction meaning that April 2025 is the compliance date. Therefore, it is possible that a relatively low number of wheelchair accessible vehicles will be Euro 5 between April 2023 to April 2025.

'Full electric' and 'zero emission at source' vehicles would be exempt

2 Reference that the licence plate cannot be altered or defaced in any way

3 Reference to post-accident testing requirements

4 Reference 'reported for an offence' in addition to 'charged with'

5 Addition of wording associated with the section of guidance that states: "We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running"

6 Terrorism and hate crime offences to be added to appendix 2

7 Possibility that we would also propose the use of an agreed formula to enable an annual tariff review to be implemented, this formula would be based on industry costs from across the county. Taking into consideration the cost of fuel, tyres, wages, licensing fees, insurance premiums Garage costs etc.

8 Vehicle defect book – addition of minimum timescale for keeping records and maximum time periods for vehicle checking i.e. once a week, daily or other specific period

9 Consideration of acceptance of weekly insurance cover

10 Amendment of the wording on the advertising condition regarding location of advertising to be restricted to rear doors, rear panels and boot

11 Amendment and clarification of 'fit and proper' and 'safe and suitable' tests

12 Addition of other offences to Appendix 2 including local authority enforced statutes and regulations

13 Consideration of inclusion of a Drivers Code of Conduct

14 Preventing the use of e-cigs and vaping in a licensed vehicle

15 Additions to Operator Conditions re use of base (e.g. parking and maintenance of licensed vehicles etc)

16 Addition to Appendix 2 of Equality Act offences

17 Addition of changes to categories of write-off vehicles

18 Additional information on applications to the Council for medical exemptions

19 Clarification of prohibition on duplication of vehicle licences

20 Additional explanatory information regarding passenger transport contracts e.g. home to school

21 Consideration of time locked meters - also all meters set with maximum tariffs

- 22 Reference in 'fitness' to suicidal threats / attempts, not a fit state of mind as per DVSA or other relevant guidance
- 23 Adopt the IOL suitability guidance
- 24 Transfers of vehicles - specify time frame when a transfer should be received and explain process
- 25 NAFN register needs to be referenced
- 26 Need to incorporate into the policy that all tyres on the vehicle must be the same size and ratings etc
- 27 Information and guidance on conduct and behaviour when using social media sites
- 28 Reference electric vehicles
- 29 Under appendix 1 continuing suitability need to refer under medical that they need to inform us of any changes to their health. Need to reference that drivers always need to meet Group 2 standards. Could list some of the major illnesses i.e. stroke, heart attack, diabetes etc
- 30 Clarification on where a licence is refused / revoked, that it is 5 years from that date during which the council wouldn't normally grant a licence - Make clear re refusals / revocations that a licence will not be granted unless 5 years has elapsed
- 31 More clarification on who is required to carry out the vehicle checks
- 32 Clarification on use of taxi meters in private hire vehicles
- 33 Suggestion to refresher CSE training every 2 to 3 years (time to be decided at consultation stage)
- 34 Randomised and targeted drug testing for drivers
- 35 Policy to reference the need for licence holders to be respectful etc to other drivers
- 36 Clarification on illumination of top signs
- 37 Look at trailers - should we include a test? Page 471 of button book para 9.46
- 38 Clarify DBS update service needs to be live with a valid certificate - upon renewal
- 39 Amend transfer of a vehicle application - refer to section 49 LGMPA re 14 days
- 40 Inclusion of a definition of a special vehicle
- 41 Explanation of transfer of ownership - quote section 49 of LGMPA 1976
- 42 Changes to the PHO to require other persons associated with the application to be fit and proper not just the applicant
- 43 Suggestion that for new applicants having 6 points or more to go to committee for licensing decision
- 44 Explanation in policy re why we do not allow surrender of a drivers badge but allow vehicle licence surrenders
- 45 Greater explanation of why a proprietor may be referred to committee.
- 46 Greater explanation of what we require for a medical exemption - i.e. blood tests, skin prick etc refer to guidance issued from guide dogs
- 47 Approved tests for fitness and propriety for operator and vehicle licences - refer to the Ann Harris case
- 48 Take 'annual' out from continuing suitability point a) DVLA check
- 49 Top sign - make it clearer that HCV vehicles must always have a top sign
- 50 Consideration of first aid kits – the one we currently require is for up to 10 persons – need to state applicable to the number of persons people can carry. Also, if not sealed then unsterile and needs to be replaced

- 51 A licence, when granted, will be valid for a period of three years, (or less as the Council may decide is necessary in certain circumstances). - make it clearer as there is the option of 1 2 and 3 years. Addition of the word 'up to' 3 years
- 52 Additional information and clarification on the decal exemptions associated with executive / luxurious vehicle
- 53 Additional information clarifying and explaining the policy and processes followed in relation to late renewal applications (application of Exeter v Sandle)

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

The Council has taken into account the views of the following when preparing this policy:

- Service users
- Current licence holders
- Elected members of the Council including members  Durham Constabulary

Constabulary

- Local businesses and their representatives (trade associations)
- Residents and their representative bodies
- Local transport providers
- Disability Groups including Durham County Council Disability Partnership
- Planning Authority

A full list of those consulted in preparing this Policy is available from the Licensing Section.

## Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Initial screening (Reviewed) CR

Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.

No overall impacts have been identified across the equality strands.

The policy applies to all regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. However, there are implications for the following strands, but these have been explained and addressed within the policy and the full impact assessment.

- Gender  
Gender of applicants is not considered a barrier to the issuing of taxi licenses and Durham County Council.
- Age  
Age restrictions are included in applications for taxi drivers however these follow national guidelines. All members of the community can use taxis, and no one should be refused.
- Disability

It is a condition of a vehicle licence that wheelchair accessible vehicles always have the appropriate equipment to be able to transport passengers in wheelchairs . (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).

- Race/Ethnicity

Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy and will be required to pass the Council's knowledge and locality test. (as will all applicants)

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	N
Disability	N	N
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	N
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

--

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

Reminder of our legal duties:



- o Eliminating unlawful discrimination & harassment
- o Promoting equality of opportunity
- o Promoting good relations between people from different groups
- o Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- o Involving people, particularly disabled people, in public life and decision making

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They can provide services in situations where other forms of public transport are not available in rural areas and for those with mobility difficulties. The council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the council are safe, comfortable, properly insured and available where and when required.

## Evidence

What evidence do you have to support your findings?  
Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

The legislation, guidance and policy are for the benefit of all taxi license applications that meet the statutory and policy criteria. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory and policy requirements of the application process. The only objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to aspects associated with the applicant being a fit and proper person in law. To ensure best practice it was decided to continue with a further full impact assessment of the Hackney Carriage and Private Hire Licensing Policy due to the complexity of the harmonisation of the seven different districts former processes and the impact this would have on delivery of this function.

## Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	N

No evidence of actual or potential impact on some/all of the protected characteristics?	N
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### Sign Off

Lead officer sign off: Craig Rudman	Date: 20 <sup>th</sup> February 2020
Service equality representative sign off: Mary Gallagher	Date: 1 November 2022

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

## Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: <b>Age</b>		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?

Protected Characteristic: <b>Disability</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Marriage and civil partnership (workplace only)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Pregnancy and maternity</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Race (ethnicity)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Religion or belief</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Sex (gender)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Sexual orientation</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: <b>Transgender</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

## Section Three: Conclusion and Review

### Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

Will this promote positive relationships between different communities? If so how?

### Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?

### Review

Are there any additional assessments that need to be undertaken? (Y/N)

When will this assessment be reviewed?  
Please also insert this date at the front of the template

### Sign Off

Lead officer sign off:

Date:

Service equality representative sign off:

Date:

Please return the completed form to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

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